

STATEMENT OF FACTS

1. Your affiant, Robert Marcum, is a Special Agent with the Federal Bureau of Investigation and is presently tasked with investigating criminal activity on the U.S. Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or a Government agency to engage in or supervise the investigation of violations of Federal criminal laws.

2. The facts in this affidavit come from my personal observations; information obtained from other agents, witnesses, and agencies; and my training and experience. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

Background: Events at the U.S. Capitol on January 6, 2021

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

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

Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

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

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

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

8. During national news coverage of the aforementioned events, video footage and photographs which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including numerous individuals inside the U.S. Capitol building without authority to be there, individuals seeking to disrupt the

Congressional proceedings that day, individuals forcibly assaulting, resisting, and impeding the U.S. Capitol Police and associated Metropolitan Police Department officers, especially those gaining entry through violent assaults, individuals entering the offices of Congressional Representatives and at least one Senator (such as Speaker of the House Nancy Pelosi and Senator Jeff Merkley), individuals damaging and/or stealing property, and otherwise engaging in disorderly and disruptive conduct.

Facts Specific to Glenn Wes Lee Croy

9. Glenn Wes Lee Croy (“Croy”) is one individual who entered the U.S. Capitol building in Washington, D.C. on January 6, 2021. In a conversation conducted over Facebook Messenger, Croy and an individual hereinafter referred to as “Witness 1” discussed the Capitol riots. In the course of this Facebook Messenger conversation, Croy told Witness 1, “I was there,” and sent Witness 1 a picture of himself and another individual inside the U.S. Capitol Building standing in front of an Abraham Lincoln bust statue. This photograph is pasted below this paragraph. Witness 1 provided this information to the FBI and identified Croy as “Wes Croy” in the below photograph as “the male on the right.”



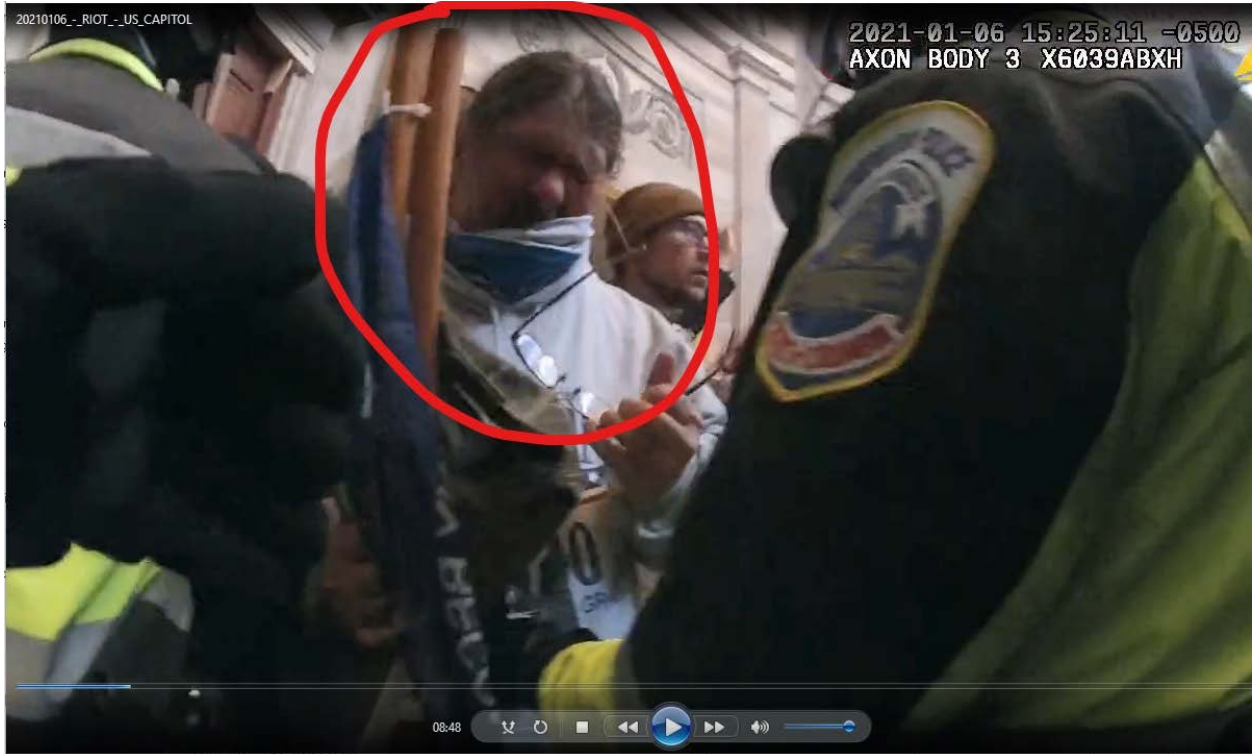
10. The individual on the left of the above photograph has been identified by law enforcement as Terry Lynn Lindsey (“Lindsey”), as discussed below.

11. The FBI has confirmed with the U.S. Capitol Police that the bust statue Croy and Lindsey are standing by appears to be located inside the U.S. Capitol Building. It is titled “Lincoln the Legislator” and rests, according to the Architect of the Capitol’s website, in or near the Small House Rotunda in the south wing of the Capitol.

12. Croy’s Facebook profile display name is “Wes Croy”. Open source research identified the user ID of Croy’s Facebook account as 100000907014713. Croy’s Facebook profile picture is a picture of a bronze statue of Baphomet. In the Facebook message screenshots provided by Witness 1, the profile picture is the same Baphomet statue with the profile name “Wes Croy”. Additionally, the FBI viewed a Colorado driver’s license photograph of Croy that was taken in 2019. The individual in the official driver’s license photo appears to be the same individual who is standing on the right in the photograph taken in front of the Abraham Lincoln statue.

13. In addition to the above-described Facebook Messenger conversation and shared photograph, Croy also sent Witness 1 videos from inside and outside the Capitol Building. The inside videos show at least one other individual dressing up a statue with a hat and glasses, with other statues already dressed up, and the crowd of people inside the Capitol. The outside video is filmed from the scaffoldings and shows protestors below.

14. As part of the investigation, the FBI obtained body camera footage from the Metropolitan Police Department that appears to show Croy inside the Capitol Rotunda. Screenshots from this body camera footage are pasted below this paragraph, with Croy indicated by a red marking.





15. Witness 1 advised that Croy also had a Twitter account by the name “Croy Wes” and/or “LSD”. Open source research identified an account in the name of “LSD @croy_wes”. On December 27, 2020, LSD @croy_wes made a reply tweet to Colorado Congresswoman Lauren Boebert. Boebert Tweeted, “Who is going to be in DC on January 6th to stand with President Donald Trump?” to which LSD @croy_wes replied, “fellow Coloradan we will be there.” It now appears that both the Twitter account “LSD @croy_wes” and Facebook account “Wes Croy” have been deleted.

16. Lawfully-obtained Google records show that glenncroy70@gmail.com is associated with the following basic subscriber information: name of Glenn Croy, Google Account ID of 163150000000, recovery SMS number of 17193608764, and Account Create Date of 09/07/2016. Open source records indicate that Croy is associated with phone number (719) 360-8764.

17. According to records obtained through a search warrant which was served on Google, a mobile device associated with glenncroy70@gmail.com was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time.

Facts Specific to Terry Lynn Lindsey

18. Terry Lynn Lindsey, date of birth XX/XX/XXXX, is another individual who entered the U.S. Capitol building in Washington, D.C. on January 6, 2021. On January 7, 2021, the day after the above-described events, the FBI received a tip, via its online platform at tips.fbi.gov, that Lindsey was involved in the January 6, 2021 breach of the Capitol. The provider of the tip (hereinafter referred to as “Witness 2”), who has met Lindsey, gave photographs to the FBI of Lindsey apparently in the Capitol and holding an American flag in proximity to others. Judging by their angle and closeness to his person, the photographs appear to have been taken by Lindsey. Witness 2 obtained the photographs from a close contact, who had access to one or more close contacts of Lindsey. Witness 2’s tip also included a screenshot of a Facebook profile associated with Lindsey (the “Lindsey Profile”), which is in the name “Terry Lindsey”. The FBI searched for and identified the Lindsey Profile using the screenshot.


19. Records from Facebook show that the Lindsey Profile is in the name of Terry Lindsey, with (937) 538-8427 as the verified telephone number provided by the Lindsey Profile


holder. Per open-source research, that telephone number is associated with Terry L. Lindsey, date of birth March 28, 1967. The FBI believes this phone number is a historical number, previously assigned to and/or used by Lindsey. Records obtained from Sprint indicated the number was subscribed to another person as of April 8, 2020. A cursory review of open source, Ohio Bureau of Motor Vehicle records, and commercial databases, did not reveal a link between Lindsey and the current subscriber. The profiles of Lindsey and Croy were “friends” on Facebook prior to the apparent deletion of Croy’s account.


20. In addition, the FBI obtained official photographs of Terry Lynn Lindsey, date of birth XX/XX/XXXX. One photograph was from the Ohio Bureau of Motor Vehicles and dated May 5, 2015, their most recent photograph of Lindsey. A second photograph was a police photograph of Lindsey dated December 12, 2019. The FBI compared these two photographs to the photographs associated with the online tip and the Lindsey Profile. The individual in the official and police photographs appeared to be the same as that in the photographs associated with the online tip and Lindsey Profile, and the FBI believes the individual in all the aforementioned photographs is in fact the same individual, Terry Lynn Lindsey.

21. Review of the Lindsey Profile revealed photographs, posts, and commentary evidencing Lindsey’s participation in the January 6, 2021 breach. For example, on January 4, 2021, the following post appeared on the Lindsey Profile: “Going to D.C. anyone I know going give me a shout out.” Further posts to the Lindsey Profile from January 5, 2021, subsequently informed others of Lindsey’s apparent location along the way, stating, “Just hit West Virginia”; “Just got to Pennsylvania”; and “In Maryland”. These posts to the Lindsey Profile are pasted below.

 Terry Lindsey
January 4 at 12:01 PM - 🌐 ...
Going to D.C. anyone I know going give me
a shout out.

 Terry Lindsey
January 5 at 11:18 AM - 🌐
Just hit West Virginia

 Terry Lindsey
January 5 at 11:29 AM - 🌐
Just got to Pennsylvania

 Terry Lindsey
January 5 at 1:08 PM - 🌐
In Maryland

22. On January 6, 2021, various photographs were posted to the Lindsey Profile, ostensibly taken by Lindsey and near the Capitol among a crowd consistent with the events of that day. One such photograph showing Lindsey himself is included here.



23. At approximately 3:38 p.m., another photograph of Lindsey was posted to the Lindsey Profile with the caption, “Inside the Capitol”. The photograph is indoors in surroundings consistent with the Capitol, next to the “Lincoln the Legislator” bust described above. In this photograph, Lindsey held an American flag and stood next to another individual who was also holding some type of flag and wearing Trump-branded clothing. This post is pasted below, along with a post to the Lindsey Profile bearing a substantially similar or identical photograph with a caption, “Notice how peaceful we were inside the Capitol. Don’t believe the news we didn’t start shit”. Lindsey is the man standing on the left in the photographs, and the FBI believes Croy is the man on the right, as discussed above.



24. Lindsey and Croy also appeared in a video placing them in a building that appears consistent with the Capitol, among a crowd that appears and sounds consistent with the events of January 6, 2021. The video was originally posted to the social-media site Parler. It was subsequently published online by an open-source investigative journalism site, at which the FBI viewed it, as part of a chronological compilation of footage posted to Parler on or about January 6, 2021.

25. The Metropolitan Police Department body camera footage described above that captured Croy also briefly captured Lindsey inside the Capitol Rotunda. A screenshot from the body camera footage is pasted below, with Lindsey indicated by a red oval.



26. Lindsey posted to the Lindsey Profile the night of January 6, 2021 as follows: “To all yens who don’t like what happened today you are being brainwashed .i was there it was good until the D.C. police”. This post from the Lindsey Profile is pasted below, in redacted form to remove identifying information of another individual.



27. Finally, Lindsey posted several suggestions that he traveled to Washington, D.C. and entered the Capitol Building with at least one other person. In addition to the aforementioned photographs and video footage with Croy, Lindsey, in the comments section of the aforementioned January 4, 2021 post that stated “Going to D.C. anyone I know going give me a shout out.”, responded to a question of when he was traveling by writing, “Leaving Dayton in the a.m. not ncoic just pax.” Another FBI agent has informed me that “ncoic” is an abbreviation for non-commissioned officer in charge, a leadership position within the military, and “pax” is military slang meaning passenger and/or person. Also, at approximately 11:08 p.m. on January 6, 2021, Lindsey posted, “All I know is my D.C. roommates snoring like I don’t know what.”

28. Based on the foregoing, your affiant submits that there is probable cause to believe that Croy and Lindsey each violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government

business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

29. Your affiant submits there is also probable cause to believe that Croy and Lindsey each violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



ROBERT MARCUM
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of February 2021.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE