

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent (SA) assigned to the Federal Bureau of Investigation ("FBI") and has been since 2023. SA Holt is currently assigned to a squad in Fort Worth, Texas that is responsible for investigating Domestic Terrorism cases. SA Holt is responsible for conducting investigations into various threats including domestic terrorism. These investigations have often involved the use of physical surveillance, the execution of search and arrest warrants, and the debriefing of witnesses and subjects. [REDACTED] also has experience in the review of evidence obtained during the execution of search warrants.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Open-source video and U.S. Capitol security cameras captured images of an individual identified as Daniel Dustin Deneui (“DENEUI”) of Colleyville, Texas, as described below, participating in the riot at the U.S. Capitol on January 6, 2021.

IMAGE 1, a screenshot from a Metropolitan Police Body-Worn Camera shows DENEUI wearing a red hat, a black quilted jacket over body armor, and reinforced black gloves. DENEUI was in the Northwest Courtyard of the U.S. Capitol when this video was taken.



IMAGE 1 – Police detaining DENEUI

On July 10, 2024, FBI received a tip that DENEUI was present at the U.S. Capitol on January 6, 2021. The tip advised that DENEUI caused damage to the building. The tip included a clip from a body-worn camera from January 6, 2021, where DENEUI identified himself to police as “Dan Deneui.”

A search of the Texas Department of Motor Vehicles database found DENEUI’s driver’s license photo was consistent with the individual that identified himself to police as Dan DENEUI on January 6, 2021. A review of DENEUI’s publicly available social media found additional photos consistent with the individual in IMAGE 1. IMAGE 2, is a photo of Daniel DENEUI from

a LinkedIn page with the username “Dan Deneui.” In the image, DENEUI wears a ring on his right hand. IMAGE 3 is an image from a third-party video taken on January 6, 2021, at the U.S. Capitol, which shows DENEUI wearing what appears to be the same ring on his right hand. In August 2024, DENEUI’s co-worker was shown a photo of DENEUI at the Capitol on January 6, 2021, and the co-worker identified DENEUI as the person in the photo.

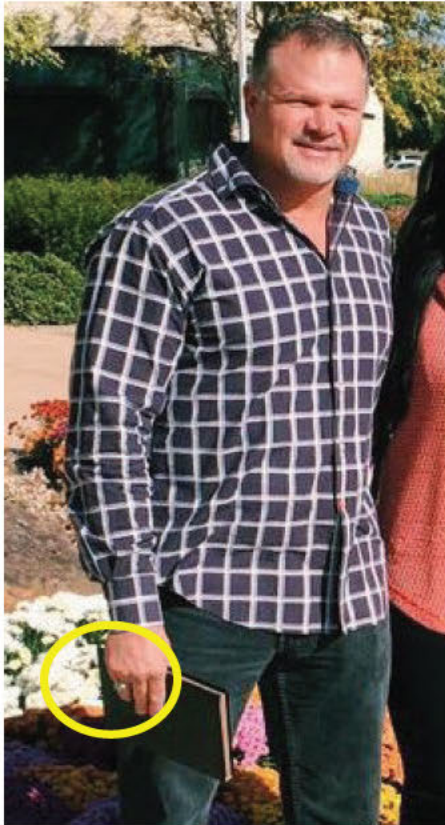


IMAGE 2 – DENEUI wearing a ring on his right hand from his social media.



IMAGE 3 – DENEUI wearing a ring on his right hand on January 6, 2021.

According to publicly-available photos and videos, on January 6, 2021, DENEUI attended the “Stop the Steal” rally at the Ellipse as shown in IMAGE 4.



IMAGE 4 – DENEUI in the crowd at the “Stop the Steal” rally.

Around 3:44 p.m., DENEUI appears in a third party TikTok video. In the video, DENEUI removed a collapsible baton from his pocket and extended it while he stood in front of a line of Metropolitan Police as shown in IMAGE 5. DENEUI then appeared to yell something to the crowd and then seemed to nod his head to indicate others should follow him.



IMAGE 5 – DENEUI taking out a collapsible baton in the Northwest Courtyard (DENEUI circled in yellow, the baton circled in red).

Body-worn camera footage shows DENEUI walked along the police line with the baton as shown in IMAGE 6. An officer noticed DENEUI was carrying a weapon as he walked down the police line, and the officer notified a commanding officer in the area. After determining that the weapon was a baton and presented a danger to the officers and the crowd, Metropolitan Police pulled DENEUI behind the police line, took the baton, and detained DENEUI as shown in IMAGE 7. Officer R.G. took the baton from DENEUI. Then other officers conducted a pat down.



IMAGE 6 – DENEUI walks past police officers carrying a baton.



IMAGE 7 – DENEUI holds a baton as police detain him.

Officer R.G. later spoke to the FBI about this incident. He advised your affiant that he believed the baton taken from DENEUI was a police baton, and that Officer R.G. considered the baton dangerous to the officers at the Capitol that day.

During the pat down of DENEUI at the Capitol on January 6, 2021, officers advised DENEUI that the baton was prohibited. DENEUI told officers he did not know it was prohibited and that he was “just trying to protect” himself. He told officers he did not have any other weapons on him, just his phone. Officers then discovered that DENEUI was wearing body armor as shown in IMAGE 8. DENEUI confirmed to the officers that he was wearing body armor.



IMAGE 8 – Police discover that DENEUI is wearing body armor.

After DENEUI confirmed to police that he was wearing body armor, the BWC footage shows that Officer R.G. advised DENEUI that he could not have a weapon. DENEUI asked police, “I can’t protect myself?” Officer R.G. explained that he cannot protect himself with the baton because it is a weapon. DENEUI responded that there “are crazy people out there right now,” and requested the officers return the baton. DENEUI continued to argue with officers that they should return the baton because it was going to be “a shitstorm.” During the conversation, the police asked DENEUI for his name and he told them it was Dan Deneui.

After a few minutes, the police asked DENEUI if he was ready to leave. DENEUI responded, “No, I don’t want to leave, I’m staying all night.” The officers instructed DENEUI to return to the crowd. DENEUI then told the officers that “there’s a lot of people that are pissed off out there, and they are going to fucking take this place over.” DENEUI told the officer that he would keep the baton in his pocket if they returned it. Officer R.G. declined to return the baton since DENEUI had already displayed it. Officers then led DENEUI to the other side of the police line.

According to third-party video, after his encounter with the police, DENEUI made his way through the crowd and posted himself near the Senate Wing Door. In a third-party video, DENEUI appears to be on a phone call as other rioters attempt to place signs on the window as shown in IMAGE 9. Based on my review of CCTV footage and video taken by third parties, I know that rioters had previously broken the windows near the Senate Wing Door and breached the building. By the time DENEUI arrived there, police officers inside the building were attempting to re-secure the broken windows and prevent more rioters from gaining access to the building. To accomplish this, the officers inside closed and locked the wood-and-glass shutters, built makeshift barricades

out of furniture, and attempted to hold the rioters at bay. Rioters outside the building saw these efforts and tried to break through the shutters and the furniture barricades.



IMAGE 9 – DENEUI appears to be on phone call near the Senate Wing Door.

Shortly after, third-party video shows that DENEUI watched as another rioter stood in the windowsill and attempted to kick out the window shutter as shown in IMAGE 10. DENEUI helped a second rioter onto the windowsill as shown in IMAGE 11. The second rioter attempted to break the shutters as well.



IMAGE 10 – A rioter attempted to break a shutter directly in front of DENEUI.



IMAGE 11 – DENEUI helped a rioter onto the windowsill, where that rioter attempted to break open the shutters.

The other rioters jumped down after they kicked a hole in the shutters. DENEUI watched as another rioter—a woman wearing a fur-collared hood and red cap—took over the assault at the window with a flagpole as shown in IMAGE 12. The woman pushed at the shutters, but did not appear to cause further damage.



IMAGE 12 – DENEUI watched another rioter attack the window with a flagpole.

Third-party video shows that DENEUI took the flagpole from the woman with the fur-collared hood. DENEUI looked inside the broken shutters, then pushed at the furniture blockading the window. While DENEUI pushed against the furniture, U.S. Capitol police inside the building held up the furniture. In the third-party video, officers are visible directly behind the furniture.

DENEUI then pulled the flagpole out of the window, looked inside the window a second time, and forcibly jabbed the flagpole through a hole in the stack of furniture. When DENEUI thrust the flagpole through the hole in the shutters a second time, he had a direct sight line to officers inside the building. DENEUI appeared to intentionally avoid the furniture stack in front of the window, and instead, he aimed the flagpole at the officers inside. DENEUI hit one of the officers holding up the furniture inside in the shoulder. IMAGE 13 shows DENEUI as he thrust the flagpole at the officer. DENEUI's view inside the building was unobstructed. IMAGE 14 is a screenshot from CCTV footage that shows the officer as they were struck by the flagpole.



IMAGE 13 – DENEUI thrust a flagpole through the broken shutters at the officers attempting to barricade the window with furniture.



IMAGE 14 – DENEUI hit a Capitol police officer (circled in green) through the window using a flagpole.

After hitting the officer with the flagpole, DENEUI then stabbed the window and broke additional pieces off of the window shutters as shown in IMAGE 15.

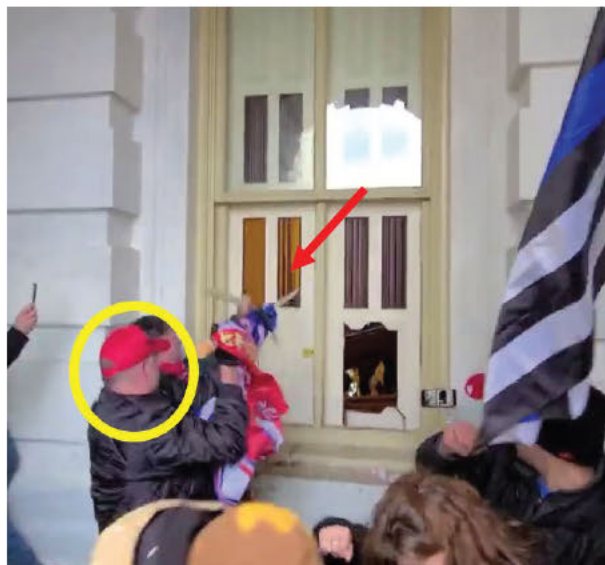


IMAGE 13 – DENEUI used the flagpole to punch out additional pieces in the shutter.

According to third party video, DENEUI next watched a different rioter attempt to break the shutters further, with a different flagpole, as shown in IMAGE 16. DENEUI then took a piece of wood from the broken shutter and used it to continue to break the shutters as shown in IMAGE 17. According to the Architect of the Capitol, the smashed glass and broken wooden portion of the shutters cost more than \$2,000 worth of damage.



IMAGE 16 – DENEUI watched a second rioter attacked the window shutter with a flagpole.



IMAGE 17 - DENEUI broke the window shutter with a piece from another window shutter.

Based on the foregoing, your affiant submits there is probable cause to believe that DENEUI violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties, where such acts involve physical contact with the victim or the intent to commit another felony. Persons designated within section 1114 of Title 18 include federal officers such as USCP officers and include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is probable cause to believe that DENEUI violated 18 U.S.C. 231(a)(3), which, in pertinent part, makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is probable cause to believe that DENEUI violated 18 U.S.C. §§ 1361 and 2, by willfully injuring or committing, or attempting to willingly injure or commit, any depredation against any property of the United States with a value of more than \$1,000. The window shutters outside the Senate Wing of the United States Capitol are property of the United States government.

Your affiant submits that there is probable cause to believe that DENEUI violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds or attempts or conspires to do so.

Your affiant submits that there is also probable cause to believe that DENEUI violated 18 U.S.C. § 1752(b)(1)(A), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and, in relation to the offense, to use or carry a deadly or dangerous weapon, that is, a baton.

For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Finally, your affiant submits there is also probable cause to believe that DENEUI violated 40 U.S.C. § 5104(e)(2)(D) and (F), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of December 2024.



MATTHEW J. SHARBAUGH
U.S. MAGISTRATE JUDGE