

# EXHIBIT 3

## FEDERAL BUREAU OF INVESTIGATION

Date of entry 01/28/2022

MARKUS MALY, date of birth (DOB) [REDACTED], social security account number (SSAN) [REDACTED], residential address of [REDACTED] Fincastle, VA 24090, was interviewed at his residence. After being advised of the identity of the interviewing Agents and the nature of the interview, MALY provided the following information:

MALY has lived at his residence for approximately two years. MALY works as a flooring installer.

MALY was at the rally in Washington DC on January 6, 2021. MALY described it as more of a protest than a rally. MALY made arrangements the night before around 10:00pm to ride a bus up the morning of January 6, 2021 to DC. MALY caught a bus from Bedford. MALY's friend told him about the bus ride. MALY was willing to pay for a ticket on the bus, but someone had already paid and canceled, so MALY got to ride for free. The bus arrived around 11:30am in Washington DC where President Trump was speaking. MALY went by himself, but rode a bus.

MALY watched President Trump's full speech and then walked to the US Capitol. MALY saw people being gassed.

AGENT NOTE: MALY was shown the DC Metropolitan PD's Persons of Interest in Unrest-Related Offenses photographs (Image 3 in Statement of Facts).

MALY stated "that resembles me if it's not me". MALY continued "It's a photo of me just standing there. You just used my mug-shot".

MALY did have a white "Trump" cowboy hat that he wore at the US Capitol on January 6. MALY does not still have the white cowboy hat and thinks he lost it. MALY believes he found the hat at the US Capitol or rally.

AGENT NOTE: MALY was shown a photograph of a subject believed to be MALY holding a pepper spray can pointing at Police and asked if it was him (Image 8 in Statement of Facts).

MALY smiled and stated "I should probably lawyer up" and then MALY

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Investigation on 01/26/2022 at Fincastle, Virginia, United States (In Person)

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by Shawn O. Cox, Ryan Kennedy, POTTER CHAD

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immediately continued to speak to Agents.

MALY stated his black backpack that he wore at the US Capitol was in his garage. MALY does not have any "tokens" from that day. MALY used whatever he found on the ground that day.

MALY found a canister or two of spray on the ground at the US Capitol. Cops were being ass-holes spraying people. Cops would then throw down the canisters on the ground. There were so many canisters thrown down that MALY was having to walk over the canisters. MALY picked up a canister or two and sprayed them at Police Officers.

When MALY arrived at the US Capitol "it" was already happening. Cops would throw down part empty cans of spray on the ground. MALY sprayed the can at Police and only a small amount came out.

MALY stated it was bullshit and he is going to jail for protesting a stolen election. MALY stated "quit trying to catch me for more".

MALY came home the same day (January 6, 2021). MALY rode the same bus home. MALY went to DC to support President Trump and to protest the stolen election.

MALY communicates with people via telephone, but he does not speak that much. MALY has never used Telegram.

MALY was at the US Capitol for two to three hours, until he thought he might miss the bus. MALY had no additional interactions with Police.

When MALY was in the tunnel, someone gave him the Police shield. It was handed over to him. MALY thinks the shield had "Metropolitan" written on it. A Cop took the shield from MALY as he was walking away from the US Capitol. MALY was going to keep the shield as a trophy.

AGENT NOTE: MALY was shown the photograph of MALY in the tunnel passing a cannister to JEFFREY BROWN (Image 15 in Statement of Facts).

MALY stated it was not him and that he did not pass anything to anyone in the tunnel. MALY stated that people were heaving against a wall of Cops in the tunnel and MALY knew it was not a good place to be, so he exited the tunnel.

MALY saw stuff that "wasn't right" at the US Capitol and decided to do something about it.

The bus left Washington DC around 5:00pm or 6:00pm to return to Bedford.

FD-302a (Rev. 5-8-10)

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Jennifer is MALY's common-law wife or girlfriend. He has known her since she was 14 years old.

MALY confirmed the following: phone number "[REDACTED]", email "[REDACTED]@gmail.com", Facebook "Mark Maly".

MALY only accesses his Facebook account from his phone. MALY is the only person that uses his Facebook account. Jennifer and MALY's 22 year old son, Ben, both know the password to MALY's phone.

AGENT NOTE: MALY was provided with and signed the FD-395; FBI Advice of Rights form prior to the start of the interview.