

Case: 1:23-mj-00199
Assigned To : Harvey, G. Michael
Assign. Date : 8/8/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to Jackson Field Office/Gulfport Resident Agency. I have been employed as a Special Agent with the FBI for 13 years and am currently assigned to the Joint Terrorism Task Force at the Gulfport Resident Agency. As such, I am responsible for investigating, among other things, domestic terrorism matters, including anti-authority and anti-government violent extremism. In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. In addition to my regular duties, I am also currently reviewing public tips, videos, and documentation, among other evidence, associated with the riots and civil disorder that occurred on January 6, 2021, in and around the United States Capitol. 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 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 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, shortly 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.

David Scott Stapp

On or about January 8, 2021, the FBI received an online tip from an individual stating, “Special forces reservist/officer at the riot. Last live stream was at the steps going in.” Included with the online tip was a screenshot of the Facebook profile corresponding to Rambo Stappers SP (Figure 1). Based on public open-source information, the FBI identified DAVID SCOTT STAPP, date of birth [REDACTED], as the likely user of Rambo Stappers SP. As described below, STAPP was later identified as one of the individuals who made unlawful entry at the U.S. Capitol on January 6, 2021.



Figure 1: Screenshot of STAPP’s Facebook profile with username “Rambo Stappers SP”

Pursuant to legal process, Facebook provided records for Rambo Stappers SP. These records showed the name of the user of the account provided to Facebook as Rambo Stappers SP and one of the associated email addresses as [REDACTED]. In addition, the phone number registered to the Facebook account is XXX-XXX-5601.

AT&T, the provider of cellular service for phone number XXX-XXX-5601, provided records showing the phone number is registered to DAVID S. STAPP. Additionally, pursuant to a lawfully authorized search warrant, law enforcement obtained records from AT&T for cell towers providing service to the U.S. Capitol. STAPP's phone number was identified as having utilized a cell site consistent with providing service to the geographic area that includes the interior of the U.S. Capitol building in and around the time of the incident.

According to records provided by Delta Airlines, STAPP traveled on a flight from Mobile, Alabama to Reagan National Airport in Arlington, Virginia on January 5, 2021. Additionally, records showed STAPP traveled from Arlington, Virginia to Mobile, Alabama on January 7, 2021.

According to records provided by Phoenix Park Hotel, STAPP checked in as a guest on January 5, 2021. The hotel is located at 520 North Capitol Street NW, Washington, D.C., which is approximately one half of a mile from the U.S. Capitol.

On November 12, 2021, I met with an FBI Special Agent who interviewed STAPP about his whereabouts on January 6, 2021. The agent is familiar with STAPP based on their in-person conversation. The agent, having met STAPP in person and having reviewed an open-source photograph of STAPP at the U.S. Capitol on January 6, 2021, confirmed that the individual wearing the black hooded sweatshirt in image 3 below is STAPP.



Figures 2 & 3: STAPP's driver's license photograph (left) and open-source photograph of STAPP on January 6, 2021 (right) wearing a black hood and a red, white, and blue gaiter below his chin.

I have reviewed additional publicly available video from the Capitol riot as well as security camera footage provided by U.S. Capitol Police. I have concluded based on a comparison to STAPP's driver's license photo that the man featured in the screenshots is STAPP. In addition, the man in photographs above appears to be the same individual as the man in the photos from

STAPP's Facebook profile (Figure 4). According to records obtained from Facebook, Figure 4 is a photograph uploaded from STAPP's mobile phone on January 6, 2021. Furthermore, the person depicted in STAPP's driver license photograph bears a strong resemblance to the man depicted on STAPP's Facebook and in the screenshots from January 6, 2021.



Figure 4: Image uploaded from STAPP's mobile phone to Facebook on January 6, 2021. STAPP (highlighted by a red box) wearing a light green cloth-like item below his chin and a black beanie with white lettering that appears to say "Legalize Freedom"

In Figure 4 (above), STAPP is wearing a black beanie with white lettering that appears to say "Legalize Freedom." This photo was posted to STAPP's Facebook account on January 6, 2021. In the same image, STAPP is also wearing a light green cloth-like item that sits right below his chin. Based on footage from January 6, STAPP rotates between two face coverings on January 6, 2021: one with a green camouflage pattern and one with a red, white, and blue pattern. Figure 5 is a screenshot from a Sky News interview of STAPP, who is standing in the crowd at the rally near the White House Ellipse. STAPP is wearing a black hooded sweatshirt, black beanie, green camouflage face covering, and green tactical gloves with a distinctive dark stripe along the

knuckles. STAPP's green camouflage face covering is consistent with what he is wearing in Figure 4.



Figure 5: Screenshot from STAPP's interview with Sky News on January 6, 2021. STAPP is seen wearing a black hooded sweatshirt, black beanie, green camouflage face covering, and green tactical gloves with a dark stripe along the knuckles

STAPP is then seen inside the U.S. Capitol and on Capitol grounds wearing the same, black-hooded sweatshirt and black beanie with white lettering, but instead with a red, white, and blue face covering (Figure 6). The green tactical gloves are also visible, as circled in red in Figure 7 and in yellow in Figure 8. Through a review of CCTV footage, I observed an individual consistent with STAPP's appearance enter the U.S. Capitol through the Parliamentarian Door at approximately 2:53 p.m. and exit through the same door at approximately 2:57 p.m. Figure 7 is a still image from the area around the Parliamentarian Door, located in the northwest quadrant of the U.S. Capitol building. Crowds began banging on the Parliamentarian Doors at approximately 2:40 p.m. and breached the doors at 2:42 p.m.

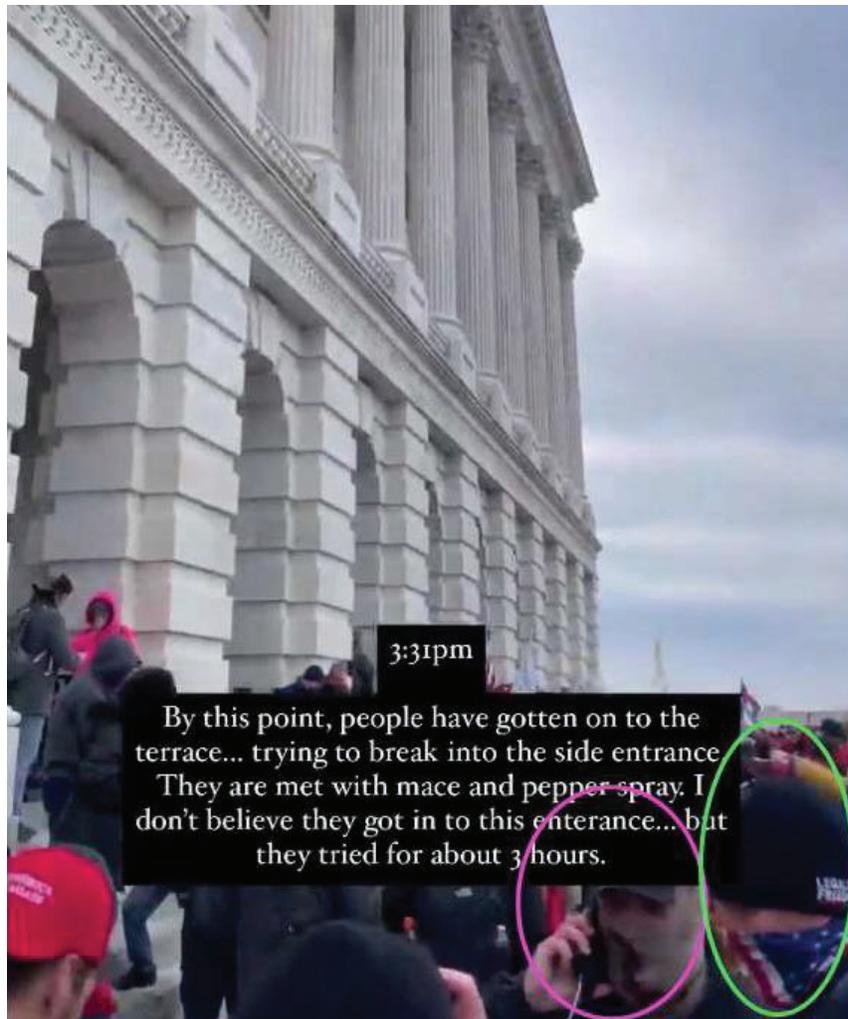


Figure 6: Screenshot from open-source video. STAPP (circled in green) wearing black beanie with white lettering that appears to say “Legalize Freedom”



Figure 7: STAPP (highlighted by a red box) inside the U.S. Capitol holding a phone to his ear and wearing a red, white, and blue face mask, black beanie, and green glove with a dark strip along the knuckles (circled in red)



Figure 8: STAPP wearing a green glove with a dark strip along the knuckles (circled in yellow) on January 6, 2021

Additionally, I obtained information regarding Facebook activity by STAPP, Facebook account UID [REDACTED], with the vanity name Rambo Stappers SP. On January 6, 2021, at approximately 10:01 p.m., STAPP sent another Facebook user the following message, "May or may not have got (sic) a tour of the inside of the capital (sic) today." STAPP followed the post with the photo below (Figure 9). My investigation revealed that entrance through the

Parliamentarian Door leads directly into the Brumidi Hallway of the U.S. Capitol. Figure 9 is a photograph of the Brumidi Hallway.

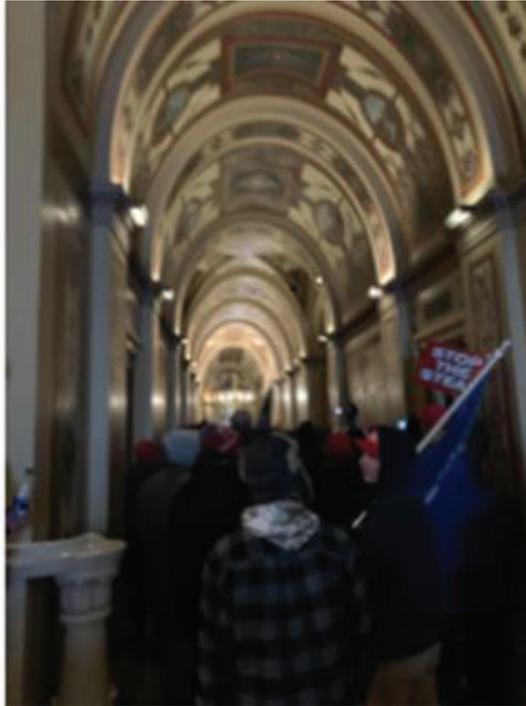


Figure 9: Image of the Brumidi Hallway sent by STAPP to a Facebook user

In a Facebook post from January 7, 2021 at approximately 11:07 p.m., STAPP wrote, “It was one of the best things I have ever gotten to do. That was history. We took over the fucking capital (sic). Shows them what a small percentage of unarmed Americans can do. Just think of all the patriots came and cane (sic) armed[.]”

James Allen Knowles

During a review of publicly available video from the Capitol riots as well as security footage provided by the U.S. Capitol Police, I identified JAMES ALLEN KNOWLES, JR. (“KNOWLES”), of Pass Christian, Mississippi, as one of the individuals who made unlawful entry at the U.S. Capitol on January 6, 2021. KNOWLES is seen with STAPP on numerous occasions at the Stop the Steal Rally and at the U.S. Capitol on January 6, 2021. I have personally observed KNOWLES during surveillance at what appeared to be a water or utility line worksite in Pass Christian, Mississippi, and based on my observations I believe he is the same individual pictured below and seen on Capitol Police security camera footage (CCTV) and open-source videos and photos from the U.S. Capitol on January 6, 2021. The photo below was included in a local Gulfport, Mississippi news site and identifies KNOWLES as the individual in the middle of the picture (Figure 10). “Jay” can be a nickname for “James.”

10/4/2021

Group protests for removal of Confederate statue at Harrison County Courthouse



Jeffrey Hulm III reaches for his gun while talking to Larry Satchfield of Gulfport, left, and Jay Knowles of Pass Christian. (WLOX)

Figure 10: Screenshot from a local Gulfport, Mississippi news site, which identifies KNOWLES, wearing a blue t-shirt, as “Jay Knowles” of Pass Christian, Mississippi

Further review of open-source information identified cell phone number [REDACTED] as belonging to KNOWLES. According to records provided by telephone provider C-Spire, the subscriber of [REDACTED]¹ was KNOWLES CONSTRUCTION INC. of Saucier, Mississippi. A Louisiana Secretary of State business record lists JAMES KNOWLES, JR. as the President, Vice-President, Secretary, Treasurer, and Director of KNOWLES CONSTRUCTION INC. According to the Louisiana business record, the principal business office of KNOWLES CONSTRUCTION INC. is located in Saucier, Mississippi. The Louisiana business record lists P.O. Box [REDACTED], located in Gulfport, Mississippi, as KNOWLES CONSTRUCTION INC.’s mailing address. According to a government database, P.O. Box [REDACTED]², located in Gulfport, Mississippi, belongs to KNOWLES.

Additionally, pursuant to a lawfully authorized search warrant, law enforcement obtained records from AT&T for cell towers providing service to the U.S. Capitol. KNOWLES’ phone number was identified as having utilized a cell site consistent with providing service to the geographic area that includes the interior of the U.S. Capitol building in and around the time of the riot on January 6, 2021.

According to toll records provided by C-Spire, KNOWLES’ phone called three Washington, D.C. phone numbers on January 6, 2021. Two of the numbers resolved to the offices

¹ The full phone number is known to the affiant.

² The full P.O. Box Number is known to the affiant.

of U.S. Senators Cindy Hyde-Smith and Roger Wicker. Senators Hyde-Smith and Wicker represent the state of Mississippi, where KNOWLES is a resident. On January 6, 2021, KNOWLES made phone calls to Hyde-Smith's office at 1:43 p.m. and 3:01 p.m. KNOWLES made a phone call to Wicker's office at 1:45 p.m. The third D.C. phone number resolved to New York Pizza D.C. located at 1442 Pennsylvania Avenue SE, Washington, D.C. C-Spire records also show multiple calls on January 6, 2021 to [REDACTED], which belongs to STAPP.

On January 6, 2021, KNOWLES also gave an interview to the same Sky News reporter to whom STAPP spoke (Figure 11). In the interview, KNOWLES can be seen wearing a khaki ball cap with an American flag, black headband, red, white, and blue neck gaiter, and a light-colored sweatshirt. KNOWLES also has distinctive long gray hair.



Figure 11: Screenshot from KNOWLES' interview with Sky News on January 6, 2021

According to CCTV footage from the U.S. Capitol Police, KNOWLES entered the U.S. Capitol building through the Parliamentarian Door at approximately 2:48 p.m. and exited through the same door at approximately 2:50 p.m. (Figure 12). According to that same footage, STAPP entered the U.S. Capitol just 3 minutes after KNOWLES exited.



Figure 12: KNOWLES (circled in red) inside the U.S. Capitol on January 6, 2021

KNOWLES is seen on open-source video using his cell phone at the “Save America” Rally at the White House Ellipse on January 6, 2021 (Figure 13). In the video, KNOWLES is holding his phone in the air in a manner consistent with taking photos or videos, much like many of the hundreds or thousands of other participants at the riot that began just minutes or hours later.



Figure 13: KNOWLES (circled in red) using his cell phone at the “Save America” Rally at the White House Ellipse on January 6, 2021

Based on the foregoing, I submit that there is probable cause to believe that STAPP and KNOWLES 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.

I submit there is also probable cause to believe that STAPP and KNOWLES 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this __8th__ day of _August __, 2023.

G. Michael Harvey
Digitally signed
by G. Michael
Harvey
U.S. MAGISTRATE JUDGE