

United States District Court
District of Columbia

United States of America,

Plaintiff,

v.

Daniel Rodriguez,

Defendant.

Case No. 1:21-cr-00246-ABJ-1

MOTION TO SUPPRESS
(Evidentiary Hearing Requested)

“I don’t have any loyalty to any other country. Just America. And this is all I know, and this is all I want. And I don’t care about any other part of the world except for our team.”¹

On March 31, 2021, the FBI interrogated Mr. Rodriguez and obtained this and other statements in violation of Mr. Rodriguez’s Fifth Amendment right to be free from self-incrimination and the requirements under *Miranda v. Arizona*, 384 U.S. 436 (1966). Mr. Rodriguez, therefore, moves this Court to suppress those statements.

¹ Exhibit A at 17.

I. Background

A. Officers broke into Mr. Rodriguez's home during the early hours of the morning to execute his arrest.²

On March 31, 2021, around 5:00 a.m., several law enforcement officers marched onto Mr. Rodriguez's property to execute his arrest. Having just gone to bed three hours earlier, Mr. Rodriguez was jolted awake by the officers' arrival. Within minutes, officers broke through the sliding glass door, threw a flash bomb into the living room, and stormed into his home. As Mr. Rodriguez scrambled to get his clothes on, officers threw a second flash bomb directly into the bedroom where Mr. Rodriguez was standing. Officers immediately placed Mr. Rodriguez in handcuffs, walked him outside, and drove him to the local FBI office.

B. FBI agents began the interrogation without reading Mr. Rodriguez his *Miranda* rights.

Once at the FBI office, agents handcuffed Mr. Rodriguez to a bar on the wall and left him alone in an office while the two assigned agents prepared for Mr. Rodriguez's interrogation. Questioning began around 7:00 a.m. and lasted for almost three hours.³ Special Agent Armenta and Special Agent Elias sat on either side of Mr. Rodriguez, introduced themselves, and began the interrogation by asking "You seem to have a pretty good idea why we're here, right?"⁴

² Undersigned counsel obtained information underlying the arrest during the course of investigation. The facts included here will be developed at the evidentiary hearing.

³ Exhibit A at 3.

⁴ *Id.* at 4.

Overwhelmed by the stress of the morning and the allegations, Mr. Rodriguez broke down—”No. No sense of crying. I can’t be crying. I don’t know what’s wrong with me.”⁵ With Mr. Rodriguez in tears, Agent Armenta pushed forward—informing him of the purpose of the interrogation and the information he expected to receive from Mr. Rodriguez. At this point, he had not yet read Mr. Rodriguez any *Miranda* rights:

AGENT ARMENTA: So what I wanted to is kind of just explain what’s happening and then I want to give you an opportunity to kind of just kind of help us understand, you know, what happened from your perspective, okay? I want to give you that opportunity. That’s why we’re here. I wanted to take you away from this morning and that kind of hectic chaos and just give you a moment. Take a breath, all right? I feel like you kind of want to talk about it. I feel like you kind of want to get it off your chest.

MR. RODRIGUEZ: I’m so weak. I’m crying. . . . Oh, God. I shouldn’t be crying. I’m a grown man and I knew what I was doing. Whatever happens to me is going to have to happen to me because I —⁶

Agent Elias interrupted—taking this moment to reiterate to Mr. Rodriguez:

AGENT ELIAS: You’re in a important position right now, you know? I mean, you’ve said it yourself. The last couple of months have been really hard, right? It’s been difficult. . . . This is an opportunity here for you to let us know and help us understand, because right now we don’t frankly understand exactly what happened from your perspective. And I think that there’s an opportunity here

⁵ *Id.*

⁶ *Id.* at 4-5.

for us to get clarity on what went down and what you see happened.⁷

Absorbing all the prompting from agents, Mr. Rodriguez conceded “If I do that, I don’t think it’s going to reduce my sentence or something.”⁸

C. Several minutes into the interrogation, FBI agents read Mr. Rodriguez his *Miranda* rights and continued the interrogation.

Agent Elias eventually paused the interrogation, removed Mr. Rodriguez from handcuffs, read some *Miranda* rights, and provided him with a form detailing those rights.⁹ Agent Elias explained to Mr. Rodriguez:

AGENT ELIAS: Well, look. By signing this, you’re just acknowledging that you were read your rights and that you’re willing to talk to us at this time. Just because you signed it doesn’t mean any of these rights go away. These rights are always with you throughout the entire process that you’re in the legal system, okay? Does that make sense?

MR. RODRIGUEZ: Yeah.

AGENT ARMENTA: And you have the right -- if I ask a question or something makes you uncomfortable, just to let me know.¹⁰

Once agents read Mr. Rodriguez his *Miranda* rights, Agent Armenta reiterated the opportunity Mr. Rodriguez had to provide information:

AGENT ARMENTA: [O]ur goal today is just kind of to get your – get an understanding of what happened, right? Because D.C. kind of has their version of what happened

⁷ *Id.* at 5.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 6.

and kind of how they see things and now it's your opportunity to let us know, you know, what really happened.¹¹

Throughout the interrogation, FBI agents repeatedly pushed Mr. Rodriguez to tell his side of the story to set the record straight.¹² Eventually, the agents shifted from pushing Mr. Rodriguez to tell his side of the story to questioning his honesty and accusing him of lying. Agents pushed Mr. Rodriguez despite his reiterated claims of honesty.

AGENT ARMENTA: The way you can help yourself is by being completely honest with us, okay? And that means not leaving things out, okay?¹³

AGENT ELIAS: Danny, you need to concern yourself with yourself right now because my concern is you -- as much as you're holding back from us right now -- because you know we know all the names. You know we've looked at your phone records, your bank records, we -- and we've done it with everybody else, so why hold back?

AGENT ARMENTA: You're making it really hard for us to help you..¹⁴

AGENT ELIAS: And you realize right now you're -- whatever fabrication you're telling us . . . is not helping your situation.

MR. RODRIGUEZ: I'm a hundred percent not fabricating anything at all.¹⁵

¹¹ *Id.* at 7.

¹² *Id.* at 38.

¹³ *Id.* at 43.

¹⁴ *Id.* at 51.

¹⁵ *Id.* at 70.

In an effort to get Mr. Rodriguez to continue talking, agents stressed to Mr. Rodriguez they already had all the information to the questions they were asking him:

AGENT ARMENTA: What he's trying to say is that we know about 99 percent of the questions that we're asking you. So that there's -- that it's completely clear and all our cards are on the table, that it's really important that you be completely honest with us and tell us everything, especially without us saying that -- these facts and then you later agreeing to them. It looks better if you just give us those facts. . . .

Agents pushed Mr. Rodriguez to believe that his information was honest only if it matched up with the stories that everyone else was telling:

AGENT ARMENTA: They're going to tell their version of the story and what happened. And if their version matches up and it's not what yours is, there's going to be a problem, right? And right now, you're the one looking at -- you're in the most trouble right now, okay? I think you understand that already.

AGENT ARMENTA: So who do you think D.C. is going to look at when those stories don't match up? So I say that because I need you to be completely honest with me.¹⁶

Agents told Mr. Rodriguez that they could help him and suggested Mr. Rodriguez could get a better resolution if he answered questions.

AGENT ELIAS: [Y]ou had asked earlier about how do you help yourself out of this situation. And if you really want to help yourself out, you tell us a hundred percent the truth. And you let the U.S. Attorney's Office in D.C. know that you're willing to cooperate with and explain to them everything that happened and take responsibility. . . . [E]verybody that I know that I have worked with where they have stepped forward and told the courts and told

¹⁶ *Id.* at 49.

the prosecutor, look, I take responsibility, the judge looks at that favorably.¹⁷

When Mr. Rodriguez would not give agents the answers they were looking for, they shifted their tactics to hollow promises of assistance in exchange for answers:

AGENT ELIAS: You are in a great position right now to help yourself. . . . We're your two advocates right now. We can advocate to the prosecutor, hey, Danny was -- Danny made some mistakes.¹⁸

AGENT ARMENTA: -- I'm giving you the opportunity to be honest with me. . . . Completely, cards on the table, because the more that you're hiding from me . . . the less that you tell me . . . it just -- I can't help you.¹⁹

AGENT ARMENTA: Yeah. You see what I'm saying, though? I'm trying to be all cards on the table right now, okay? And it's going to hurt you, man, and you're already looking at a serious charge. So please let me help you. . . .²⁰

AGENT ARMENTA: Is there anything that you want to let us know, so we can tell the prosecutors, hey, actually, Danny came forward and he told us this, and he was being really helpful.

¹⁷ *Id.* at 39.

¹⁸ *Id.* at 76-77.

¹⁹ *Id.* at 97.

²⁰ *Id.* at 182.

MR. RODRIGUEZ: I would try to -- I would like to be more helpful, but I don't have any -- what do you -- I mean, if you ask me (indiscernible) --²¹

Although Mr. Rodriguez indicated early on he did not want to talk about the assault allegations, the FBI agents ignored Mr. Rodriguez's and eventually pursued that line of questioning:

MR. RODRIGUEZ: No. You guys kind of told me. That I assaulted a officer.

AGENT ARMENTA: And you don't want to talk about that?

MR. RODRIGUEZ: No.

AGENT ELIAS: Because I tell you what. Everybody else is going to talk about that.

MR. RODRIGUEZ: Yeah. I'm pretty ashamed.²²

D. Overcome by the FBI Agents' coercive questioning, Mr. Rodriguez breaks down.

After hours in the interrogation room, Mr. Rodriguez broke down. A young man, looking for a leader and someone he believed in, Mr. Rodriguez was drawn to President Trump's ideas and beliefs early on. "I volunteered for Trump. I even -- I did door-to-door and everything."²³ Following the 2016 election, Mr. Rodriguez's devotion grew. "I tried to join the Army when Trump became President."²⁴ When

²¹ *Id.* at 178.

²² *Id.* at 37-38.

²³ *Id.* at 26.

²⁴ *Id.* at 27.

that option became unavailable, Mr. Rodriguez began looking for other ways to show his support. He described going to rallies to advocate for President Trump leading up to the 2020 election. “I would go to the rallies I would try to talk to [non-supporters] . . . find some common ground. . . . I was just campaigning at a rally.”²⁵ As a devoted supporter, Mr. Rodriguez found his purpose at these rallies. “I thought that that was, like, one of my greatest days of my life and I thought it was something that I needed to be doing.”²⁶

That passion and energy quickly turned into fear and denial following President Trump’s 2020 election loss. “[M]y beliefs are that an overwhelming number of people came out to vote for Trump and he actually did win that election, the popular vote and the electoral vote.”²⁷ With President Trump’s loss, Mr. Rodriguez described being led to believe the country was now on the verge of a “civil war.”²⁸ “They made sure that the election was lost and there’s no point in voting anymore, so it’s like -- I’m thinking they’re going to come, like, you know – they’re going to come round us [Trump supporters] up.”²⁹ That fear only intensified in the months leading up to January.

²⁵ *Id.* at 25.

²⁶ *Id.* at 24.

²⁷ *Id.* at 28.

²⁸ *Id.* at 22, 25

²⁹ *Id.* at 28.

On January 6, 2021, Mr. Rodriguez and thousands of others received their order. When asked how he got to January 6th, he said “Trump called us. Trump called us to D.C.”³⁰ Mr. Rodriguez and thousands more responded to the President’s call. “If he’s the commander in chief and the leader of our country, and he’s calling for help -- I thought he was calling for help. I thought he was -- I thought we were doing the Right thing. . . .”³¹

AGENT ELIAS: On January 6th, did you feel it was your responsibility . . . to go there?

MR. RODRIGUEZ: (Crying.) I did. I did. I thought that -- yes. Yes. I thought that I knew enough or I knew better and I was -- I thought that I was doing the right thing. I thought it was all going to be different. I thought Trump was going to stay President. I don’t know. I just can’t believe my life, what I did to it.³²

Mr. Rodriguez described believing: “I thought that there was going to be fighting, for some reason, in different cities and I thought that the main fight, the main battle, was going to be in D.C. because Trump called everyone there.”³³ According to Mr. Rodriguez, following President Trump’s order to “go to the Capitol,”³⁴ “we thought we were being a -- we were part of a bigger thing. We thought we were being used as a part of a plan to save the country, to save America,

³⁰ *Id.* at 34.

³¹ *Id.* at 34.

³² *Id.* at 175-76.

³³ *Id.* at 85-86.

³⁴ *Id.* at 110.

save The Constitution, and the election, the integrity.”³⁵ “[W]e thought that we were going to save America, and we were wrong.”³⁶

As Agent Elias confronted Mr. Rodriguez about these beliefs, Mr. Rodriguez again broke down.

AGENT ELIAS: When you were engaged in your activities at the Capitol, . . . there’s a part of you that believed that there may be -- this may be a civil war moment where you had to be part of the necessary group of people that were going to repel the evil to make sure that our United States and our Constitution would survive, right?

MR. RODRIGUEZ: (Crying.) . . . Am I mental? Am I? Am I just that stupid? I mean, yes. . . . Did we all really just - - are we all that stupid that we thought we were going to go do this and save the country and it was all going to be fine after? We really thought that. That’s so stupid, huh?³⁷

Eventually, the interrogation turned to Mr. Rodriguez’s interactions with Officer Fanone. At the moment Mr. Rodriguez encountered Officer Fanone, “I thought we were saving the democracy and the election”³⁸ Mr. Rodriguez believed Officer Fanone “was standing up against the racists or something . . . [l]ike the Trump people are bad and . . . he felt he was doing the right thing, too.”³⁹ Confronted with the fear and trauma experienced by Officer Fanone that day:

³⁵ *Id.* at 114-15.

³⁶ *Id.* at 38.

³⁷ *Id.* at 172-73.

³⁸ *Id.* at 155.

³⁹ *Id.* at 174.

MR. RODRIGUEZ: (Crying.) I'm sorry he had to go through that. It's not right that he had to suffer like that. And it puts fear in him and worrying about his life. He was scared for his own life and thought about having to kill us.⁴⁰

Duped by a leader into believing his country was under attack, on the verge of a civil war, Mr. Rodriguez went to the Capitol on January 6, believing he was following orders and doing what was right. Although the damage has been done: "If I could go back . . . I wouldn't do it again. But what I did, I can't undo it. . . . I'm embarrassed by it and I'm ashamed by it."⁴¹

II. Argument

The Fifth Amendment provides no person "shall be compelled in any criminal case to be a witness against himself . . ." U.S. Const. amend. V. Accordingly, before a custodial interrogation can take place, law enforcement must (1) warn the suspect of certain Fifth Amendment rights the suspect may choose to exercise, and (2) obtain a valid waiver of those rights. *Miranda v. Arizona*, 384 U.S. 436, 444 (1966). Failure to administer *Miranda* warnings or to obtain a valid *Miranda* waiver creates a presumption of compulsion requiring suppression of the resulting statement. *Oregon v. Elstad*, 470 U.S. 298, 307 (1985). Even in situations where these procedural safeguards are met, a defendant's statements must be suppressed if the statement is involuntary. *New Jersey v. Portash*, 440 U.S. 450, 459, (1979).

⁴⁰ *Id.*

⁴¹ *Id.* at 158.

Use of a defendant's involuntary statements at trial "is a denial of due process of law." *Mincey v. Arizona*, 437 U.S. 385, 398 (1978).

As discussed below, FBI agents violated Mr. Rodriguez's Fifth Amendment right to be free from self-incrimination when they (1) began asking him questions before reading him his *Miranda* rights; (2) failed to obtain a valid *Miranda* waiver; (3) questioned Mr. Rodriguez using an impermissible "two-step interrogation technique"; and (4) obtained statements from Mr. Rodriguez that were involuntary.

A. Mr. Rodriguez's statements, made before he was informed of his *Miranda* rights, must be suppressed.

"*Miranda* warnings are required where a suspect in custody is subjected to interrogation." *United States v. Vinton*, 594 F.3d 14, 26 (D.C. Cir. 2010) (quotation marks omitted). "Failure to administer *Miranda* warnings creates a presumption of compulsion." *Elstad*, 470 U.S. at 307. "Consequently, unwarned statements that are otherwise voluntary within the meaning of the Fifth Amendment must nevertheless be excluded from evidence under *Miranda*." *Id.*

Here, Mr. Rodriguez was in custody as he was arrested at his home pursuant to a warrant, brought into the FBI office, and handcuffed to the wall of the interrogation room. When the FBI agents began their interrogation, they did not start by reading Mr. Rodriguez his *Miranda* rights.⁴² While the first few minutes

⁴² See Ex. A at 1-5.

were spent introducing themselves, the FBI agents immediately transitioned into informing Mr. Rodriguez what information they expected to hear from him.⁴³

Agent Armenta began by confirming Mr. Rodriguez “seemed to have a pretty good idea why we’re here.”⁴⁴ He went on to state that this was Mr. Rodriguez’s “opportunity” to address “what went down and what happened” on the day he allegedly assaulted an officer at the capitol.⁴⁵ The agents stressed to Mr. Rodriguez he was “an important person,” that they did not “understand exactly what happened” when Mr. Rodriguez was at the capitol on January 6, and that now was the time to “talk about [what happened]” and “get it off [his] chest.”⁴⁶

In response to this prompting, Mr. Rodriguez conceded that, even if he agreed to speak, it was not “going to reduce [his] sentence” and that “whatever happens to [him] is going to happen to [him].”⁴⁷ This implicit concession of guilt was in direct response to the FBI agents start of the interrogation. “The privilege against self-incrimination ‘not only extends to answers that would in themselves support a conviction . . . but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute the claimant.’” *United States v. Bourdet*, 477 F. Supp. 2d 164, 181 (D.D.C. 2007) (quoting *Ohio v. Reiner*, 532 U.S. 17, 20 (2001)).

⁴³ *Id.* at 4.

⁴⁴ *Id.*

⁴⁵ *Id.* at 4-5.

⁴⁶ *Id.*

⁴⁷ *Id.* at 5.

Because Mr. Rodriguez made these statements before he was informed of his *Miranda* rights, these concessions, and any other statements made prior to receiving *Miranda* warnings, must be suppressed.

B. Mr. Rodriguez did not waive his *Miranda* rights.

Miranda itself provided that a defendant's statements can be used against him if he "voluntarily, knowingly and intelligently" waives his rights. *Miranda*, 384 U.S. at 444. "Whether such a waiver occurred has generally been thought to depend on two "distinct" questions: was the waiver "voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception," and was it "made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." *United States v. Bradshaw*, 935 F.2d 295, 298 (D.C. Cir. 1991) (quoting *Moran v. Burbine*, 475 U.S. 412, 421 (1986)). "Only if both questions are answered affirmatively 'may a court properly conclude that the *Miranda* rights have been waived.'" *Id.*

As discussed below, neither of these two questions can be affirmatively answered. Mr. Rodriguez's waiver was not made "with a full awareness" because the *Miranda* warnings were not legally sufficient, and they failed to properly advise Mr. Rodriguez of his rights. Additionally, Mr. Rodriguez's waiver of those legally insufficient rights was not made voluntarily, knowingly, and intelligently.

1. The *Miranda* warnings were inadequate.

To be sufficient, a *Miranda* warning must generally include four distinct warnings: "(1) that he has the right to remain silent, (2) that anything he says can be used against him in a court of law, (3) that he has the right to the presence of an

attorney, and (4) that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.” *Florida v. Powell*, 559 U.S. 50, 59-60 (2010). While the agents read from a form and provided Mr. Rodriguez with a form that included the four distinct warnings, they created ambiguity and diminished the warning’s clarity by telling Mr. Rodriguez that if the agents “ask[ed] a question or something [that] makes [him] uncomfortable, just to let [the agent] know.”⁴⁸ By instructing Mr. Rodriguez to identify if a question makes him uncomfortable and then let the agents know that the question has made Mr. Rodriguez uncomfortable, agents changed the meaning of the *Miranda* warnings that were initially read to him.

Telling Mr. Rodriguez to let the agents know when they ask a question that makes him uncomfortable erroneously narrowed the scope of Mr. Rodriguez’s rights. *Miranda* protects the rights of defendants to stop questions *at any time*. Whether a defendant feels comfortable or uncomfortable by the questions being asked has no effect on the scope of the rights protected by the Fifth Amendment. Agents improperly narrowed the scope of Mr. Rodriguez’s *Miranda* protections when they tied his right to stop answering questions and to remain silent to questions that made him feel “uncomfortable.” *Miranda* makes clear that the right to remain silent can be invoked at any time—it is not contingent on the substance of the question or the emotional response it elicits.

⁴⁸ *Id.* at 6.

Further, the warnings were inadequate because, even when Mr. Rodriguez told agents he did not want to or feel comfortable answering questions about the alleged assault of Officer Fanone,⁴⁹ agents ignored him and eventually pursued that line of questioning. Mr. Rodriguez invoked his right to remain silent on questions related to the assault, based on how agents told him to—by letting them know he did not feel comfortable or want to answer questions. Because the warning did not accurately and completely inform Mr. Rodriguez of his rights, Mr. Rodriguez’s responses to agents after invoking his right to remain silent on the assault charges cannot be taken as an implicit waiver.

2. The Miranda waiver was not knowing, intelligent, and voluntary.

“[A] heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel.” *Miranda*, 384 U.S. at 475. Courts determine the validity of a *Miranda* waiver by looking at the totality of the circumstances. *Moran v. Burbine*, 475 U.S. 412, 421 (1986). The waiver must be “voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception,” and “made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.” *Id.*

⁴⁹ *See id.* at 37-38.

“Miranda prohibits the inference that a waiver was made simply from the fact that a confession was eventually obtained.” *Mitchell v. United States*, 434 F.2d 483, 487 (D.C. Cir. 1970). “[W]hen the only evidence is that at the start of the interrogation the warnings were given, and at the conclusion of the interrogation a confession had been obtained, courts would do well to require clear evidence of the vital connecting link, i.e., did the interrogated person in fact waive his rights?” *Id.* “In the absence of this evidence, Miranda is clear that a waiver has not been proven.” *Id.*

Here, the totality of the circumstances show Mr. Rodriguez did not validly waive his *Miranda* rights. As discussed above, any waiver was not made with “a full awareness” of the right being abandoned because agents inaccurately narrowed the scope of Mr. Rodriguez’s *Miranda* protections. Additionally, that the *Miranda* warnings came several minutes after the interrogation started impacted the voluntary nature of the waiver. Having succumbed to the agent’s urging that this was Mr. Rodriguez’s opportunity to address what happened on January 6, Mr. Rodriguez implicitly conceded guilt when he told agents that talking would not “reduce [his] sentence.”⁵⁰ At this point, Mr. Rodriguez had already been pressured into making this unwarned concession. Because the damage was done, he opted to waive his *Miranda* rights. Considering the totality of the circumstances, this was not a knowing, intelligent, and voluntary waiver.

⁵⁰ *Id.* at 5.

C. Mr. Rodriguez’s Post-*Miranda* Statements must be suppressed because they resulted from an impermissible “Two-Step” interrogation.

The knowing and intelligent quality of a waiver is threatened when police obtain inculpatory statements through interrogation of an in-custody suspect, provide a “midstream recitation” of *Miranda* warnings, and then resume questioning. The Supreme Court therefore held in *Missouri v. Seibert*, 542 U.S. 600, 601 (2004) (plurality), that any post-warning confessions obtained through use of this “two-step questioning technique” are inadmissible unless the warnings effectively apprised the defendant of his *Miranda* rights. Only by excluding such statements can courts prevent the government from achieving the two-step’s evident purpose: “to render *Miranda* warnings ineffective by waiting for a particularly opportune time to give them, after the suspect has already confessed.” *Seibert*, 542 U.S. at 611.

There is a dearth of instructive caselaw in the D.C. Circuit addressing the contours of an impermissible two-step interrogation under *Seibert*. *See, e.g., United States v. Straker*, 800 F.3d 570, 618 (D.C. Cir. 2015) (holding that “there was no two-step interrogation because (i) the Trinidadian police and the FBI were not acting in concert and, in any event, (ii) both gave warnings the adequacy of which under *Miranda* Demerieux and Sealey do not challenge”). However, construing *Seibert*, the Ninth Circuit has said “a trial court must suppress post-warning confessions obtained during a deliberate two-step interrogation where the midstream *Miranda* warning—in light of the objective facts and circumstances—did

not effectively apprise the suspect of his rights.” *United States v. Williams*, 435 F.3d 1148, 1157 (9th Cir. 2006).

The Ninth Circuit has established a presumption that use of the two-step gambit is deliberate. “Once a law enforcement officer has detained a suspect *and subjects him to interrogation*—as was the case in *Seibert* and is the case here—there is rarely, if ever, a legitimate reason to delay giving a *Miranda* warning until after the suspect has confessed.” *Williams*, 435 F.3d at 1160. An officer’s “deferral of the warning until after a suspect’s incriminating response [thus] further supports an inference of deliberateness.” *Id.* at 1160. Other factors that counsel in favor of deliberateness are: the same interrogator’s involvement in both pre- and post-warning questioning; temporal proximity between the pre- and post-warning interrogations; and “play[ing] down the[] importance” of *Miranda* warnings. *Reyes v. Lewis*, 798 F.3d 815, 831–33 (9th Cir. 2015).

When police deliberately delay providing *Miranda* warnings, the court must determine whether the warnings eventually given were effective, i.e., “whether the midstream warning adequately and effectively apprised the suspect that he had a genuine choice whether to follow up on his earlier admission.” *Williams*, 435 F.3d at 1160 (cleaned up). Whether the agents took sufficient “curative measures” is relevant to this inquiry. Justice Kennedy’s concurrence in the judgment in *Seibert* described “curative measures” as follows:

Curative measures should be designed to ensure that a reasonable person in the suspect’s situation would understand the import and effect of the *Miranda* warning and of the *Miranda* waiver. For example, a substantial

break in time and circumstances between the prewarning statement and the Miranda warning may suffice in most circumstances, as it allows the accused to distinguish the two contexts and appreciate that the interrogation has taken a new turn. Alternatively, an additional warning that explains the likely inadmissibility of the prewarning custodial statement may be sufficient.

542 U.S. at 622 (Kennedy, J., concurring in the judgment) (citation omitted).

Here, the officers violated *Seibert* by obtaining incriminatory information from Rodriguez before administering any *Miranda* warnings. As discussed above, Mr. Rodriguez conceded guilt and involvement when, in direct response to the FBI agents' pre-*Miranda* questions, he told them that even if he agreed to speak, it was not "going to reduce [his] sentence" and that "whatever happens to [him] is going to happen to [him]."⁵¹ After obtaining this inculpatory information, the agents read Mr. Rodriguez *Miranda* warnings, obtained his signature on the form, and continued to solicit incriminating information from him. They did not employ any curative measures. They did not pause the interrogation, they did not move to a different location, and the same officers continued the questioning. Accordingly, all statements made post-*Miranda* must be suppressed.

D. Regardless of any attempts to give *Miranda* warnings, Mr. Rodriguez's statements were involuntary and, therefore, must be suppressed.

Whether preceded by *Miranda* warnings or not, statements that are coerced, or given involuntarily, violate due process and cannot be used at trial for any

⁵¹ *Id.* at 5.

purpose. *New Jersey v. Portash*, 440 U.S. 450, 459 (1979). “[C]onfessions which are involuntary, *i.e.*, the product of coercion, either physical or psychological,” are inadmissible. *Rogers v. Richmond*, 365 U.S. 534, 540–41 (1961). “[T]he prosecution must prove at least by a preponderance of the evidence that the confession was voluntary.” *Lego v. Twomey*, 404 U.S. 477, 489 (1972).

The appropriate test for the voluntariness of a statement is whether a defendant’s will was overborne by the totality of the circumstances. *Schneckloth v. Bustamonte*, 412 U.S. 218, 226 (1973)). It requires an examination of the characteristics of the accused and the interrogation itself. *Dickerson v. United States*, 530 U.S. 428, 434 (2000). Relevant considerations include “the youth of the accused, his lack of education, his low intelligence, the lack of any advice to the accused of his constitutional rights, the length of detention, the repeated and prolonged nature of the questioning, and the use of physical punishment such as the deprivation of food or sleep.” *Schneckloth*, 412 U.S. at 226 (citations omitted). “Apparent compliance with the Miranda procedures does not automatically assure the voluntariness of a statement.” *United States v. Bennett*, 495 F.2d 943, 949 (D.C. Cir. 1974).

Here, the totality of the circumstances shows Mr. Rodriguez’s statements during the interrogation were involuntary in light of the coercive pressures to which he was subjected. Coercive pressures can include “the shock of being arrested and questioned after being yanked from familiar surroundings in the outside world and cut off from [one’s] normal life and companions; the hope that speaking will allow

the interviewee to leave and go home; and a reason to think that the interrogating officers have authority to affect the duration of the interviewee's confinement." *United States v. Hallford*, 756 F. App'x 1, 6 (D.C. Cir. 2018) (citing *Howes v. Fields*, 565 U.S. 499, 511 (2012)).

Officers executed the arrest at 5:00 a.m., and Mr. Rodriguez had been asleep for only three hours. Following the traumatic morning at his home, he was immediately taken to the FBI office and subjected to a three-hour interrogation. The already coercive circumstances leading into the interrogation made Mr. Rodriguez particularly susceptible to any further psychologically coercive interrogation tactics, which Agents Armenta and Elias relied upon heavily.

The agents repeated the same questions to Mr. Rodriguez, accusing him of lying when they did not receive the answers they wanted.⁵² They consistently reminded him that this was his one "opportunity" to tell his side of the story, and that only "honest" answers would allow the agents to help Mr. Rodriguez with the prosecutors.⁵³ Agents capitalized on the unique media attention of this particular incident, conveying to Mr. Rodriguez that his story had already been written, and that this was his only chance to help himself out of the situation.⁵⁴ Additionally, agents pushed Mr. Rodriguez into believing he would receive help and leniency with

⁵² See, e.g., Ex. A at 74, 97.

⁵³ See, e.g., *id.* at 4-5, 39 43, 51, 70, 76-77, 97.

⁵⁴ See, e.g., *id.* at 7, 38, 45-46.

his prosecution—telling him they were “his advocates”—but only if he answered their questions.⁵⁵

These psychologically coercive tactics, combined with the inadequacy of Mr. Rodriguez’s *Miranda* warnings, resulted in statements that were involuntary. Accordingly, statements from the March 31, 2021 interrogation must be suppressed.

III. Conclusion

Mr. Rodriguez requests this Court suppress all statements made during the March 31, 2021 interrogation as they were obtained in violation of his Fifth Amendment right to be free from self-incrimination.

Dated: October 15, 2021.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

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⁵⁵ See, e.g., *id.* at 76-77, 97, 178, 182.

Certificate of Electronic Service

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on October 15, 2021, she served an electronic copy of the above and foregoing **MOTION TO SUPPRESS** by electronic service (ECF) to the person named below:

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Employee of the Federal Public
Defender

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

-----)
 UNITED STATES OF AMERICA *
 vs. * CASE NO. 2021-R-00677
 DANIEL RODRIGUEZ * 21-cr-246
 -----)

Files:

Disc 1: VTS_01_1.VOB
 VTS_01_2.VOB
 VTS_01_3.VOB
 VTS_01_4.VOB
 VTS_01_5.VOB

Disc 2: VTS_01_1.VOB
 VTS_01_2.VOB
 VTS_01_3.VOB
 VTS_01_4.VOB
 VTS_01_5.VOB

Disc 3: VTS_01_1.VOB
 VTS_01_2.VOB
 VTS_01_3.VOB

Interview of:

DANIEL "D.J." RODRIGUEZ

Wednesday, March 31, 2021

APPEARANCES:

SPECIAL AGENT ENRIQUE ARMENTA

SPECIAL AGENT ELIAS

P R O C E E D I N G S

(7:09 a.m.)

AGENT ARMENTA: Just have to fill out this quick paperwork real quick. Let's see. That. Okay. Do you have a lawyer right now?

MR. RODRIGUEZ: No, I don't.

AGENT ARMENTA: No? Okay. Okay. 3/31. Okay. All right. I'm going to go over the -- just the COVID stuff, you know? They're going to want to know that. So, have you traveled from or through any of the locations identified by the CDC as increasing epidemiological risk within the last 14 days?

MR. RODRIGUEZ: No, sir.

AGENT ARMENTA: No? Have you had any close contact with anyone diagnosed with COVID-19 within the last 14 days?

MR. RODRIGUEZ: No, sir.

AGENT ARMENTA: No? Okay. You don't have a fever or cough or shortness of breath?

MR. RODRIGUEZ: No.

AGENT ARMENTA: Okay. Okay.

(Special Agent Elias enters the room.)

AGENT ARMENTA: Okay.

AGENT ELIAS: I hate this table in this room. It's in the wrong spot at all times.

1 AGENT ARMENTA: I know. It's kind of awkward.

2 AGENT ELIAS: It doesn't make it easy for us to
3 sit and talk.

4 AGENT ARMENTA: Sorry. All right, Daniel.
5 Daniel, do you go by Daniel, D.J., or what do you prefer?

6 MR. RODRIGUEZ: I guess Danny.

7 AGENT ARMENTA: Danny? Okay. So, just so you
8 know. My name's Enrique Armenta (ph.). I'm a special agent
9 with the FBI, okay?

10 AGENT ELIAS: My name's Agent Elias (ph.), also a
11 special agent.

12 AGENT ARMENTA: You seem to have a pretty good
13 idea why we're here, right? You need some tissue or
14 something, just let me know, okay? We can grab you
15 something.

16 MR. RODRIGUEZ: No. No sense of crying. I can't
17 be crying (indiscernible). I don't know what's wrong with
18 me.

19 AGENT ARMENTA: So what I wanted to is kind of
20 just explain what's happening and then I want to give you an
21 opportunity to kind of just kind of help us understand, you
22 know, what happened from your perspective, okay?

23 I want to give you that opportunity. That's why
24 we're here. I wanted to take you away from this morning and
25 that kind of hectic chaos and just give you a moment. Take

1 a breath, all right? I feel like you kind of want to talk
2 about it. I feel like you kind of want to get it off your
3 chest.

4 MR. RODRIGUEZ: I'm so weak. I'm crying.

5 AGENT ARMENTA: It's okay, man. It's okay.

6 MR. RODRIGUEZ: Oh, God. I shouldn't be crying.

7 I'm a grown man and I knew what I was doing. Whatever
8 happens to me is going to have to happen to me because I --

9 AGENT ELIAS: Look, man. Enrique and I interview
10 a lot of people and we talk to a lot of people who have been
11 in the same situation you've been in. There's no shame in
12 crying. There's no shame in you having a tough time with
13 processing. It's understandable.

14 You're in a important position right now, you
15 know? I mean, you've said it yourself. The last couple of
16 months have been really hard, right? It's been difficult.

17 MR. RODRIGUEZ: Yeah.

18 AGENT ELIAS: This is an opportunity here for you
19 to let us know and help us understand, because right now we
20 don't frankly understand exactly what happened from your
21 perspective. And I think that there's an opportunity here
22 for us to get clarity on what went down and what you see
23 happened. But --

24 MR. RODRIGUEZ: If I do that, I don't think it's
25 going to reduce my sentence or something.

1 AGENT ELIAS: Well, let us read you some paperwork
2 here and then we can talk about how you might be able to
3 help yourself out of your situation, okay?

4 (No audible response.)

5 AGENT ARMENTA: I'm going to read this do you.
6 Just --

7 AGENT ELIAS: Let me get those keys one more time
8 from you.

9 AGENT ARMENTA: Yeah. Let me know if you
10 understand everything and then if you have any questions,
11 you know?

12 (Special Agent Elias removes restraints.)

13 AGENT ARMENTA: You have the right to remain
14 silent.

15 MR. RODRIGUEZ: Oh, I can have it off?

16 AGENT ARMENTA: Anything you say can be used
17 against you in court.

18 AGENT ELIAS: (Indiscernible).

19 MR. RODRIGUEZ: Thank you.

20 AGENT ARMENTA: You have the right to talk to a
21 lawyer for advice before we ask you any questions. You have
22 the right to have a lawyer with you during questioning. If
23 you cannot afford a lawyer, one will be appointed for you
24 before any questioning, if you wish. If you decide to
25 answer questions now without a lawyer present, you have the

1 right to stop answering at any time, okay? Do you
2 understand those rights?

3 MR. RODRIGUEZ: (Nods head.)

4 AGENT ARMENTA: Okay. You sign right here and you
5 can read them, too, to yourself as well. And just
6 acknowledge that you understand them.

7 MR. RODRIGUEZ: I want to talk to you guy and, in
8 the past, lawyers have always told me, you know, you don't
9 say anything. They're not going to help you.

10 AGENT ELIAS: Well, look. By signing this, you're
11 just acknowledging that you were read your rights and that
12 you're willing to talk to us at this time. Just because you
13 signed it doesn't mean any of these rights go away. These
14 rights are always with you throughout the entire process
15 that you're in the legal system, okay? Does that make
16 sense?

17 MR. RODRIGUEZ: Yeah.

18 AGENT ARMENTA: And you have the right -- if I ask
19 a question or something makes you uncomfortable, just to let
20 me know.

21 MR. RODRIGUEZ: (Indiscernible).

22 AGENT ELIAS: Just let us know.

23 EXAMINATION

24 BY AGENT ARMENTA:

25 Q. Okay? But just like my colleague was saying here,

1 you know, our goal today is just kind of to get your -- get
2 an understanding of what happened, right? Because D.C. kind
3 of has their version of what happened and kind of how they
4 see things and now it's your opportunity to let us know, you
5 know, what really happened.

6 Because I got to be honest with you, they gave
7 them this case, right? And they were like, this guy
8 assaulted a police officer, you know? So, it's like, okay.
9 You know, let me look into this, see what we got here,
10 what's going on, just so, you know, I'm prepared, you know,
11 for the interview and everything.

12 And I started, like, finding these videos on
13 YouTube of these guys positing Armen Rezz, WeAreLA, Weberz
14 Way. Are you familiar with those.

15 A. (Nods head.)

16 Q. You know, those guys, those YouTube videos, of all
17 the protests and rallies in LA, right? And I was like, oh,
18 what's going on here? Andi was like, oh, dang, that's --
19 there's Danny, you know? There's D.J.

20 A. Where'd you see me?

21 Q. I think it was -- there was one in Huntington
22 Beach. There was another one in Hollywood.

23 A. No. But you saw me in an interview or just in the
24 background?

25 Q. In a interview and then at the protest, right? At

1 the -- they were at Back the Blue rallies. And they were,
2 you know, at these rallies that were, like, for conservative
3 values. You know, American conservative values.

4 A. (Crying.)

5 Q. You know? And at that point --

6 A. (Indiscernible).

7 Q. -- like, I was thinking to myself -- because I
8 thought I had an understanding of what was going on, right?
9 They said, oh, this guy's, you know, assaulted a police
10 officer. But then I saw you -- there was a -- I think it
11 was Hollywood. There were police there standing, right?
12 They were just maintaining the peace, you know, and there
13 was this Antifa guy dressed in all black, you know? And he
14 was just agitating him and just kind of, like -- as if he
15 wanted them to --

16 A. To hurt --

17 Q. -- do something.

18 A. Yeah, yeah.

19 Q. Right? Like he was instigating --

20 A. Make the cops -- yeah. He's making them look bad,
21 so that the cops can do something --

22 Q. Right.

23 A. -- and then it going to be all on film and the
24 cops are abusing you now and --

25 Q. Exactly, exactly. And then I see you, like,

1 intervening and you were like, hey. Hey, dude, chill out.
2 Like, we're here just -- we're just -- we're, you know --
3 we're protesting. Like, you need to calm down. It's not
4 about that. It's not about, you know, that violence and
5 that anger, because he was riled up.

6 He was super riled up. And you were, like -- you
7 were pretty calm for the situation, you know? And the
8 officer was calm, you know? He didn't do anything -- I was
9 kind of surprised at his restraint, you know? But just kind
10 of seeing that --

11 A. I'm not even sure what video you're talking about.
12 Was it with the wheelchair guy?

13 Q. It wasn't that. I don't know if it was that same
14 day --

15 A. (Laughter.) You know the wheelchair guy?

16 Q. Yeah, I do. I saw that one, yeah.

17 A. He got -- he went -- so, the police were -- they
18 made a line in the intersection and he goes to -- with his
19 wheelchair and he rolls up to them and he has a camera, and
20 he just starts, like, sticking it like this, like, all
21 under, like, the cop's face. And that's when I first
22 started going to the rallies. I was still pretty new at
23 that time. I didn't know anybody and I grabbed his
24 wheelchair and I pulled him back, like, six or eight feet.
25 And the cops saw me. I did it right in front of them. I'm

1 like, dude, what are you doing, you know?

2 Q. Yeah.

3 A. And ever since then, they've -- you know, because,
4 like -- how we met that guy in the wheelchair was he was
5 coming across the -- before that -- the police started their
6 line right there, he was coming over the intersection and --
7 on the crosswalk and he was acting like a victim, like --
8 you know, I'm like, hey, are you okay? You need help? And,
9 like -- and then, like, he was -- had a bunch of attitude
10 and didn't like us.

11 And, like, there were some other people around
12 there that were just, like, oh, fuck him or he's -- you
13 know? And, like -- so, like, he was not with us. He was
14 there, like, against us. And then like, we're, like --

15 Q. Like a agitator.

16 A. Yeah, yeah. And then I don't know what
17 happened -- this was a while back. This was a long time
18 ago. And then like, whatever happened -- then, like, it
19 started getting more intense and the cops came and did
20 their, like, line. I think there was only, like, eight --
21 there was, like, eight BLM guys that day in the -- or,
22 Antifa guys or whatever.

23 And they came because, I guess, a week or two
24 before that, there was a big fight. And I wasn't there. I
25 didn't go to the rallies yet. There was a fight. There

1 was, like -- there was something called, like, the Unity
2 Bridge and there was, like, this guy named Ricky Rebel,
3 like, some gay guy, and he's all singing, like, M-A-G-A.
4 Like, it was all, like, a celebration, a festival, and I
5 guess, like, a big fight broke out.

6 So, I didn't know about that fight, but I found
7 out from Armen Rezz videos that they're rallying there in
8 Beverly Hills, so I'm like, oh, I see this. Let me go down
9 there. So, that was the first time I went down there and
10 they had come back, these eight guys or whatever. And, you
11 know, they're all angry and they're, like, in, like, helmets
12 and, like, goggles, and we're just in regular clothes.

13 And I'm like, hey, what's going on with you guys?
14 And they're all angry and I started to try to talk to them
15 and, like, find some common ground. And then that
16 wheelchair guy came and he, like, wanted to link up with
17 them, like, they're, like, six or seven, eight Black guys
18 and, like, you know, he's all like, hey, what's -- I seen
19 him.

20 You know, he wheels over there. Hey, what's up
21 guys? Fuck these guys. Oh, the cool guys are here. Like,
22 that's what he told them, I think. He's like, oh, the cool
23 guys are here. Yeah, fuck these guys. I don't know. So, I
24 told him -- I'm like, why don't you suck his dick? And I'm
25 like, you know -- I know you guys have seen those videos.

1 They've all been sent to me.

2 I'm like, you know -- like, oh, you're right there
3 by his dick. Suck it. Pull your mask down. Suck it. So,
4 after that, like, that guy just went after me and hated me,
5 and so that's how that happened. So, he was aligned with
6 Antifa/BLM and then they started, like, okay, this is --
7 this guy with the glasses, take his picture. You know, he's
8 no good. So that's how I got on their radar.

9 Q. Oh, I got it. So then --

10 A. We all got on their radar somehow or somewhere.
11 What they would do is they would come to the rallies and
12 they would take pictures of us and just consistently getting
13 intel on us. Following you to your car or trying to dox you
14 on social media. Your license plate, where you work, your
15 name, your address, whatever.

16 You know, a lot of people I know, you know,
17 they've had that happen to them and have people come to
18 their house, and one guy got jumped. And some guy named
19 Louis, he was former Antifa and then he, like, saw what was
20 going on. Like, this is not what I want to be a part of and
21 he came to the Trump side, and they jumped him. They really
22 messed him up. He was all scarred. He's got still scars to
23 this day. And --

24 AGENT ELIAS: You know, Danny, I think what my
25 partner was about to say --

1 MR. RODRIGUEZ: Sorry. Yeah, I went --

2 AGENT ELIAS: Yeah, no.

3 AGENT ARMENTA: It's all right

4 AGENT ELIAS: Why don't you finish that thought
5 because that was a good thought you had.

6 AGENT ARMENTA: Yeah, yeah. No, no. And I
7 appreciate the story.

8 AGENT ELIAS: Yeah.

9 AGENT ARMENTA: Because just like what you're
10 saying --

11 AGENT ELIAS: It's important.

12 AGENT ARMENTA: -- it gives context --

13 AGENT ELIAS: Yeah.

14 AGENT ARMENTA: -- to those things that --
15 because, yeah, you're right. I did --

16 MR. RODRIGUEZ: You saw the wheelchair guy, yeah.

17 AGENT ARMENTA: I saw the wheelchair, but it was
18 only a snippet of it, right? It was only, like, you,
19 like -- but we don't have the whole story, right? And
20 that's a big thing with the media and everything. You take
21 little things and -- so, what I'm trying to say is that --

22 MR. RODRIGUEZ: My best friend, he had a brother
23 that was in a wheelchair and took so much advantage of it.
24 And I, like, kind of just -- like, if you're in a
25 wheelchair -- okay. Like you said, like, if you go -- if

1 you're respectful, polite, or -- but this guy was, like,
2 victimizing himself. Like, I'm a -- so, I was like, oh,
3 you're not going to do that with me. I'm going to treat you
4 like normal.

5 AGENT ARMENTA: Yeah.

6 MR. RODRIGUEZ: But he didn't like that, so that's
7 why they came after me, I guess.

8 BY AGENT ARMENTA:

9 Q. And that's what I'm saying is when I started
10 watching these videos of you and getting the whole picture
11 of actually who Danny is, you know, I saw that there's,
12 like, two sides to you, you know? There was this side that
13 kind of D.C. had, you know, portrayed, and showed, you know,
14 and that this is your guy. This is what he did.

15 But then I started looking in -- like I said, and
16 I saw this Danny who stood in between this angry guy and a
17 law enforcement officer just in a T-shirt and his red hat.
18 You know, he wasn't the one with a gun and a baton and
19 handcuff. You didn't have anything and you stood in between
20 to protect this trained law enforcement, right?

21 A. Yeah.

22 Q. And you -- and even to say something, because,
23 like, what person nowadays would even say something, right?
24 So many people just ignore, look the other way, when they
25 see, you know, like, these wrongdoings, right?

1 A. Yeah.

2 Q. But you actually had the guts to say something to
3 that guy and put yourself, you know, in that position -- in
4 that uncomfortable position.

5 A. Did you see the day that they all came, like, 200
6 of them, and I stood in the street.

7 Q. Yep.

8 A. You saw that?

9 Q. Um-hmm. And so I think that's kind of what I'm
10 trying to, like, understand.

11 A. I don't know what happened either.

12 Q. I want to know that Danny, though.

13 A. (Crying.)

14 Q. I want to know that Danny that, you know -- that
15 kind of intervened in that situation and I want to know how
16 that Danny got to January 6th.

17 AGENT ELIAS: Your story's an important story.

18 MR. RODRIGUEZ: I just think that -- I don't want
19 to seem crazy or, like, a conspiracy theorist because you
20 guy are -- it's going to come out and I'm going to get
21 locked up because, like, I believe this and --

22 AGENT ELIAS: Listen.

23 MR. RODRIGUEZ: -- it's going to put me in jail.

24 BY AGENT ELIAS:

25 Q. Look. We've done this for a long time. We've

1 talked to -- like I told you, we talk to a lot of people,
2 and a lot of people are worried about being judged when they
3 talk to law enforcement that we're going to have an opinion.
4 And I'm telling you right now, we don't hold judgment over
5 you. We want you --

6 A. It's going to be the jury and the judge, and it's
7 going to be a D.C. judge.

8 Q. No, no. But, like, even as a fellow human being,
9 right? That's what we're telling you is we're looking at
10 you today as a fellow human, as a fellow citizen of this
11 country, as somebody who has lived here and put investment
12 into this country of your work. And you grew up here and --
13 look.

14 A. I don't have any loyalty to any other country.
15 Just America. And this is all I know, and this is all I
16 want. And I don't care about any other part of the world
17 except for our team.

18 Q. So how did the Danny that stood on the line in
19 between law enforcement and Antifa/BLM, how did you get to
20 that point? What happened in your life? Like, how did you
21 start going to these rallies?

22 A. InfoWars.

23 AGENT ARMENTA: And just --

24 BY AGENT ELIAS:

25 Q. InfoWars? So, like, Alex Jones stuff?

1 A. (Nods head.)

2 Q. Yeah. Okay. Yeah. He's been around a long time.
3 I know lots of people who listen to Alex Jones. Alex Jones
4 has some good information. He's got some out there
5 information, but --

6 A. You know, I just wanted to -- I tried to join the
7 Army --

8 Q. Okay.

9 A. -- when Trump became President and I was already
10 35 --

11 Q. Yeah.

12 A. -- and I have, like, a bad, you know, history of
13 getting arrested with tickets and stuff, right? You saw my
14 record. So they didn't take me. And I just thought that I
15 could still contribute by -- you know, I didn't take an
16 oath, but I could still stand up for those same things on my
17 own, you know? I don't got to get a paycheck. I could
18 still do those things.

19 And I wanted to go to the rallies to make -- and
20 there's too much enemy out there and I wanted to bring them
21 over to our side. I don't -- when I say, our side, I still
22 feel like I'm on your side. Like, we're on the same side
23 even though --

24 BY AGENT ARMENTA:

25 Q. Like you said, the patriot side, right? Like,

1 you're --

2 A. It was so fast. I was a good guy and then,
3 instantly, I became a bad guy.

4 Q. Tell me about that, Danny. Because you said
5 InfoWars and --

6 A. I just saw that there's a -- there's people that
7 have taken over this country from inside, globalist and
8 unelected officials, elitists, you know? People who are
9 obsessed with power and control and, you know, a lot of
10 the -- if you go to LA, you see homeless people and then you
11 see a Ferrari or Rolls-Royce drive by them.

12 Q. Yep.

13 A. I don't -- I think this is awful that it's so
14 lopsided and -- you know? I just -- like, the system --
15 something's wrong. And the politicians are -- you go to
16 Garcetti's house. His house is two blocks. Gavin Newsom,
17 Pelosi's nephew, his winery's not being shut down, his
18 PlumpJack, whatever. You know, he's -- they're all making
19 money and they're all not being affected and they almost
20 brag about it. And --

21 Q. While there's still, like, homeless camps all over
22 LA and -- I was actually in LA not too long ago and it seems
23 like every time I go back there, there's more and more
24 homeless. And just like you said, there's, like, a Ferrari
25 or a mansion two blocks away and there just people

1 struggling.

2 And there's other people, like, regular folks like
3 you, who are, like, you know, buying a house -- helping your
4 mom buy a house in Fontana, you know, and it's -- even
5 that's hard, right? Like --

6 A. Yeah. No, that's true. It was -- yeah. We lost
7 the house. That cheap house out -- way in the middle of
8 Fontana, I just couldn't -- we couldn't even do that.

9 Q. It's ridiculous, the housing prices here now.

10 A. But I just thought that, you know -- they lied all
11 about Trump, saying that he's a bad guy, he's a racist, and
12 a horrible President and all this. So, no matter what they
13 did to defeat him, it was justified. Cheat, lie, steal,
14 whatever, Trump is (indiscernible) bad, bad, and all that,
15 right?

16 So we saw that Joe Biden doesn't have a lot of
17 support. He didn't rally, he didn't have people going to
18 his rallies, and yet he -- it was a landslide victory for
19 him. And it just -- you know, it doesn't take -- you don't
20 have to be that bright to see that it's -- it was --
21 something wasn't right and it was rigged. And there's all
22 these people saying, stop the steal, and --

23 BY AGENT ELIAS:

24 Q. So when did you -- you started going to the
25 rallies, like, when?

1 A. I think in August.

2 Q. And is that the same time when you started
3 following InfoWars or was --

4 A. Oh, no.

5 Q. InfoWars was (indiscernible)?

6 A. No, no. I've been following InfoWars for 2008,
7 2009, maybe.

8 Q. Oh, okay. So a long time, right? Yeah. Yeah.

9 A. But he's the one -- Alex Jones and InfoWars were
10 the ones who kind of put it out there, you know, that
11 there's other news that's not on the TV --

12 Q. Yeah.

13 A. -- that they don't want you to -- you know?
14 There's a half hour of news and they got to put weather and
15 sports in there. They don't tell you what happened in the
16 day or --

17 AGENT ARMENTA: Yeah.

18 MR. RODRIGUEZ: You know, they don't tell you a
19 lot of things. So it was just to seek information is what
20 it was. I was trying to find the truth and answers. And
21 when I thought I found the truth and answers, I thought it
22 was up to me to -- I don't know. I just -- it's like when,
23 like -- there's a saying, like, to know better is -- knowing
24 better -- to know better is to do better, you know?

25 So it's like, okay, I know what's going on and

1 nobody's -- I have friends that aren't going to the rallies.
2 They like Trump, but they're not involved. I have, you
3 know -- my mom, she supports Trump, but she's not getting
4 anybody on his side. She's not arguing about him. I'm
5 like, well, I can do this. I can go talk to people and try
6 to bring them -- like, educate them and -- you know?

7 Because they really are -- they were killing Trump
8 supports, shooting them in the head and beating them up in
9 school and the public, everything, right? So it's like -- I
10 kept thinking that we were going to go to, like, a civil war
11 and it's going to go hot and we're just -- it's all going
12 to -- you know? I don't know.

13 I didn't know -- we didn't -- nobody knew, so we
14 just thought that it was going to -- we were preparing for
15 the -- we're trying to save the country. We thought we were
16 saving the country. I thought I was helping to save the
17 country.

18 BY AGENT ELIAS:

19 Q. So you started going to the rallies in August of
20 2020; is that right?

21 A. Yes, sir.

22 Q. And those were all the Trump rallies in, like,
23 Huntington Beach, like Enrique was saying, or --

24 A. I would go normally regularly to the Beverly Hills
25 rallies.

1 Q. Okay.

2 A. And I went to some Huntington Beach rallies and
3 then I would so some, you know, like, Garcetti's house
4 or wherever -- I don't know. I just -- it was whatever --
5 somebody made a flyer and then we go and get a flyer and
6 then we'd go.

7 Q. What was your --

8 AGENT ARMENTA: Who would you --

9 AGENT ELIAS: Go ahead.

10 AGENT ARMENTA: Oh, sorry.

11 BY AGENT ARMENTA:

12 Q. Who would you usually go with?

13 A. I would just go by myself, really.

14 Q. Is that how you got into it? You just saw a flyer
15 and then --

16 A. I think everybody -- well, I saw it on Armen Rezz.
17 I think he was, like, on Facebook.

18 Q. Okay.

19 A. And then I just, by accident, got, like, a
20 recommendation. I had been to that park years ago when
21 Trump came to town in 2016 and in that park in Beverly Hills
22 called Beverly Gardens, it was a Trump protest. There was a
23 thousand anti-Trump people there and showed up. There was,
24 like, four, five, six of us that were for Trump. So that
25 park wasn't new to me.

1 I actually went there and I stood -- I argued with
2 200/300 people there for eight-and-a-half hours, nine hours
3 without water or food, and I just annihilated every single
4 one of them. I just beat every -- 200/300 people arguing
5 against Trump and I just didn't have anything, and I thought
6 that that was, like, one of my greatest days of my life and
7 I thought it was something that I needed to be doing.

8 I had a lot of answers and information, and I was,
9 you know -- because, like I said, I really thought that it
10 was going to be, like -- a lot of us thought that it was
11 going to be, like, a civil war. Like, there was going to be
12 straight on, like -- like the original civil war, you know,
13 like, almost. You know, like, brothers and sisters and
14 fathers and -- you know? Everyone's fighting each other,
15 right?

16 So in my mind, I felt that the more people we --
17 before it gets to that point, the more people I can educate
18 or bring over or just make them neutral or see that, you
19 know, I'm a Trump supporter and they're lying about us, you
20 know? And, you know, talk to me or -- you know, I was just
21 trying to make it better if I -- in any way I could. You
22 know, one person at a time. And that's why I would go to
23 the rallies and I would try to find the most angry person or
24 the most trouble -- the biggest troublemaker or whoever,
25 like, you know, from the -- whatever.

1 And I would try to talk to them or, like, you
2 know, find some common ground. And that's essentially what
3 I was just trying to do is just trying to essentially
4 campaign. I was just campaigning at a rally -- at rallies
5 and -- on my own and, really, that's how
6 everybody --everybody just showed up at those rallies by
7 themselves and we all just started talking to each other
8 every now and then.

9 Q. You had that one thing to bring you together and
10 kind of --

11 A. Yeah, yeah.

12 BY AGENT ELIAS:

13 Q. When did you become convinced that there was going
14 to be a -- like, a civil war?

15 A. Well, it was always looming in the back of our
16 minds, you know, because -- I mean, it almost happened with
17 Hillary and Trump because we felt -- see, the big -- the
18 Trump movement happened then with Hillary in 2015/2016 and
19 everything, so we all thought that there was going to be
20 civil war then. We all didn't trust Obama.

21 We're learning about, like, Jade Helm and the FEMA
22 camps, you know? Why are they ordering all these body bags
23 and what's all this military movement and, you know, these
24 plastic coffins and, like, there's just hundreds of
25 thousands, you know? So it started, like, triggering

1 reactions in my mind that, like, you know, this country
2 is -- I mean, that's how Rome fell. Rome fell from within,
3 right?

4 Q. Sure.

5 A. I mean, it was -- so, it's like, now the people in
6 America are -- it's being infiltrated and they're taking it
7 down from within.

8 BY AGENT ELIAS:

9 Q. So Trump became President --

10 A. Trump became President --

11 Q. -- and you wanted to join the Army in response to
12 him, like --

13 A. Yeah.

14 Q. -- becoming President?

15 A. I actually did, yeah. Yeah.

16 Q. That's cool.

17 A. Yeah. I actually went to go to the recruiting
18 office and try to join. And at that time, Trump was still
19 seen as, like, not a good person. Like --

20 Q. Right.

21 A. Well, it was at the very beginning and I went in
22 there with my -- I volunteered for Trump. I even -- I did
23 door-to-door and everything. I went in there to the
24 recruiting office with my Trump shirt and --

25 Q. Okay.

1 A. -- I got some weird looks. And I was like, man,
2 you guys just -- you guys are not for Trump here? Like, I
3 don't get it. But they just didn't follow politics.

4 Q. Yeah.

5 A. And --

6 Q. I mean, that's super noble, like, that you feel so
7 compelled to volunteer for the Army because, you know --
8 that you're motivated because the President was elected.

9 AGENT ARMENTA: Kind of inspired you, right?

10 MR. RODRIGUEZ: Yeah. Yeah, yeah. What's the
11 questions? Yeah.

12 BY AGENT ELIAS:

13 Q. Yeah. So I guess what I was going to ask you is,
14 you know, at some point you thought there'd be a civil war.
15 Was that -- did that become more real to you in 2020?

16 A. Well, when they said that Joe Biden won the
17 election and I saw a lot of video footage of them, like,
18 stealing, like, pulling the --

19 Q. The suitcases underneath the table and all that?

20 A. Yeah, yeah. And there was, like, postal workers
21 giving testimony about, you know, this -- my supervisor told
22 me this and this is not normal and all these ballots and
23 this and that. So we knew that our system was not --
24 there's no point in voting anymore. That it's over.

25 That what made this country great and you vote and

1 it's a -- and you elect your President, we can't even do
2 that anymore. Like, they saw that -- I think what I -- my
3 beliefs are that an overwhelming number of people came out
4 to vote for Trump and he actually did win that election, the
5 popular vote and the electoral vote.

6 And I think that they saw that he was just so
7 popular and he's not going to lose this next -- his re-
8 election because the economy's so strong and the virus and
9 the -- it's, like, the -- I think the virus is -- was meant
10 more to kill the economy than to kill people. It was really
11 hurting his reputation, you know, because he has a ego and a
12 big reputation for being a business man and all that and
13 then they just want to blame him for -- anyway.

14 They made sure that the election was lost and
15 there's no point in voting anymore, so it's like -- I'm
16 thinking they're going to come, like, you know -- they're
17 going to come round us up.

18 Q. The Trump supports?

19 A. Yeah. We felt -- we always felt that the Trump
20 supporters were going to get rounded up, even when it was
21 Hillary.

22 Q. Sure.

23 BY AGENT ARMENTA:

24 Q. I mean, I'm thinking right now, like, that's kind
25 of a scary thought, right? To, like, feel like you're going

1 to be rounded up for what you believe?

2 A. It's reality.

3 Q. You know? Yeah. It's scary, right? What kind
4 of -- what'd you guys do to kind of prepare for that or,
5 like -- because if it was me, I just would -- I wouldn't
6 just let that happen, right?

7 A. What do you mean?

8 Q. Like, you know, if you feel like you're going to
9 be rounded up for what you believe, you know, what did you
10 to kind of defend yourself?

11 A. Well, there's not much I could've done. I mean, I
12 don't have a -- I'm not financially stable that I couldn't
13 be home. I don't really have anywhere to go. So you're
14 saying, like -- I could've been homeless and been living in
15 a tent or something. You guys wouldn't have found me.

16 BY AGENT ELIAS:

17 Q. Well, did you bond together with any of the other
18 Trump supporters to try to figure out, like, how are you
19 going to --

20 A. No. I don't talk --

21 Q. -- make a game plan, or --

22 A. I was afraid of everybody. No. I didn't talk --
23 I really didn't want to tell anybody anything about what
24 happened.

25 BY AGENT ARMENTA:

1 Q. Because when I think about, like, defending or --
2 because I know you were --

3 A. Did we -- did I plan with somebody else to do
4 something? No. Did we make plans? Did we organize and --
5 no. Which is -- it was all by, like --

6 Q. Well, I'm just -- I'm asking about -- because you
7 were attacked, right? At a protest? Antifa folks that
8 attacked you? Was it, like, in Beverly Hills or something
9 like that?

10 A. I mean, what do you mean, attacked?

11 Q. Like they fought you.

12 AGENT ELIAS: Assaulted you.

13 AGENT ARMENTA: Assaulted.

14 MR. RODRIGUEZ: No.

15 BY AGENT ARMENTA:

16 Q. That never happened?

17 A. I don't think so.

18 Q. Did it happened to people you know?

19 A. Think you're talking about something else. What
20 are you talking about?

21 Q. Well, I'm just asking because I know there have
22 been clashes with Antifa and some conservatives at protests.
23 You know, just kind of like the example I gave earlier. And
24 some of them have been violent, like, Antifa has been
25 violent. Like, would you not agree?

1 A. Yeah. But, like, I'm not going to incriminate
2 anyone that I know that's on my side.

3 Q. I'm not asking you to incriminate anyone. I'm
4 just saying, have you seen Antifa be violent in protests?
5 You have, right?

6 A. (Nods head.)

7 Q. So I'm just concerned, like, if I see that, then
8 I'm going to prepare myself for that situation.

9 A. No. No, I didn't. Did I buy any body armor or
10 anything? No. Helmets or -- no. Because I felt my
11 words -- I felt that -- this might sound weird to you guys,
12 but I would pray for -- to God to give me the words and the
13 wisdom and the -- direct me to the right path and to protect
14 me and to help to just give me the words to help other
15 people and to open their eyes.

16 And I felt like I was -- I didn't need to be -- I
17 never -- every single time I faced Antifa or BLM, I never
18 once had any feeling ever of, like, fighting them or being
19 aggressive or angry or stabbing someone or anything like
20 that. I saw them as just confused or brainwashed or
21 manipulated or stupid or something that they -- I just
22 needed to talk to them and try to get to them. And I -- it
23 was never a physical --

24 Q. They never tried to assault you or to hurt you?

25 A. They did. They did. They tried to antagonize me

1 and, you know, like, slap me or try to steal my hat or
2 something like that or push me or threaten me or posture up
3 to me or whatever. But I'm not a --

4 Q. Well, how'd that make you feel like, because you
5 can only take --

6 A. It made me feel like I was doing something good.
7 It make me feel like I was doing the right thing. For the
8 wrong -- for the bad people to be against me, I felt that
9 that was great.

10 Q. Okay.

11 A. I felt that --

12 Q. That make sense.

13 A. -- when the -- and when the enemy is after you and
14 they don't like you, you're doing something right.

15 Q. Right.

16 BY AGENT ELIAS:

17 Q. Danny, I got to tell you, your story's kind of
18 similar to actually some -- with the exception of you, where
19 you're at presently today, I have some friends who felt very
20 similar to you. They felt like the 2020 election was
21 stolen. They felt like Trump had won and won righteously.
22 And that it was just a matter of time before that would be
23 found out, that -- or the government that took over post-
24 Trump would round people up.

25 A. Yeah. That's Q.

1 Q. And in response to that --

2 A. You're talking about QAnon and all of that.

3 Q. Yeah. Some of that is Q stuff, for sure. And in
4 response to that, people did a lot of things. They went out
5 and they made preparations for their family. They had
6 bugout bags. They did all sorts of stuff. Was there any of
7 that kind of stuff that went on for you?

8 Like, did you make any preparations thinking,
9 like, the Government's going to come round me up. I need to
10 get a bugout bag or I need to, you know, buy extra food and
11 store it up because we might be hunkered down here at home
12 for a while.

13 A. If I was financially well off, I -- yeah, I
14 probably would've did more --

15 Q. Yeah. It just didn't happen?

16 A. I just don't have the means.

17 Q. I see. So you go to the rallies in August --

18 A. All my extra money went -- goes to -- was going to
19 gasoline to get a rally.

20 Q. Yeah. So you go to the rallies from August
21 through the election, right? And then the election occurs,
22 and it looks like Biden wins and the election looks stolen.
23 Fill us in the gap now. That's, like, mid-November of 2020.
24 How do you get to January 6th? Like, how -- what else
25 happens in that period of time?

1 A. Trump called us. Trump called us to D.C.

2 Q. Tell me about that. How did he let you guys know
3 to come to D.C.?

4 A. If he's the commander in chief and the leader of
5 our country, and he's calling for help -- I thought he was
6 calling for help. I thought he was -- I thought we were
7 doing the right thing. I thought we were just -- I had no
8 plans of what was going to happen. I didn't know what was
9 going to happen. I'm not a leader of anybody. And I just
10 had I thought what was good intentions of going and being
11 involved and being a part of and joining whatever --

12 I didn't know what was going to happen. I really
13 didn't. I've never seen him talk. I felt it was the last
14 time that I was going to be -- that I could see the
15 President talk. He doesn't come to California and do
16 speeches. I've never seen him in-person speak, so I wanted
17 to go see him speak. He called for his supporters.

18 If I'm his supporter that's rallying for him
19 every weekend and I volunteer for his campaign and I'm out
20 there arguing, I'm on social media, I'm wearing his gear.

21 Q. Sure.

22 A. I was like, I need to be there. And when his
23 speech was over, I went to the metal detectors because they
24 took my megaphone away. I had to leave it there. And so I
25 went back, and I went to go to the area where everybody was

1 dropping their stuff off in the grass, and I grabbed my -- I
2 found it.

3 And I heard some girl telling another girl, oh, my
4 mom just sent me this on the -- on Facebook. It says that
5 they're storming buildings in D.C. And that's what she was
6 telling her friend and I overheard, and I was like, huh? So
7 the whole crowd is marching to the Capitol, and I just
8 followed the crowd.

9 And then when we got there, it looked like it
10 was -- there was a ton of people already going -- like,
11 there was, like, already, like, a green fence that was torn
12 down because I remember, like, walking past some fence that
13 was -- there as clearly a lot -- there was -- I was clearly
14 not in the beginning. There was a lot of people that were
15 there already, and they were trying to get in.

16 And I didn't -- there's no leaders. There's no
17 playbook. There's no guidance. There's just -- it's just
18 you don't know what's going on. You just see what's -- you
19 just look around, and you got people over here singing a
20 song or doing an interview, waving their flags. And then
21 you go up to the Capitol Building and they're getting
22 sprayed in their eyes and just -- it's totally, like, chaos
23 and havoc and all this stuff. And then like -- so, it's,
24 like -- it's, like, a whole mixture of everybody.

25 And it's like if you wanted to get in the

1 building, you were over there with those people. If you
2 wanted to do an interview, you're over here with these
3 people.

4 AGENT ARMENTA: I'm kind of curious, Danny,
5 just -- how did you get to D.C. to begin with? Like, did
6 you fly? Did you drive? Did you take a bus or a train
7 or --

8 MR. RODRIGUEZ: I'd rather not say because I
9 don't -- if you guys don't know, I don't want to get anyone
10 in trouble.

11 AGENT ARMENTA: Well --

12 BY AGENT ELIAS:

13 Q. Okay. Well, then, go back to explaining your
14 position and -- you followed the people past the green fence
15 and --

16 A. Yeah. I just --

17 Q. Where did you end up? Did you end up in the
18 interview side or did you end up in the people going into
19 the Capitol side?

20 A. I ended up going up to the -- up the scaffolding
21 to the top.

22 Q. Where the flag was draped?

23 A. (No audible response.)

24 Q. There was a big flag. Very tall scaffolding for,
25 like, where the media was going to have cameras set up.

1 That one? Or did you go up to the façade, the face of the
2 building?

3 A. It was -- it's the part where -- you know where
4 they do the inauguration, the -- like, the little balcony?

5 Q. Yep.

6 A. To the left of that, there was a big
7 scaffolding --

8 Q. Okay.

9 A. -- in the middle that stuck out.

10 Q. Yep.

11 A. I just went up that.

12 Q. And then what?

13 A. And that's how I got to the top, and I just kind
14 of hung out there for a while and soaked it in and just
15 looked around and seen what was going on.

16 Q. And then what happened? At some point, you got to
17 the Capitol steps.

18 A. Yeah. I went up to the Capitol steps and I was
19 there for a little while, left, and then I came back again.
20 Just walked around and just kind of saw what was going on.

21 Q. And you think that's why we're -- you're here
22 today? Just because you climbed the scaffolding?

23 A. No. You guys kind of told me. That I assaulted a
24 officer.

25 AGENT ARMENTA: And you don't want to talk about

1 that?

2 MR. RODRIGUEZ: No.

3 BY AGENT ELIAS:

4 Q. Because I tell you what. Everybody else is going
5 to talk about that.

6 A. Yeah. I'm pretty ashamed.

7 Q. I mean, the -- like Enrique said, there's a story
8 that's being written about Danny Rodriguez and right now
9 D.C. has told that story to a judge. And the court of
10 public opinion has a story from the Huffington Post, has a
11 story from Waterspider on Twitter, from Antifa and BLM.
12 They're telling the --

13 A. You guys have probably seen --

14 Q. -- Danny Rodriguez story.

15 A. -- my videos. I mean, I don't know all these
16 videos.

17 AGENT ARMENTA: Chad Loder, Desertborder --

18 MR. RODRIGUEZ: Yeah.

19 BY AGENT ELIAS:

20 Q. They're all telling the Danny Rodriguez story.

21 A. I haven't seen any of those.

22 Q. But here's your opportunity to tell us your story.

23 A. My story is just that we thought that we were
24 going to save America, and we were wrong.

25 Q. At some point, you ended up on the Capitol steps

1 with a taser in your hand. And somehow you felt what you
2 were doing was the right thing to do. Somehow you were
3 maybe misled. Maybe that call that the commander in chief
4 gave was that strong call that tugged on your heart and
5 said, now's the time to protect your country, to be a true
6 patriot.

7 A. Yeah.

8 Q. And you got up there with a lot of gusto and a lot
9 of desire to be a true patriot, but the problem that we have
10 right now is we only get one side of the story. And my
11 words aren't going to be the story that writes Danny
12 Rodriguez's story. And you had asked earlier about how do
13 you help yourself out of this situation.

14 And if you really want to help yourself out, you
15 tell us a hundred percent the truth. And you let the U.S.
16 Attorney's Office in D.C. know that you're willing to
17 cooperate with and explain to them everything that happened
18 and take responsibility, because I've done this game for a
19 long time as a law enforcement officer, so I'm going on
20 23 years. And everybody that I know that I have worked with
21 where they have stepped forward and told the courts and told
22 the prosecutor, look, I take responsibility, the judge looks
23 at that favorably.

24 In fact, the law says that we have to take in
25 consideration your cooperation, if you cooperate. And

1 your -- and any attorney would tell you that. And so, all
2 we can do right now is -- we're in a position to make a
3 recommendation to tell the prosecutor, look, here's the
4 Danny Rodriguez that we heard and here's the Danny Rodriguez
5 that told us his story. He told us what happened.

6 He told us his point of view, and he shared with
7 us and he wants to come forward and he wants to explain
8 everything. But right now, you're kind of leaving us in a
9 lurch right now because we're -- we don't know the story.

10 A. What am I leaving out?

11 Q. Well, you're not telling us about how you ended up
12 on the Capitol steps, in the tunnel, how Officer Fanone got
13 pulled out.

14 A. I don't know how he got pulled out. I came up --
15 I walked back up -- I think I left. I was in the tunnel and
16 they were, like -- there was --

17 Q. Were you there when they were doing the heave-ho
18 and squeezing that officer?

19 A. That's when I got out of there because they were
20 smashing me. And I think they were -- somebody else in --
21 okay. So somebody else right in front of me got pepper-
22 sprayed right in the -- like, right in their eyes. I've
23 been pepper-sprayed and it's freaking bad. And he --

24 Q. Were you pepper-sprayed there at the Capitol?

25 A. Oh, no, no.

1 Q. Okay. This is a previous time.

2 A. Yeah. I was pepper-sprayed by BLM. They had a --
3 oh, excuse me. Excuse me. They had this -- there was this
4 guy in front of me. So everybody -- man, it was just so
5 tight. Like, you could not breathe. Like, there was just
6 people pushing you. Like, you -- like, I'm in the tunnel,
7 but I'm not pushing. I'm getting squished.

8 There's a guy in front of me who got sprayed and
9 he got his body turned around, so he's facing me, but he
10 can't leave. Like, he's getting squished, and he's blind
11 and he's facing the wrong way. And I'm looking at him and
12 I'm trying to pull him out of there. So I pull them out of
13 there and I left. I left the tunnel when the heave-ho was
14 going on. That's when I got out of there because I was
15 getting squished.

16 Q. Did you participate in that heave-ho, though?

17 A. No. I'm getting squished.

18 Q. Okay.

19 A. No, the people --

20 Q. You didn't say heave-ho or anything like that?

21 A. No.

22 Q. You weren't part of that?

23 A. No. The heave-ho was coming -- I think the --
24 okay. So what I learned from the heave-ho later on was -- I
25 don't know if this is true or not, but I think they were

1 doing heave-ho to smash an officer.

2 Q. That's what it appears on the video.

3 A. Okay. So when they were doing the heave-on, when
4 it was -- when I was in there and that was going on, I
5 didn't know that. I thought they were -- it was not for --
6 what I learned, I think, afterwards was there was a cop in
7 the side by a door or something.

8 Q. Yeah.

9 A. And he was getting squished. And I didn't -- I
10 don't know if that's what they were -- they were trying to
11 smash him or not. But in the -- there's, like -- the
12 officers had shields and, like, a -- they were on a -- I
13 don't know how deep that -- I don't know how many of them
14 there were --

15 Q. In the tunnel?

16 A. -- and if they could hold us back. But there were
17 so much patriot -- like, there were so many people pushing
18 on me --

19 Q. Yeah.

20 A. -- that I don't know -- that I was getting my
21 lungs crushed, so I couldn't breathe.

22 Q. Yeah.

23 A. So the -- I don't know how they were able to hold
24 us back.

25 Q. Yeah.

1 A. But that's when I got out of there. I pulled that
2 guy out of there and I got out of there because I couldn't
3 breathe and that guy was sprayed, and then that's when --
4 and I think I took, like, an hour, half hour, or something
5 break.

6 Q. And then you went back up the steps?

7 A. I went back up the steps and they were pulling
8 someone out and I didn't know what -- who they were pulling
9 out. I thought it was one of the Trump supporters they were
10 pulling out. And then I saw who it was. It was some kind
11 of officer.

12 Q. Yeah. So what happened?

13 A. So you saw the video what happened, I did.

14 Q. Yeah, but --

15 BY AGENT ARMENTA:

16 Q. Danny, this is -- like my colleague said, this is
17 your opportunity to tell us --

18 A. I'm so, like, embarrassed and ashamed of that.

19 Q. The way you can help yourself is by being
20 completely honest with us, okay? And that means not leaving
21 things out, okay? Do you know what a lie of omission is?

22 A. What's a lie and omission?

23 Q. Lie of omission is kind of like if I ask you a
24 question and I don't ask you, like, the direct question.
25 Like, when's the last -- if I'm selling you a car and I'm

1 saying -- and I'm buying a car from you and I say, when's
2 the last time the car's been serviced? And you're like, oh,
3 it was serviced last week. It's good to go. But you didn't
4 tell me that when it was serviced they found out the
5 transmission was shot, tires were bad --

6 A. Okay.

7 Q. -- all this stuff. So those are, you know, facts
8 that I would want to know and what I was trying to get at.

9 A. (Indiscernible).

10 Q. You didn't necessarily lie, but it's a lie of
11 omission because you left key facts out.

12 A. No. I just came up to the steps again, and I saw
13 them pulling him out, and I tased him.

14 BY AGENT ELIAS:

15 Q. How many times did you tase him?

16 A. Oh, just once.

17 Q. Where'd you tase him at? Like, on his body.
18 Where?

19 A. Neck.

20 Q. In the neck? Did you do it twice?

21 A. No. No, for sure --

22 Q. Because the video shows it twice.

23 A. No. No. The video -- if the video shows it
24 twice, it's a replay or something.

25 Q. So you just did it once?

1 A. Yeah.

2 Q. Why did you tase him?

3 A. He was struggling with these -- I didn't know what
4 they were going to do to him, but I just, you know -- I
5 thought that he was going to, you know -- I don't know. I
6 really don't know exactly why I tased him.

7 Q. So I want you to think in your mind that -- my
8 partner and I, we got here to talk to you and it's not
9 January 7th. It's not January 10th. It's March 31st. What
10 do you think we've been doing between January 6th and
11 March 31st?

12 A. Rounding people up?

13 Q. No. We've been focused on you. We've been trying
14 to figure you out and we know a lot about who your friends
15 are. We know a lot about how you got to D.C. We know a lot
16 about how you spent your money before you went to D.C.
17 and --

18 A. Can you share any of this with me?

19 Q. Well, here's the deal --

20 A. What do you mean, how? What money do I have?

21 AGENT ARMENTA: What he's trying to say is that we
22 know about 99 percent of the questions that we're asking
23 you. So that there's -- that it's completely clear and all
24 our cards are on the table, that it's really important that
25 you be completely honest with us and tell us everything,

1 especially without us saying that -- these facts and then
2 you later agreeing to them. It looks better if you just
3 give us those facts.

4 MR. RODRIGUEZ: Okay.

5 BY AGENT ELIAS:

6 Q. We're not trying to trick you. We just want you
7 to put your -- everything on the table. And I don't want it
8 to be -- we're not -- if we're going to put all cards on the
9 table, I'll tell you right now, there's other people today
10 that are being talked to and the -- remember we talked about
11 the story that's being written by -- about Danny, right?

12 Danny gets to choose if he writes a story today
13 with us. But right now, the story that's being told is by
14 D.C. -- is by Antifa, BLM, and the Huffington Post, and is
15 going to be told by the people that we're talking to today
16 that choose to talk to us. And they may tell a story about
17 the Danny Rodriguez. So if you're making things up or
18 you're leaving things out, that puts us in a bad spot
19 because we can't go to the prosecutor and say, no --

20 A. No, I didn't make anything up.

21 Q. -- Danny's a standup guy.

22 A. I haven't made anything -- I haven't lied or made
23 anything up.

24 Q. Okay. Well, but why do you think we're bringing
25 this up to you about lying and making things up or leaving

1 things out?

2 AGENT ARMENTA: Or lies of omission.

3 BY AGENT ELIAS:

4 Q. We're bringing that up because we want to give you
5 a chance right now to clear that up with us, clear that
6 space up with us. We know that you had a taser.

7 A. Someone gave me a taser there.

8 Q. Someone at D.C.? Or before you got to D.C.?

9 A. No. A stranger.

10 Q. A stranger?

11 A. It was actually a stranger.

12 AGENT ARMENTA: Are you lying to us, Danny?

13 MR. RODRIGUEZ: No.

14 AGENT ELIAS: You know it's a separate crime to
15 lie to a federal agent.

16 MR. RODRIGUEZ: Okay. I mean, I'm not lying.

17 BY AGENT ARMENTA:

18 Q. Just so you know, it's -- it is -- it's a crime to
19 lie to us, okay?

20 A. I asked --

21 Q. And that's -- that could be a separate charged.

22 A. -- if anyone had a taser (indiscernible) and they
23 did. I said, we need a taser.

24 Q. Who gave you a taser?

25 A. I don't know. I really don't know. And they

1 didn't get it back. Like, I turned -- I tried to give it
2 back and then I kept it. Well, I don't have it now.

3 AGENT ELIAS: (Indiscernible).

4 MR. RODRIGUEZ: (Indiscernible).

5 AGENT ARMENTA: Well, let me stop you right there.

6 MR. RODRIGUEZ: I threw it away.

7 AGENT ELIAS: Where?

8 MR. RODRIGUEZ: When I came back from D.C.

9 BY AGENT ARMENTA:

10 Q. Like my colleague was saying, there are other
11 be -- people being talked to right now, okay? That are
12 talking to other agents like us and they're telling us their
13 story. And --

14 A. Who are you guys talking to? The people that I
15 know, you're saying?

16 Q. And, Danny, it shouldn't matter to you because
17 you're being completely honest with us, right?

18 A. Yes.

19 Q. So it shouldn't matter who we're talking to or
20 what information they're giving us.

21 A. Right.

22 Q. And I'm saying that because it is absolutely
23 important right now, all cards on the table. I don't want
24 any confusion for you right now, okay? It is imperative
25 that you be completely honest with us, because all those

1 people are going to say something, right? And they're going
2 to tell a story.

3 They're going to tell their version of the story
4 and what happened. And if their version matches up and it's
5 not what yours is, there's going to be a problem, right?
6 And right now, you're the one looking at -- you're in the
7 most trouble right now, okay? I think you understand that
8 already.

9 A. Yeah.

10 Q. So who do you think D.C. is going to look at when
11 those stories don't match up?

12 A. (No audible response.)

13 Q. So I say that because I need you to be completely
14 honest with me.

15 A. Nobody. I don't have anybody else to --

16 AGENT ELIAS: Okay.

17 MR. RODRIGUEZ: I was there by my -- I mean --

18 BY AGENT ELIAS:

19 Q. All right. Let's bust the bubble for a minute.
20 Let's talk about the van trip from LA to D.C.

21 A. Okay.

22 Q. Who was in the van with you?

23 A. We had some strangers go with us that we met and
24 there was --

25 Q. Strangers that were in the --

1 A. There was --

2 Q. -- Patriots 45 MAGA --

3 A. In the --

4 Q. -- chat group?

5 A. After. Yeah. We met them through the -- on that
6 day, though. So there was people that went with us that
7 just wanted to go to D.C. that wanted a --

8 Q. Like who?

9 A. There was a woman named Marci (ph.). There was a
10 guy named Al. There was a guy named -- Marci, Al -- you
11 know my friend, Edward. And Andy. The Asian guy, Andy.

12 Q. Okay. Tell us about those people.

13 A. I haven't talked to them since.

14 Q. Okay. That's not what I said.

15 A. Okay. So Andy was a friend of some woman that
16 went to the rallies and she recommended him, and Andy never
17 been to a rally before but he really was a Trump supporter
18 and wanted to go to D.C., so he went with us. Marci was,
19 like, a older lady and she also was a Trump supporter and --
20 I don't remember anything really about Marci. She was
21 just -- she's, like, a Hispanic lady, older. I don't know
22 nothing really else about her.

23 Al, we picked him up in Scottsdale on our way. He
24 needed a ride, too. They're just regular people. They're
25 not extremists or they didn't make -- like, they weren't

1 trying to do anything crazy. They didn't do anything when
2 we went.

3 Q. What about Ed? You mentioned Ed.

4 (Indiscernible) --

5 A. Edward and I are not talking anymore.

6 BY AGENT ARMENTA:

7 Q. Why not?

8 A. We had a falling out. I ended up talking to his
9 ex-girlfriend after the trip, so me and him are not friends
10 anymore.

11 Q. That Frischkorn?

12 A. Um-hmm. Is she going to be in trouble?

13 AGENT ELIAS: Danny, you need to concern yourself
14 with yourself right now because my concern is you -- as much
15 as you're holding back from us right now -- because you know
16 we know all the names. You know we've looked at your phone
17 records, your bank records, we -- and we've done it with
18 everybody else, so why hold back?

19 AGENT ARMENTA: You're making it really hard for
20 us to help you.

21 MR. RODRIGUEZ: What am I holding back? I told
22 you about the van.

23 BY AGENT ELIAS:

24 Q. Let's go back to the Patriots MAGA 45 group. Is
25 that what it was called?

1 A. Patriots MAGA 45. On the Telegram?

2 Q. Yep. Let's talk about Telegram.

3 A. There was a couple of groups on the Telegram and I
4 don't remember the names.

5 Q. Okay. How'd those start?

6 A. One of them Edward started and that was --

7 Q. What was that one called?

8 A. I don't know. I changed the name of that one. I
9 think it was called MAGA Gang.

10 BY AGENT ARMENTA:

11 Q. You were an administrator for that one?

12 A. Yes.

13 Q. What was the purpose of that group?

14 A. I think just to stay in communication in case
15 civil war or something. I don't know. I didn't start it.
16 I was just -- it's just -- it was just people from our --
17 that we would meet and, you know, try to make a circle of
18 friends, likeminded individuals, you know? People that you
19 can trust, I guess, like, to count on or you ever needed
20 help or talk about politics or get some stuff off your
21 chest. As far as I know.

22 I mean, that's what Telegram is, is just -- it's
23 just a bunch of people that -- trying to find -- because if
24 you go to Facebook, it's -- I mean, Telegram's more of a
25 safe place.

1 AGENT ELIAS:

2 Q. Why?

3 A. Because it's not -- it's more private. It's
4 not -- what do you call it? You can share videos and things
5 on there. And if you put it on Facebook, it won't go
6 through or it won't share --

7 Q. Sure.

8 A. -- or it'll get taken off or something gets
9 censored, so it's, like -- it's less censored.

10 Q. So who was in this MAGA Gang group?

11 A. There was a lot. At one point, there was, like,
12 30 or more than 30.

13 Q. Okay.

14 A. And right now, there's probably in the 20s.
15 People will come and go or -- and I don't know all of them.
16 I really don't. I don't know a lot of those people. And
17 some of them maybe I do know or I've seen their face or I
18 don't know their name or maybe I only know their name or not
19 the -- like, I don't --

20 Q. Who do you know that's in that group? Who do you
21 know?

22 A. Edward.

23 Q. What's his last name?

24 A. Badalian.

25 Q. And who else?

1 A. I'd have to see the group.

2 AGENT ARMENTA: Come on, Danny.

3 MR. RODRIGUEZ: No --

4 AGENT ARMENTA: Just who's --

5 BY AGENT ELIAS:

6 Q. Kayla (ph.) in there?

7 A. Yeah, probably. Kaylin (ph.).

8 Q. Kaylin?

9 A. Um-hmm.

10 Q. Okay. Who else?

11 A. Oh, there is a Kayla. There is a Kayla.

12 Q. Are both of them in there? Kayla and Kaylin?

13 A. Probably.

14 Q. What about Andy?

15 A. Yeah. Andy got added afterwards. Edward added
16 Andy as administrator.

17 AGENT ARMENTA: What about Mellow (ph.)?

18 MR. RODRIGUEZ: Mellow went with us. I don't
19 know --

20 AGENT ELIAS: What's Mellow (indiscernible) name?

21 MR. RODRIGUEZ: -- a lot about Mellow. Mellow is
22 somebody who -- he's not on Telegram. I tried messaging him
23 before and he doesn't respond, and he'll just show up to the
24 rally sometimes. I met him because, like, he's, like, a
25 friend of a friend. He's, like, a little, short French guy

1 and, like, real easy to get along with.

2 BY AGENT ARMENTA:

3 Q. Whose friend is he?

4 A. He was, I think, this girl named Lisa. She went
5 by Lisa Simpson, but she doesn't live around here anymore.

6 Q. Okay.

7 A. You know Lisa Simpson?

8 Q. Um-hmm.

9 A. So Lisa Simpson, she was, like, a big personality
10 and friendly, you know? Just like -- okay. So I met her
11 and then it's like friends of her -- she has other friends.
12 And you get, like, a -- you know, this person's -- you meet
13 people through other people at the rallies and --

14 AGENT ELIAS: Was Lisa in the MAGA Gang group.

15 MR. RODRIGUEZ: I think at one point.

16 AGENT ELIAS: Okay.

17 BY AGENT ARMENTA:

18 Q. Who else was in it that you can think of?

19 A. Enrique. Enrique's a good friend, but he never
20 went -- he never go to D.C. and he doesn't get in trouble.
21 He's a good guy. There's a lot of people that -- Chris
22 Almonte. He's a really good guy. He's not part of
23 anything, like, that you guys would want him for.

24 Q. Did he go to the Capitol?

25 A. Yeah, he did. But he wasn't -- he's one of those

1 nonconfrontational, just not arguing with people, and just
2 hanging out kind of guy. That's who was in the van.

3 AGENT ELIAS: So in the van was who again?
4 Because we were going over the MAGA Gang, so let me go over
5 the van.

6 MR. RODRIGUEZ: Okay. The van is Marci, Andy,
7 Edward --

8 AGENT ARMENTA: Do you have last names, too?

9 MR. RODRIGUEZ: Marci, no. Edward Badalian. Al,
10 I don't know his last name. Who else was in the van?

11 BY AGENT ELIAS:

12 Q. Lisa Simpson?

13 A. No. Lisa wasn't in the van.

14 Q. Kaylin?

15 A. No. She wasn't --

16 Q. Chris Almonte you said, yes?

17 A. (No audible response.)

18 Q. Enrique?

19 A. No. None of those people were in the van. Those
20 are the people from the --

21 Q. Okay.

22 A. -- Telegram. (Indiscernible) --

23 Q. Who rented the van?

24 A. It was Edward.

25 BY AGENT ARMENTA:

1 Q. And you said Mellow was, too?

2 A. Mellow was in the van.

3 Q. Mellow was in the van? And Kayla or Kaylin?

4 A. (Shakes head.)

5 Q. Neither one of them were?

6 A. Mm-mm.

7 Q. Okay.

8 AGENT ELIAS: Did you guys all chip in for gas?
9 Who paid for the van and the --

10 MR. RODRIGUEZ: Edward paid for the van. I ended
11 up putting in, like, a hundred bucks, but Edward was
12 determined to --

13 BY AGENT ARMENTA:

14 Q. Did Edward rent the van?

15 A. Yeah.

16 Q. Did he rent it with someone else?

17 A. I don't know. I mean, maybe with Kaylin.

18 Q. With who?

19 A. Maybe with Kaylin.

20 Q. Kaylin?

21 A. I don't know, because he was -- he made all the
22 arrangements and there was some kind of misunderstanding
23 with the van. We were going to get a different van, like, a
24 bigger van, like a commercial van or something, and
25 something happened that he didn't know, that he couldn't get

1 it, or whatever and --

2 Q. Is that when him and Kaylin were still together,
3 or --

4 A. Shit, I think they're still together.

5 Q. Okay. Okay. So they went together to get the van
6 then?

7 A. I don't know. I don't -- I wasn't in the thing,
8 how it happened. I don't know what it cost or who put their
9 name --

10 Q. Okay.

11 A. I mean, they did it together.

12 BY AGENT ELIAS:

13 Q. Who drove?

14 A. I drove part of the way.

15 Q. Did everybody take turns driving pretty much or --

16 A. Most, yeah. There was probably one or two people
17 that didn't.

18 Q. Yeah.

19 A. Like, Mellow doesn't have a driver's license, do I
20 didn't want him driving.

21 Q. Okay.

22 A. Or he doesn't have a car. I don't know if he has
23 a driver's license but he didn't have a car, so I was like,
24 you're not going to drive if you don't have a car. I mean,
25 I don't know how you're going to drive.

1 Q. Did Ed drive?

2 A. Um-hmm.

3 AGENT ARMENTA: And what was the idea? Like, why
4 drive a van? Why not just fly or -- because that's a long
5 way to drive.

6 MR. RODRIGUEZ: I don't fly because I have issues
7 with flying. But there was an idea that, if anybody needed
8 to take anything, like, weed maybe, knife, pepper spray,
9 that stuff's not going to be able to get on the plane.

10 AGENT ARMENTA: That makes sense.

11 BY AGENT ELIAS:

12 Q. So were those things taken?

13 A. (No audible response.)

14 Q. I take it because you listed them to us, yes.

15 A. Yeah.

16 Q. So people took weed --

17 A. Yeah. I took weed. I took a knife. I took
18 pepper spray.

19 Q. You took pepper spray?

20 A. I mean, I didn't use it. I mean, I kept it in the
21 van. It was in my bag.

22 BY AGENT ARMENTA:

23 Q. What about a gas mask. Did you take a gas mask?

24 A. I was provided a gas mask.

25 Q. From who?

1 A. Edward.

2 Q. What other items did other people take? Did other
3 people take knives, pepper spray, or gas masks?

4 A. I don't know. Maybe there was --

5 Q. I mean --

6 A. I remember seeing a can of wasp spray.

7 AGENT ELIAS: (Indiscernible)?

8 MR. RODRIGUEZ: Wasp spray.

9 AGENT ELIAS: Oh, yeah.

10 MR. RODRIGUEZ: (Indiscernible) --

11 BY AGENT ELIAS:

12 Q. Did anybody claim that that was theirs? They were
13 going to take that to use it?

14 A. I don't know. I told them not to use it,
15 whoever's it was. I think it was Marci's.

16 Q. Okay.

17 A. But I was like, that's not -- that's going to
18 blind somebody and do permanent damage.

19 BY AGENT ARMENTA:

20 Q. Did anybody give you guys anything to take for
21 them?

22 A. Not me, personally, no.

23 Q. What about the group that you know of?

24 A. I don't know. I didn't take anything from
25 anybody.

1 BY AGENT ELIAS:

2 Q. All right. You know what we're driving at. We
3 already know. We know the taser was -- there was
4 arrangements with the taser before you guys left LA.

5 A. I didn't take anybody's taser.

6 Q. So who took the taser?

7 A. I don't know. There was -- I saw a -- like, a
8 light blue taser.

9 Q. Who transported that?

10 A. I guess it was just all of us in the van. What do
11 you mean? Like, I didn't carry it. I didn't have it --

12 Q. Whose taser was it?

13 A. I think it was Kayla's.

14 Q. Kayla's?

15 A. Kayla. There's Kaylin and there's Kayla.

16 Q. Right. So Kayla -- it was Kayla's taser and she
17 asked somebody in the group to take the taser?

18 A. Yeah. She might've said it -- she might've asked
19 me.

20 Q. She asked you.

21 A. But she -- and I told her, yeah, or something, but
22 I never got it.

23 BY AGENT ARMENTA:

24 Q. But you saw it.

25 A. I remember seeing a light blue taser, yeah.

1 Q. In the van?

2 A. Somewhere, yeah. It was, like, a baby blue one,
3 but I never used it or -- that's it.

4 Q. Do you know who had it?

5 A. Mm-mm.

6 Q. Where did you see --

7 A. I don't think anybody had it.

8 Q. But where did you see it in the van?

9 A. I don't know. Maybe somebody just, like, had it
10 in their hand or something. Like, was just, like, putting
11 it into somewhere, but I remember seeing there was a light
12 blue taser, baby blue.

13 Q. Because I was just thinking, if I'm bringing a
14 taser, like, you would know about it because I'd be playing
15 with it or I'd be, you know, joking around --

16 A. You know what? There was another taser. There
17 was two tasers.

18 Q. Okay.

19 A. There was a -- Andy bought a taser, but we never
20 used it. I think it got returned. Think he bought it and
21 Edward was like -- yeah. I think he said -- I think we got
22 a call or message or something. He's like, hey, I'm buying
23 stuff. I'm at the store. There's a taser here. Should I
24 get it? Or something like that.

25 And I don't remember but I think Edward was like,

1 oh, yeah. Like, it was a flashlight and a taser combination
2 and that was what somebody was playing with. You're right.
3 Somebody was, like -- you know, like, if you have a taser,
4 you're (indiscernible).

5 Q. Yeah.

6 A. So --

7 Q. We have cops here who, like, play with tasers, so
8 I know you guys were --

9 A. It was that flashlight one, but nobody used that
10 on anybody and that got returned to the store, I believe.

11 Q. Okay.

12 A. I think. But that baby blue one was Kayla's, but
13 she never got it.

14 BY AGENT ELIAS:

15 Q. Why did she ask you to take the taser?

16 A. We've had issues. We've had issues with BLM and
17 Antifa. I'm telling you.

18 Q. Sure.

19 A. I've been pepper-sprayed. That guy Gabe that used
20 to be a friend of mine, he was stabbed for wearing a MAGA
21 hat. He got stabbed in his arm. Edward got jumped on
22 Halloween. We've had a knife pulled out on us here in
23 Riverside on -- over by the Tyler Mall. We did a rally and
24 some guy came out with a big, ass knife on us and told us to
25 get out of there.

1 We've had a -- I had a gun pulled out on me. Not
2 pulled out, but he opened his trunk and he had a gun in his
3 trunk, because we were in Venice Beach and I was the last --
4 we had our flags. So we've had -- been stabbed, I've been
5 pepper-sprayed, knives, guns --

6 Q. Sure.

7 A. -- so, it just comes with the territory. Like you
8 said, you know, like, cops have their guns and we were just
9 out there with --

10 Q. So how many days before you guys left did Kayla
11 come to you and say, can you take this taser for me?

12 A. Before we left? Oh, I don't know. I don't
13 remember when she got it. I really don't know how she got
14 it to Edward. He met her or she met him or he -- they
15 live -- Edward lives far from me. I live over here and --

16 Q. But when did Kayla give you the taser?

17 A. She didn't give it to me. I don't know.

18 Q. You told me earlier that she asked you to take it.

19 A. She asked me to take it, but I never saw her. I
20 didn't get it from her.

21 Q. You got it through Ed?

22 A. No. No, no, no. She gave it --

23 Q. So how'd you get it?

24 A. -- to Ed. I never got it. I never --

25 Q. Okay. That's what -- okay. So she -- Kayla gave

1 it to Ed --

2 A. She didn't give it to me. She gave it to him
3 instead.

4 Q. And Ed gave it to you?

5 A. No. I never got it.

6 Q. Okay. So she asked you to take it, but you never
7 took receipt of it?

8 A. Yes, sir. She asked if I could take it. I think
9 she asked --

10 Q. Somehow Ed, though, was -- to your understanding,
11 Ed ended up with the taser and it came with you guys in the
12 van.

13 A. Yeah.

14 Q. That's correct?

15 A. Yeah.

16 Q. Okay.

17 A. But nobody -- I don't think it ever left the van.

18 BY AGENT ARMENTA:

19 Q. Danny, I think -- let me just kind of stop you
20 right there because I want you to just be absolutely clear
21 on where we're coming from here, okay? So you're telling us
22 that you -- Ed got a taser, he had it, you never had it, and
23 you never used it.

24 A. Ed got it. Ed got the light blue baby -- taser, I
25 believe, from Kayla to give to her when she was in D.C.,

1 when they saw each other again.

2 Q. Okay.

3 A. But she -- because she couldn't take it on the
4 plane, I guess. I don't know if those are not allowed on
5 the plane? So he -- she never got it or needed it and we
6 just brought it back in the van with us. And then there was
7 another taser that was bought right before we left and
8 Edward said, I think, that he was going to -- he wanted it
9 and then never used it either. Stayed in the van as well
10 and then that got returned to the store.

11 Q. And see, that's where I'm having the hard time
12 here is because Kayla gave you guys a taser, gave it to Ed,
13 you had it, and you --

14 A. No, I didn't have it.

15 Q. Not you. It was in the van, the group had, and
16 then you had it -- or, the group had it when you went back.
17 But then in the middle on the 6th, you got a taser from
18 someone else. Some random person.

19 A. A black one.

20 Q. Gave you a taser and that's what you used on the
21 officer.

22 A. (Nods head.)

23 Q. You see how that's kind of weird to me?

24 A. No. I mean, no, I don't. What's weird?

25 BY AGENT ELIAS:

1 Q. Well, describe to us more, then, how you ended up
2 with this other taser from some random stranger because,
3 right now, it seems a little more logical that the taser
4 that was used by you was the taser that was brought from LA.

5 A. Yeah, for sure.

6 Q. So explain to us. We're happy to listen.

7 A. I just asked. I said, we need a taser. I yelled.
8 I yelled in the tunnel. I'm like, we need somebody with a
9 taser up here. And someone pulled it out of their pocket
10 and gave it to me, and it was, like, in a little leather --
11 it was, like, a little pouch. It was, like, square. Almost
12 like a pack of cigarettes, like a square. And then I didn't
13 know how to use it or turn it on and I'm like -- I was like,
14 what is this?

15 And then like the guy takes it back from me or I
16 give it back to him and he takes it out of the case. And
17 then he flips a switch, and he tests it or pushes it for me,
18 and he gave it to me.

19 AGENT ARMENTA: Didn't you just say it was a Black
20 woman that gave it to you?

21 MR. RODRIGUEZ: No?

22 AGENT ELIAS: Yeah, you did.

23 MR. RODRIGUEZ: A Black woman? No, I ask the
24 taser was black.

25 AGENT ELIAS: No, you said a Black woman gave it

1 to you. You interrupted him to say --

2 MR. RODRIGUEZ: No, I --

3 AGENT ELIAS: -- it was a Black woman that gave it
4 to you.

5 MR. RODRIGUEZ: -- for sure haven't said anything
6 about a Black woman.

7 AGENT ARMENTA: You did.

8 MR. RODRIGUEZ: Where's the cameras or the
9 recording? There's no -- I never said, Black woman.

10 AGENT ARMENTA: Okay.

11 MR. RODRIGUEZ: What do you mean, Black woman? I
12 never said anything about a Black woman.

13 BY AGENT ELIAS:

14 Q. All right. So it -- you're willing to accept the
15 fact that the taser you had was from some random stranger.
16 And if any of your friends that we're interviewing today
17 tell us something to the contrary, how will that reflect on
18 you?

19 A. Oh, they're not. It's a hundred percent true.
20 It's a hundred percent true. It was just (indiscernible) --

21 Q. Because you remember, your --

22 A. I'm not lying. I will not lie. I'm not lying.

23 Q. And I think you are.

24 A. I'm not. I'm not going to --

25 Q. And I'm going to explain to you why if you keep

1 going.

2 A. You think I'm protecting them because of the
3 taser? No.

4 Q. Because I -- you told us you were in the tunnel
5 when you called for a taser.

6 A. Um-hmm.

7 Q. Earlier, you told us you were in the tunnel, you
8 were getting squished, and so you left the tunnel for about
9 a half hour and came back, you had the taser in your hand,
10 and you walked up and you tasered the officer once in the
11 neck. And you did it because you felt like he was accosting
12 Trump supporters, or patriots.

13 A. No. I didn't do it because I felt he was
14 accosting Trump supporters or patriots. I just thought that
15 he was going to get in -- he was struggling. Like, they
16 were pulling him out and I --

17 Q. He was struggling with who?

18 A. Like, they were carrying him. They were, like,
19 holding his arms and his legs and his feet. I don't know
20 who those people were. I --

21 Q. So why would you taser somebody that's being
22 carried?

23 A. I guess --

24 Q. Danny, you realize you assaulted that man, right?

25 A. Yes.

1 Q. And you realize right now you're -- whatever
2 fabrication you're telling us --

3 A. No. (Indiscernible) --

4 Q. -- is not helping your situation.

5 A. I'm a hundred percent not fabricating anything at
6 all.

7 Q. Okay. Then, let's go back over it and you tell me
8 again how you ended up in the tunnel and how you ended up
9 with the taser --

10 A. I just said -- I just went --

11 Q. -- and how you ended up tasing Officer Fanone.

12 A. I just ended up in the tunnel because that's where
13 everybody was trying to get in the building.

14 Q. Okay. Explain it to me again in story form. I'm
15 all ears, because I want to hear the story. I want to hear
16 the truthful story, though.

17 A. So I called for tasers because I felt that we were
18 going to get in -- that's how -- that we were going to get
19 in if we could get tasers up to the front. Like, we didn't
20 have -- we're not calling for knives or guns or shoot them.
21 I'm just -- we're trying to get in the building to try to
22 occupy the building.

23 AGENT ARMENTA: Okay.

24 MR. RODRIGUEZ: So I called -- I shouted. I
25 turned around and I'm like, hey, we need tasers up here.

1 And I thought someone was going to come up with a taser, not
2 hand me a taser.

3 BY AGENT ELIAS:

4 Q. Okay. So who -- how did you get the taser?

5 A. It was just some guy, I swear. It was just --

6 Q. Describe him to me.

7 A. I really don't know. He was -- I'm in the tunnel
8 and he was behind me on the right -- I mean, on the left,
9 like, kind of by the entrance of the tunnel. And at the
10 time that -- at that time that happened, it wasn't super
11 packed in there. There was still little space to walk
12 around right there. Later on, it got, like -- they got,
13 like, a ton of people. But at that time, there was enough
14 room to, like, turn around and -- we need tasers, and we
15 need a taser up here, and I got handed a taser.

16 AGENT ARMENTA: What was he wearing? Describe it.
17 How tall was he? How big?

18 BY AGENT ELIAS:

19 Q. Who are we looking for on the video, because, you
20 know, it's all on video.

21 A. If you find him on the video, then you -- I really
22 don't know.

23 Q. Because you know what we see on video?

24 A. Mm-mm.

25 Q. We see you produce a taser with your right hand

1 out of your pocket.

2 A. Well, right. I mean, I had -- okay. So I had the
3 taser --

4 Q. And you're not in the tunnel. You're no the
5 steps.

6 A. This is true, yes. So he gives me the taser, but
7 when I give it -- when I turn around to give it back him, I
8 don't know who's there. I also had a megaphone. I looked
9 for my -- I lost my megaphone there, too. So I put the -- I
10 either dropped the megaphone and then I tried to give him
11 the taser -- I turned around, there -- I don't know. Nobody
12 was standing there waiting for a taser. I didn't know who
13 to give it to. I was waiting for somebody to, like -- can I
14 have my taser back.

15 Q. Sure.

16 A. So it was guy. That's all I know. It was a male,
17 maybe -- not too old, not too young.

18 Q. That's --

19 A. Regular, average guy, like --

20 Q. You just described 50 percent of the United States
21 population.

22 A. Right. He's just -- he was just there, whoever it
23 was. I honestly think there was two people who were
24 offering a taser and one of them -- I just took it from one
25 of them. I did put it in my pocket because I didn't return

1 it to anybody. Nobody -- I'm like, okay. Now I got a
2 taser. I'm like, okay. I lost my megaphone, I can't find
3 it, but now I have a taser.

4 Q. Okay. So you think that Officer Fanone's being
5 carried out, held by his arms and legs. Why did you taser
6 him? You said he was struggling.

7 A. I just kind of --

8 Q. At that point, he's struggling to be let go.

9 A. Yeah.

10 Q. And you chose to assault him while he's
11 struggling?

12 A. Well, I just felt that, like -- I didn't know what
13 they were going to do to him.

14 Q. And so, you tasered him to protect him?

15 A. I mean, that sounds stupid. I don't know if I
16 tasered him to protect him, but maybe just to, like -- so he
17 wouldn't struggle and get hurt, maybe. If they're going to
18 beat him up or injury him or, like -- I don't know if
19 they're going to -- I don't know what was going to happen to
20 him.

21 And, honestly, I didn't think very much about it
22 because, when I did it, I was like, oh, my God. What did I
23 just do? And I got out of there. I left. I did it and I
24 left. (Indiscernible). The taser that was -- there was
25 three tasers. Two we brought. None of them -- none of

1 those that we brought got used.

2 (Special Agent Elias scrolls through videos on his
3 phone.)

4 BY AGENT ARMENTA:

5 Q. Danny, you understand how serious this is, right?
6 You understand that you're the one facing, like -- full
7 disclosure, all the cards are out on the table, you're
8 looking at seven federal felony counts. Seven.

9 A. What is that? The rest of my life in prison?

10 Q. It's a lot of years, man. So if you're not
11 completely honest with -- because you're not being honest
12 with us.

13 A. I am being honest.

14 Q. Listen. Listen, Danny.

15 A. I am being -- what am I not being honest about.

16 Q. I can't help you if you're not being honest with
17 us.

18 A. Okay. What am I not being honest about, guys?

19 AGENT ELIAS: Let me play this for you.

20 (Special Agent Elias plays interview of
21 Officer Fanone.)

22 OFFICER FANONE: "You know, trying to fight best I
23 could. I remember, like, guys were stripping me of my gear.
24 These were rioters pulling my badge off my chest."

25 MR. RODRIGUEZ: I didn't see any of that.

1 OFFICER FANONE: "They ripped my radio" --

2 MR. RODRIGUEZ: I didn't see any of that.

3 AGENT ELIAS: Just listen.

4 OFFICER FANONE: -- "off of -- off my vest,
5 starting pulling, like, ammunition magazines from their
6 holder on my belt. And then some guy started getting a hold
7 of my gun and" --

8 MR. RODRIGUEZ: I mean, I didn't see any of that.

9 OFFICER FANONE: -- "they were screaming out, you
10 know, kill him with his own gun."

11 MR. RODRIGUEZ: I didn't hear that. I didn't hear
12 that.

13 OFFICER FANONE: "At that point, you know, it was
14 just, like, self-preservation, you know, how do I survive
15 this situation. And I thought about, you know, using deadly
16 force. I thought about shooting people. And then I just
17 came to the conclusion that, you know, if I was do that,
18 yeah, I might get a few, but I'm not going to take everybody
19 and they'll probably take my gun away from me. And that
20 would definitely give them the justification that they were
21 looking for to kill me if they" --

22 (Special Agent Elias stops the video.)

23 MR. RODRIGUEZ: I wasn't going to kill him or try
24 to kill him. I wasn't going to kill anybody --

25 AGENT ELIAS: Look.

1 MR. RODRIGUEZ: -- or cops.

2 BY AGENT ELIAS:

3 Q. The disparity is in between your story and what
4 happened to Officer Fanone and what's on video. I can show
5 you the video of you tasing him twice.

6 A. It was not twice.

7 Q. I'll show it to you in just a minute.

8 A. Show it to me, please.

9 Q. I will. But the disparity between what you're
10 saying happened, describing, oh, I'm such a benevolent man
11 coming up to a poor officer who's struggling to keep -- to
12 survive, thinking he's going to die. Let me help him out.
13 Let me taser him. Is that really the story you want to be
14 written about you? Is that in all of my benevolence, I
15 decided I was going to taser this man who is struggling for
16 his life in that moment and thinking he's going to die.
17 Four daughters.

18 A. No. I wasn't trying to kill him. I didn't want
19 him to die.

20 Q. Then, tell us what happened. Don't leave the
21 story be this crappy story that you're telling us right now,
22 that you were just there to help him and taser him.

23 A. No, I wasn't -- I was --

24 Q. Danny.

25 A. I'm not smart.

1 Q. Think about your mom.

2 A. No. I'm just not smart. I'm not lying to you
3 guys. I'm not lying (indiscernible) --

4 Q. You need to think about --

5 A. I'm not lying about anything.

6 Q. -- how Danny's story is going to be written.

7 A. I haven't lied about anything. I haven't lied
8 about anything to you guys so far. I have not lied in
9 anything. I have not lied anything --

10 AGENT ARMENTA: Danny, just take a minute. Listen
11 to him, okay?

12 BY AGENT ELIAS:

13 Q. You are in a great position right now to help
14 yourself.

15 A. (Indiscernible) --

16 Q. We're your two advocates right now. We can
17 advocate to the prosecutor, hey, Danny was -- Danny made
18 some mistakes.

19 A. I'm not lying.

20 Q. But right now, neither Agent Armenta or myself
21 feel confident in what you're saying.

22 A. Okay. What do you want me to tell you? That I
23 tased him? Yes. I --

24 Q. Explain what you did.

25 A. Am I fucking piece of shit? Yes.

1 Q. Why did you tase him?

2 A. (Crying.) I don't know. I'm a piece of shit.
3 I'm sorry. I don't know. He's a human being with children,
4 and he's not a bad guy. He sounds like he's just doing his
5 job and he's -- I'm an asshole.

6 Q. But why? Why would you go up there with a taser?

7 A. (Crying.) I said I don't know.

8 Q. Why would you take that taser that was given to
9 you from your friends and tase him?

10 A. It wasn't given to me by my friends. It was given
11 to me by a stranger. I swear to God. I swear to God.
12 These are not the same tasers. I'm telling you. I'm not
13 trying to protect them.

14 Q. Okay. So --

15 A. I'm not trying to protect somebody.

16 Q. -- let me pull the video, because I want you to
17 see it, of you tasing him.

18 A. A hundred percent, it was not twice. For sure, I
19 did not tase him twice. For sure.

20 (Special Agent Elias plays a CBS News video.)

21 MR. LESHAN: "Office Fanone was among a phalanx of
22 police at a west entrance here. D.C. Police almost never
23 let us talk to line officers, but they wanted us to hear
24 from this hero of democracy. This is the hallway where
25 Officer Fanone and his comrades refused to yield."

1 AGENT ELIAS: Were you in this hallway?

2 MR. RODRIGUEZ: (Shakes head.) I mean, I was --
3 no.

4 OFFICER FANONE: I say, well, we're going to go.
5 You know, suit up.

6 MR. LESHAN: "Fanone has been working plain
7 clothes for a decade. He could've spent the riot waiting at
8 his desk, but he and his police and duck hunting partner,
9 Jimmy Albright, self-deployed to the Capitol."

10 OFFICER FANONE: "He said, he's bent over at the
11 waist and he's dry-heaving, obviously, from, you know,
12 inhaling all the CS gas."

13 AGENT ELIAS: Can you see if you can find that
14 video?

15 AGENT ARMENTA: Yeah.

16 MR. LESHAN: "One of the first police commanders
17 he encountered was the head of investigations."

18 OFFICE FANONE: "And I remember thinking to
19 myself, like" --

20 AGENT ELIAS: Do you remember the fire alarm going
21 off in that hallway?

22 MR. RODRIGUEZ: (Shakes head.)

23 OFFICER FANONE: -- "this dude looks like George
24 [censored] Patton."

25 RIOTERS: "Heave-ho. Heave-ho."

1 MR. RODRIGUEZ: I wasn't in there for that.

2 MR. LESHAN: "Officer Daniel Hodges" --

3 MR. RODRIGUEZ: I think I got out before that.

4 OFFICER HODGES: (Anguished shouting.)

5 MR. LESHAN: -- "had already been squished" --

6 MR. RODRIGUEZ: Yeah. I don't -- I didn't see
7 that.

8 MR. LESHAN: -- "between the door and the mob
9 screaming heave-ho. Fanone says it was like medieval
10 combat."

11 OFFICER FANONE: "And it was, like, the real life
12 300, minus the six-pack abs, which none of us have."

13 MR. LESHAN: "Somehow, the mob grabbed Fanone out
14 of the line and dragged him into the mob, beating, tasing,
15 smashing him with flag poles."

16 OFFICER FANONE: "I remember thinking, like, at
17 the moment that I got out side, like, holy [censored], like,
18 there's a lot of [censored] damn people here."

19 INTERVIEWER: "Did you think you were going to die
20 out there?"

21 OFFICER FANONE: "Guys were, like, grabbing gear
22 off my vest and I remember guys chanting, like, kill him
23 with his own gun. Yeah, I thought about killing people.
24 I'd probably shoot a couple and then they're going to take
25 the gun away from me."

1 MR. RODRIGUEZ: I don't think they were trying to
2 kill him with his own gun. Maybe one person said that.
3 They weren't chanting that.

4 MR. LESHAN: "Fanone thought of his four
5 daughters. 'I have kids,' he told the rioters, and a couple
6 of them showed mercy."

7 OFFICER FANONE: "Thank you, but [censored] you
8 for being there."

9 (Special Agent Elias stops the video.)

10 MR. RODRIGUEZ: What do you mean? They helped
11 him, and he just said, fuck you?

12 AGENT ARMENTA: This is the video right here.

13 (Special Agent Armenta plays a video with no
14 audio.)

15 AGENT ARMENTA: See, they even -- have you seen
16 this?

17 MR. RODRIGUEZ: It was only one time. There's no
18 way it's twice. It's edited if it's twice.

19 AGENT ELIAS: You strike him on the right side --
20 on his left side and he recoils and grabs, and you come back
21 in and you do it again.

22 MR. RODRIGUEZ: Mm-mm, mm-mm, mm-mm.

23 AGENT ELIAS: Thousand percent.

24 AGENT ARMENTA: It's right there.

25 AGENT ELIAS: Watch the video. See if I can find

1 the straight video.

2 AGENT ARMENTA: There's the taser.

3 AGENT ELIAS: Is that you?

4 MR. RODRIGUEZ: Yeah.

5 AGENT ELIAS: Is that your hat?

6 MR. RODRIGUEZ: Yeah.

7 AGENT ARMENTA: I mean, they did all the work for
8 us.

9 MR. RODRIGUEZ: Yeah. I'm telling you, they set
10 us up on purpose.

11 BY AGENT ELIAS:

12 Q. Did somebody stick a taser in your hand?

13 A. No. I'm saying they set up as far as, like, they
14 went over there to film everybody that they recognized,
15 like, to do this on purpose afterwards. No, they didn't
16 stick a taser in my hand. I did.

17 Q. You tased the officer. Nobody put -- Trump didn't
18 put you up to tasing the officer.

19 A. No, no. No, he didn't. I did.

20 Q. You did it all on your own.

21 (Special Agent Armenta stops the video.)

22 MR. RODRIGUEZ: Yes.

23 BY AGENT ELIAS:

24 Q. Isn't it true, Danny, that you and your friends
25 planned weeks in advance to go to that rally with weapons

1 and gear, that you practiced how you were going to do
2 things?

3 A. I didn't have any gear. I didn't take any
4 weapons.

5 Q. You took a knife --

6 A. I always have a knife.

7 Q. -- and pepper spray.

8 A. That's always in my car.

9 Q. And you were given a gas mask.

10 A. That's always in my car. I mean -- okay. I've
11 been --

12 Q. You took those things.

13 A. I have a -- everybody has a -- I mean, it was a
14 little, four-inch pocket knife, okay? My pepper spray is
15 just -- it's just something that you have.

16 BY AGENT ARMENTA:

17 Q. What about the gas mask?

18 A. I didn't buy the gas mask.

19 Q. You just carry that with you?

20 A. The gas masks were taken and I didn't -- I was --
21 there was, like, some -- like, four gas masks, like, bought
22 and I was just -- one was -- like, here, you can have a gas
23 mask. But I didn't take it and I didn't wear it. I didn't
24 have it. It was in the van.

25 Q. But you see what we're -- like, that shows

1 preparation, right? That shows --

2 A. I didn't prepare for that.

3 Q. -- planning.

4 A. I didn't plan that. I didn't buy that.

5 Q. When, like --

6 A. I didn't wear it. I didn't take it. I left it
7 there. I didn't put it on. I don't have it.

8 Q. That doesn't matter, Danny. It shows planning and
9 preparation. You took those things. You don't take
10 things --

11 A. I didn't pack them.

12 Q. -- for no reason. Nobody takes things for no
13 reason. And when we tell D.C. what we said and what we
14 discussed, and they ask us, was Danny cooperative?

15 A. None of that stuff was --

16 Q. Did he tell you (indiscernible) -- they're going
17 to ask me, well, what did he say about the weapons? What
18 did he say about the gas masks?

19 A. None of that stuff was on me.

20 Q. What did he say about the mace and --

21 A. None of that --

22 Q. -- the pepper spray?

23 A. -- stuff was on me when I was at the Capitol.

24 Q. What do I tell them? I'm asking you -- my
25 colleague was asking you --

1 A. I didn't --

2 Q. -- what the preparation was to go there, what you
3 guys were planning. You brought stuff planning for
4 something. What was it?

5 BY AGENT ELIAS:

6 Q. I mean, you said --

7 A. We were planning --

8 Q. -- Andy called Ed and said, hey, there's a taser
9 here. Should I buy it? Ed said, yes. You already told us
10 that. Why is Andy calling Ed saying, should I buy a taser
11 if you're -- and you guys took the taser to D.C., if you're
12 not preparing?

13 A. That's not me.

14 Q. Okay. Well, tell us about it, though. Tell us
15 about the preparations the group did.

16 A. The preparations were for BLM and Antifa. We
17 thought that they were going to go -- we thought we were
18 going to hit it like a civil war. There was going to be a
19 big battle. This is what I thought.

20 Q. Okay.

21 A. I thought there was going to be a big battle in --
22 I thought that there was going to be battles across the
23 country. I thought that there was going to be fighting, for
24 some reason, in different cities and I thought that the main
25 fight, the main battle, was going to be in D.C. because

1 Trump called everyone there. And then I thought that that
2 was going to bring BLM and Antifa there, and it was going to
3 be, like, a big battle. That's what I really thought. They
4 didn't -- that's not what happened.

5 Q. So how did you prepare for battle?

6 A. (No audible response.)

7 Q. Tell us about paintball.

8 A. Just, like, jogging.

9 Q. Tell us about paintball.

10 A. Oh, paintball? I mean, I don't even own a gun.

11 Paintball was just, like, to get people -- to try and get
12 people to work together and follow directions in order to --
13 paintball was just, like -- it just wasn't -- it was --

14 Q. Who went to paintball?

15 A. -- just fun.

16 Q. Who went to paintball?

17 A. Edward. Kaylin went once. No, we invited
18 everybody. We tried to get a lot of people to go. We tried
19 to always -- I mean, Edward even made some flyers to go,
20 like, get people going and active. Like, we were trying to
21 get, like -- build, like, a camaraderie, like a team, like
22 a -- people who -- we were just trying to get friends.
23 We're just trying to make friends and get likeminded
24 individuals together.

25 Q. Did you practice formations?

1 A. No. Like --

2 Q. Is that part --

3 A. -- stacking up and entering a building or
4 something?

5 Q. Or just working together. How to work together --

6 A. I think we were -- I think that's -- I think that
7 was maybe, like, what we thought was going to happen, but,
8 you know, when you go to paintball, it's just -- have you
9 guys ever been paintballing?

10 Q. Just becomes more of a free-for-all?

11 A. Yeah. There's just -- you can't take orders. You
12 don't know the map and it was just -- there's strangers and
13 there's --

14 BY AGENT ARMENTA:

15 Q. Was there someone trying to organize it to make it
16 more, you know, tactics-based? Like a learning --

17 A. I guess that's what the -- what Edward wanted but,
18 you know, he's not a military person or -- you know? I
19 mean, I tried listening to him and, like, he'd be like,
20 okay, I'll cover you. Go. And I remember one time I
21 just -- he's like, go. And then as soon as I put my head
22 up, I got shot in my face. So I'm like, okay. It's not
23 going to work. I mean --

24 Q. Did he see himself as, like, a military person? A
25 military leader?

1 A. I think he might. I learned -- I never had been
2 paintballing before and I learned that it's -- if that was
3 real bullets, there's no chance. You pick your head up and
4 you get shot with a paintball, like, bullets? This is
5 not -- it's not fun. That's not going to be -- that's not
6 going to end well, you know? Running for cover and --
7 that's not fun. That's not going to be cool.

8 Q. Did you guys ever go shooting?

9 A. I went shooting once --

10 Q. Who went?

11 A. -- with Edward. Edward and his girlfriend, Sam.
12 Some girl, Sam, he was seeing.

13 Q. And what did you guys shoot?

14 A. He had a .45.

15 Q. Edward did?

16 A. Yeah.

17 Q. And that was it?

18 A. Yeah.

19 BY AGENT ELIAS:

20 Q. Did you take your mom's gun?

21 A. No. My mom don't have a gun. My mom --

22 Q. Whose .45 is at the house?

23 A. There's no .45 at my house.

24 Q. Yeah, there was.

25 BY AGENT ARMENTA:

1 Q. It was there. We saw it.

2 A. Huh?

3 Q. Yeah.

4 A. Where?

5 Q. There's a .45 in there.

6 A. No. You guys are lying.

7 AGENT ELIAS: No, in the bedroom.

8 MR. RODRIGUEZ: Whose bedroom? My mom's?

9 AGENT ELIAS: Yeah.

10 AGENT ARMENTA: Yeah. It was there. SWAT found
11 it right away.

12 MR. RODRIGUEZ: My mom has a .45?

13 AGENT ELIAS: She said there's no guns in the
14 house.

15 MR. RODRIGUEZ: Oh, then, there's no gun in the
16 house.

17 AGENT ARMENTA: No, we're not lying to you. There
18 was a gun in the house.

19 MR. RODRIGUEZ: I don't own a gun. I don't have a
20 gun.

21 AGENT ARMENTA: (Indiscernible) --

22 BY AGENT ELIAS:

23 Q. Did you buy a gun at Ammo Brothers?

24 A. I tried. I tried to buy a Glock.

25 Q. Why?

1 A. Because I had money at the time. Like, I've
2 always wanted a gun and I needed the money, so I got my
3 money back. I mean, I've always wanted a gun, but I
4 didn't -- I never purchased one. I put money down, I went
5 through the background check, and before the background
6 check came, I needed the money. And I went back to Ammo
7 Brothers, they kept \$100 -- they kept -- I forget the
8 percentage it was of the gun.

9 The Glock, I think it was, like, \$600 with some
10 change, like \$620 or something, for a nine. It was, like, a
11 Glock 19 or Glock 17. And then I went back and I needed my
12 money back and they kept some of it. And I had to pay bills
13 or something, or think that's what I went to D.C. with.
14 Like, I don't know. I don't remember.

15 But I do not own a gun. I did -- yes, I tried to
16 buy a gun. Tried to buy a gun twice. I bought a -- I went
17 to Turner's? I went to Turner's and I tried to buy a
18 Walther, a .22, a little -- a P22 handgun. And the DOJ
19 didn't deny or confirm me, so they gave me my money back.
20 They were like -- they gave me all my money back. They
21 said, you got to go contact the DOJ. I never did.

22 And I went to go -- I was like, okay. I'll try it
23 again. And then before -- so, what I was going to do is --
24 I was like -- because the DOJ didn't confirm or deny me, I
25 needed to get a hold of them. I didn't. Think some time

1 went by. Was like, okay. Let me go try to buy a different
2 gun. Maybe I -- maybe it wasn't a good idea to get the .22.
3 Let me get a nine.

4 And then I -- I knew the DOJ was either going
5 to -- I think I thought it was going to be the same thing.
6 I'm like, I can't wait that 30 days or whatever. I just,
7 you know -- I need the money for bills or something. So I
8 took the money back and I never got a gun. And as far as my
9 mom goes, she doesn't own a gun either.

10 Q. Okay. Who else in the group bought supplies other
11 than Andy and Ed?

12 A. Supplies? Like, food, or --

13 Q. So let's go --

14 A. No weapons. There was no other weapons.

15 Q. So anybody buy pepper spray, wasp spray, gas
16 masks, knives, tasers?

17 A. I already had the knife. I didn't buy a knife,
18 so --

19 Q. Okay. Who else bought stuff, though?

20 A. I don't -- I think --

21 Q. I mean, you're in the van, driving for
22 3,800 miles.

23 A. I think everybody pitched in. Everybody pitched
24 in for gas and for food and -- as far as the wasp spray
25 goes, I think Marci brought that --

1 Q. Okay.

2 A. -- from home. And the taser, Andy bought -- I
3 remember him calling me the day before or something, the
4 night before, like, we were getting stuff to go, and he
5 called me, and I think he asked me if I wanted it or
6 something, and then I said, no, I don't want it, or I don't
7 have money or something. I don't remember. I just said,
8 no.

9 And then I think Edward wanted it. I don't know
10 if he was with me or -- I don't know. But somehow he said
11 that he did, and then Andy bought it. I think it was \$50.
12 I mean, it was a flashlight taser. And then we were playing
13 with it in the van, and then it stayed in the van. But as
14 far as weapons, like --

15 BY AGENT ARMENTA:

16 Q. Why did it stay in the van? If you guys bought
17 it, why --

18 A. Okay. Well, first of all, we were going to go see
19 Trump speak. We're not taking weapons. We're not taking --
20 we went on -- I think it was a Saturday he was going to
21 speak in D.C., do his speech, and we woke up and went. It
22 was early. I think it --

23 Q. But you guys were also expecting a civil war, too.

24 A. Yeah.

25 Q. You weren't just there to see him speak. You

1 were -- you said a civil war across the country.

2 A. The night before we got there, we went out in the
3 streets to -- because of the civil war. We thought -- we
4 were like, okay. Let's go see what's going on out here.
5 Let's go see if we can find, like, BLM, if there's rioting.
6 Like, we wanted to go see. So nothing was going on. There
7 was no BLM. There's no Antifa. There was really nothing
8 going on. The whole city was -- there's cops everywhere, so
9 I think that was the first night, which is a Friday maybe.
10 What day was the speech? Sunday?

11 Q. And then you had your taser then?

12 A. No. I didn't have a taser.

13 Q. So where was it?

14 A. No. I got a taser that day from the tunnel.

15 Q. No. I'm saying the one you guys bought. The one
16 you guys bought before --

17 A. The flashlight one?

18 Q. Um-hmm.

19 A. Where was it?

20 Q. Yeah.

21 A. It was in the box that it came in.

22 Q. My question is why was it in the box? If you guys
23 bought a taser preparing for a civil war --

24 A. Well, he didn't buy it for me. He bought it for
25 Edward and maybe Edward either -- it was -- I don't know.

1 Q. Did Edward take it with him?

2 A. No. I think he didn't like it or -- he bought it
3 without -- he bought it -- Andy was at the store and said,
4 I -- there's one of these things here for sale. Should I
5 get it? And then Edward has money. He has extra money, you
6 know? He's like, yeah, I'll get it, yeah, sure. You know?

7 Q. And then what about, like -- did you use your
8 card, ever, when you were in D.C.? Your debit card?

9 A. I don't remember.

10 Q. Would you be surprised to find out you didn't?

11 A. I probably didn't.

12 Q. So what was the cash withdraw for before you go to
13 D.C.?

14 A. Gas, probably.

15 Q. So you withdrew \$760 in cash for gas?

16 A. I never had \$760 in my account.

17 Q. You withdrew it in cash from your -- from an ATM.
18 You got cash -- this was on the 4th right before you guys
19 started going --

20 A. I think you're confusing me with Edward.

21 Q. No, I'm not.

22 A. I didn't have \$700.

23 Q. You took out 700 --

24 A. The day -- no, no, for sure. You guys, you're
25 confusing me with Edward, I think, because the day that I --

1 the day before we left, I had \$26 to my name. No.

2 Q. And you got a big cash influx, like you said, with
3 the --

4 A. No. I had \$100. I worked -- I did, like, a
5 little side job and I got \$100, so I went with a hundred
6 and --

7 Q. So you don't know what that was for?

8 A. No. No. It wasn't me. I never had \$700 cash in
9 that time.

10 Q. Okay. I'm telling you, you did, okay? All right?

11 A. Oh, wait a minute. When we were there. When we
12 were there in D.C., I got the stimulus. That was \$600
13 stimulus check. But I didn't have access to it.

14 Q. And you took out \$760 in cash.

15 A. No.

16 Q. And so I'm curious of what you used that for.

17 A. No. I did not take out -- no. I did not have
18 \$760 cash before we went to D.C., for sure.

19 Q. No, you did. And then you didn't use your card at
20 all when you were in D.C., but you used it on the way to
21 D.C.

22 A. On what? Gas?

23 Q. Food.

24 A. Food? Okay.

25 Q. I'm just curious of why.

1 A. Do you have, like, a -- that wasn't me. I think
2 you're confusing me, because the van, I couldn't pay for,
3 and that's about how much the van. So you're saying, like,
4 \$600, \$700. That sounds like Edward paying for the van.

5 Q. No. It was you.

6 BY AGENT ELIAS:

7 Q. Where do you bank at, Danny?

8 A. At Chase.

9 Q. Is that your only bank account?

10 A. I had a Bank of America bank account, but there's
11 nothing in it, so I think it's closed.

12 Q. You have any credit cards?

13 A. No.

14 Q. So if we got your records from Chase and it showed
15 a \$760 withdrawal, you're just not remembering it?

16 A. No. I don't think it had a sixteen -- yeah. I
17 don't think that was me.

18 BY AGENT ARMENTA:

19 Q. 760.

20 A. I really don't think I had \$760 to pull out
21 (indiscernible).

22 Q. You really don't think or you for sure don't?

23 A. I don't have that kind of cash to be pulling out.

24 Q. Well, I saw your bank records and I thought the
25 same thing. That's why I thought that was weird.

1 A. \$760 from an ATM? Before we left?

2 Q. Um-hmm.

3 A. No, that's not me. How many days before we left?

4 Q. It was on January 4th.

5 A. Oh, January 4th? We were already on the road.

6 AGENT ELIAS: Because you left the 3rd?

7 MR. RODRIGUEZ: I think so. Well, it was a couple
8 days' trip, so -- hell, no. That wasn't me. I think you're
9 confusing me with someone else that you've been --

10 AGENT ARMENTA: Okay.

11 MR. RODRIGUEZ: That's not me. I didn't have
12 \$760.

13 BY AGENT ARMENTA:

14 Q. You did. I'm just -- like I said --

15 A. In my Chase?

16 Q. -- I'm giving you the opportunity to be honest
17 with me.

18 A. No, I am really not thinking that was me.

19 Q. Completely, cards on the table, because the more
20 that you're hiding from me --

21 A. Man, I'm not --

22 Q. -- the less that you tell me --

23 A. Yeah.

24 Q. -- it just -- I can't help you.

25 A. No. I don't have -- I didn't -- I don't -- no.

1 That was not me. I didn't have \$760. I had \$26 on the day
2 before -- this is -- you're going to be like, oh, this guy's
3 full of shit. Look. I'm a person that believes in God and
4 I was like, it's meant for me to go. I have \$26, and I'm
5 still going. Like, I told everybody, I'm going to D.C. with
6 no money.

7 Q. Okay. Okay, okay.

8 A. I had no money. So like, I just got there. Like,
9 I (indiscernible) --

10 Q. So where did you stay at?

11 A. At a rented house.

12 Q. Be more descriptive.

13 A. Like, a Airbnb.

14 Q. It was an Airbnb?

15 A. Um-hmm.

16 Q. Where was it?

17 A. In Arlington.

18 Q. Arlington, Virginia?

19 A. Yeah.

20 Q. Who got it?

21 A. Someone named Michelle.

22 Q. Michelle? What's her last name?

23 A. Henney.

24 Q. Okay. So she got the Airbnb?

25 A. Yeah.

1 Q. And how do you know Michelle?

2 A. From the rallies.

3 Q. And what else?

4 A. That's it.

5 Q. That's it?

6 A. I mean, she's a Trump supporter. That's it.

7 Q. You've only seen her at the rallies?

8 A. No. I mean, I know her, like, through -- no, I
9 haven't only seen her at the rallies.

10 Q. You've only seen her?

11 A. No. I've not only -- no, I know her.

12 Q. Okay. Well, tell me about that. Where else have
13 you seen her? How do you know her? What's your
14 relationship like?

15 A. She would go to the rallies and she needed some
16 help at her house, so I would help her at her house with,
17 like -- she got into an accident, so she has a hard time
18 remembering and, like, her hands -- her ex -- I don't know
19 if her -- she got in a car accident because somebody was
20 driving like an asshole. She got injured and now she's all
21 messed up and she can't really do that much.

22 Like, she has issues, like, with her hand,
23 grabbing stuff, or her mind -- she had a concussion and she
24 forgets and she can't remember. And she's really, like --
25 she needs a lot of help. Her mind is, like -- she'll go to

1 the bathroom and then she'll be like, why am I in here?

2 And --

3 Q. So have you been to her place lately?

4 A. No, not -- I mean, I've been to her house. Not
5 really recently.

6 Q. When was the last time you've been to her house?

7 A. A few weeks ago. A couple weeks ago.

8 Q. Okay. And what -- you were helping her out or
9 what were you --

10 A. Yeah. I was over there and tried to help her out.
11 You know, it's like she needs painting and, like, you know,
12 she went on this -- she got people to donate old cans of
13 paint for her. So I went and got her paint, and then I
14 brought it to her house, and then I'm over there mixing and
15 then straining it for her and getting paint on me. I'm just
16 doing side stuff to help her. She's trying to sell her
17 house.

18 Q. Okay. And so she was out there --

19 A. She's alone. She lives by herself and she has
20 nobody to help her, so I'm like, let me see if I can help
21 you, what I -- little things I can do. Whatever I'm capable
22 of.

23 Q. Okay. So she was out -- how did she get in D.C.?

24 A. I don't know. I think she flew.

25 Q. She flew? Okay. And was she at the Capitol?

1 A. I think so.

2 Q. And what did she do there?

3 A. Oh, she's not -- she didn't do anything. She's
4 not a person that --

5 Q. How do you know that? Did you see her there?
6 Like, outside of the Airbnb?

7 A. I think I seen her once. I didn't see a lot of
8 people. I was there mostly -- I didn't even see -- I saw
9 Edward that day -- 40 minutes that day, that entire day. I
10 was -- we were all separated, so I don't know what she was
11 doing.

12 Q. You were separated from Ed almost --

13 A. I was separated from everybody, yeah. I was by
14 myself most of the -- that day.

15 Q. Are you lying to me again?

16 A. No.

17 AGENT ELIAS: What about when you guys were inside
18 the Capitol, when you guys broke in through that window?

19 MR. RODRIGUEZ: I didn't -- so I came back up, and
20 that window was broken already. I don't know how it was
21 broken. I saw Gina (ph.) -- well, I didn't see Gina. Gina
22 saw me. She yelled at me with the megaphone. And she was
23 like, DJ. I heard my name. I'm like, what the hell? Who's
24 calling my name? I'm in D.C. DJ, get in there. And then
25 Edward, too. Edward's like, go in there. Get in there.

1 Man, after I tased the cop, I wasn't trying to do
2 anything anymore. I was like, this is too much. I already
3 did plenty. And I came back up the steps looking for
4 Edward. I came back looking for everybody, somebody that I
5 knew, because I didn't know anybody. I was by myself. And
6 that window was already broken out, and there was already
7 people in there. So they told me, get in there, and I'm,
8 okay.

9 BY AGENT ARMENTA:

10 Q. So you weren't busting the window?

11 A. That window was already broken that we went in.

12 Q. Were you busting the window?

13 A. What window?

14 Q. What'd you use to bust the window?

15 A. I don't know. Somebody was busting it and, like,
16 decided to help them. It was, like, a metal pole.

17 Q. And what --

18 A. And I think that the person who I was helping was
19 the one that filmed that.

20 Q. Oh, really?

21 A. Yeah.

22 Q. And was Edward there with you?

23 A. He was in there, I guess, but I didn't see him the
24 whole time. We talked afterwards, and I never knew he was
25 in there. I even told him like, where were you, you know?

1 He was like, I was in there.

2 Q. What about Mellow?

3 A. No. Mellow didn't go in there. Mellow is scared
4 to get in trouble. He's just, like -- he's just one of
5 those guys who -- he'll hang around. But when -- if
6 anything happens, he disappears.

7 Q. So Mellow wasn't with you while you're busting the
8 window?

9 A. No.

10 Q. And you're saying you didn't see Ed?

11 A. I did see him in there, but not to my memory. I
12 found out afterwards that he was in there, but I don't
13 remember him in my memory or remember talking to him or
14 seeing him when I was in -- when it was happening, but --

15 Q. You know the video I'm referring to?

16 A. He was in there. I saw from the video, but I
17 don't remember him in there. I seen that he was in there.
18 But when I -- when it was going on, I didn't remember -- or
19 see him/pay attention.

20 Q. And you remember what you were saying in that
21 video?

22 A. Little bit.

23 Q. What'd you say?

24 A. That they just killed somebody for doing this.

25 Q. And what were you trying to tell everybody?

1 A. Just trying to warn everybody because I didn't
2 want anybody to get killed. Or if they were, they needed to
3 know that it was a possibility. And it's really serious
4 what was going on and everyone got quiet.

5 Q. And then where'd you guys go?

6 (Special Agent Elias plays a video.)

7 MR. RODRIGUEZ: Just opened that door and down the
8 hallway and I think (indiscernible).

9 (Indiscernible audio from video.)

10 MR. RODRIGUEZ (IN VIDEO): "They have shot and
11 killed a girl. They have shot and killed a girl."

12 AGENT ELIAS: Is that you?

13 UNIDENTIFIED FEMALE: -- "the fire alarm."

14 MR. RODRIGUEZ (IN VIDEO): "Make sure you got
15 those goggles on."

16 (Indiscernible audio from video.)

17 MR. RODRIGUEZ (IN VIDEO): "Get some things to
18 help you. Get some things to help you out there."

19 (Indiscernible audio from video.)

20 UNIDENTIFIED FEMALE: -- "another window to break
21 to make in and out easy. Like this window here needs to be
22 broken out."

23 AGENT ELIAS: Who's saying that right now?

24 Talking about breaking windows? Is that Gina?

25 UNIDENTIFIED FEMALE: -- "need to be broken?"

1 Yeah. (Indiscernible)."

2 (Indiscernible audio from video.)

3 MR. RODRIGUEZ: Can you rewind it?

4 (Indiscernible audio from video.)

5 UNIDENTIFIED FEMALE: -- "another window to break
6 to make in and out easy. Like this window here needs to be
7 broken out -- need to be broken? Yeah. (Indiscernible)."

8 (Indiscernible audio from video.)

9 AGENT ELIAS: That Ed right there?

10 MR. RODRIGUEZ: Yeah. That's Ed.

11 UNIDENTIFIED FEMALE: "No, I told you to wait for
12 me."

13 UNIDENTIFIED MALE: "(Indiscernible). What you --
14 tell me what you're doing. Just give me some narrative."

15 UNIDENTIFIED FEMALE: "We need people. We need
16 people. Come in (indiscernible)" --

17 UNIDENTIFIED MALE: "We need people, goddamnit."
18 (Indiscernible audio from video.)

19 AGENT ELIAS: Who's that?

20 (Indiscernible audio from video.)

21 MR. RODRIGUEZ (IN VIDEO): "Get in here."

22 AGENT ELIAS: Was that -- that's Ed --

23 UNIDENTIFIED MALE: "More people, goddamnit."

24 AGENT ELIAS: -- in the brown jacket.

25 (Indiscernible audio from video.)

1 UNIDENTIFIED FEMALE: "No, I told you to wait for
2 me."

3 UNIDENTIFIED MALE: "(Indiscernible). What you --
4 tell me what you're doing. Just give me some narrative."

5 UNIDENTIFIED FEMALE: "We need people. We need
6 people. Come in (indiscernible)" --

7 UNIDENTIFIED MALE: "We need people, goddamnit."
8 (Indiscernible audio from video.)

9 MR. RODRIGUEZ (IN VIDEO): "Get in here."

10 UNIDENTIFIED MALE: "More people, goddamnit."
11 (Special Agent Elias stops the video.)

12 MR. RODRIGUEZ: I don't think that's Ed in brown
13 jacket.

14 BY AGENT ELIAS:

15 Q. Who was trying to break the window in the video?

16 A. (No audible response.)

17 Q. That was you, right? Why were you trying to break
18 the window?

19 A. Because I thought we were going to be in there for
20 a while.

21 Q. Were you trying to let more people in?

22 A. I thought that we were going to get gassed,
23 honestly. And as a way of breathing or escaping as well.

24 Q. Okay.

25 BY AGENT ARMENTA:

1 Q. You were saying, get in here.

2 A. Yeah. I told them to get in here.

3 Q. So you were telling more people to get in there,
4 like you wanted backup.

5 A. I thought we were going to occupy the building. I
6 thought we were going to take a couple days or something. I
7 honestly thought it might be, like, a day or two that we
8 were going to be in there and I thought that they were going
9 to gas mask -- I mean, not gas mask. I thought they were
10 going to tear gas us, so we needed either an escape route or
11 a breathing hole.

12 BY AGENT ELIAS:

13 Q. So why were you guys going to occupy the building
14 for a couple days? What was the point? Was it to disrupt
15 the process that Congress was going through in confirming
16 Biden?

17 A. I didn't know what was going on --

18 Q. Wait, wait, wait.

19 A. No, I was -- we were trying to -- I didn't have a
20 plan. I didn't have a plan.

21 Q. You look like a leader in there.

22 AGENT ARMENTA: You were ordering people,
23 organizing, moving furniture, busting windows, letting
24 people in.

25 AGENT ELIAS: Telling people to put their goggles

1 on.

2 AGENT ARMENTA: It looks like a combat situation.

3 BY AGENT ELIAS:

4 Q. I mean, you just told us you were planning to stay
5 there for a couple days, to take over --

6 A. No, no, no.

7 Q. -- the United States Capitol.

8 A. Like, I don't have food, water. I'm not planning
9 on staying anywhere for any -- I just didn't know.

10 Q. You thought you were going to be there for a
11 couple days.

12 A. It was a lot of things. No. Yeah, right. It
13 was -- I thought it was a possibility. I thought it was
14 possible that this might --

15 Q. Why were you guy --

16 A. We didn't know what was -- we didn't know.

17 Q. -- trying to take the Capitol?

18 A. Because we felt that they stole the election. We
19 thought they -- we felt that they stole this country, that
20 it's gone, it's wiped out. America's over. It's destroyed
21 now.

22 Q. And so if you took the Capitol, then what?

23 A. I don't know. We just thought that -- damn, dude.
24 I don't know. I understand what it -- it's very stupid and
25 ignorant, and I see that it's a big joke, that we thought

1 that we were going to save this country, we were doing the
2 right thing and stuff. I get it. I don't know. I don't --

3 Q. So we can put in our report that you told us that
4 you and Ed entered the Capitol and you guys broke -- or,
5 you, personally, broke -- attempted to break another window
6 to provide you guys the ability to stay there if you needed
7 to for a couple of days, in case there was gas, that it
8 would let the gas out.

9 A. It wasn't to provide us for days to stay there. I
10 just thought that it was -- okay. I don't know the floor
11 plan to the Capitol, so when we were in that -- we go in
12 through a window that's not, like, an access normally.

13 Q. Sure.

14 A. Like, when you go in that room, there was -- it
15 was -- there was no -- I don't know how to -- like, you had
16 to go through the whole building to get around, upstairs or
17 something to get into that room. So I didn't know what was
18 on the -- okay. So there was, like, a lounge or a
19 conference room or, like, a -- it wasn't somebody's personal
20 office.

21 Q. Right.

22 A. It was just, like, a table and chairs or
23 something. Like, a coffee table. I don't remember. And
24 then a door. And when you showed me that video, in my -- I
25 don't even remember it being like that. I thought that

1 there was stairs to the right and they went down. But in
2 that video, there was a room. I don't know how that --

3 Q. Okay.

4 A. I don't know. But I just -- I thought that there
5 was going to be a bunch of, like, tear gas and we were going
6 to get trapped and not be able to breathe. And it's like --

7 Q. But you went into the Capitol with an intention to
8 disrupt Congress, right? I mean, you were trying to stop --

9 A. I didn't --

10 Q. -- what was going on. You were stopping the
11 steal. That was the whole point, right?

12 A. I literally didn't know that there was Congress --
13 they were there voting that day. I found out afterwards
14 that there was a session that stopped and then they went
15 back and resumed a session.

16 Q. Okay.

17 A. Or something.

18 AGENT ARMENTA: Didn't Trump talk about it in his
19 speech? You were there for it.

20 MR. RODRIGUEZ: He said to go to the Capitol and
21 let them know something, like --

22 BY AGENT ELIAS:

23 Q. So you assumed when you went to the Capitol, that
24 Congress --

25 A. I wasn't --

1 Q. -- could've been there.

2 A. I didn't -- I never went to -- I didn't know I was
3 going in the building until --

4 Q. Until you did it?

5 A. Yeah. I wasn't -- I didn't have a plan --

6 Q. So hear the question correctly. At the time you
7 went down to the Capitol, President Trump had said, go down
8 there and let them hear your voices, right?

9 A. Yeah.

10 Q. And so, you show up to the Capitol and you're
11 under the impression that there may be people in there that
12 want to hear your voice, so you -- that's why you guys went
13 and protested on the outside. And then you went inside.
14 There could've been people in there, right? Other than the
15 officers.

16 A. I don't know what the -- I don't know a lot about
17 government, that -- I don't know what's going on, on a daily
18 basis.

19 Q. Let me explain something to you clearly know
20 about. Were you legally inside the Capitol? When you
21 entered through a broken window of the United States Capitol
22 Building, are you legally in there?

23 A. I don't know if that's the law, if it's illegal to
24 enter through a broken window.

25 Q. If I throw a rock through your sliding glass door

1 at your house and, not as a police officer, I enter in your
2 house, am I legally in your house?

3 A. No, you're not. I just --

4 Q. If you throw a rock through the front of Macy's --

5 A. Well, there's people --

6 Q. -- and you walk into Macy's through the broken
7 window, are you legally inside of Macy's?

8 A. I thought that there was people already -- it's a
9 public building that people were walking through the front
10 door.

11 Q. Did you enter through a public entrance?

12 A. No.

13 Q. How did you enter?

14 A. Through a window.

15 Q. Okay. So don't game me, right? You knew it was
16 illegal to go --

17 A. I didn't know, no. I didn't think about it. I
18 didn't -- it didn't enter my mind.

19 BY AGENT ARMENTA:

20 Q. You breaking --

21 A. I was not considering --

22 Q. -- a window --

23 A. You're right, you're right. I did --

24 Q. -- and then telling people to get in, like, if you
25 see me doing that at Target --

1 A. I'm not thinking --

2 Q. If I bust in Target and then I tell more people to
3 get in -- come on. Danny, come on.

4 A. I told you, I thought we were doing the right
5 thing. (Indiscernible).

6 BY AGENT ELIAS:

7 Q. I would accept the fact if you told me, yeah, it
8 was illegal, but I knew -- I thought it was the right thing.
9 At least I could accept that from you because I would know
10 that you're at least --

11 A. I was just not thinking.

12 Q. -- being honest with me. But right now, you're
13 just like --

14 A. To be honest --

15 Q. -- oh, I don't know. Is it illegal to go through
16 a broken window?

17 A. Look. The honest thing is this. I'm not
18 considering what's legal or -- I'm only considering in my
19 mind what needs to happen or what I think needs to happen or
20 what should happen. I'm not thinking, like, I can't, you
21 know -- like, your wife's having a baby and you're doing 80
22 going home.

23 You're not thinking about the speed limit, about
24 the consequences of a ticket or your insurances or injuring
25 somebody. You're only thinking about the -- what's

1 important and you're not -- you do know what's right and
2 wrong, but you're not -- it's not registering.

3 Q. Okay. I can live with that. But explain that to
4 me. What were your thoughts at the Capitol when you tasered
5 Officer Fanone or when you went into the Capitol Building?
6 If it was like that --

7 A. I thought that we were going to save this -- I
8 thought we were going to do something. I thought that it
9 was not going to end -- happen like that. I thought that
10 Trump was going to stay President and they were going to
11 find all this crooked stuff and were going to -- I mean, we
12 found out that -- we thought that we did something good.

13 We were getting Nancy -- somebody was -- it was
14 rumored that Nancy Pelosi got her laptop stolen and that
15 they found all this evidence on it and it was a secret plan.
16 We were, like -- it was, like, a -- it was a -- were a
17 distraction. We were put there to go distract and so
18 somebody can go get Pelosi's laptop and then get all the
19 intel.

20 And then we could just bust everything and find
21 the truth and it'll be all exposed and we'll see that she's
22 corrupt or some kind of evidence. And we thought we were
23 being a -- we were part of a bigger thing. We thought we
24 were being used as a part of a plan to save the country, to
25 save America, save The Constitution, and the election, the

1 integrity.

2 BY AGENT ARMENTA:

3 Q. Like the ends justify the means kind of thing. Is
4 that what you're saying?

5 A. Yeah. We thought.

6 Q. It was okay to do something wrong or illegal --

7 A. Yeah. It's like they thought --

8 Q. -- because --

9 A. Like, they treated with Trump and they did all the
10 elections. They're like, oh, Trump is so bad, and where
11 anything is okay. And --

12 Q. So now it's okay --

13 A. We didn't go light fires. I wasn't trying to
14 hurt --

15 Q. But help me understand that for a second. So --

16 A. I didn't know --

17 Q. You know, it was wrong --

18 A. I didn't know (indiscernible) someone.

19 Q. -- what they did to Trump and that was wrong, so
20 it was -- it's okay to do illegal things to right that
21 wrong.

22 A. (Shakes head.)

23 Q. Am I right? Is that --

24 A. Look. When you -- when we talk about 1776, we see
25 that there was a lot of -- there was a lot of violence. We

1 had to go against the government and people died. And there
2 was actually a country that -- something that came out good
3 out of that. And it took, like, three percent of the
4 population at that time to fight and to -- against Brittan
5 and create this country.

6 And we knew that the Founding Fathers had, you
7 know, told us, you know, and -- about, you know, we have to,
8 like -- this is going to come again and the -- like, all
9 these plans were put in place, so that this wouldn't happen
10 and we were -- I, personally, felt that this is something
11 that the Founding Fathers of the country understood was
12 going to happen again one day and that we would be needed to
13 do something righteous. And I didn't think that I was going
14 to be the bad guy.

15 BY AGENT ELIAS:

16 Q. Danny, did you feel like you were the three
17 percent here? Like, those people that stormed the Capitol,
18 that those were patriots. Those were people who are doing
19 that because they were the three percent that were going to
20 free our country from fraudulent politicians and schemes of
21 evil people, so that way we could have a republic that was
22 going to be whole again. Is that what you thought?

23 A. (Nods head.)

24 Q. You thought you were that three percent guy.

25 A. (Crying.)

1 Q. I know, man. I know. It's okay.

2 A. I'm sorry, guys.

3 Q. No, we know. Listen.

4 A. I'm so sorry, guys.

5 Q. We know you thought that you were that three
6 percent guy.

7 A. I'm so sorry. I'm so sorry. I didn't know that
8 we were doing the wrong thing. I thought we were doing the
9 fucking right thing. I thought we were going to be -- I'm
10 so stupid. I thought I was going to be awesome. I thought
11 I was a good guy. I wanted to -- you know, my whole life,
12 I've been, oh, fuck the police. I really have.

13 And I started to be -- I got involved -- I came
14 back from Arizona and I lived here and I -- I came back home
15 to California and I got involved with some of the -- some
16 bad people, some gang members and I start -- I wanted to
17 grow weed. I was growing weed. I got involved with the
18 wrong people. I'm telling you, like, people -- killers,
19 like, tattoos all over their face, like, not good people.

20 And I was growing weed with them and I was like,
21 yeah, this is cool. They all got low riders and this and
22 that, and I was like, oh, this is that lifestyle that's for
23 me. But it wasn't. I didn't fit in. I'm a good person
24 trying to -- and I wanted to be a bad person, and it just
25 didn't work for me. And I kept getting robbed and they kept

1 taking from me.

2 And then Trump -- and I was listening to InfoWars
3 and I was, like, getting patriotic and I was -- and I ended
4 up leaving all those people behind me and I ended up being
5 homeless. I became -- I put myself to be homeless because I
6 didn't want to deal with these people anymore. They had
7 something over me and, like --

8 Q. Yeah.

9 A. I'm lucky to -- I lost everything. I lost
10 everything that was -- I have nothing. I had what was in a
11 suitcase and I -- now I don't even have that suitcase. But
12 I wanted to be a good person. I wanted to get away from
13 those criminals. I'm like, this is -- they don't have
14 honor, integrity. They're not like what they seem. They're
15 not about loyalty. This is not the kind of people that I
16 want to be around.

17 I was homeless and I went -- and I called my mom
18 and I told her I needed somewhere to stay. I needed to come
19 back home and move in. And I was already -- Trump was
20 already, like -- this is 2015, and I was already into
21 InfoWars and Alex Jones, and he's backing up Trump. And I'm
22 like, all right, man. This is it. I'm going to -- this
23 is -- I'm going to fight for this. I'm going to do -- I
24 want to do this.

25 And I went to Whittier and I volunteered for the

1 Trump campaign. I did door-to-door, I did phone calls, I
2 did all these things, and I just -- I went to the rally
3 that -- when Trump came to town. We landed in Santa Monica.
4 I was at that Beverly Hills Park and, I'm telling you, I
5 argued with 200, 300 people and every single one of them --

6 BY AGENT ARMENTA:

7 Q. I saw that.

8 A. I just embarrassed all of them, and it was great.
9 It was --

10 Q. I saw that.

11 A. Old videos. Old videos. I don't know if there's
12 video, you've seen those, because I haven't even seen those.

13 Q. I saw some on YouTube. I was -- it was with --

14 A. Years ago, like, three/four years ago, though.

15 Q. It was the one where Trump was in LA, right?

16 A. Yeah. When he came to California.

17 Q. Did he come a couple times because I saw one
18 maybe, like, couple years ago.

19 A. This was years ago, yeah. He landed in Santa
20 Monica and he went somewhere in Beverly Hills. And I
21 couldn't -- I didn't know anybody. I couldn't find the
22 rally, but I found the protesters. Little did I know there
23 was actual Trump support, like, down the block somewhere.
24 But I show up by myself at this -- with all the haters or
25 whatever. But where was I going with this?

1 BY AGENT ELIAS:

2 Q. Listen. You needed a cause. You needed a cause
3 and you found a cause. And it -- listen. That cause has a
4 lot of good things about it. Being a patriot's a great
5 thing.

6 A. Oh my God. But look at what we did. We did the
7 wrong --

8 Q. Supporting the Constitution's a great thing.

9 A. Yeah. That's what I thought.

10 Q. But listen. You know, people make mistakes.

11 A. Yeah.

12 Q. Entering the Capitol on January 6th, that was a
13 mistake.

14 A. Yeah.

15 Q. That was a bad choice.

16 A. Yeah, it sure was.

17 Q. Tasing Officer Fanone, that was a really bad
18 choice, too.

19 A. Yeah.

20 Q. But --

21 A. I just thought that were going to end up --

22 Q. On the right side.

23 A. We were going to end up on the right side and we
24 were going to -- we had to get in there and these -- the
25 cops are stopping us. And it's like, we don't want to fight

1 with you. You're not -- you know? Like, you're protecting
2 evil people. Like, this is not right. And I didn't think I
3 was going to hurt a cop.

4 Q. You got swept up in the moment, trying to do the
5 right thing.

6 A. Dude, that mob -- when they say, mob mentality,
7 that's a thing.

8 Q. Sure.

9 A. That really is. I didn't understand. Like, I
10 don't -- like, "that's just a saying."

11 Q. But you --

12 A. That's a thing.

13 Q. True. It can pull on your emotions.

14 A. I didn't realize --

15 Q. But in the moment when you tased Officer Fanone
16 and in the moments when you went into the Capitol, you were
17 aware that you were there and you were -- you weren't having
18 an out-of-body experience. You knew what was going on. You
19 called for a taser. Even though you were swept up in it,
20 you called for a taser. And not only did you take the
21 taser, but then you put that taser on Officer Fanone's neck.

22 A. Yes, I did.

23 AGENT ARMENTA: You even asked how to use it.

24 MR. RODRIGUEZ: Yes, I did.

25 BY AGENT ELIAS:

1 Q. So what happened after? Did you walk into the
2 Capitol?

3 A. No. I mean, I went in and then everybody started
4 leaving. Like, everybody went in and then, next think you
5 know, everybody was gone. And some girl was like, hey,
6 everybody's leaving. Everyone's gone. Why? And then I go,
7 oh, the cops, and we just ran out of there. And then we
8 came out and it was all tear gas everywhere. I mean,
9 everything looked difference. Everybody was gone. It was
10 nothing but law enforcement and there was patriots just
11 throwing up and choking and crying and --

12 Q. Did you take anything from the Capitol?

13 A. No.

14 Q. You didn't pick anything else from up -- from
15 inside the Capitol Building at all?

16 A. No.

17 Q. If I told you we have a photo of you --

18 A. Somebody gave that to me. It was, like, a pouch
19 with an orange strap on it?

20 Q. Yeah.

21 A. I don't have that anymore.

22 Q. How'd you get it?

23 A. Some guy gave it to me. He had two of them.

24 Q. Was he inside the Capitol when he gave it to you?

25 A. No. He gave it to me on the outside when we took

1 the picture.

2 Q. Okay.

3 A. He had two pouches under a jacket or something and
4 he didn't feel -- I don't think he felt -- I think he was --
5 he felt he was going to get caught or something.

6 Q. How did you get rid of that pouch?

7 A. I gave it back to him.

8 Q. So you just held it to the photo or you -- did you
9 bring it back with you to LA?

10 A. No. No, I didn't bring it back to -- like, I had
11 it with me in the van and then he said -- he gave it to me
12 and then he offered -- he said, you know, we probably
13 shouldn't have that.

14 Q. So where did you offload it?

15 A. I gave it back to him. He --

16 Q. But where? Like, where were you at? You said it
17 was in the -- you had it in the van. So was it in D.C.? In
18 Virginia? In Texas? In California?

19 A. No. It was -- no. It was in D.C. somewhere. I
20 don't know where he got rid of it. I think he just threw it
21 in the garbage, in, like, a trashcan.

22 Q. At the Airbnb?

23 A. I think so.

24 Q. Who was it that gave you those pouches?

25 A. I don't know his name. He has a beard.

1 Q. He was with you at the Airbnb?

2 A. After. He didn't stay there. He visited, like,
3 that night. Like, he came --

4 Q. Who else knows him?

5 A. I don't know if anybody knows him.

6 Q. How did he get invited back to the --

7 A. Because we recognized his face from Beverly Hills.

8 Q. So he's from LA?

9 A. Yeah.

10 AGENT ARMENTA: Who is he right here?

11 MR. RODRIGUEZ: Oh. It's this guy right here
12 where -- you can't see him. There's a person right here.

13 AGENT ARMENTA: A person where?

14 AGENT ELIAS: Where?

15 MR. RODRIGUEZ: There's a person in here
16 somewhere. Like, there's gray or something. Like,
17 that's -- like, that -- there's a person there.

18 BY AGENT ARMENTA:

19 Q. Are you sure it's not this guy? He has a beard.

20 A. No, not him. No. He's from, like -- he's not
21 from California.

22 Q. Who is he?

23 A. I don't know. He was somebody that we saw -- I
24 have no idea who that guy is. I think -- I thought he was
25 cool, though.

1 Q. Name these people for me.

2 BY AGENT ELIAS:

3 Q. Yeah, who's this guy?

4 A. That's Mellow.

5 Q. Okay. Who's this?

6 A. Edward. Me. I don't know. Michelle. I don't
7 know him. He's not from California, though. That's Al from
8 Scottsdale.

9 Q. Do you know his last name?

10 A. Mm-mm.

11 AGENT ARMENTA: Who knows him?

12 MR. RODRIGUEZ: Al?

13 AGENT ARMENTA: Um-hmm.

14 AGENT ELIAS: Think Michelle.

15 MR. RODRIGUEZ: Oh, you know what? Michelle don't
16 even like him. I don't know who knows him.

17 AGENT ARMENTA: And he drove with you guys? Is
18 that the guy that -- the Al that --

19 MR. RODRIGUEZ: We picked up. Yeah. That's the
20 Al that we picked up on the way.

21 AGENT ARMENTA: Okay.

22 AGENT ELIAS: Who's this?

23 MR. RODRIGUEZ: I don't know who that is. That
24 might be Marci. That might be -- if that's -- I don't know
25 if that's a guy or girl. That's Andy. That's Al. I don't

1 know. And the girl I don't know either.

2 BY AGENT ARMENTA:

3 Q. And who all stayed in the Airbnb? Who actually
4 slept there?

5 A. I don't know because there was different -- there
6 was there or four -- there was people already there when we
7 got there and then they were there the one night. And then
8 I didn't -- like, there was this cute there and then she
9 disappeared. I don't know where she went, but she's not in
10 the picture. Not all those people stayed there I don't
11 think. Okay. So it was three stories, and our little area
12 was the bottom, the basement part, and there was a separate
13 entrance. So unless you go upstairs, you don't know who's
14 there and you don't know, like --

15 Q. How many people you think total were there?

16 A. There was a lot. I mean, there was a lot of
17 people there. But there was -- like I said, there was --

18 Q. Like, how many is a lot? Twenty, 30, 50?

19 A. Oh, how many's here?

20 AGENT ELIAS: Going to step out for a quick
21 second.

22 MR. RODRIGUEZ: Yeah. Maybe, like, less than 20.

23 AGENT ARMENTA: Less than 20?

24 MR. RODRIGUEZ: I mean, if there's 10/11 people
25 right there.

1 AGENT ARMENTA: So just an additional 10?

2 MR. RODRIGUEZ: Yeah. Maybe at the most. Can I
3 use the restroom, too?

4 AGENT ARMENTA: You want to --

5 AGENT ELIAS: Yeah. Let's take a break.

6 AGENT ARMENTA: Okay.

7 AGENT ELIAS: Go ahead and just slip your shoes
8 on.

9 AGENT ARMENTA: Yeah.

10 MR. RODRIGUEZ: Let me get my glasses.

11 AGENT ELIAS: Let me go clear it first.

12 AGENT ARMENTA: Okay.

13 (All parties exit the room.)

14 (Mr. Rodriguez enters the room.)

15 AGENT ARMENTA: Austin? Can you do that real
16 quick, because they need it? Okay. (Indiscernible). The
17 arrest warrant? Can you take care of that real quick?
18 (Indiscernible) a minute. You got that?

19 AUSTIN: Yeah, sure.

20 (Special Agents Elias and Armenta and an
21 unidentified male enter the room.)

22 AGENT ELIAS: All right.

23 AGENT ARMENTA: Just email it to them?

24 AGENT ELIAS: Yeah, yeah.

25 AGENT ARMENTA: Okay.

1 AGENT ELIAS: He's got to file paperwork real
2 quick here. I'm going to --

3 UNIDENTIFIED MALE: Do I need a mask?

4 AGENT ELIAS: What's that?

5 UNIDENTIFIED MALE: Do I need a mask?

6 AGENT ELIAS: Yeah. Could --

7 UNIDENTIFIED MALE: Sure.

8 (Special Agent Armenta and male exit the room.)

9 AGENT ELIAS: Okay. So --

10 UNIDENTIFIED MALE: Give me two seconds.

11 AGENT ELIAS: Yep.

12 BY AGENT ELIAS:

13 Q. I have a question for you. I mostly work
14 international terrorism cases, so I work, like, the ISIS and
15 stuff like that.

16 A. Wow.

17 Q. So I don't deal a lot with stuff going on --

18 (Unidentified male enters the room.)

19 MR. RODRIGUEZ: Can I come work with you?

20 BY AGENT ELIAS:

21 Q. (Laughter.) Right? But what I do want to know
22 about -- you said something that was interesting to me and I
23 know very little about it. But I know that there's this
24 group that's, like, the three percent group. What is that
25 about?

1 A. The three percent group is something that they lie
2 about. They tell you what it is and it's not that. What it
3 is, is it's just -- we believe that there was three percent
4 of the population that overthrew the former British
5 government.

6 Q. Right.

7 A. Now, that would include all of our Founding
8 Fathers, everyone we've ever heard of, George Washington,
9 Thomas Jefferson, all them, right? So that's -- they were
10 all the three -- they were just -- that's all it took was
11 the Three Percenters. And when Trump was, you know, at his
12 peak, way more than three percent support. So we --

13 Q. Sure.

14 A. -- figure, like, hey, they only need three percent
15 of the population to overthrow a corrupt government.

16 Q. Yeah.

17 A. So when you say, Three Percenter, we see ourselves
18 as people protecting the country.

19 Q. Okay.

20 A. Like, we're the three percent who are willing to
21 do something and not just watch it happen.

22 Q. So how does it -- is it like a group, or --

23 A. There is an official, I believe, Three Percenters,
24 which is supposed to be the people laying in wait, right?
25 Like, oh, we're ready to save this country. We're ready to

1 do something. But a lot of them are just behind the
2 keyboard and, you know --

3 Q. Just, like, keyboard warrior kind of thing?

4 A. Yeah. And then there's other people who don't
5 consider themselves Three Percenters who went to D.C. and
6 maybe they did storm the Capitol and --

7 Q. Yeah.

8 A. -- maybe they're considered the Three Percenters
9 of today.

10 Q. So you had had a three percent sticker on your
11 car, on your black Infiniti, right?

12 A. Um-hmm.

13 Q. So what did that signify to you?

14 A. It signified the patriot movement, the original
15 patriots that love America, our Founding Fathers. That's
16 what it symbolizes to me. The people who actually stood up
17 to create this country. That's what a Three Percenter is to
18 me. It's somebody who is just --

19 Q. Did you have any -- did you go to any meetings
20 where -- with people that were Three Percenters or any --

21 A. No.

22 Q. Part of, like, a --

23 A. No. I don't know any --

24 Q. -- Telegram channel that had Three Percenters in
25 it, or --

1 A. No. No. As far as I know, I'm -- of everybody I
2 know, I would be the only one that would say I'm a Three
3 Percenter. Like --

4 Q. Okay.

5 A. -- claim it or put a sticker. I don't know
6 anybody that has a sticker or a shirt or a tattoo or
7 meetings or -- I have never met with any militia or --

8 Q. Okay.

9 A. I'm just by myself Three Percenter.

10 Q. So how did you come in to know about the three
11 percent stuff?

12 A. I think from InfoWars.

13 Q. Just from InfoWars?

14 A. I think, yeah.

15 Q. Were you on any channels, like, any reddits or any
16 4Chan, 99Chan, 8Chan?

17 A. (Shakes head.)

18 Q. None of that stuff? You don't do any of that
19 stuff, or --

20 A. (Shakes head.)

21 Q. What about -- what kind of communications do you
22 use? Like --

23 A. I just --

24 Q. Telegram, right?

25 A. Well, recently, yeah. Telegram.

1 Q. So you had the -- we had talked about -- what's
2 the name of it? The MAGA Gang. You said there was another
3 one that you used, another -- was it the --

4 A. Like, Constitutional Patriot or something it was
5 called.

6 Q. Patriots --

7 A. Patriots Forever.

8 Q. Patriots MAGA 45 or something like that?

9 A. The names change. I don't know.

10 Q. Well, you were administrator for them.

11 A. I was on one of them that I changed the name.

12 Q. What was that one called?

13 A. That was that MAGA Gang one.

14 Q. Okay. And that was changed to what?

15 A. I haven't --

16 Q. Patriots 45?

17 A. No, no. I haven't changed it for --

18 Q. Were you in the Telegram channel, the Patriots 45?

19 A. I don't know.

20 Q. It's like Patriots MAGA 45 or something like that.

21 A. I mean, I don't know.

22 Q. If I told you somebody told me that you were the
23 administrator for that --

24 A. Oh, the -- I've only been an administrator for
25 that one.

1 Q. Okay. What's your handle on Telegram? Do you
2 have a handle you use?

3 A. Yeah. I think it was Trumpmafial776.

4 Q. And is that the only handle that you use on
5 Telegram?

6 A. I made a new one.

7 Q. What was the new one?

8 A. My name is Sonny, s-o-n-n-y, daise, d-a-i-s-e,
9 ouside, outside without a T. That was for you, for the FBI.

10 Q. Why?

11 A. Sunny days outside. That's what I want.

12 Q. Okay. So you just have Trumpmafial776 and
13 Sonnydaiseouside without a T.

14 A. Yeah.

15 Q. Any other ones?

16 A. For Telegram? No.

17 Q. What about -- what other channels or platforms do
18 you use? Instagram, Twitter?

19 A. I have a YouTube. That's about it. I mean, I --
20 yesterday or the day before, I opened up a -- I got a new
21 phone -- well, not a new phone, but I bought a -- I got a
22 new app for Instagram, but I haven't set it up or -- what's
23 the other one? Yeah, Instagram. I mean, I started one, but
24 I don't even know if it -- the profile's filled out, so I'm
25 not --

1 Q. Facebook?

2 A. I had -- yeah. I have a Facebook, but I don't go
3 on it. I haven't been on it since January.

4 Q. What about Twitter?

5 A. I had a Twitter, but I haven't been on Twitter for
6 a couple years, probably.

7 Q. Do you remember any of the YouTube, Instagram,
8 Facebook, or Twitter handles?

9 A. My YouTube is Trumpmafia, I think.

10 Q. Any other ones?

11 A. I don't remember Twitter. Twitter was probably
12 just D.J. Rodriguez.

13 Q. Okay.

14 A. And what was the other one? Facebook?

15 Q. Instagram or Facebook?

16 A. Facebook is Daniel Rodriguez.

17 Q. Did you have any spam accounts?

18 A. What's that? No.

19 Q. Spam accounts are alias accounts. You just had
20 one account on each of these platforms other than Telegram?

21 A. Alias accounts?

22 Q. Or multiple accounts? Like, some people have --

23 A. Well, I had --

24 Q. -- five YouTube account channels.

25 A. -- another YouTube account, which is --

1 Q. Okay.

2 A. -- my original, but they delete -- they kicked me
3 off.

4 Q. What was that one called?

5 A. That's just my name. That's just my normal one,
6 my -- think it was just --

7 Q. Just Daniel Rodriguez?

8 A. Yeah, I think so. I don't know. But my -- so, my
9 email is Donald Jefferson, and I think it was under Donald
10 Jefferson and they kicked me -- because I can't get -- I had
11 to make a new email address to get back on YouTube because
12 they wouldn't let me on YouTube because of whatever videos I
13 was liking or commenting on --

14 Q. So Donaldjefferson@gmail?

15 A. Donaldjefferson82@gmail.

16 Q. Did you only have a Google email account? Did you
17 have a -- any other ones?

18 A. I have another email.

19 Q. Okay.

20 A. It's the Trumpmafial776, I think.

21 Q. At Gmail?

22 A. Yeah. I had to make that one just for YouTube, so
23 I could get on YouTube.

24 Q. Did you have a Yahoo! or --

25 A. I had --

1 Q. -- Outlook?

2 A. No. I mean -- no.

3 Q. You did have a Yahoo account?

4 A. Oh God, no. Like, no, I don't think I did.

5 Q. Okay.

6 A. It would've been, like, 15 years ago or something.

7 I don't remember.

8 Q. Okay. So only two email accounts that you know
9 of?

10 A. (Nods head.)

11 Q. I'm not going to find more email accounts on your
12 electronic devices?

13 A. No, just Gmail. Just a Gmail with my --

14 Q. Which Gmail?

15 A. The Donaldjefferson82 is my main email.

16 Q. Okay. What's your -- what phone platforms do you
17 use?

18 A. What do you mean? Android?

19 Q. Do you use WhatsApp?

20 A. No.

21 Q. Do you have a WhatsApp account?

22 A. No.

23 Q. What's your cell phone number?

24 A. 626-935-5176.

25 Q. What about Skype?

1 A. (Shakes head.)

2 Q. Any other platforms that you can talk or send end-
3 to-end encrypted communications over?

4 A. (Shakes head.)

5 Q. WeChat, Tango, Fyber?

6 A. (Shakes head.)

7 Q. You're shaking your head, but is that a no?

8 A. Nothing. No, nothing. No, nothing. Just
9 Telegram.

10 Q. Okay. What app --

11 A. And text message.

12 Q. Do you have TextSecure?

13 A. No, I don't think so.

14 Q. What payment apps do you use? Zelle?

15 A. Nothing.

16 Q. Venmo?

17 A. No.

18 Q. None of that stuff?

19 A. No.

20 UNIDENTIFIED MALE: Cash App?

21 BY AGENT ELIAS:

22 Q. Cash App?

23 A. No.

24 Q. Nothing? Your only bank account's through Chase?

25 A. Yeah.

1 Q. And you said you formerly had a Bank of America?

2 A. Yeah.

3 Q. With the other people in your group, Mellow or Ed,
4 Michelle, how did you communicate with them when you weren't
5 in-person?

6 A. Text message.

7 Q. Over, like, iMessage or over -- text message over
8 Telegram?

9 A. Sometimes Telegram or just regular message. Just
10 regular text -- cell phone text.

11 Q. Okay. So after you left the Capitol and you went
12 back to the Airbnb, then what happened?

13 A. Nothing. We came back. We --

14 Q. What day did you -- did you leave the next day?

15 A. The next morning.

16 Q. The next morning?

17 A. Yeah.

18 Q. Okay.

19 A. Yeah.

20 Q. And who all was in the van coming back?

21 A. The same people.

22 Q. Okay. So Marci, Andy, Ed, Al, Mellow, and you?

23 A. Wait a minute. Al wasn't there. I think Al flew
24 back. Al flew back and we took his stuff to his house for
25 him. His luggage or whatever he had. He brought too much

1 stuff.

2 Q. Did you -- did he have any souvenirs he took from
3 the Capitol?

4 A. No. As far as I know, nobody took anything home
5 from the Capitol.

6 Q. Let's talk about who did you meet up with. From
7 your LA area people that you knew, who did you meet up with
8 over in D.C.? Or who did you know that traveled from LA
9 that was part of your group that you knew was in D.C. the
10 same time you were?

11 A. It was just that girl, Kayla, Chris Almonte, some
12 guy named Sauna (ph.).

13 Q. Sauna?

14 A. Yeah.

15 Q. Okay.

16 A. We knew a lot of people, though. I mean, if
17 you --

18 Q. Sure.

19 A. -- go to all the rallies.

20 Q. Gina was there.

21 A. Gina.

22 Q. Did you talk to Gina before she got arrested?

23 A. Um-hmm.

24 Q. What'd you find out from her?

25 A. Nothing. I mean, we just said hi. But, I mean,

1 we didn't talk about anything else. I don't really know her
2 that well.

3 Q. Did you go over to her house?

4 A. I've been to her house.

5 Q. After January 6th, have you been to her house?

6 A. Yeah. I went one time, yes.

7 Q. With Ed?

8 A. No.

9 Q. With who?

10 A. Gabe. The guy who turned a rat.

11 Q. What do you mean?

12 A. The guy who's snitching on everyone. He's a Trump
13 supporter, but -- and he had all this -- he used to always
14 pick fights with BLM and Antifa, and we always had problems
15 with him making us look bad, and he always wanted to get
16 violent. And now he's turned on us -- or, me.

17 Q. What happened when you went with Gabe to talk to
18 Gina?

19 A. It was just, like, to touch base. It was just
20 like, hey, you know, we're -- we made it. We're back.
21 Everything's okay. Are you okay? Kind of thing.

22 Q. What is Gabe going to say happened?

23 A. I don't know. I don't know about that guy. I
24 mean, I haven't had contact with him and he was really
25 quiet. He looked like he didn't like what happened and he

1 was just -- kind of just sit -- staring at the floor a
2 little bit or something. Like, sitting on the couch quiet.
3 And Gina and I were talking about D.C. and he was just quiet
4 and, I mean -- and then he left and I left. We were only
5 there for, like, 30 minutes maybe.

6 Q. Is there any reason why Gina would tell us that
7 you told her not to say anything to -- about you being at
8 the Capitol?

9 A. Yeah. I mean --

10 Q. Is that what you guys talked about?

11 A. I guess. Yeah. I mean, like -- yeah. We're
12 like, don't talk about this and don't tell anybody and --

13 Q. Did you threaten her?

14 A. No.

15 Q. But you told her not to say anything.

16 A. No, I didn't tell her. I mean, I think it was --
17 no. I don't even think I told her not to say anything. I
18 just think it was just assumed or implied that --

19 Q. Well, tell me what you said because I don't want
20 to put words in your mouth. Tell me how the conversation
21 went.

22 A. I really didn't talk to Gina too much. I mean, we
23 were over there and just talking, and was smoking some weed
24 on her patio. That's it.

25 Q. And?

1 A. I didn't threaten her or tell her any -- tell her
2 to do anything.

3 Q. But you guys did talk about not saying anything to
4 the police about what happened in D.C.?

5 A. We weren't even talking necessarily about not
6 talking to the police. We were saying not to talk to --
7 about this to anyone that we know.

8 Q. So just don't tell anybody?

9 A. Just keep it quiet and don't tell anybody anything
10 and let's try to live our lives normal, but not really, no.

11 Q. Okay.

12 A. Like I said, we thought everything was going to
13 turn out different and we didn't know this was going to be
14 like this. It was all a second thought. We weren't
15 thinking about let's go do something a get away with it
16 after. We just didn't even think about -- I didn't even
17 think about what we were going to do. I mean, yeah, we -- I
18 played it in my mind, like, scenarios or just my imagination
19 or something. But I didn't have a definite plan or we
20 didn't work any details out with -- I didn't work -- you
21 know?

22 I mean, Edward and I would butt heads. He would
23 want to do one thing, I'd want to do another, and -- you
24 know? So we're not, like -- we're just out there just
25 with -- I'm out there without a plan.

1 Q. Okay. So whose idea was it to go to paintball to
2 practice?

3 A. Oh, that was Edward. Edward owns --

4 Q. It was all Edward?

5 A. -- a paintball gun, so he wanted -- I think he
6 just wanted friends to go out there and do paintball with
7 him. And he's probably using it as an excuse to go train or
8 get in shape or something.

9 Q. And earlier, when we talked about things you
10 might've done to prepare to go on January 6th, you had
11 mentioned you had done some working out or something like
12 that. Running or something you said?

13 A. Oh, you know, just -- yeah.

14 Q. Getting in shape?

15 A. Jogging. Just jogging.

16 Q. Why were you jogging to go to -- back to the
17 Capitol?

18 A. Because we thought that we were going to be
19 fighting a bunch of Antifa and BLM, and we didn't want to be
20 getting beat up.

21 Q. Okay. When did you take up jogging?

22 A. I don't know. Like, six months ago, four months
23 ago. Four months ago, maybe.

24 Q. So like, right after the election?

25 A. Maybe. Yeah, I guess. Around the -- around

1 October. We'll say October, because I've been getting out
2 of shape and not -- I mean, I'm 38. If you don't exercise,
3 you get -- your body -- you know, it took a while for me to
4 get back -- able to -- like, I couldn't jog. I couldn't --
5 I was like -- it looked really awkward and, you know, it was
6 like my muscles weren't there anymore. Like, my brain was
7 like, run, and, like, my body was not able to run. Like, I
8 couldn't even --

9 Q. Yeah.

10 A. So no. I was just trying to get in shape. It's
11 not necessarily like something with, like -- I have all
12 these intentions of -- you know? I'm not some commando guy
13 that I'm trying to get -- look how skinny I am. I know
14 I'm -- just trying to get in a little shape.

15 Q. But at least part of your -- let me ask the
16 question, please.

17 A. Um-hmm.

18 Q. So part of the going to training at paintball or
19 shooting at the firing range --

20 A. Well, paintball was just fun.

21 Q. Hold on. Please let me finish the question, okay?

22 A. Sorry.

23 Q. So paintball originally, you said, Ed was trying
24 to get people together for formations, although it didn't
25 turn out that way. He was trying to get them together to

1 practice, like, how they would go up against BLM or Antifa.

2 A. Maybe, yeah.

3 Q. Yeah. And then after the election, you attempted
4 to buy a gun, but -- let me finish, please.

5 A. Um-hmm.

6 Q. And you guys did go to a shooting range after the
7 election.

8 A. No, before.

9 Q. You jogged.

10 A. We just went out to the dessert to go shoot.

11 Q. Oh, you went to the dessert to shoot?

12 A. Yeah.

13 Q. After the election?

14 A. No, it was before. It was a while ago. It was --
15 okay. Maybe it was after --

16 Q. Okay.

17 A. It was in November, I think.

18 Q. Yeah.

19 A. I remember I had a rented car when we went. It
20 was a --

21 Q. Oh, who rented it?

22 A. No, I had a rental because --

23 Q. Oh, you had a rental?

24 A. -- my car was totaled. It got -- I got in an
25 accident, so my insurance company gave me a rental car, and

1 I remember we went in that rental car to go shoot in a --

2 Q. Okay.

3 A. We went out to some legal spot where we could go
4 shoot.

5 Q. By Oak Creek?

6 A. No. No, that's where I live. No. We went
7 somewhere else.

8 Q. On BLM land or something?

9 A. Yeah. Yes. Somewhere Edward looked up.

10 Q. Okay. What was the --

11 A. I kind of --

12 Q. -- was part of it to prepare for, like, the Antifa
13 thing?

14 (Special Agent Armenta enters the room.)

15 MR. RODRIGUEZ: I don't -- no. Well, not for me.

16 AGENT ELIAS: Okay.

17 MR. RODRIGUEZ: I've been shooting and I just --
18 it's just fun.

19 AGENT ELIAS: Thank you, sir.

20 UNIDENTIFIED MALE: Yeah.

21 MR. RODRIGUEZ: I only -- I've been shooting with
22 other people and it's just for fun. I don't own --

23 AGENT ELIAS: Okay.

24 MR. RODRIGUEZ: -- a gun, so it's like --

25 AGENT ELIAS: Okay.

1 MR. RODRIGUEZ: -- just to go for fun. It's
2 not tactical, like --

3 AGENT ELIAS: Sure.

4 (Unidentified male exits the room.)

5 MR. RODRIGUEZ: I don't have a -- yeah. You're
6 not going to read any messages or find anything on me that
7 I'm out there, like, trying to prepare for shooting people.

8 BY AGENT ELIAS:

9 Q. Did you buy smoke grenades?

10 A. Yeah.

11 Q. When did you buy those?

12 A. When we went paintballing.

13 Q. What was it for?

14 A. For paintballing or --

15 Q. You didn't use them during the paintball, though.

16 A. No. You know what I used them -- what I wanted
17 them for was for a rally in Huntington Beach. I believe I
18 originally bought red smoke grenades to do them at the beach
19 at our -- at Huntington Beach.

20 Q. Did you take them with you to D.C.?

21 A. Think so. I think so.

22 Q. Okay.

23 A. Yes. Yes, I took two. I took two smoke grenades
24 because I thought that it would help us if we were trying to
25 escape, like, BLM or Antifa or something. Like, they were

1 surrounding us, or --

2 Q. Where'd you buy those at?

3 A. A paintball store.

4 Q. Do you remember the name?

5 A. Critical.

6 Q. What else did you buy that ended up going with you
7 to D.C.?

8 A. Nothing. I didn't have any money.

9 BY AGENT ARMENTA:

10 Q. What about -- what did, like, Ed buy or whoever
11 else went with you? What other equipment?

12 A. Ed bought the gas masks and the van, the rental.
13 I mean --

14 Q. What else? What other equipment? Supplies?

15 A. Walkie-talkies.

16 Q. Okay.

17 AGENT ELIAS: Yeah, that's right. You had that
18 on -- clipped on your shirt.

19 MR. RODRIGUEZ: Yeah. We bought some walkie -- he
20 bought some walkie-talkies.

21 AGENT ARMENTA: What was that for? What was the
22 purpose of the walkie-talkies?

23 MR. RODRIGUEZ: So we wouldn't -- oh, because
24 right before that, I think there was a -- remember in
25 Tennessee or Memphis or somewhere, there was a bomb. Do you

1 remember that RV and it wiped out all the cell phones? So
2 we thought that it was possible that they might bomb -- do a
3 bombing in D.C. and that we won't have any cell phone
4 communication, so we were just preparing to find each other
5 with the walkie-talkies. That's all it was.

6 AGENT ELIAS: Who all had walkie-talkies in D.C.?

7 MR. RODRIGUEZ: Well, there was four walkie-
8 talkies and there was only two of them charged. So I mean,
9 I think it was me, Mellow, Andy, and Edward. But Mellow
10 kept it in his pocket and Andy's was dead, so it was just me
11 and Ed. And then I think the batteries just died, because
12 we had just bought them. We didn't even charge them, so we
13 were just walking around with dead walkies for most of the
14 day.

15 AGENT ELIAS: Okay. So while you were stepped
16 away, we went over his Telegram, YouTube, Instagram,
17 Facebook, Twitter, his emails, his cell phone number, other
18 accounts he uses. And then they left the next morning after
19 January 6th and it was Marci, Andy, Ed, Mellow, and D.J. Al
20 flew back and they dropped their -- his stuff off for him.

21 MR. RODRIGUEZ: Al, for some reason, either wanted
22 to stay later or something. He didn't like the drive.

23 AGENT ELIAS: Yeah.

24 AGENT ARMENTA: He was the one from Arizona?

25 MR. RODRIGUEZ: Yeah, yeah. He was always -- he

1 was doing all this complaining, so I think maybe, like, he
2 didn't want to go back or --

3 AGENT ELIAS: Yeah.

4 MR. RODRIGUEZ: He was just complaining. The
5 music's too loud --

6 AGENT ELIAS: And then he said he met up with out
7 there Kayla, Chris Almonte, somebody named Sauna, and Gina.
8 And then we talked a little bit about Gina and he said that,
9 after January 6th, he did go to Gina's house with Gabe one
10 time. And they did discuss not saying anything to anyone.

11 BY AGENT ARMENTA:

12 Q. Okay. So you told Gina that?

13 A. Yeah. We were just not going to talk to -- talk
14 about it with anybody.

15 Q. Did you threaten her at all?

16 A. No. For sure, no.

17 Q. So she's not going to say that?

18 A. I would hope not.

19 Q. What about --

20 A. No. She's a sweet woman. I wouldn't threaten
21 her. And plus, what I did, why -- how can I threaten? I
22 mean, if I threaten her, she's just going to turn me in,
23 right?

24 Q. I'm just curious. Like, any other statements
25 regarding now President Joe Biden, was there any -- ever a

1 time where you were angry or threatened to assassinate him
2 or say anything --

3 A. For sure, no. For sure, no. I realize what
4 was -- what happened and if he --

5 Q. I'm talking about before --

6 A. Oh, no.

7 Q. -- and after.

8 A. No. For sure, no. No.

9 Q. Because there's people saying that you did say
10 that.

11 A. Okay. Then you --

12 Q. I'll be completely honest with you.

13 A. They said what?

14 Q. Because it's --

15 A. What are they saying? That I --

16 Q. We've been talking for a while now --

17 A. -- been threatening Joe Biden's life?

18 Q. Yeah.

19 A. For sure, no.

20 Q. So I need to hear it from you.

21 A. If I was -- number one, that's, like, a federal --
22 like, that's a -- I already know that, you know, threatening
23 a President is a very serious accusation. If you say
24 something on the phone, I think -- from what I understand,
25 it, like, might trip up, like, an automatic thing where

1 you're recorded or something and --

2 Q. Did you say anything related? Like, I would never
3 live under a Biden regime. I would rather die before that.

4 A. Over my dead body. I mean, over my dead body, I
5 said.

6 Q. If I got the opportunity, I would --

7 A. Yeah.

8 Q. -- assassinate Joe Biden.

9 A. No, I didn't say that. I said, Joe Biden's going
10 to be President over my dead body, I remember. Yeah. I'm
11 still alive, so I failed.

12 Q. So then, if you had the opportunity, you would --

13 A. No. Not anymore. Nothing like that. Like, I
14 don't --

15 AGENT ELIAS: In the past, though, you had those
16 ideations. You had thought about, like -- in the past, when
17 you were upset about the election and the vote was stolen --

18 MR. RODRIGUEZ: No. No, no, no, no, no, no, no,
19 no. No.

20 BY AGENT ARMENTA:

21 Q. Come on, full down low, man. (Indiscernible).

22 A. No. No. No. I'm not going to be able to take
23 out Joe Biden. I'm not delusional.

24 Q. I'm not saying that you actually think you could.
25 I'm just saying, did you say it?

1 A. No.

2 Q. Did you express that emotion about that --

3 A. No.

4 Q. -- desire? Because there are people that did say
5 that you said that.

6 A. I don't care what they said (indiscernible) --

7 Q. I'm just letting you know because I don't wan
8 there to be any confusion when it comes up that you lied to
9 us or that you didn't -- you weren't fully honest with us.
10 So that I'm laying all our cards on the table, showing you
11 what we know.

12 A. Yeah, I know.

13 Q. And so -- because like I said, you're the one that
14 D.C.'s got this freaking hard-on for because of what you
15 did, you know? Just with the officer, right? So if someone
16 else says it, three, four, five other people are saying that
17 you made these statements, who do you think they're going to
18 believe? And if you're saying --

19 A. There's not three or four, five people out there
20 that I talk to that I would say that --

21 Q. I'm just saying, if we find more --

22 A. There's (indiscernible) --

23 Q. But if you come to us and say, like, hey, I said
24 this because I was upset. There was -- like, if you give us
25 context. Like, this happened. I saw this on InfoWars or I

1 heard about this.

2 A. The worst thing I said was, Joe Biden will be
3 President over my dead body, as if I'm going to give up my
4 own life to stop this.

5 Q. And that's how you felt?

6 A. I thought that I wasn't coming back at one point,
7 yeah. I was prepared to not come back. Yeah.

8 Q. You were prepared to give up your life to prevent
9 him from being President?

10 A. No. To save the country.

11 Q. But, I mean, that's the same thing, right?

12 BY AGENT ELIAS:

13 Q. Was that when you went to D.C.?

14 A. I thought we were saving the country and I thought
15 it was just my -- it was -- I'm nothing. I'm nobody. And
16 for what the future is -- it's because the future -- there's
17 the future of the country and the kids and, you know,
18 everybody that -- what is -- what am I -- what --

19 Q. So you thought you were going to martyr yourself
20 for the cause of the country?

21 A. I'm so stupid.

22 Q. Is that what --

23 A. I didn't -- no. I don't have a death wish. I
24 don't want to die. I don't want to --

25 AGENT ARMENTA: Well, there's difference from

1 having a death wish than being willing to die for a cause,
2 right?

3 MR. RODRIGUEZ: I don't want to die for it. I
4 don't want to die at all.

5 BY AGENT ELIAS:

6 Q. But you did want to die for the cause at one
7 point. You just told us that --

8 A. I was willing to. I didn't want to.

9 Q. Right.

10 A. I was prepared that that was a possibility, but
11 clearly, I don't --

12 Q. (Indiscernible) --

13 A. I like my freedom and my life. I don't want to --
14 I didn't go there to die. I could've died this morning. I
15 could've not come out of the room.

16 Q. When you were fighting with Officer Fanone, did
17 you think that that might be -- that you might be in that
18 moment where this might be the real deal? This might be the
19 real thing for the cause here? This might be that turning
20 point for the --

21 A. Well, yeah.

22 Q. Yeah?

23 A. I thought that that's what was happening. I
24 thought that we were making it happen. I thought we were
25 saving the democracy and the election and the --

1 Q. Were you willing to take Officer Fanone's life for
2 the cause?

3 A. No. I didn't try to take his life. I knew -- I
4 don't --

5 BY AGENT ARMENTA:

6 Q. Have you ever said that, that -- in the past, that
7 you would be willing to, you know, kill someone in combat,
8 an officer if need be --

9 A. Oh.

10 Q. -- if they were --

11 A. Oh, no. I don't think I ever said anything like
12 that.

13 Q. Because there's people saying that you said that,
14 too. Just so you --

15 AGENT ELIAS: And there actually might be, like,
16 digital evidence that says that from you.

17 MR. RODRIGUEZ: I don't think there is.

18 AGENT ARMENTA: Well, that's not really a denial
19 if you're saying, I don't think there is.

20 MR. RODRIGUEZ: No. I don't think I ever said
21 anything like that or felt anything like that.

22 AGENT ELIAS: Is it possible you said that?

23 MR. RODRIGUEZ: I don't believe it is. I would
24 remember feeling that way or thinking like that.

25 AGENT ARMENTA: Danny, it sounds like you were

1 willing to die for your cause, you know, which I get. I
2 totally understand that.

3 MR. RODRIGUEZ: I don't feel it's our -- it's my
4 cause. I think it's, like -- it's a bigger cause. It's not
5 just me. It's for everyone.

6 AGENT ARMENTA: You were willing --

7 AGENT ELIAS: Totally, yeah.

8 AGENT ARMENTA: -- for the benefit of the country.

9 MR. RODRIGUEZ: Yeah.

10 BY AGENT ARMENTA:

11 Q. Right? You were willing to die for the benefit of
12 the country. That's a -- I mean, that's pretty serious
13 thing, right? Were you also willing to kill somebody who
14 was trying to disrupt that or trying to hurt the country?

15 A. You know --

16 Q. Because, like, honestly --

17 A. I didn't go planning to murder anybody.

18 Q. I'm not saying that.

19 A. But I knew that it was a possibility that --

20 BY AGENT ELIAS:

21 Q. There could be causalities and --

22 A. There could be causalities. That, like, if this
23 was another civil war, this was another 1776, another 4th of
24 July or something, that that could be a possibility and --

25 Q. Officer Fanone was just a casualty. That's part

1 of it, right? I mean, because your thinking is like --

2 A. Do you guys -- you went through taser training
3 before?

4 Q. Um-hmm.

5 A. And you've been tased?

6 Q. Um-hmm.

7 A. So he's been tased before, Officer Fanone.

8 Q. Um-hmm.

9 A. And he has a lot of neck tattoos. That's painful,
10 too, right?

11 Q. Okay. So where you going with that?

12 A. I'm not going anywhere with that.

13 Q. So you're saying he just had a little bit of pain?

14 A. I don't know how much pain he has. I've never
15 been tased. I'm sorry. I don't know what it's like. He
16 can tase me.

17 Q. But it seems like you were saying those things to
18 be dismissive about the harm that you caused him.

19 A. If I could go back and -- yes, I wouldn't do it
20 again. But what I did, I can't undo it. And I have, like,
21 no -- I'm embarrassed by it and I'm ashamed by it. And my
22 mom's going to find out about it, probably.

23 Q. But, Danny, the issue is, when you went to D.C.
24 and when you thought that you were part of this three
25 percent civil war that you were going to be fighting for

1 freedom, when you tased Officer Fanone, he was standing in
2 your way of fighting for freedom, right?

3 A. (No audible response.)

4 Q. Was he one of those -- were you willing to accept
5 him as a casualty if it -- so be it that the --

6 A. No.

7 Q. No?

8 A. No. I wasn't trying -- I would've stayed there
9 and, like, helped him, like, do something, like, hurt them
10 or -- he said that they were trying to get his gun. They
11 said they were trying to -- they were chanting, kill him
12 with his -- I didn't hear any of that. I didn't do any of
13 that. And honestly, I just walked up when they were pulling
14 him out.

15 (Special Agent Armenta exits the room.)

16 MR. RODRIGUEZ: And I saw that video where there
17 was people protecting him and I probably should've. I
18 didn't know that they were going to try to get his -- I
19 didn't --

20 BY AGENT ELIAS:

21 Q. But if that happened, he's just -- that's a
22 casualty of war, right?

23 A. No. I wouldn't really kill an officer.

24 Q. Let's talk about these people.

25 A. This person is from New Jersey. I don't know her.

1 Q. Who's this?

2 A. That's Chris Almonte.

3 Q. Who's this?

4 A. That's that guy, Sauna.

5 (Special Agent Armenta enters the room.)

6 MR. RODRIGUEZ: And I don't really know him. I
7 just know his name is Sauna.

8 BY AGENT ELIAS:

9 Q. Where's he from?

10 A. He's from -- they're all from here.

11 (Indiscernible) --

12 Q. LA?

13 A. We're all from LA except for this person. This
14 person we just met that day -- or, I just met her.

15 Q. From, like, LA proper, Brentwood?

16 A. I don't --

17 Q. You don't know?

18 A. No. I mean, we're Beverly Hills rally, like,
19 area --

20 Q. Okay.

21 A. -- people.

22 Q. Who's this?

23 A. That's Ed.

24 Q. (Pointing at the photograph.)

25 A. Her name is Rip (ph.). I don't really know her

1 too well.

2 Q. Was she from LA?

3 A. Yeah.

4 Q. Did she travel with you guys?

5 A. No.

6 Q. Did you guys transport anything for --

7 A. I think these two girls are cute. That's all I

8 know about them. I don't know any -- where they live.

9 Q. Who's this?

10 A. That's Kayla.

11 Q. Kaylin?

12 A. No, Kayla.

13 Q. Kayla? Who's this?

14 A. (Laughter.) That's me.

15 Q. You know who these two people are?

16 (Special Agent Armenta exits the room.)

17 MR. RODRIGUEZ: (Indiscernible).

18 BY AGENT ELIAS:

19 Q. Need glasses?

20 A. No. (Indiscernible).

21 (Unidentified male enters the room.)

22 MR. RODRIGUEZ: Mm-mm.

23 BY AGENT ELIAS:

24 Q. Do you see this -- is that an American flag neck

25 scarf and a brown jacket?

1 A. Oh, is that Edward?

2 Q. Is this also an American flag neck scarf and a
3 brown jacket?

4 A. Yeah. That's Edward, I guess.

5 Q. You know who this is? Who is that?

6 A. (No audible response.)

7 Q. Why do you protect her?

8 A. (Crying.) She doesn't know what's going on.

9 Q. Oh, I think she does.

10 A. She's not one of us. She's not part of this.

11 Q. I think she is.

12 A. (Shakes head.)

13 Q. Then you have to start telling me why she not
14 because, right now, she's renting the car that you guys
15 drove.

16 A. She doesn't know anything (indiscernible) --

17 Q. She knows everything, Danny. And you told her
18 everything, too.

19 A. No. No.

20 Q. Is this Kaylin?

21 A. Just leave her out.

22 Q. Is it Kaylin?

23 A. Just please leave her alone. That girl is just
24 such a sweetheart. She's so innocent. She doesn't have
25 anybody.

1 Q. She's from Philadelphia, right?

2 A. From Pennsylvania.

3 Q. Pennsylvania, right? She's a nanny?

4 A. Yeah.

5 Q. You got to talk to me. If you want me to help her
6 out, then I need to know what I -- what her exposure is.

7 Because right now --

8 A. I haven't told her anything.

9 Q. -- she's part of the group.

10 A. I kept her with no information.

11 Q. What's your relationship with her?

12 A. I like her. Don't mention --

13 Q. Does she like you?

14 A. Not really.

15 Q. She's with Ed, right?

16 A. Kind of. But he don't really like her.

17 Q. Ed kind of uses women, right? He sleeps with a
18 lot of different girls.

19 A. Yeah.

20 Q. Did Ed use her to rent the vehicle?

21 A. I don't know. Maybe.

22 Q. Did Ed tell you that she rented the vehicle?

23 A. No. He didn't tell me anything. He was supposed
24 to be the one that was renting it.

25 Q. She goes to the rallies with you guys?

1 A. No. No.

2 Q. She in the Telegram channel?

3 A. Yeah.

4 Q. So she knew what you guys were about.

5 A. She's just not on there, though. Like, she
6 doesn't -- I put messages to her and she doesn't read them
7 or -- she doesn't go on there. She has it, but she's not on
8 there.

9 Q. So if you're not in a relationship with her, why
10 are you loyal to her and protecting her? And if she doesn't
11 truly know anything, why do you get so emotional about her?

12 A. She's the only one I have. She's the only thing I
13 have besides my mom. That's the truth. That's all it is.
14 She's someone I talk to. She's a friend.

15 Q. But you confided in her all of the things that
16 you've done.

17 A. No. No. I don't want to scare her. I don't want
18 her to worry and stuff. She probably won't want me around.
19 Ed already tried to scare her away from me, saying that I'm
20 no good, I'm -- I don't know. Maybe he told her stuff about
21 D.C. You might know more. (Laughter.) You might know more
22 about them.

23 Q. Did you guys -- did you or Ed or anybody else
24 threaten anybody after January 6th, tell them to not talk?

25 A. I don't really threaten anyone. I mean, that's --

1 I don't threaten anyone. I haven't threatened anyone, no.

2 Q. Did you ever make any communications to anybody,
3 whether it be through text communication or verbal
4 communication, telling somebody that if they talked to the
5 police or went to the police, that there'd be consequences?

6 A. No. I definitely didn't do that. And you would
7 be able to prove it, so why would I lie?

8 Q. So we started off our conversation today about --
9 we wanted to get to know the story of Danny. And basically,
10 I'm going to try to summarize the story that you've told us
11 so far and I want you to tell me where I'm wrong, if it's
12 wrong. But --

13 A. Who is this guy?

14 Q. Just when my partner goes out. He's just another
15 agent.

16 UNIDENTIFIED MALE: It's just two people to
17 protect.

18 MR. RODRIGUEZ: Got it, got it.

19 BY AGENT ELIAS:

20 Q. Yeah. He's just another agent on our -- in our
21 office. So essentially, you have been a fan and a support
22 of Trump for a long period of time. And when Trump became
23 President, you were motivated to try to join the military,
24 but the military -- the Army didn't take you based off of
25 your prior history. But you volunteered to do canvassing on

1 behalf of the campaign.

2 And then at some point in August of 2020, you
3 started attending Trump rallies. Most of them in the
4 Beverly Hills area, but some of them in Huntington Beach
5 and --

6 A. Politicians' houses.

7 Q. -- at politicians' houses. And at some point
8 after the election, when it appeared to you that Biden was
9 going to be declared the winner, you --

10 A. I didn't think that Biden was ever going to be
11 declared winner.

12 Q. But at some point, you believed that the election
13 was stolen from Trump, that Trump had won in a landslide,
14 but that those votes weren't being legally counted. And
15 some of that information you got from InfoWars and from some
16 of the other videos that you were seeing of, like, ballots
17 being moved about in boxes and things like that. Is that
18 correct so far?

19 A. Yeah. Yeah. Steven Crowder and Mark Dice.

20 Q. Okay.

21 A. InfoWars. It's all over.

22 Q. Right.

23 A. From the Hodgetwins. There's just tons of
24 channels that -- evidence everywhere.

25 Q. Okay.

1 A. Overwhelming evidence that it's been stolen,
2 everything's not right.

3 Q. Right.

4 A. We need to fix this.

5 Q. And part of your background and your experience
6 was that you felt like, at some point, you get involved with
7 the three percent belief.

8 A. No -- oh, yeah.

9 Q. Do you know -- how far back was that, by the way?

10 A. I just felt like --

11 (Special Agent Armenta enters the room.)

12 MR. RODRIGUEZ: I don't know anybody else that
13 called themselves a Three Percenter or --

14 AGENT ELIAS: Sure.

15 MR. RODRIGUEZ: So I just -- nobody around my
16 friends, my circle, like, knew what that was, was about
17 patriotism (indiscernible) --

18 (Unidentified male exits the room.)

19 BY AGENT ELIAS:

20 Q. But at some point, you got involved
21 (indiscernible).

22 A. Yeah. I just thought --

23 Q. You never, like (indiscernible)--

24 A. -- that that was cool, yeah. I was putting
25 stickers on my car. I'm like, okay. Let me order something

1 online and put it on my car, and that's all it was. It was
2 never a meeting. I never met another --

3 Q. I know. And I was going to get to that. But I
4 was just wondering, when did that three percent stuff start
5 to, like, kind of be something that you were really
6 interested in?

7 A. Oh, maybe, like, ten years ago. At least, like,
8 2013, 2012.

9 Q. Okay. When did you get the sticker for your car?

10 A. When I got the car.

11 Q. Which was? I don't know that date.

12 A. I got that car in 2017, probably. That black one.

13 Q. Okay. And that's when you put three percent
14 sticker on it?

15 A. Yeah. I mean, I had InfoWars sticker, California
16 Republic sticker, American flag sticker.

17 Q. Okay.

18 A. Even had a thin blue line sticker.

19 Q. Okay.

20 A. I had all the stickers on there. Three Percenter,
21 1776.

22 Q. Okay. So back to my summary of what you've told
23 us thus far. And then you and some of the other friends
24 that were part of a -- your Telegram, Patriots -- whatever
25 the Telegram group was. MAGA Gang. And they're also the

1 group of friends that attends those Beverly Hills rallies
2 had decided you guys were going to heed the call of
3 President Trump and head back to D.C.

4 Part of what you thought, though, would -- could
5 take place when you went to D.C. was that you guys were
6 going to encounter BLM and Antifa who were there to be
7 opposing, like they had been in other rallies here in
8 California.

9 A. We were originally going to go protect -- the
10 original intent -- or possibility was to go protect the
11 Capitol.

12 Q. From Antifa and BLM.

13 A. From vandalism and --

14 Q. Right.

15 A. -- fire.

16 Q. And so you -- in order to make sure that you guys
17 were equipped for that because of all your experiences that
18 you lived --

19 A. That's why I needed the gas mask and --

20 Q. -- you needed the gas mask, the bear spray, the
21 tasers, all those things were because you thought you guys
22 were going to be engaged in some sort of civil war with BLM
23 and Antifa. You go to the -- you arrive by van, you attend
24 the Trump rally the morning of the 6th, and then you go to
25 the Capitol and you breach through the Capitol area.

1 You end up in the area where the tunnel is and, at
2 some point, you engage with Officer Fanone after receiving a
3 taser from some mysterious person after you call for a
4 taser. You tased Officer Fanone, you reviewed those videos
5 with us, that you confirm that that is you tasing Officer
6 Fanone in those videos. And at some point, after tasing
7 Officer Fanone, you end up breaching the Capitol through a
8 glass window that was already broken.

9 And once inside the Capitol, we showed you that
10 video of you inside the Capitol and you confirmed that that
11 was you that was trying to break the other window open. And
12 you believed at some point you may be there for a while and
13 so you needed to open that other window for ventilation in
14 case you were tear gassed. But at some point, those things
15 all occurred, correct? That's what you've told us thus far.

16 A. (No audible response.)

17 Q. Then you left from there. You took a photo with
18 somebody else. The guy outside that had the little --

19 A. Oh, yeah, we --

20 Q. -- gas bag or whatever it was.

21 A. Yeah.

22 Q. Hazmat bag.

23 A. Yeah. When we came out, we took that picture.

24 Q. Took those pictures, you went back to the Airbnb,
25 you left the following day in the van, and it was everybody

1 except for Al was -- came back in the van. And you've
2 confirmed, at least in part, that one of Ed's goals may have
3 been -- for the paintball training was to practice should
4 you guys go up against Antifa or BLM, to make sure you guys
5 knew how to work together as a team.

6 A. I don't know if that was his intent or his goals,
7 but that's what I thought it might be.

8 Q. Okay. And you acquired -- at some point, you
9 acquired the smoke grenades for going to those rallies.

10 A. No. I had the smoke grenades because we went
11 paintballing, but they didn't let us use them at the
12 paintball, so I just --

13 Q. Well, you bought them at the paintball place.

14 A. Yeah. And then I just had them.

15 Q. And you said you were going to use them maybe at
16 the Huntington rally.

17 A. Yeah.

18 Q. And you didn't.

19 A. Yeah.

20 Q. But then you ended up on taking those along with
21 your knife, your pepper spray, and the gas mask that Ed gave
22 you. Those all ended up in --

23 A. I take a knife everywhere. I didn't take a --

24 Q. I understand, I understand. I'm just saying the
25 items you told us you took. All those ended up going with

1 you back to the Capitol. When you tasered Officer --

2 A. We didn't -- that stuff stayed in the van. We
3 didn't --

4 Q. It went to the Capitol region. Let me be clear.

5 A. Yeah. It went to Arlington, but it never went
6 into D.C.

7 Q. Okay. The van wasn't in D.C.? So when you
8 offloaded it, it stayed at the Airbnb?

9 A. No. We took a Uber into D.C.

10 Q. You Uber'd to D.C.?

11 A. Yeah.

12 Q. How many people went in the Uber?

13 A. Well, we had a couple Ubers.

14 Q. Okay.

15 A. It was just --

16 Q. Who paid for the Ubers?

17 A. Oh, it wasn't me. I don't know.

18 Q. You don't know who ordered the Ubers?

19 A. No. I don't have a Uber app or anything.

20 Q. Okay.

21 A. Might've been Ed, I guess.

22 Q. Might've been who?

23 A. Ed.

24 Q. Okay. When you were engaged in your activities at
25 the Capitol, including the tasing of Officer Fanone,

1 including breaking into the Capitol, there's a part of you
2 that believed that there may be -- this may be a civil war
3 moment where you had to be part of the necessary group of
4 people that were going to repel the evil to make sure that
5 our United States and our Constitution would survive, right?

6 A. (Crying.)

7 Q. And so when you --

8 A. Am I mental? Am I? Am I just that stupid? I
9 mean, yes.

10 Q. Listen, Danny. I think you just made some bad
11 choices, man.

12 A. Did we all really just -- are we all that stupid
13 that we thought we were going to go do this and save the
14 country and it was all going to be fine after? We really
15 thought that. That's so stupid, huh?

16 Q. You did think that, right?

17 A. Yeah. Yeah. We really thought that we were doing
18 the right thing, that we were going to -- yeah.

19 Q. And those -- the officers that were there, they
20 were getting in your guys' way.

21 A. (Crying.) Yeah. We just -- yeah. We were just
22 like, come on. Get out of the way, guys. This is
23 (indiscernible) --

24 Q. So if they were in your way, you guys just had to
25 tase them.

1 A. We're with you guys. Come on, guys. We back the
2 blue. You know how many times I've had to argue with people
3 about backing the blue and the cops telling us at rallies,
4 you know, stay on the sidewalk or it's time to get out of
5 here or whatever? And I'm like, come on, guys. This is not
6 how we back the blue. And I tased one of them. Yeah. I
7 don't know what --

8 Q. If you could say something to that officer, what
9 would you say?

10 A. (Crying.) I'm sorry he had to go through that.
11 It's not right that he had to suffer like that. And it puts
12 fear in him and worrying about his life. He was scared for
13 his own life and thought about having to kill us. And he
14 was willing to die because of his beliefs, too.

15 Q. What were his beliefs?

16 A. That he was standing up against the racists or
17 something, maybe. Like, the Trump people are bad and he
18 was -- he felt he was doing the right thing, too.

19 Q. Do you think he was doing the right thing?

20 A. Yeah. He was doing his job.

21 Q. Do you think you were doing the right thing in the
22 moment?

23 A. Yeah. But not very confidently, I guess. I mean,
24 not -- I mean, when I tased him, I really -- you know, like,
25 when you do something, you're like, goddamnit, why did I do

1 that? I just -- I had -- got caught up in the moment and I
2 didn't really think. I didn't think about him and his
3 family and what was going to happen to him. I should've
4 protected him and stopped what was going on.

5 Q. Danny, what should happen to somebody who assaults
6 an officer and breaks into the Capitol? And by break, I
7 mean illegally enters the Capitol.

8 A. Well --

9 Q. Causes property damage in the Capitol. What
10 should happen to somebody who does this?

11 A. Well, this kind of situation's never happened
12 before. I don't know what should happen because there was a
13 lot of brainwashing and manipulation and politics and a lot
14 at stake. A lot of peoples' lives on the line and
15 livelihoods and the futures on the line and -- you know?
16 There's a lot of emotions when you get involved when
17 you're -- when you feel like you're fighting evil. You're
18 fighting pedophiles.

19 And it -- you have a lot of fire that gets lit
20 inside you when you know that, like -- like, if you see a
21 dog or a child being beaten and it's like you can only,
22 like, take so much before you start to, like, feel
23 responsible for not doing something.

24 Q. On January 6th, did you feel it was your
25 responsibility --

1 A. I did.

2 Q. -- to go there?

3 A. (Crying.) I did. I did. I thought that -- yes.
4 Yes. I thought that I knew enough or I knew better and I
5 was -- I thought that I was doing the right thing. I
6 thought it was all going to be different. I thought Trump
7 was going to stay President. I don't know. I just can't
8 believe my life, what I did to it.

9 Q. So what should happen to you?

10 A. You know, I don't really want to answer that
11 because I don't --

12 Q. That's fair.

13 A. I don't know if I can tell what's going to happen
14 to me.

15 Q. Okay.

16 A. Probably done too much talking today.

17 Q. Is there anything that you want to change from any
18 of your previous statements that you've made to us? You
19 know what I'm talking about? Changing from maybe something
20 that wasn't truthful?

21 A. No, I have not lied. I've really not lied. Not
22 about the gun -- you said I have gun -- you guys -- there
23 was no gun at my house, right?

24 Q. There was a gun, yeah.

25 AGENT ARMENTA: There was a gun.

1 MR. RODRIGUEZ: In my mom's room?

2 AGENT ELIAS: Um-hmm.

3 MR. RODRIGUEZ: She had a gun? A .45?

4 AGENT ARMENTA: Yes, Danny. We're not lying about
5 that.

6 AGENT ELIAS: You'll get to see a copy of the
7 property evidence report and photos.

8 MR. RODRIGUEZ: What the fuck? She told me she's
9 not allowed to have a gun.

10 AGENT ELIAS: She did.

11 MR. RODRIGUEZ: See, when I first to buy that
12 Walther and I didn't get approved for the DOJ, I -- well,
13 originally, I was buying the gun for my mom. It was a .22
14 for the house. I was like, we should just own a gun, I told
15 her. We should just own a gun for the house. And it was a
16 .22. I was like, she shouldn't be scared of that. She
17 should be comfortable with that.

18 And I asked her -- and I -- when I told her -- I
19 go, well, I got this gun, I paid for it, but I couldn't get
20 my name -- they wouldn't approve me or whatever. And I told
21 her, well, let's put it in your name. And then that's when
22 she told me she couldn't have a gun.

23 AGENT ELIAS: Okay.

24 MR. RODRIGUEZ: So that's why when you said
25 there's a gun, I don't -- I didn't believe you. I --

1 AGENT ELIAS: So anything that you want to change
2 statement-wise?

3 MR. RODRIGUEZ: I mean, nothing lies.

4 BY AGENT ARMENTA:

5 Q. Anything you're not telling us that you know we
6 would be interested in as far as the involvement of your
7 friends in this?

8 A. I mean, Edward and I were close at one point, but
9 we don't even talk anymore. Like I said, I'm not into -- I
10 don't follow the -- if you even -- I don't know if you guys
11 look at my YouTube. I don't even watch a video or --

12 Q. Danny, Danny, Danny, that's not what I asked.

13 A. -- not commenting.

14 Q. That's not what I asked.

15 A. No.

16 Q. Is there anything that you didn't tell us -- like,
17 remember, I talked about lies of omission?

18 A. (Nods head.)

19 Q. Is there anything that you want to let us know, so
20 we can tell the prosecutors, hey, actually, Danny came
21 forward and he told us this, and he was being really
22 helpful.

23 A. I would try to -- I would like to be more helpful,
24 but I don't have any -- what do you -- I mean, if you ask me
25 (indiscernible) --

1 BY AGENT ELIAS:

2 Q. Did you plant the pipe bombs?

3 A. Did I what?

4 Q. Did you plant the pipe bombs that were down there?

5 A. No. I don't know if there was any -- no.

6 Q. Did Ed?

7 A. No. I don't know anything about pipe bombs. I

8 heard that there was pipe bombs from the news. I don't

9 know.

10 Q. Do you know any information about other people,

11 other groups that took weapons and did things at the

12 Capitol? Assaulted officers, injured officers?

13 A. Mm-mm.

14 Q. Because that would be information that could help

15 you out.

16 A. I don't. I don't. I don't know anything like

17 that.

18 BY AGENT ARMENTA:

19 Q. And just so you know, like I said, Danny, like,

20 you know, complete honesty, we talked to a lot of people

21 today, not just you. We executed a lot of search

22 warrants --

23 A. They're lying about me saying that I'm threatening

24 the President and stuff like that, though.

25 Q. We executed a lot of search warrants just like we

1 did at your mom's house. We searched vehicles, houses,
2 persons, and phones, and we're going to find those
3 information, those communications, even if it's deleted.
4 The FBI's really good at finding information that's deleted,
5 because, as you might know, if you delete a text or an app
6 on a cell phone, it's not really deleted.

7 A. You guys found all those Clinton emails?

8 Q. Um-hmm.

9 A. No, I don't have anything.

10 Q. So honestly, Danny, you should be worried about
11 yourself right now.

12 A. I'm really worried about -- I'm probably, what?
13 Looking at 20 years or more? Forty years, 50 years? What
14 am I doing? I'm going to die in prison?

15 BY AGENT ELIAS:

16 Q. No. Like, the way it works is they take a look at
17 all of your charges and they take a look at your prior
18 criminal history and whether or not you cooperated with the
19 government, and all those things count towards credits
20 either for or against you. And if you go to a trial at the
21 end, then the judge issues a sentence. Or if you plead out
22 beforehand, then you negotiate a plea deal with the U.S.
23 Attorney's Office. So it can go a lot of different ways.

24 I can tell you right now, I think -- on the
25 assault on a federal officer, I think your exposure, the

1 sentence max is 20 years. But that's the statutory maximum
2 that you would get if you had busted through the charts on
3 all the offender scores and everything like that, and had no
4 cooperation credits. So that doesn't mean you're going to
5 get 20 years.

6 What you're actually facing is something
7 underneath that. But what that will be, it all depends on
8 what your criminal history is like; like I said, if you
9 cooperated with the government; if you entered in a plea
10 agreement or not; all those things. And that's all stuff
11 that you have to talk with your personal attorney over.

12 A. I don't have a good previous history.

13 BY AGENT ARMENTA:

14 Q. That's why I was telling I was trying to help you
15 out and that everything you need to tell us has to be the
16 absolute truth --

17 A. It was.

18 Q. -- and all the information.

19 A. It is.

20 Q. Okay?

21 A. Yeah. It's been --

22 Q. I'm just giving you the free pass now, let you
23 know.

24 A. It's been.

25 Q. All right?

1 A. I have not --

2 Q. If there's something that we have, we look at,
3 that isn't mixing with your statements or cell phone texts
4 from Ed's phone or Frischkorn's phone or Rashmatter's (ph.)
5 phone or -- do you want me to go on?

6 A. That's Kayla's last name.

7 Q. Yeah. You see what I'm saying, though? I'm
8 trying to be all cards on the table right now, okay? And
9 it's going to hurt you, man, and you're already looking at a
10 serious charge. So please let me help you. Don't let -- I
11 don't want you to leave this room and say, shit, I should've
12 told him this. Will this hurt me?

13 Because what you're looking at, you don't want
14 even the slightest chance of that happening. And those
15 other guys over there, they're not looking at nearly what
16 you're looking at. So if you're trying to help them out,
17 they don't need it. You're the one that needs it.

18 A. Right. I don't --

19 BY AGENT ELIAS:

20 Q. They might be wheeling and dealing already.

21 A. I don't have anymore information that I haven't
22 told you. I've been truthful. I didn't know about the gun
23 and I've not done any threats. I never threatened Gina. I
24 never -- or anybody about talking. I've never -- the worst
25 thing I said about killing somebody was me dying. I said,

1 over my dead body. I remember writing that or saying that
2 to somebody.

3 And I never -- it was very weird because, here I
4 am supporting the President of the United States, Trump, and
5 the -- and that's -- to me, I've been following Trump for a
6 long time. It's like, I know the guy. I've been -- I
7 watched him on The Apprentice and, like, I recognize this
8 guy. I know him, like, almost like a old friend, like
9 someone I'm familiar with, and I don't really see him as the
10 President.

11 I don't really recognize that this is the
12 highest -- I mean, I do. But it's like this is an important
13 person in the world and I'm backing him up, but what about
14 when he's replaced or gone? Now I'm the enemy of the most
15 important person in the world -- or, whatever, with all this
16 power, and it didn't register. I'm now the enemy -- like,
17 as if -- I'm supporting Trump, but it didn't register in my
18 mind.

19 Like, what if I was against Trump? Like, what are
20 the consequences of, like, trying to overthrow a President
21 or something, you know? And then I find myself in that
22 position like that. Like, first I'm trying to be the good
23 guy. I think I'm the good guy. I want to be the good guy.
24 Now I'm, like, the bad guy.

25 And now it's like I just went after the President

1 of the United States? Like, that is not a joke. That's
2 something, like -- hello? Like, what was I thinking? What
3 am I doing? Like, snap out of it. Like, you're going after
4 the highest office out there. Like, you're delusional.
5 What is -- what was wrong with you?

6 Like, FBI, CIA, Secret Service, like all these
7 agencies and marshals and whatever's -- whoever's out there,
8 it's like now I'm on their -- the enemy list of all them. I
9 didn't -- that's how stupid I am. I didn't realize -- I
10 don't know. I just didn't think it was going to turn out
11 like this. I thought the good -- I thought was -- who I
12 thought the good guys were, the good guys were going to win.
13 And I thought I was a good guy. Wanted to be a good guy.

14 AGENT ELIAS: All right. We're going to get you a
15 property receipt for this. You have a 597? Can you --

16 AGENT ARMENTA: I can look for one.

17 AGENT ELIAS: Will you just grab one real fast?

18 AGENT ARMENTA: Okay.

19 AGENT ELIAS: And then --

20 MR. RODRIGUEZ: Is there any way I could talk to
21 my mom?

22 (Special Agent Armenta exits the room.)

23 AGENT ELIAS: No. Not right now. You'll be able
24 to -- when you get --

25 MR. RODRIGUEZ: You mean, when I got to jail, I

1 have to call her?

2 AGENT ELIAS: Yeah. We're going to take you down
3 to the courthouse. You'll have an initial appearance today
4 with the Judge where the Judge will read you your charges
5 and you'll have a -- like, appointed legal counsel for you.
6 And then the Judge will order you -- sorry. You won't have
7 initial appearance today. It would just on -- put on
8 calendar and they'll set it over for an initial appearance
9 for you where you -- you'll have -- then you'll have legal
10 counsel and all that stuff. So you'll get access to a phone
11 today. You'll be able to call her.

12 MR. RODRIGUEZ: And if I don't know the number?

13 AGENT ELIAS: Can try to get it for you. I'm sure
14 one of the agents who was interviewing her got her phone
15 number, so I can write it down a piece of paper for you.

16 MR. RODRIGUEZ: I think it's 786-4860. I'm not
17 going to see freedom for the next 20 -- maybe 20 years from
18 this moment forward, huh?

19 AGENT ELIAS: That's not true. Some people get
20 put out -- they get let out on pretrial release. You
21 assaulted a federal officer, so it's going to be -- you have
22 tough --

23 MR. RODRIGUEZ: (Indiscernible).

24 AGENT ELIAS: -- a tough battle there.

25 MR. RODRIGUEZ: (Indiscernible).

1 AGENT ELIAS: But you got to talk with your
2 attorney about those things.

3 MR. RODRIGUEZ: My car, my -- everything is gone.
4 I mean, I'm not -- I lost everything, then, huh?

5 AGENT ELIAS: I mean, it's all -- whatever is your
6 possessions is your possessions. You can deal with that
7 with your mom and you.

8 MR. RODRIGUEZ: It's time for a new life
9 (indiscernible).

10 AGENT ELIAS: At any point, did you delete any
11 evidence, any text messages, any communications after
12 January 6th, thinking that we would be coming to seek that
13 information?

14 (Special Agent Armenta enters the room.)

15 MR. RODRIGUEZ: Maybe. I don't remember the
16 specifics but, I mean, you're going to find it.

17 BY AGENT ELIAS:

18 Q. You did delete stuff, though?

19 A. No. I mean, I just delete stuff, like, I just --
20 I don't -- not on purpose or --

21 Q. Did you go through your phone and delete photos or
22 things inside your phone that were taken at the Capitol to
23 try to hide the fact that you were there?

24 A. Yeah. But it's still on the phone. You'll find
25 it.

1 Q. You did delete, though.

2 A. No. I didn't delete anything. I moved it to an
3 SD card. The SD card's still on the phone. You'll find it.

4 Q. Okay. Why'd you move it to the SD card?

5 A. Thinking that I would get away with it, but
6 already knew.

7 Q. Okay.

8 A. So I guess, you know, it's -- there's no point.
9 You guys are going to get in the phone or find a picture.
10 You guys found all those other pictures and --

11 Q. Yeah.

12 AGENT ARMENTA: It's like one \$10 bill, right?

13 AGENT ELIAS: Yeah.

14 AGENT ARMENTA: Yeah?

15 AGENT ELIAS: Yeah. And there's a money from, but
16 he doesn't need that. He just need to sign for the property
17 on this. You and I will sign the money form when we book it
18 in. So this will be held in our office as part of your
19 property under your case investigation.

20 MR. RODRIGUEZ: (Indiscernible) --

21 AGENT ELIAS: No. It won't be in the Bureau of
22 Prison or in the Department of Corrections' property. It'll
23 be in government property here.

24 MR. RODRIGUEZ: I'll get a --

25 AGENT ELIAS: You'll get a check back at the end

1 of -- the conclusion of your case.

2 AGENT ARMENTA: And then received by is us, right?

3 AGENT ELIAS: Yep.

4 MR. RODRIGUEZ: In 20 years, I'll use it for the
5 bus.

6 AGENT ELIAS: And then just line through all this.
7 Just draw a line through all the spaces.

8 MR. RODRIGUEZ: Is there really going to be all
9 these prison cells open for all of us or what?

10 AGENT ELIAS: What are you talking about?

11 MR. RODRIGUEZ: Is there enough room for all those
12 10,000 patriots?

13 AGENT ELIAS: Do you follow QAnon very much?

14 MR. RODRIGUEZ: I don't. No, because it's --

15 AGENT ARMENTA: Just sign right there.

16 MR. RODRIGUEZ: Not anymore. (Indiscernible).

17 AGENT ARMENTA: And then just right here, one \$10
18 bill, two \$1 bills.

19 AGENT ELIAS: You were into Q at some point?

20 MR. RODRIGUEZ: Not really. It was a -- it was
21 too confusing and cloudy and disinformation since the --
22 from the beginning. There was more -- there was multiple
23 Qs, so it --

24 AGENT ELIAS: Yeah.

25 MR. RODRIGUEZ: -- couldn't be trusted.

1 AGENT ELIAS: Right.

2 MR. RODRIGUEZ: But I do -- I am familiar with
3 some of the topics of Q and, like, the child -- the
4 pedophile stuff.

5 AGENT ELIAS: Yeah. Because you had mentioned
6 something about pedophiles earlier, so I was wondering if
7 you were into the Q stuff with that.

8 MR. RODRIGUEZ: Well, that stuff's been out there
9 for a while and --

10 AGENT ELIAS: Pizzagate, all of that, are you into
11 that stuff?

12 MR. RODRIGUEZ: Yeah. The pedogate thing --

13 AGENT ELIAS: Can you stand?

14 (Special Agent Elias applies restraints.)

15 MR. RODRIGUEZ: -- I was following --

16 AGENT ELIAS: Go ahead, put your hands behind your
17 back.

18 MR. RODRIGUEZ: -- that stuff before.

19 AGENT ARMENTA: Do I need to make a copy of this,
20 Nate?

21 AGENT ELIAS: The receipt?

22 AGENT ARMENTA: Yeah.

23 AGENT ELIAS: Yeah. We'll book it with his
24 property.

25 AGENT ARMENTA: Okay. Let me make a copy real

1 quick.

2 MR. RODRIGUEZ: So this'll be the last time I'll
3 see you guys?

4 AGENT ELIAS: No. We'll be around.

5 (Special Agent Armenta exits the room.)

6 MR. RODRIGUEZ: See you in court or what?

7 AGENT ELIAS: There's good potential for that, at
8 least later on.

9 MR. RODRIGUEZ: I'm going to take it to trial.

10 AGENT ELIAS: Well, you certainly have your rights
11 to do that. You can have a seat here. We'll be ready to go
12 in a minute. Just don't sit on your hands. Just try to sit
13 on the edge of the seat. There you go.

14 MR. RODRIGUEZ: I guess I'll take my chances with
15 a jury, see how they feel.

16 AGENT ELIAS: Well, like I said, you are certainly
17 entitled to a jury trial and you are more than welcome to
18 talk with your legal counsel about that.

19 MR. RODRIGUEZ: Does my arrest record affect me if
20 I have -- if I've had -- oh, wow. Yeah. I don't have that
21 anymore. I don't have that orange bag.

22 AGENT ELIAS: That's the bag we were talking
23 about, though, right?

24 MR. RODRIGUEZ: Yeah. I didn't take that, but if
25 the -- this guy --

1 (Special Agent Armenta enters the room.)

2 AGENT ELIAS: Him?

3 MR. RODRIGUEZ: No, that's Mellow. The guy in the
4 middle is the one who gave it to me.

5 AGENT ELIAS: And what was his name?

6 MR. RODRIGUEZ: I don't know his name.

7 AGENT ELIAS: He's from LA, though?

8 MR. RODRIGUEZ: Um-hmm.

9 AGENT ELIAS: Okay.

10 AGENT ARMENTA: Those are the same pants you got
11 on right now, huh?

12 MR. RODRIGUEZ: Yep.

13 AGENT ELIAS: So he ID'd Mellow.

14 AGENT ARMENTA: That's Mellow?

15 AGENT ELIAS: Yeah. And this is the guy from LA.
16 He doesn't know his name.

17 AGENT ARMENTA: Okay. Who was that Swedish scarf
18 guy?

19 MR. RODRIGUEZ: That who the -- that's that guy.

20 AGENT ARMENTA: Is that him?

21 MR. RODRIGUEZ: Yeah.

22 AGENT ARMENTA: That's him?

23 MR. RODRIGUEZ: I don't know him, though.

24 AGENT ARMENTA: You don't know his real name?

25 MR. RODRIGUEZ: He doesn't have a Swedish accent.

1 AGENT ARMENTA: Yeah. It's just the scarf. I
2 think that's why they're calling him that.

3 MR. RODRIGUEZ: So you're looking for him, too?

4 AGENT ARMENTA: Somebody is. Not me. I mean, I
5 just heard about it, so I was just curious.

6 MR. RODRIGUEZ: You guys are just assigned to me
7 only?

8 AGENT ARMENTA: Yeah. They give us cases and we
9 just, you know, do our jobs.

10 MR. RODRIGUEZ: Can I take my water?

11 AGENT ELIAS: Nope, because you'll get -- be able
12 to get stuff over at the marshals'. Hold on. Stay here for
13 a second.

14 (Special Agents Armenta and Elias step into the
15 hall.)

16 AGENT ELIAS: Are we going to transport right now?

17 AGENT ARMENTA: Yeah. Let me take this to Eric
18 or -- yeah.

19 AGENT ELIAS: Okay.

20 AGENT ARMENTA: I'll be right back. You good?

21 AGENT ELIAS: Yeah.

22 (Special Agent Elias enters the room.)

23 AGENT ELIAS: You can go ahead and have a seat.

24 We got to -- he's got to run (indiscernible).

25 MR. RODRIGUEZ: If I call my mom and I tell her --

1 ask her to call Kaylin and I tell Kaylin -- and I tell my
2 mom to tell Kaylin that they're watching here, is that
3 illegal or am I going to get in trouble?

4 AGENT ELIAS: Yeah. So at this point, if you say
5 anything to anybody who you think is a witness for the
6 Government, that the Government may want to talk to -- so,
7 any of your associates, anybody who was in the Telegram
8 channels, anybody who could have a piece of information.
9 And you tell them, the FBI's onto you, don't talk to them,
10 you do anything that could impede my investigation, that
11 would be obstruction of justice. So that's another federal
12 felony, so you don't want to probably engage in that kind of
13 behavior.

14 MR. RODRIGUEZ: Are you guys going to go after
15 Kaylin?

16 AGENT ELIAS: Well, we're going to follow the
17 evidence. So if the evidence shows that she committed a
18 crime then, yeah, she's going to be --

19 MR. RODRIGUEZ: She didn't commit a crime
20 (indiscernible) --

21 AGENT ELIAS: Okay. Well, then, you don't have
22 anything to worry about, right? We don't make things up.
23 We don't make up cases on people. We just follow the
24 evidence and let the evidence speak for itself. That's how
25 we do our cases.

1 MR. RODRIGUEZ: What about Edward? You guys
2 haven't gone after Edward?

3 AGENT ELIAS: Well, like I said, we're talking to
4 a lot of people today. Lot of people got search warrants, a
5 lot of people got talked to. So what happens with those
6 people in the future, it's all dependent upon the courts.

7 MR. RODRIGUEZ: Okay. So all you guys are FBI
8 that I see up here?

9 AGENT ELIAS: Um-hmm.

10 MR. RODRIGUEZ: That's cool. I didn't know you
11 guys were, like, normal, plain clothes-looking guys. You
12 guys could've been following me the whole time.

13 AGENT ELIAS: Could've been. Could've been.

14 MR. RODRIGUEZ: So it doesn't sound very good, my
15 case, huh?

16 AGENT ELIAS: I'm sorry?

17 MR. RODRIGUEZ: My case doesn't sound very good
18 for me, huh?

19 AGENT ELIAS: Well, I mean, it is what it is,
20 right? I mean, you admitted to a lot of the facts that we
21 had talked about in here and so --

22 MR. RODRIGUEZ: Will that help me?

23 AGENT ELIAS: What's that?

24 MR. RODRIGUEZ: Will that help me?

25 AGENT ELIAS: Well, I think -- thank you. I think

1 your honesty and -- that puts you in a position where we can
2 go to the prosecutor and say, hey, look. He provided us
3 with a statement. You know, here's the facts that he gave
4 us and, you know -- so, you have to then talk with your
5 defense attorney and figure out if you guys want to go enter
6 into a cooperation agreement with the Government or you want
7 to fight the case and take it to trial.

8 Those are -- so the way your cooperation in this
9 interview would help you is to show continued cooperation in
10 the future and that, you know, the -- like I said, the law
11 requires that the Government give you credit for cooperating
12 with them. It's called -- part of the sentencing guidelines
13 for the federal law says that if you give credits -- or, if
14 you cooperate, then you can get credit for reduction on your
15 sentence. So good? Hang tight here.

16 (Special Agent Elias steps into the hall.)

17 (End of recording.)

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