

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation ("FBI") and has been so employed since December 2020. Your affiant is currently assigned to the Jacksonville, Florida Field Office, Pensacola Resident Agency. Prior to this assignment, your affiant was employed as a Police Officer in the city of Blue Springs, Missouri for approximately seven years. Your affiant successfully completed law enforcement training at the FBI Academy in Quantico, Virginia. During your affiant's training at the FBI Academy, he received training in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits and probable cause. Since becoming a Special Agent, your affiant has investigated and assisted in the investigation of matters involving various criminal offenses, to include matters involving criminal activity in and around the U.S. Capitol grounds on January 6, 2021. As an FBI Special Agent, your affiant is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of federal criminal laws.

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

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

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

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

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President

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

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

FACTS SPECIFIC TO RICHARD ESCALERA

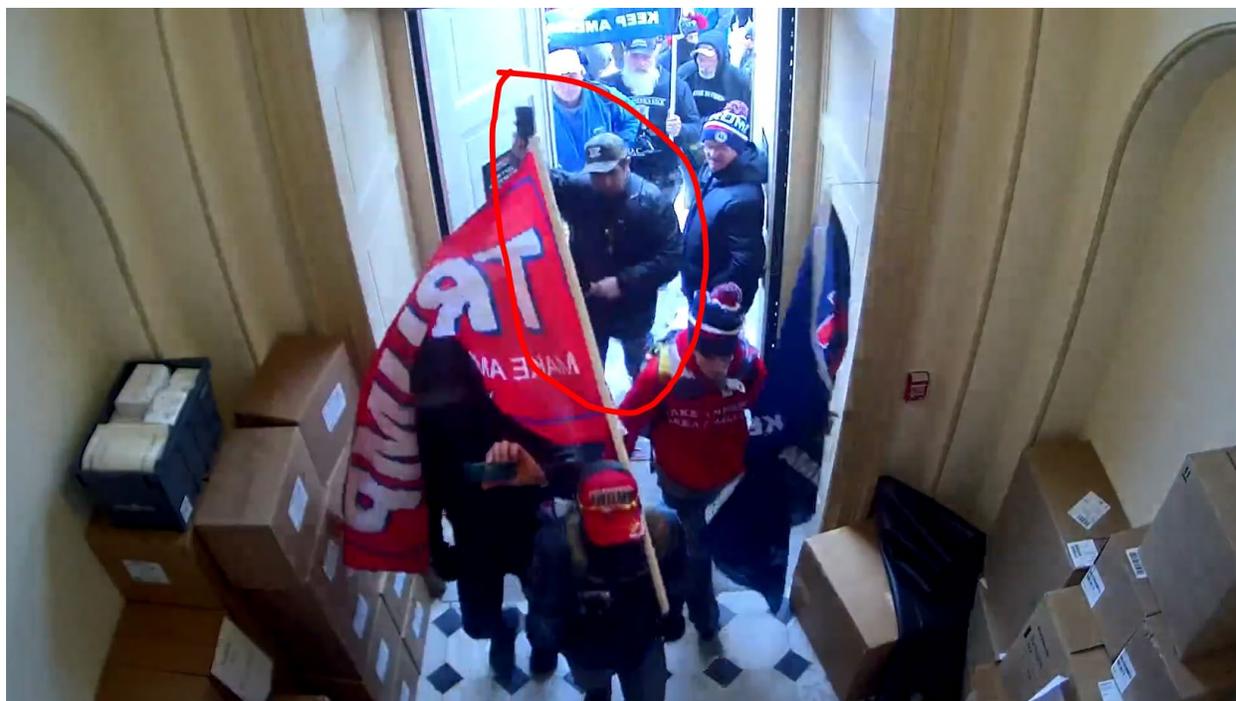
According to information obtained from Google LLC pursuant to a search warrant, Google account number XXXXXXXX9774 attributed to RICHARD J. ESCALERA (“ESCALERA”), was present within the geofence established around the United States Capitol building on January 6, 2021. Law enforcement then obtained records from Microsoft Corporation relating to the Google account which indicated that the recovery email address associated with the Google account was richard.escalera@hotmail.com.

On or about October 14, 2021, I conducted in an interview of ESCALERA at a residence on the 900 block of Airport Road, in Destin, Florida 32541, where he resided at the time. During the interview, ESCALERA admitted to traveling to Washington, D.C. on January 5, 2021. He stated he checked into a hotel in Washington, D.C. on January 5, 2021 and checked out on January 6, 2021. ESCALERA stated he attended President Trump’s speech on January 6, 2021. However, ESCALERA declined to tell me whether he entered the U.S. Capitol building.

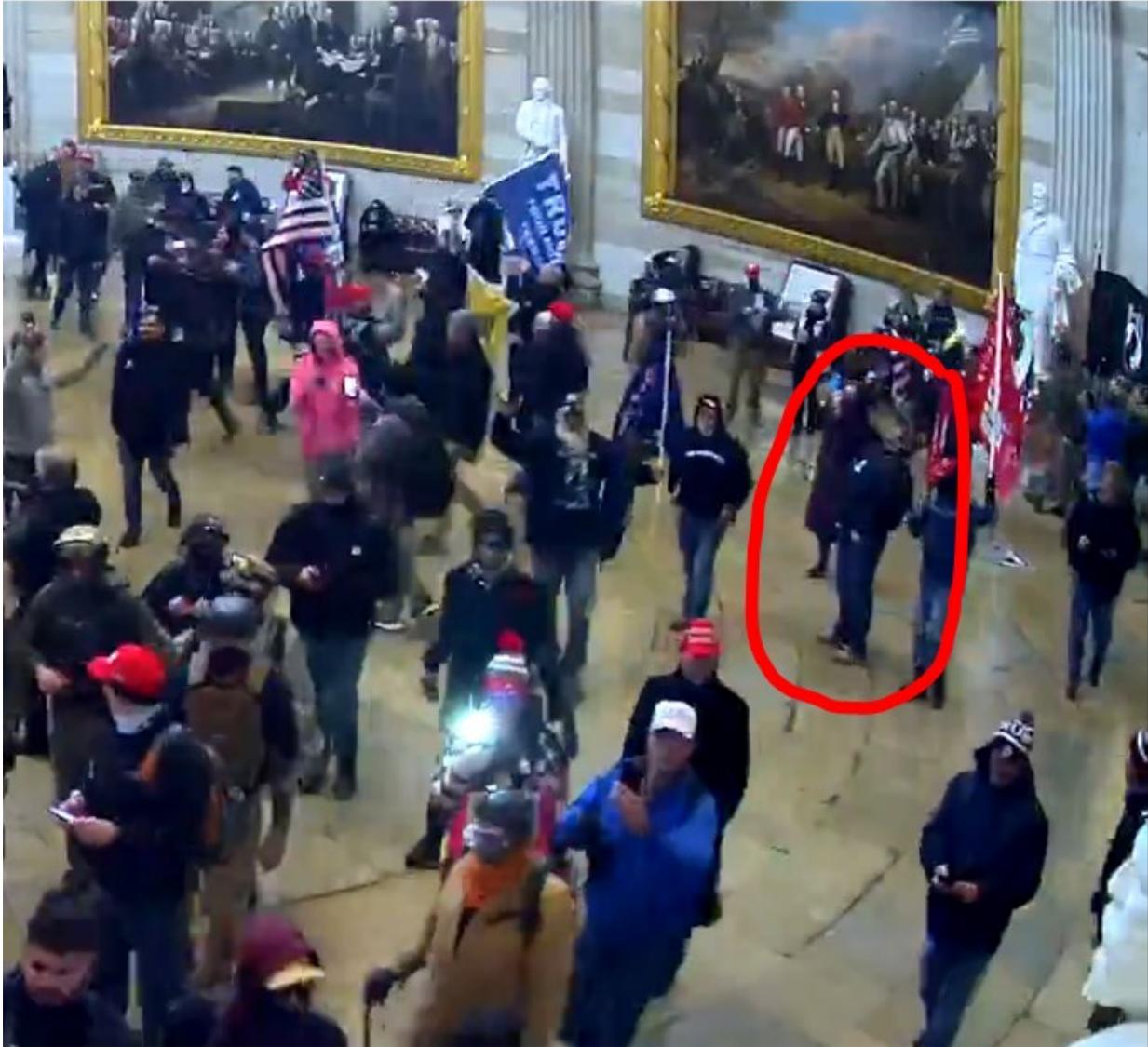
Footage from closed circuit television (“CCTV”) obtained from the U.S. Capitol, as well as body-worn camera footage from the Metropolitan Police Department (“MPD”) confirm that ESCALERA was located both outside and inside the U.S. Capitol on January 6, 2021. Specifically, at approximately 2:21 p.m. EST, ESCALERA was located at the front of a police barricade located near the southwest scaffolding outside the U.S. Capitol building. ESCALERA was wearing a black jacket and jeans, and a camouflage-colored hat with the words “LIONS NOT SHEEP” printed on it in white lettering. ESCALERA also had a pair of glasses hanging from his jacket front and was wearing a black backpack. Below is a still image from MPD BWC depicting ESCALERA;



According to CCTV footage, ESCALERA entered the U.S. Capitol through the Upper West Terrace Door at approximately 2:44 p.m. EST. Below is a still image from CCTV depicting ESCALERA entering the U.S. Capitol building:



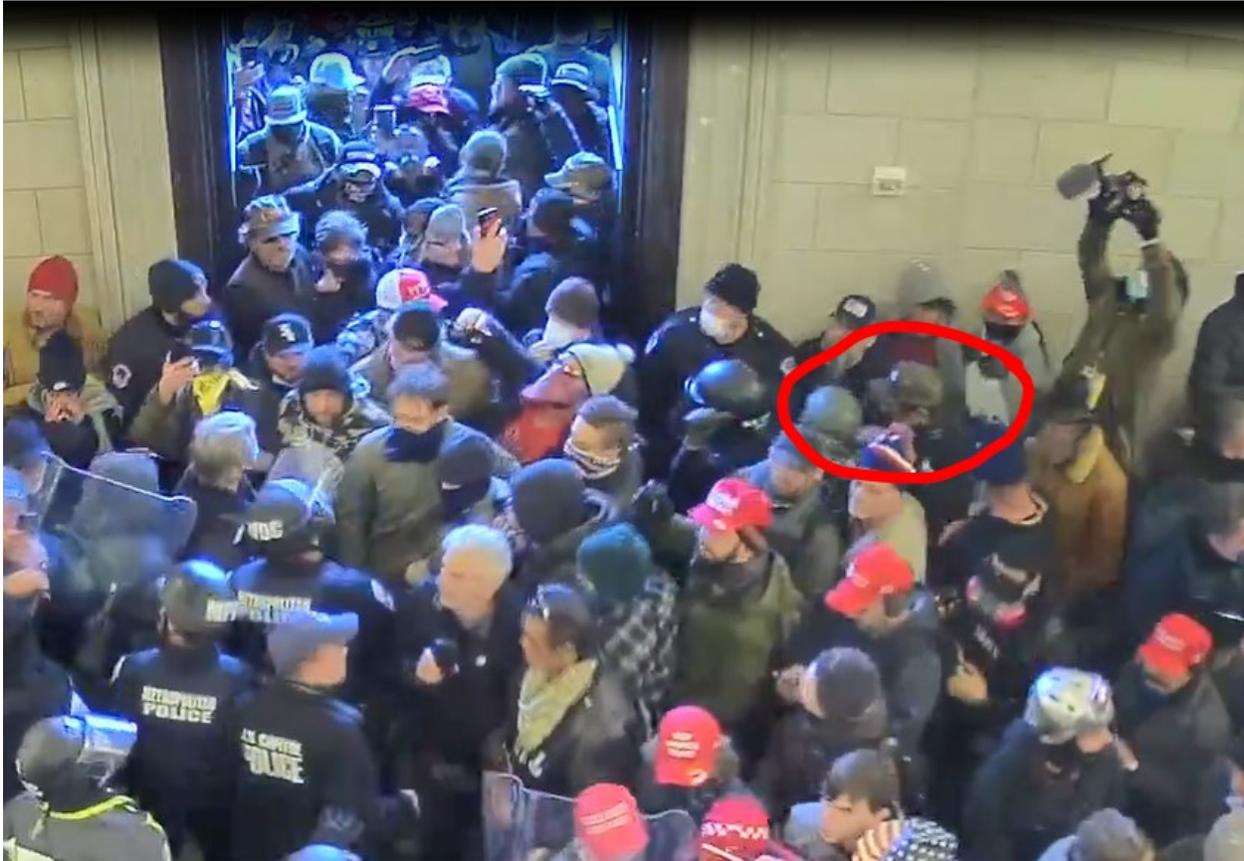
CCTV footage later captured ESCALERA in the rotunda at the U.S. Capitol building at approximately 2:45 p.m. EST. Below is a still image from CCTV cameras in the rotunda depicting ESCALERA:



At approximately 3:14 p.m. EST, MPD BWC captured ESCALERA vomiting on the rotunda floor as officers attempted to clear the room of rioters. Below is a still image depicting ESCALERA vomiting on the floor while being aided by officers:



According to CCTV footage, ESCALERA exited the U.S. Capitol building at approximately 3:25 p.m. EST through the rotunda doors. Below is a still image from CCTV footage depicting ESCALERA exiting the U.S. Capitol.



As discussed above, I interviewed ESCALERA at his residence on or about October 14, 2021. Based on my observations of his appearance during that interview, I believe he is the individual in the black jacket and camouflage hat depicted outside and inside the U.S. Capitol building in the BWC and CCTV still images above.

On or about January 19, 2022, United States Magistrate Judge Elizabeth Timothy for the Northern District of Florida issued a warrant to search a residence on the 200 block of Inverrary Drive in Destin, Florida 32541, the address where ESCALERA resided at that time (Case No. 3:22mj13/EMT). On or about January 21, 2022, law enforcement executed the warrant and seized a black Columbia men's jacket, a black Patagonia backpack, a camouflage hat reading "LIONS NOT SHEEP", a Canon Vixia HF R40 camcorder and a Motorola Razr cellular telephone. Law enforcement's review of the camcorder identified several videos of the Stop the Steal rally on January 6, 2021, as well as videos taken at the police barricade near the southwest scaffolding outside the U.S. Capitol. According to law enforcement's review of ESCALERA's cellular telephone, ESCALERA sent numerous text messages regarding his activities at the rally and U.S. Capitol on January 6, 2021, including a text message sent on or about January 7, 2021 at approximately 12:09 a.m. to phone number XXX-XXX-9292 which stated "Loved every minute of it dude. Here's a before and after storming the Capitol today."

Based on the foregoing, your affiant submits that there is probable cause to believe that ESCALERA 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; 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.

Your affiant submits there is also probable cause to believe that ESCALERA 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 20 day of October 2022.

HONORABLE ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE