

## STATEMENT OF FACTS

1. Your affiant, [REDACTED] is a Federal Bureau of Investigation Special Agent assigned to the Cincinnati Field Office. In my duties as a special agent, I am responsible for investigating violent crime, crimes against children, and domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a FBI Special Agent, I am 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.

2. 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.

### *Background*

3. 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.

4. 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.

5. 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, 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.

6. 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.

7. 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.

***Identification of WILLIAM DUNFEE***

8. On or about February 3, 2021, a tipster provided a screen capture of comments made on the Facebook group “Here We Go with Jeremy Herrell,” which read, “Amen Brother. My local ministry group was there and members of our group ‘stormed’ the Capital for a redress of our grievances. Leading the way was Pastor Bill. We as Christinas have the duty to overthrow evil.” Later the same tipster posted, “Just a clarification... Pastor Bill and several others of our group made into the interior doors of the Capital. They pushed back and forth with the police. They talked to the officers and told them why they were there. Not to harm or destroy. They wanted to talk to the Congress. When an officer came back and said that wasn’t possible, they tried to force the doors open. They were pepper sprayed and were stopped.” The tipster also identified Bill Dunfee as being the pastor at the New Beginning Misistries Warsaw church.

9. The FBI subsequently identified WILLIAM DUNFEE as the pastor of New Beginnings Ministries Warsaw, a church located in Warsaw, Ohio.

10. On or about February 26, 2021, the Cincinnati FBI began an investigation in order to determine if DUNFEE was the individual referenced in Facebook group post.

11. On or about March 2, 2021, database checks were completed for DUNFEE and agents identified five possible cellular telephone numbers associated with him, including phone number x0353. According to records obtained by search warrant from Google, a mobile device associated with phone number x0353 was present at the U.S. Capitol on January 6, 2021.<sup>1</sup>

12. According to records obtained by subpoena from TracFone Wireless, phone number x3053 was subscribed in the name of DUNFEE’s business partner in Cross Builders, a construction company located in Coshocton, Ohio. A publicly available website for Cross Builders lists DUNFEE and his business partner as the owners of Cross Builders and attributes phone number x0353 to DUNFEE.

13. Your affiant obtained DUNFEE'S Ohio Driver's License Photo. A review of open-source video footage and closed-circuit video (CCV) footage from the U.S. Capitol building of the events of January 6, 2021, revealed DUNFEE present in various locations in Washington, D.C., and in the restricted area of the U.S. Capitol grounds (see photographs 1 and 2 below). In the photographs, DUNFEE is seen wearing a dark colored jacket, and a dark colored hat with a

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<sup>1</sup> 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.

distinctive oval emblem on the front and gold design on the bill. Your affiant viewed these pictures and compared them to the Ohio Driver's License photograph of DUNFEE and determined them to be the same person.

Photograph 1



Photograph 2



14. On March 22, 2021, in response to a message left at the New Beginnings Ministries, DUNFEE contacted the FBI using phone number x0353. During a telephonic interview, DUNFEE stated that he attended the rally in Washington, D.C., on January 6, 2021. DUNFEE claimed that he did not know anyone else who attended the rally except for the people who were in his group, whom he declined to identify. DUNFEE then stated that he had spoken to his attorney and did not wish to answer further questions at that time.

15. On or about July 3, 2021, the FBI National Threat Operations Center (NTOC) received additional information from a tipster concerning DUNFEE. Specifically, photographs were provided showing DUNFEE inside the restricted areas of the U.S. Capitol grounds (see photograph 3). Your affiant has reviewed this photograph and compared it to the Ohio Driver's License Photograph of DUNFEE and found it to be the same person wearing the same distinctive hat described above.

Photograph 3



16. On September 1, 2021, another online tip was submitted to the FBI NTOC regarding DUNFEE'S activities at the U.S. Capitol on January 6, 2021. Specifically, three images were provided showing DUNFEE physically resisting U.S. Capitol Police by pushing against a metal barricade and entering the restricted areas of the U.S. Capitol grounds (see photographs 4, 5, and 6, below). Your affiant reviewed these photographs and

compared them to the Ohio Driver's License Photograph of DUNFEE and found the person in the pictures to be the same person.

Photograph 4



Photograph 5



Photograph 6



17. On October 8, 2021, your affiant met with a Coshocton County Sheriff's Office Deputy who was familiar with DUNFEE from previous encounters and showed the deputy two photographs (see photographs 7 and photograph 8) obtained by the FBI as part of its investigation. The Deputy identified both images as DUNFEE.

Photograph 7



Photograph 8



18. During this investigation, your affiant has reviewed multiple open source videos and CCV footage taken before, during, and after the January 6, 2021 riot at the U.S. Capitol. In a number of these videos, DUNFEE can be seen and heard. In these videos, DUNFEE is seen wearing tan boots, blue jeans, a grey, checkered pattern shirt, a black jacket with a white emblem on the left breast with the word “CROSS,” and a black baseball hat with a distinctive oval emblem. Based on this review, your affiant has developed an approximate timeline of events in which DUNFEE was involved.

19. On December 27, 2020, in a publicly available video posted on the New Beginnings Ministries Warsaw Facebook page, DUNFEE told his congregation, “The Government, the tyrants, the socialists, the Marxists, the progressives, the RINOs, they fear you. And they should. Our problem is we haven’t given them reason to fear us.” Later, DUNFEE stated, “As I said earlier in another previous sermon is this, they used to tell us, you know what, you settle your differences at the ballot. How did that work out for us? It’s not over. November the 4<sup>th</sup> through the 6<sup>th</sup>, we are heading to D.C. Who’s going with us? [Unidentified person: January.] January 4<sup>th</sup> through 6<sup>th</sup>... Are you ready?”

20. On January 6, 2021, at approximately 9:23 am, DUNFEE is shown in a publically available video standing in a raised flower bed on the East Plaza of the U.S. Capitol grounds (see photograph 9 below). DUNFEE spoke into a bull horn and told the crowd, “This election has been stolen right out from underneath of our noses and it is time for the American people to rise up. Rise up. Rise up. Today is the day in which it is that these elected officials realize that we are no longer playing games. That we are not sheeple that are just going to be [unintelligible] according to [unintelligible].” Later in the video, DUNFEE stated, “We will stand up for our country. We are standing up for our freedoms. We are standing up for our president. And today is the day these elected officials, these senators and these congressmen, understand that we are not going to allow this to continue any longer.” Later in the video, DUNFEE stated, “I am not talking about any of the nonsense of burning buildings and destroying another man's property, but they [elected officials] need to fear us.”

Photograph 9



21. At approximately 1:14 pm, DUNFEE is shown standing on a low wall outside the barricades on the East side of the U.S. Capitol grounds speaking into a bull horn (see photograph 10 below). DUNFEE told the crowd, “They just objected to Arizona.” Your affiant believes DUNFEE referenced the certification proceedings underway inside the U.S. Capitol at that time.

Photograph 10



22. At approximately 1:21 pm, DUNFEE said, “Remember this. If they let us down we are going to our house, [unintelligible] protect the Constitution [unintelligible], people in the house. We are going to our house.” Your affiant compared the voice making the aforementioned statements to that of DUNFEE and determined the voices to be the same.

23. At approximately 1:26 pm, DUNFEE said, “Reinforcements around back. If you are able to move around back, they need some support around back.” Your affiant compared the voice making the aforementioned statements to that of DUNFEE in publically available video

posted on the New Beginnings Ministries Warsaw Facebook page and determined the voices to be the same.

24. At approximately 1:28 pm, DUNFEE is seen speaking to the crowd on a bullhorn (see photograph 11 below). DUNFEE told the crowd, “Donald Trump is leading. President Trump is leading the crowd, [unintelligible] alright, [unintelligible], fight for Trump. Hold the line.” The crowd then began to chant, “Fight for Trump.”

Photograph 11



25. At approximately 1:35 pm, DUNFEE is seen holding a bullhorn (see photograph 12 below). DUNFEE stated, “Mister police officers, we want you to understand something. We want you to understand something. We want Donald Trump and if Donald Trump is not coming, we are taking our house. We are taking our house.” Your affiant believes DUNFEE informed U.S. Capitol Police that the crowd of rioters would breach the U.S. Capitol by force if necessary.

Photograph 12

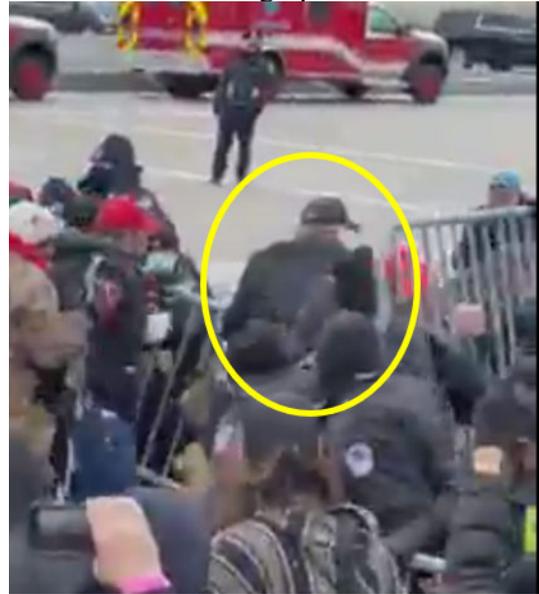


26. At approximately 1:44 pm, DUNFEE is observed pushing a metal barricade against U.S. Capitol Police, who are attempting to hold the line. When the barricade is breached, DUNFEE is seen advancing toward the U.S. Capitol Building before turning around and returning behind the barricade (see photographs 13 and 14 below).

Photograph 13



Photograph 14



27. Based on your affiants review of multiple videos taken from different angles, this video corresponds to events captured by photographs 4, 5, and 6, previously listed above.

28. At approximately 1:52 pm, DUNFEE is seen standing in front of the barricades on the East Front of the U.S. Capitol grounds speaking to the crowd on a bull horn (see photograph 15 below). DUNFEE claimed that he spoke to a U.S. Capitol Police officer and requested permission for the crowd to go to the base of steps of the U.S. Capitol. DUNFEE stated, “We

don't want violence... We don't want destruction and we don't want you going to jail if you don't have to."

Photograph 15



29. At approximately 1:58 pm, DUNFEE is depicted in multiple videos pushing against a metal barricade against U.S. Capitol Police on a second occasion. This time, DUNFEE used his back to push against the barricade (see photographs 16 and 17 below).

Photograph 16



Photograph 17



30. At approximately 1:20 pm, after the metal barricade was breached by rioters, DUNFEE is depicted in multiple videos walking across the area on the East Front beyond the barricades and advancing towards the U.S. Capitol Building with his hands raised (see photographs 18 and 19 below).

Photograph 18



Photograph 19



31. At approximately 2:07 pm, DUNFEE is depicted in multiple videos at the front of the crowd of rioters at the East Front entrance to the U.S. Capitol Building, also referred to as the Columbus Doors (see photographs 20 and 21 below). DUNFEE can be heard telling rioters to raise their arms as he walks toward a group of U.S. Capitol Police maintaining the line at the East Front doors.

Photograph 20



Photograph 21



32. At approximately 2:18 pm, DUNFEE is depicted in a video outside the East Front doors holding a bullhorn. DUNFEE tells the individual filming that he had just been pepper sprayed.

33. At approximately 2:20 pm, DUNFEE is depicted in a video pushing his way through the rioters and approaching the East Front doors again.

34. At approximately 2:23 pm, DUNFEE is depicted in a video standing against the East Front doors in front of a large crowd of rioters after U.S. Capitol Police deployed chemical agents (see photograph 22 below). DUNFEE then walks away from the East Front doors, as other rioters attempt to breach the U.S. Capitol Building.

Photograph 22



35. At approximately 2:47 pm, DUNFEE is depicted in a video outside the East Front doors after that entrance to the U.S. Capitol had been breached. Other rioters can be seen exiting the U.S. Capitol building. An unidentified male wearing a red hat with a blue neck gator and a black jacket exits the building and stated, “We did it. We got our job done.” DUNFEE made an unintelligible reply. The unidentified male responded, “We did it, we shut ‘em all down. We did our job.” DUNFEE responded, “Hallelujah.” A short time later, DUNFEE told the crowd of rioters, “Mission accomplished.” Your affiant believes DUNFEE advised the crowd that the riot had been successful in disrupting and delaying the certification proceeding, which had been ongoing inside the U.S. Capitol.

36. In a publicly available video posted on May 30, 2021, to the New Beginnings Ministries Warsaw Facebook page (see photograph 23 below), DUNFEE told his congregation, “We show up January 6<sup>th</sup> at the Capitol Building right? To let it be known that we are not going to stand back and let an election be stolen. That we are going to hold our legislators accountable, and so on and so forth? And what did that get us? Huh? We are all deemed what? Huh? Bunch of terrorists, right?” Later DUNFEE stated, “I can tell you, having been there [at the U.S. Capitol], that um, we were surrounded by patriots. Many, many, many, many patriots. And I thank god they showed up to um, just to let it be known, that you know, what the bottom line is this, that um, you are not stealing this election. You’re not going to rob us, deprive us of a democracy, of a republic, without us being heard.”

Photograph 23



37. Based on the foregoing, your affiant submits that there is probable cause to believe that WILLIAM DUNFEE violated 18 U.S.C. § 1752(a)(1), (2), and (4), 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; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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.

38. Your affiant submits there is also probable cause to believe that WILLIAM DUNFEE violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to willfully and knowingly 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 40 U.S.C. § 5104(e)(2) (F) which makes it a crime to engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

39. Your affiant submits there is probable cause to believe that WILLIAM DUNFEE violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected

function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

40. Finally, your affiant submits there is probable cause to believe that WILLIAM DUNFEE violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 30<sup>th</sup> day of September 2022.

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MOXILA A. UPADHYAYA  
U.S. MAGISTRATE JUDGE