

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	Case No:
	:	
v.	:	
	:	VIOLATIONS:
	:	
TYLER SLAEKER,	:	18 U.S.C. § 1752(a)(1) and 2
	:	(Restricted building or grounds)
	:	
Defendant.	:	40 U.S.C. § 5104(e)(2)(D) and (G)
	:	(Violent entry or disorderly conduct)
	:	
	:	

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, Anne Borgertpoepping, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of an application for an arrest warrant for TYLER SLAEKER.
2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the Seattle Field Office. I am assigned to the Joint Terrorism Task Force that investigates domestic and international terrorism acts. Currently, I am tasked with investigating criminal activity in and around the United States Capitol grounds that occurred on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations of Federal criminal laws.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

PROBABLE CAUSE

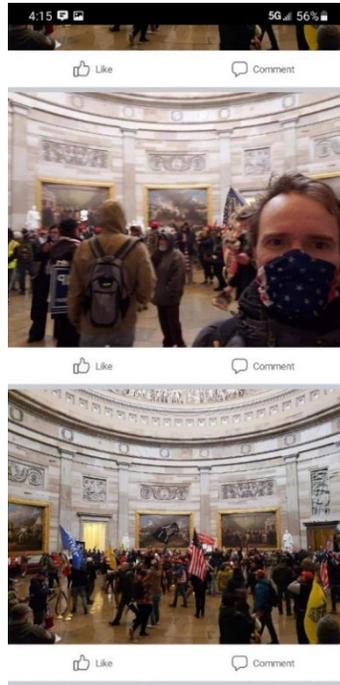
10. TYLER SLAEKER (hereinafter SLAEKER) is 39-year-old American citizen. Based on Washington State Department of Licensing records, SLAEKER resides in Federal Way, Washington. As discussed in detail below, SLAEKER appears to have traveled to Washington, D.C., from Washington state on or about January 4, 2021, and participated in the rioting at the Capitol.

11. Witness 1 provided an online tip to the FBI regarding the riot at the U.S. Capitol. On March 30, 2021, law enforcement interviewed Witness 1. Witness 1 advised that he/she is related to SLAEKER through marriage and saw a photograph on a family member's Facebook page of SLAEKER in the Capitol building during the riot on January 6, 2021.

12. Law enforcement also received a tip about SLAEKER from Witness 2. On April 8, 2021, law enforcement interviewed Witness 2. Witness 2 advised that he/she is related through

marriage to SLAEKER and he/she recognized SLAEKER in a photograph posted on SLAEKER's mother's Facebook page (shown below in Image 1). Witnesses 1 and 2 have identified the individual in the top photograph in Image 1 in the foreground wearing an American flag scarf/gaiter and a grey jacket as SLAEKER.

Image 1



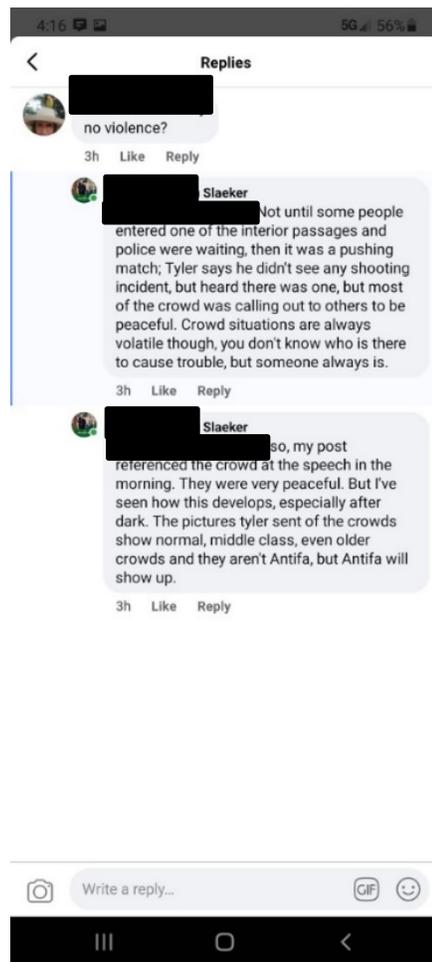
13. Witness 2 also provided the FBI with screenshots of additional posts from SLAEKER's mother's Facebook page. See Images 2 and 3. In Image 2, SLAEKER's mother, using the Facebook account that Witness 2 has identified as belonging to SLAEKER's mother, posted two photographs, which appear to depict the Capitol on January 6, 2021, with the caption "They entered the Capitol building-there is pepper spray going on-police are shutting down the building now."¹

¹ The Facebook account associated with SLAEKER's mother includes her first and last name; however, that information is not included here due to the public nature of this filing.

Image 2



Image 3



14. Image 3 shows that when asked if there was any violence, SLAEKER's mother, using the Facebook account in her first and last name, responded in part "Not until some people entered one of the interior passages and police were waiting, then it was a pushing match; Tyler says he didn't see any shooting incident, but heard there was one, but most of the crowd was calling out to others to be peaceful," and that "[t]he pictures tyler sent of the crowds show normal, middle class, even older crowds."

15. Law enforcement conducted a manual review of United States Capitol Police (USCP) closed-circuit television (CCTV). USCP CCTV shows an individual wearing a black helmet, grey jacket, backpack with black straps, and tan pants entering the U.S. Capitol building,

as shown in Image 4. Witness 1 and Witness 2 have identified the individual in the red circle in Image 4 as SLAEKER. Images 4 and 5 are screenshots from the CCTV footage of the Upper West Terrace door captured on January 6, 2021, at approximately 2:45 p.m., with red circles around SLAEKER. In Images 4 and 5, SLAEKER has what appears to be an illuminated smartphone in his hand.

Image 4



Image 5



16. USCP CCTV shows that after entering the Capitol, SLAEKER entered the Rotunda. Images 6a and 6b are screenshots from the CCTV footage of the Rotunda captured on January 6, 2021, at approximately 2:46 p.m., with 6b being a zoomed in version of 6a. SLAEKER, in the red circle, is standing on a bench between the painting “Baptism of Pocahontas” and the painting “Embarkation of the Pilgrims.”² SLAEKER can be seen raising his arm with what appears to be his cellular telephone in his hand.

² In a prior search warrant affidavit for T-Mobile records in this matter, this painting was incorrectly identified as “Independence Day.” This was an error. The painting is in fact “Embarkation of the Pilgrims.”

Image 6a



Image 6b



Image 7



17. Image 7, which was posted on SLAEKER's mother's Facebook page, see Images 1 and 2, is consistent with a photograph taken from SLAEKER's position in the Rotunda in Images 6a and 6b. First, it depicts the paintings "Surrender of Lord Cornwallis" and "General George Washington Resigning his Commission," which are across the Rotunda from the paintings "Baptism of Pocahontas" and "Embarkation of the Pilgrims." Furthermore, an individual with a yellow flag is standing in front and to the right of SLAEKER in Images 6a and 6b and an individual with a yellow flag is in the lower righthand corner of Image 7, which would be in front and to the right of the individual who took Image 7.

Image 6a



Image 7



18. Additionally, a blue Trump flag and a yellow flag are in front and to the left of SLAEKER, and an American Flag and a red Trump flag are in front of SLAEKER in Image 6a and a blue Trump flag and yellow flag are to the left and an American flag and a red Trump flag are straight ahead in Image 7, which would be in front and to the left and in front of the individual who took Image 7, respectively.

Image 6a



Image 7



19. Image 8 is a screenshot from the CCTV footage of the Rotunda captured on January 6, 2021, at approximately 2:53 p.m. SLAEKER, in the red circle, is holding what appears to be an illuminated cellular telephone in front of him with his back to the center of the Rotunda. Image

9, which was posted on the Benita Brinton Facebook page, see Image 1, is consistent with a “selfie” taken from SLAEKER’s position in the Rotunda in Image 8.

Image 8



Image 9



20. For instance, an American flag with black lettering on it is behind SLAEKER in both Images 8 and 9. “Surrender of Lord Cornwallis” and “General George Washington Resigning his Commission” can also be seen behind SLAEKER.

Image 8



Image 9



21. Image 10 is a screenshot from the CCTV footage of the interior Rotunda door captured on January 6, 2021, at approximately 2:59 p.m. The individual in Image 10 is wearing

a black helmet, grey jacket, backpack with black straps, and tan pants consistent with the clothing that SLAEKER can be seen wearing in Image 4. He is also wearing an American flag scarf/gaiter consistent with the scarf/gaiter that SLAEKER can be seen wearing in Images 1 and 9.

Image 10

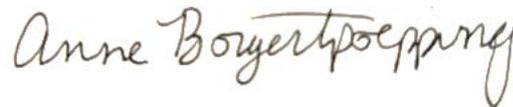


CONCLUSIONS OF AFFIANT

22. Based on the foregoing, your affiant submits that there is probable cause to believe that TYLER SLAEKER 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.

23. Your affiant also submits there is also probable cause to believe that TYLER SLAEKER 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.



Anne Borgertpoepping
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 27th day of July 2021.

ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE