

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Joint Terrorism Task Force. In my duties as a Special Agent, I investigate federal violations related to national security, to include matters of international and domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds 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, 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, S.E., 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 Capitol building and the proceedings underway inside.

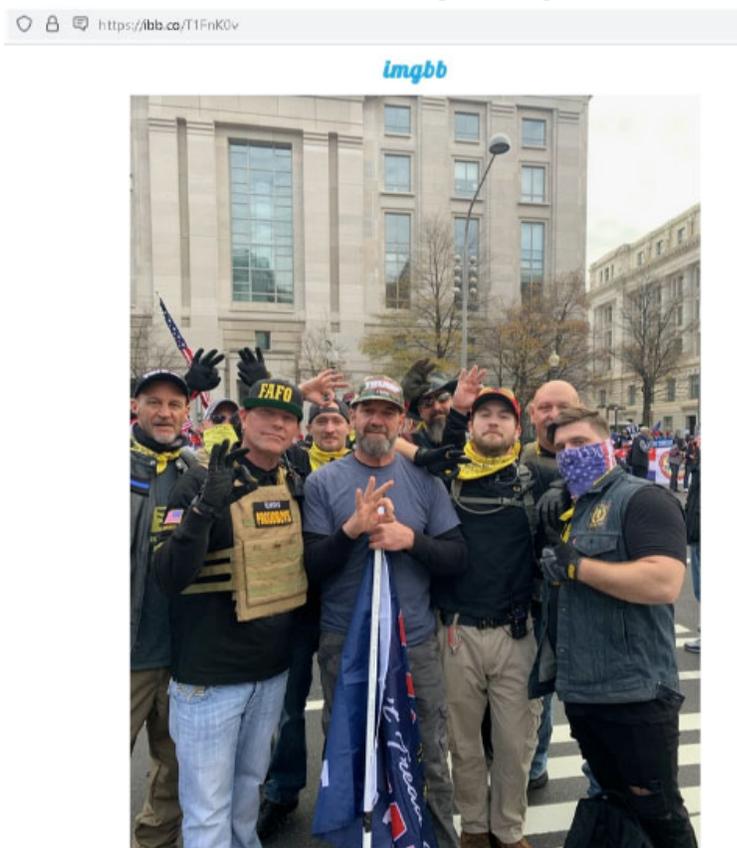
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals 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.

SALVATORE VASSALLO was present in Washington, D.C., and participated in the unlawful events at the U.S. Capitol Building on January 6, 2021, to include assaulting a law enforcement officer. VASSALLO was brought to the attention of the FBI on or about June 26, 2021, through an anonymous tip submitted to the FBI National Threat Operations Center (NTOC). The tip alleged that “Salvatore Vassallo” (later learned to be Vassallo) urged a coworker to meet up in Washington, D.C. on January 6, 2021. The tipster also identified VASSALLO as the FBI-labeled BOLO AFO #338. The tipster attached the following photo of VASSALLO in Washington, D.C. taken on or about January 1 (*Figure 1*). VASSALLO was identified as the individual in the middle, holding the flag.



*Figure 1*

On January 6, 2021, at approximately 4:25 p.m., on the north side of an elevated portion of the Upper West Terrace (and in close proximity to two major breach points of the interior of the Capitol building: the Senate Wing Door and the Senate Fire Door that leads to the Parliamentarian's Office), numerous officers attempted to instruct rioters to move off of U.S. Capitol grounds. During this time, some of the rioters actively resisted and assaulted officers. At approximately 4:26 p.m., as shown in body worn camera (BWC) footage from Metropolitan Police Department (MPD) Officer A.C. Salvatore, VASSALLO emerged from the riot crowd and faced the officers

instead of turning the other way to depart. VASSALLO was then observed lowering his face mask and appeared to light a cigar in his mouth while still facing the officers who were repeatedly fending off attempts by other rioters to resist and assault them. (Figure 2). Several seconds later, VASSALLO, then abruptly and seemingly unprovoked, charged at MPD Officer Mark Eveland who was in the process of assisting other officers and fending off repeated attempts by other rioters to resist and assault the officers. (Figure 3). VASSALLO grabbed and pushed Officer Eveland with what appeared to be a significant amount of force. (Figure 4).



Figure 2



Figure 3



Figure 4

Multiple angles of the Upper West Terrace were identified via body worn camera (BWC) footage, United States Capitol surveillance cameras, and open source videos. BWC footage showed VASSALLO walking around the upper West Terrace near the line of officers at approximately 4:26 p.m.. Moments later, after the rioters engaged with the Officers, VASSALLO turned away and departed from the site of the altercation. (Figures 5,6,7).



Figure 5



Figure 6



Figure 7

Approximately a half hour before the assault occurred, BWC footage showed VASSALLO, at approximately 3:48 p.m., wearing the same clothing as during the assault along with a clear face shield, attempting to walk up a ramp to the Upper West Terrace of the Capitol Building. After VASSALLO appeared to ask the officer if he could walk by, the officer denied VASSALLO entry up the ramp. Moments later, VASSALLO hopped over the rail further down the ramp up on to the elevated section of the terrace. (Figure 8, 9, 10).



Figure 8



Figure 9



Figure 10

At approximately 4:22:41 p.m., VASSALLO walked past Officer M.W. who was also on the Upper West Terrace. VASSALLO walked by and turned towards Officer M.W., while holding a cigar. (*Figure 11*). VASSALLO continued further along the line of officers on the Upper West Terrace.



*Figure 11*

BWC footage from Officer D.P.L., timestamped approximately 4:23:52 p.m., showed VASSALLO walk past a line of officers positioned on the Upper West Terrace. VASSALLO turned towards the officers and smoked a cigar. (*Figure 12*). VASSALLO then turned and walked further onto the Upper West Terrace.



Figure 12

Within later footage from Officer M.W.'s BWC, timestamped 4:26:39 p.m., Officer M.W. walked from the Upper West Terrace down to a lower section of the terrace where his BWC captured the same scene as captured on Officer A.C.'s BWC. VASSALLO then assaulted MPD Officer Eveland. (Figure 13).



Figure 13

Open source video footage obtained via youtube.com showed VASSALLO assault Officer Eveland. The video appeared to be taken on the Upper West Terrace moments before the assault. From the video, the Capitol building can be seen as well as a large group of rioters confronting a line of police officers. An individual with a dark coat, yellow gloves, and a blue flag was seen standing on a ledge and then stepping down. This same individual was seen in other BWC footage from MPD Officer A.C. talking to police moments before the assault occurred. In the open source video, after the individual stepped down from the ledge, VASSALLO is seen wearing a camo baseball hat with white lettering, a black and white bandana around his neck, a gray backpack, and gray pants. VASSALLO also had a cigar in his mouth. (*Figure 14*)



*Figure 14*

An interview of a prior neighbor of VASSALLO positively identified VASSALLO from screenshots taken from two MPD officers' BWC. When shown the two photographs below (*Figure 15, 16*), the prior neighbor was "100% sure" that the individual pictured was Sal VASSALLO. VASSALLO lived down the street, but moved around August of 2021 to a new home in Toms River, New Jersey.



*Figure 15*



*Figure 16*

Based on the foregoing, there is probable cause to believe that SALVATORE VASSALLO 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.

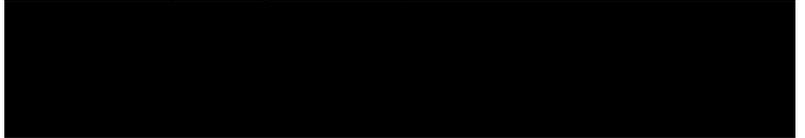
Your affiant submits that there is probable cause to believe that SALVATORE VASSALLO violated 18 U.S.C. § 111(a)(1), which makes it a crime for anyone to to forcibly assault, resist, oppose, impede, intimidate, or interfere with any United states law enforcement officer while that officer is engaged in the performance of their official duties.

Your affiant submits there is also probable cause to believe that VASSALLO 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 so; (2) knowingly and intentionally engage in disorderly or disruptive conduct in, or within such proximity to any restricted building or grounds when such conduct in fact impedes or disrupts the orderly conduct of Government business or official functions; and (4) knowingly and willfully engage in any act of physical violence against any person or property in any restricted building or grounds. 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 VASSALLO violated 40 U.S.C. §§ 5104(e)(2)(D) and (F), 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 (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Finally, your affiant understands that members of the D.C. Metropolitan Police Department had responded to the U.S. Capitol to assist the U.S. Capitol Police after rioters unlawfully entered the building.

Respectfully submitted,



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 12<sup>th</sup> day of September, 2022.

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HON. G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE