

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Evan Hunt, (DOB: XXXXXXXXXX)
Clayton Hildebrand, (DOB: XXXXXXXXXX)
Michael Sposite, (DOB: XXXXXXXXXX)

) Case: 1:24-mj-00080
) Assigned To : Judge Robin M. Meriweather
) Assign. Date : 3/4/2024
) Description: COMPLAINT W/ARREST WARRANT
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. §§ 1512(c)(2), 1752(a)(1), 1752(a)(2), 40 U.S.C. § 5104(e)(2)(D), and 40 U.S.C. § 5104(e)(2)(G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

[Redacted signature area]

Complainant's signature

[Redacted name and title area]

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 03/04/2024

2024.03.04
13:16:53 -05'00'
[Signature]

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED]

[REDACTED] In my duties as a Special Agent, I investigate international and domestic terrorism offenses. 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.

BACKGROUND

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, 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.

**CLAYTON HILDEBRAND, EVAN HUNT, AND MICHAEL SPOSITES’
PARTICIPATION IN THE EVENTS OF JANUARY 6, 2021**

According to Capitol surveillance footage and public source video from the U.S. Capitol on January 6, 2021, three men identified as Evan Hunt (“HUNT”), Clayton Hildebrand (“HILDEBRAND”) and Michael Sposite (“SPOSITE”) entered the Capitol building and its restricted grounds on January 6, 2021. Information lawfully received during the course of this investigation further indicates that HUNT had the intent to obstruct, influence, or impede an official proceeding. As set forth below, there is probable cause to believe that HUNT committed violations of 18 U.S.C. §§ 1512(c)(2) (obstruction of an official proceeding), and that HUNT, HILDEBRAND, and SPOSITE committed violations of 18 U.S.C. §§ 1752(a)(1) (entering or remaining in restricted buildings or grounds); 1752(a)(2) (disorderly or disruptive conduct in a restricted building or grounds); 40 U.S.C. §§ (e)(2)(D) (disorderly or disruptive conduct in the Capitol Buildings or Grounds) and 5104(e)(2)(G) (parading, demonstrating, or picketing in a Capitol Building).

I. HILDEBRAND, HUNT, and SPOSITES’ Activities on January 6, 2021

Pursuant to its investigation of the events of January 6, 2021, including into individuals who illegally entered the Capitol building, the FBI identified HILDEBRAND, HUNT, and SPOSITE in the Capitol and on Capitol grounds on January 6, 2021.

HUNT was identified as a white man with glasses, wearing a black knit hat, a dark gray jacket, a black backpack with a walkie-talkie on one strap, and an American-flag printed scarf. *See* Figure 1. HILDEBRAND was identified as a white man wearing a red and gray Ohio State University jacket, a red hat, and a Trump flag styled as a cape. *See* Figure 2. He sometimes, but not always, wore a blue surgical mask. SPOSITE was identified as a white man wearing blue jeans, a green jacket, a gray and black backpack with a walkie-talkie on one strap, and a green and black camouflage hat. *See* Figure 3. The identification of HUNT, HILDEBRAND, and SPOSITE is described in more detail in Sections II, III and IV, below. According to my investigation, the three men stayed together through the day on January 6, 2021.



Figure 1 - Hunt



Figure 2 - Hildebrand



Figure 3 - Sposite

Open-source footage indicates that HILDEBRAND, HUNT, and SPOSITE were among the first people to approach the West Front of the Capitol building. The images below show HILDEBRAND, HUNT, and SPOSITE near that initial breach point prior to the breach of the perimeter of the West Front of the Capitol building. In all images below, HILDEBRAND is circled in red, HUNT is circled in green, and SPOSITE is circled in yellow.

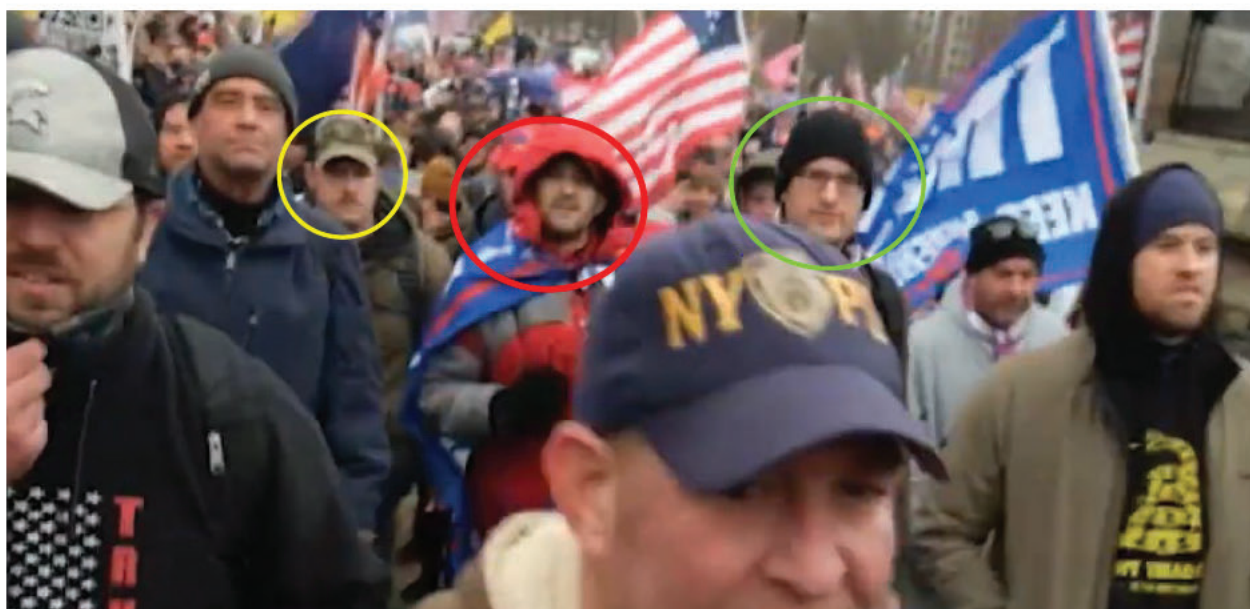


Figure 4



Figure 5

HILDEBRAND, HUNT, and SPOSITE marched with the crowd towards the Capitol building. My review of open-source footage demonstrates that as HUNT approached the initial breach point near Peace Circle, he chanted “Whose house? Our house!” along with the crowd. See Figure 6.

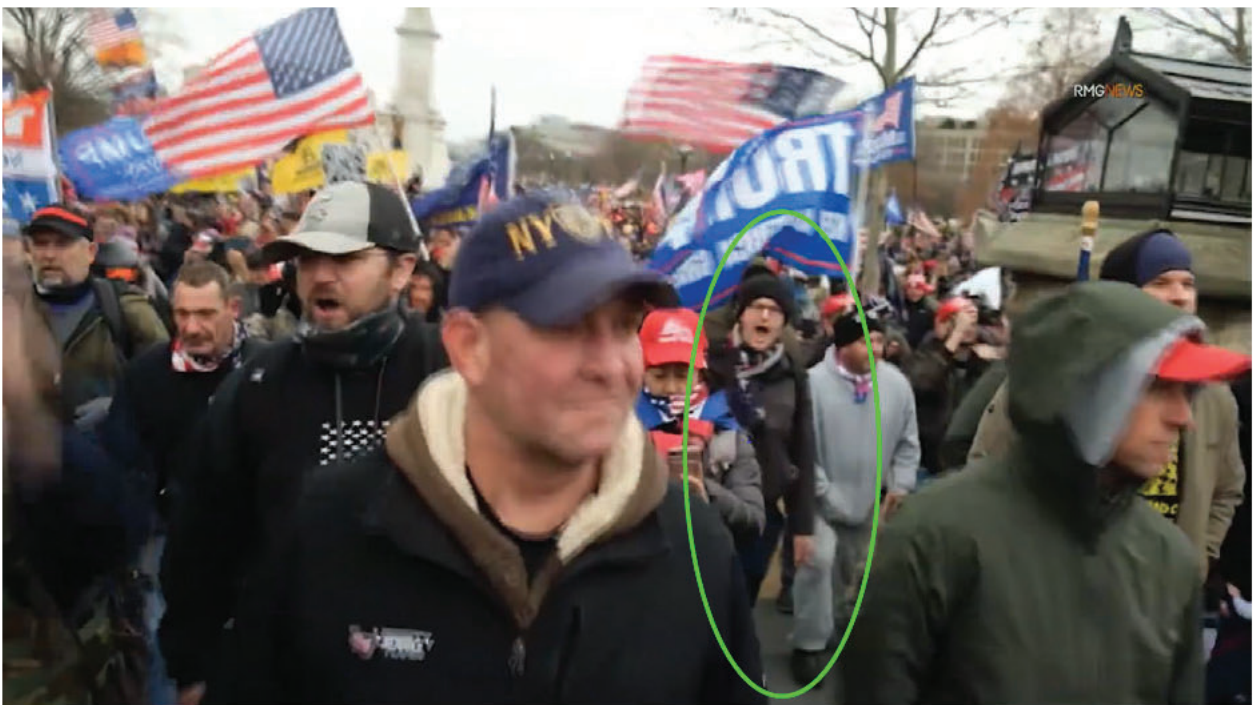


Figure 6

After passing through the initial breach points, HILDEBRAND, HUNT, and SPOSITE remained on the West side of the Capitol building, within restricted grounds, as shown below.



Figure 7



Figure 8

The footage that I reviewed, *see* Figure 9, also indicates that HUNT and SPOSITE stood on a ledge and cheered “USA! USA!” within the restricted area as other rioters charged and confronted a line of police officers.



Figure 9

HILDEBRAND, HUNT, and SPOSITE remained in the area on an elevated surface even as tear gas, or some other chemical irritant, was deployed around them. *See* Figure 10.



Figure 10

My review of the footage indicates that rioters used fencing and/or bike racks as ladders to reach the elevated surface of the Capitol building's terrace. Footage that I reviewed indicates that HILDEBRAND helped facilitate the use of fencing for that purpose, as shown in the below screenshot from a video clip.



Figure 11

Body camera footage from law enforcement present on Capitol grounds on January 6, 2021 further shows that the three men stood on a ledge as other rioters nearby became violent with law enforcement officers. *See, e.g.*, Figure 12 (a clip from that footage).



Figure 12

According to the Capitol building's closed-circuit television (CCTV) surveillance footage, HUNT, HILDEBRAND and SPOSITE entered the Capitol building through the Senate Wing Door, near the Northwest Terrace of the building, around 2:17 p.m. HILDEBRAND told the FBI that he estimated that he was among the first 200-300 people to enter the U.S. Capitol through that doorway. According to surveillance footage from January 6, 2021, HUNT, HILDEBRAND, and SPOSITE entered the Capitol through the Senate Wing Doors about four minutes after the initial breach of those doors.

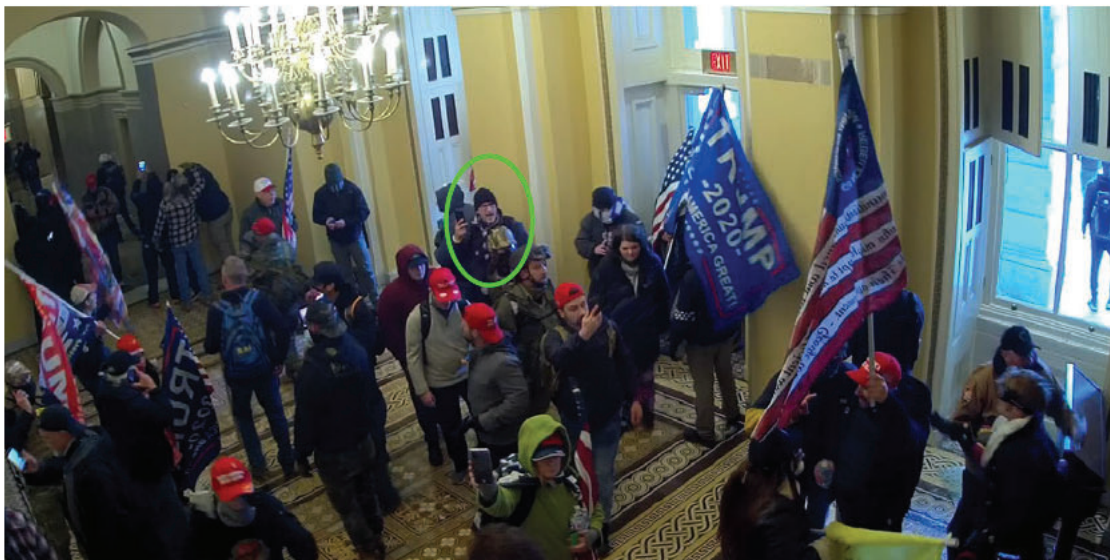


Figure 13

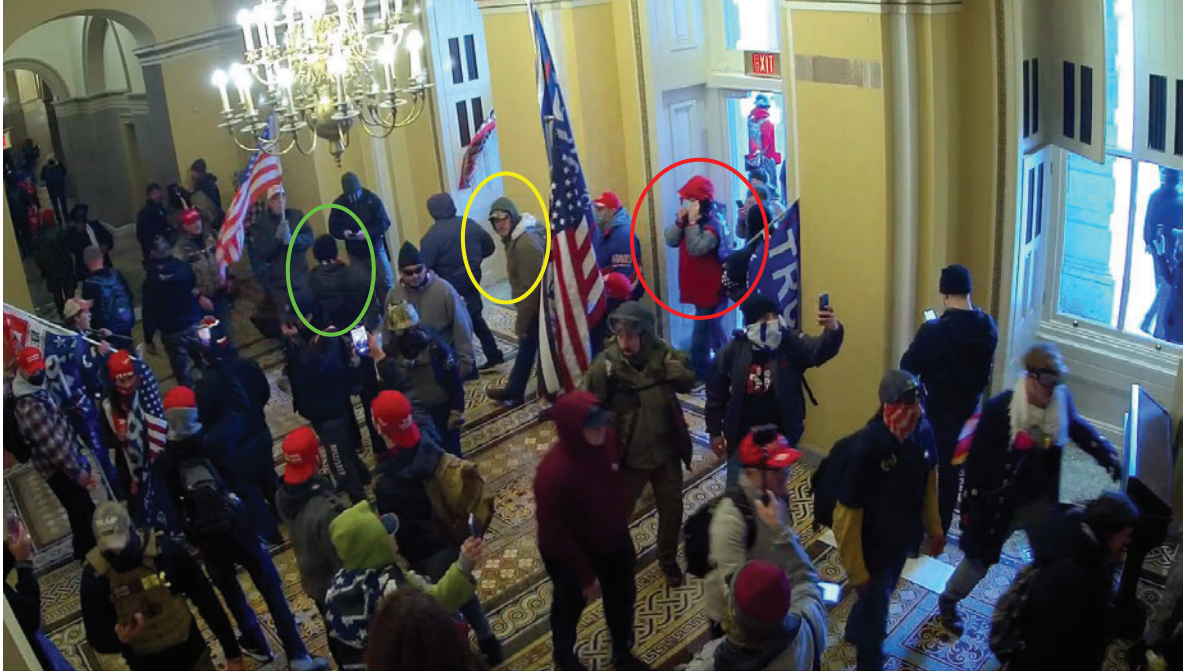


Figure 14

CCTV footage from January 6, 2021 shows that the three men entered the building and turned right. See Figure 15, below (showing all three men turning to their right after entering the building).



Figure 15

As described further below, the FBI obtained a video from HILDEBRAND that he filmed while inside the U.S. Capitol. Two clips from that footage are below. *See* Figures 16 and 17. I recognize the individuals in those screenshots as HUNT and SPOSITE. That video footage indicates that HUNT and HILDEBRAND entered a room to the South of the Senate Wing Door

after entering the building. See Figure 16, below (showing HUNT, circled in green, entering that room).

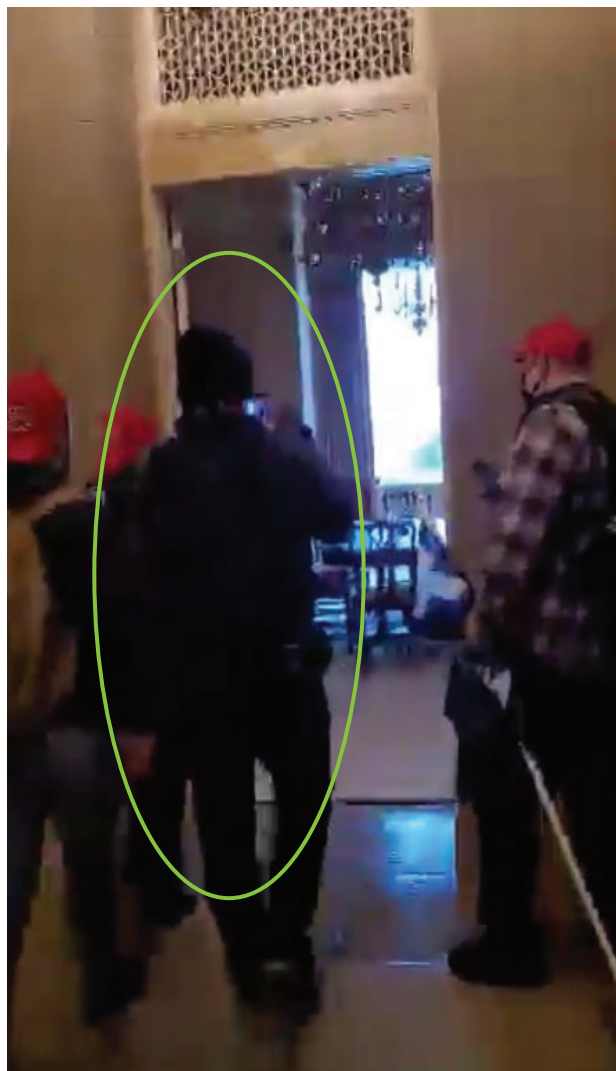


Figure 16

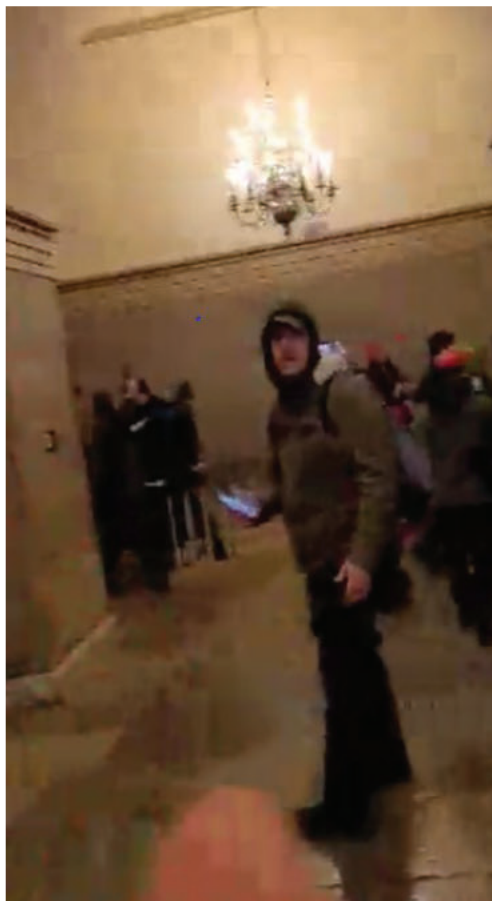


Figure 17

HUNT, HILDEBRAND, and SPOSITE exited the Capitol through the same door through which they entered about three minutes after they entered the building, around 2:20 p.m., as shown below. *See Figure 18.*



Figure 18

II. Identification of Clayton HILDEBRAND.

As part of its ongoing investigation into criminal activity on and around the Capitol grounds on January 6, 2021, including the identification of individuals who entered the U.S. Capitol without authority, the FBI received information via lawful process regarding cell phone usage in and around the Capitol building and grounds on January 6, 2021. The FBI received information from Google that indicated that an account associated with Google e-mail address cjhXXXXXXXXXX@gmail.com, with a recovery phone number XXX-XXX-9856, was located inside the U.S. Capitol building and on restricted Capitol grounds on January 6, 2021. Account information lawfully received from Google for the email address cjhXXXXXXXXXX@gmail.com identified the user of the account as Clayton HILDEBRAND. Further analysis of the Internet Protocol (IP) activity associated with the account as well as law enforcement database checks revealed that HILDEBRAND resided in or around Columbus, Ohio.

The FBI contacted HILDEBRAND. HILDEBRAND called the FBI on the phone number associated with the Google data cited above, XXX-XXX-9856. On June 1, 2021, the FBI interviewed HILDEBRAND. During the interview, HILDEBRAND confirmed that he used e-mail account cjhXXXXXXXXXX@gmail.com and telephone number XXX-XXX-9856. HILDEBRAND also confirmed that he attended the riot at the U.S. Capitol on January 6, 2021 and provided additional information about his activities on that day. HILDEBRAND described that he was wearing a red Ohio State University jacket, a red hat, and a surgical mask, and stated that he carried a Trump sign with him. He told the interviewing agents that he traveled from Columbus, Ohio to Washington D.C. on January 5, 2021 with a group of people to show his support for the United States and for President Trump. At the conclusion of President Trump's speech on January 6, 2021, HILDEBRAND stated that he walked towards the U.S. Capitol building. HILDEBRAND stated that he approached the Capitol from the back, to the left of the scaffolding, and was near the front of the group. He stated that he was exposed to pepper spray, but not sprayed directly. He reported that he entered the Capitol building with two friends, turned right, and exited the building about 2 to 2.5 minutes later. As mentioned above, HILDEBRAND also provided the FBI with video footage that he took inside of the Capitol building. HILDEBRAND did not identify his two friends, but as discussed below, I recognize them as HUNT and SPOSITE.

On June 24, 2021, the FBI interviewed HILDEBRAND for a second time. During that interview, the FBI showed him the below image from Capitol surveillance footage. HILDEBRAND reviewed the image and stated that he was unsure if the individual depicted was him due to the quality and angle of the image.



Figure 19

The FBI reviewed additional archived open-source footage from January 6, 2021. The review yielded several photographs and video clips of the individual identified as HILDEBRAND both outside and inside the U.S. Capitol building on January 6, 2021, including but not limited to Figures 20 and 21 below.

In several of the images from outside of the Capitol building, HILDEBRAND's face is uncovered. HILDEBRAND is wearing the same red jacket, blue medical mask, and Trump flag draped over his back as the individual seen in the surveillance footage from inside the Capitol building, as described above.



Figure 20



Figure 21

I reviewed the Capitol surveillance footage and open-source footage described above. I also reviewed a public Facebook account under the name “Clayton Hildebrand.” Some of the images on HILDEBRAND’s Facebook account show him wearing the same articles of clothing that he wore on January 6, 2021. For example, the image below from HILDEBRAND’s Facebook account shows him in the same jacket that he wore on January 6, 2021.



Figure 22

I determined that the individual pictured above, including in Figures 20 and 21, is the same individual pictured on HILDEBRAND's Facebook account (*see, e.g.*, Figure 22). One of the FBI Task Force Officers who interviewed HILDEBRAND in June 2021 also positively identified HILDEBRAND as the individual pictured in Figures 20 and 21 above, where HILDEBRAND's face is visible.

On or around April 2022, the FBI received a tip from TIPSTER 1 who identified HILDEBRAND, SPOSITE, and a third unknown person as individuals who entered the Capitol building on January 6, 2021. The unknown individual was later identified as HUNT, as described in more detail below.

III. Identification of Michael SPOSITE.

As noted above, TIPSTER 1 identified SPOSITE and HILDEBRAND as participants in the January 6, 2021 riot. The individual identified by TIPSTER 1 as SPOSITE wore blue jeans, a green jacket, a gray and black backpack, and a green and black camouflage hat on January 6, 2021, as described above. See Figure 3 and 23, below.



Figure 23

The FBI reviewed footage from January 6, 2021, including publicly available footage and Capitol surveillance footage. In that footage, the individual identified as SPOSITE can be seen on Capitol grounds and inside of the Capitol building. He appears to have stayed with HILDEBRAND and HUNT throughout the day.

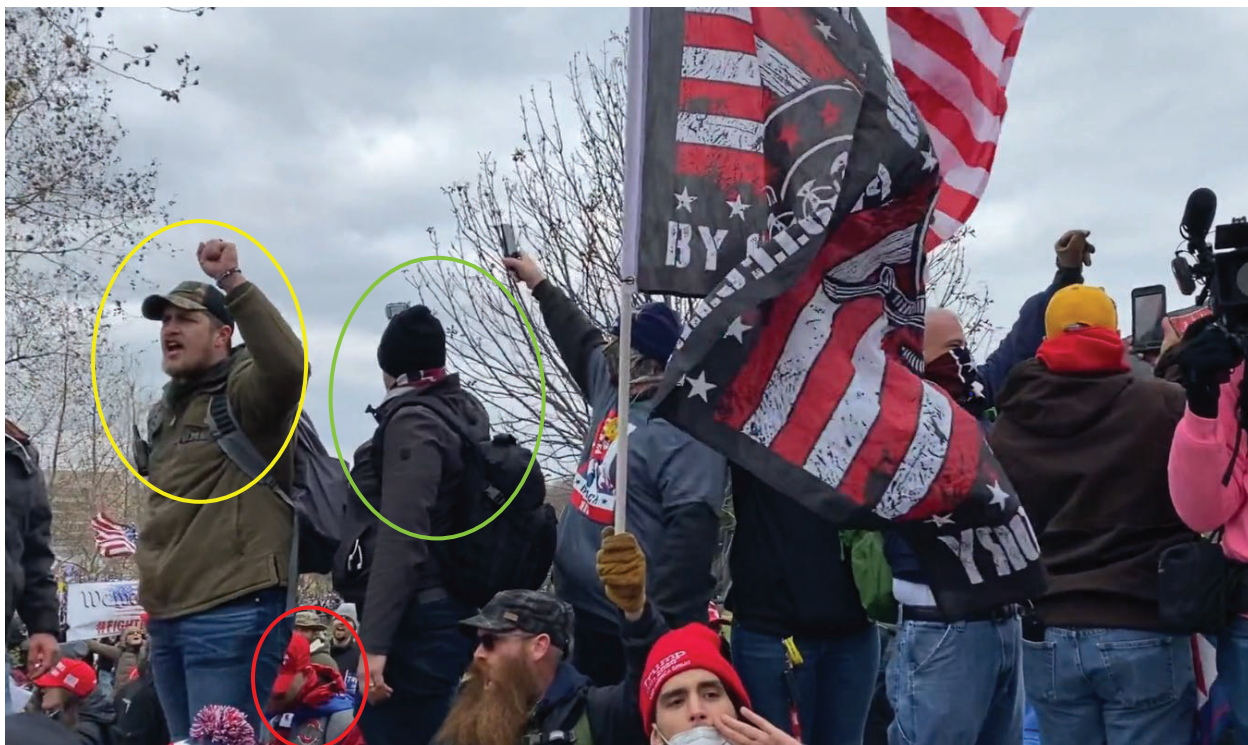


Figure 24

The FBI performed searches of state department of motor vehicle records for more information on SPOSITE. A search of the Michigan Department of Motor Vehicles records revealed that SPOSITE has a valid Michigan driver's license. Social media checks also revealed a public Facebook profile belonging to "Mike Sposite" of Detroit, Michigan. The FBI compared SPOSITE's driver's license photograph and images from his Facebook account (*see, e.g.*, Figures 25 and 26) to images from January 6, 2021 (*see, e.g.*, Figures 27 and 28, below). Based on that comparison, the FBI confirmed that the individual identified by TIPSTER 1 is Michael SPOSITE.



Figure 25



Figure 26

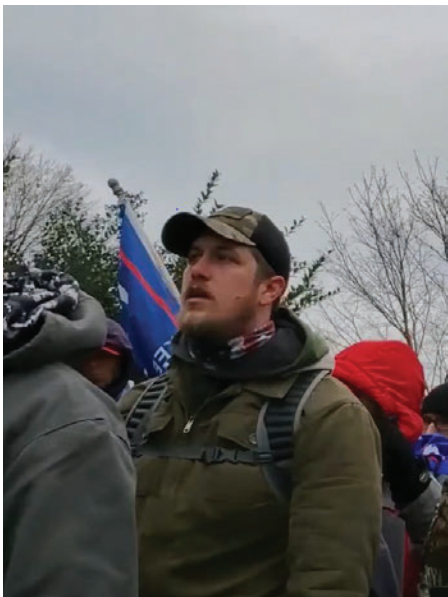


Figure 27



Figure 28

For instance, the FBI noticed that SPOSITE has a distinctive marking on his left cheek, which is visible in both images from the Capitol (*see, e.g.*, Figure 26, above), and images from SPOSITE's Facebook account (*see, e.g.*, Figure 27, above), as shown below.

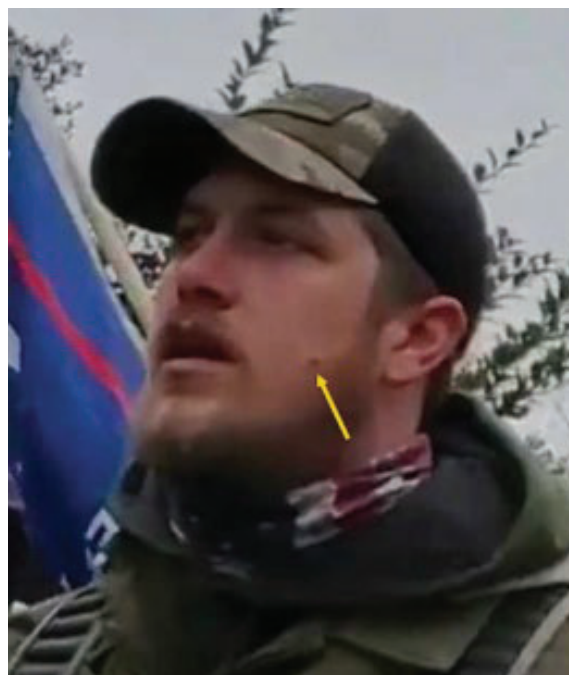


Figure 29

Further baseline checks revealed that SPOSITE's cell phone number is XXX-XXX-5458. On June 6, 2023, an FBI agent called that number. SPOSITE answered the call and positively identified himself. When the agent informed SPOSITE that he was calling with regards to January 6, 2021 riot, SPOSITE admitted that he attended the event at the Capitol that day, but otherwise declined to be interviewed.

On August 15, 2023, two FBI Special Agents interviewed WITNESS 1, a former coworker of SPOSITE. WITNESS 1 stated that he worked with SPOSITE from April 2022 to October 2022, and that he spent quite a bit of time with SPOSITE. WITNESS 1 then positively identified SPOSITE in a series of photographs, including Capitol CCTV images from January 6, 2021.

During the June 2021 interview of HILDEBRAND, HILDEBRAND stated that he entered the U.S. Capitol building with two friends on January 6, 2021 and provided the FBI with video footage that he took inside of the Capitol building. I recognized one of the individuals pictured in that footage, shown in Figure 17, as SPOSITE.

IV. Identification of Evan HUNT.

As part of its effort to identify individuals who entered the U.S. Capitol without authority, the FBI compared photographs of individuals inside of the U.S. Capitol on January 6, 2021 against archived open-source footage. Pursuant to that process, the FBI discovered a photograph of HUNT at a political rally in Ohio on or about June 26, 2021. HUNT is depicted below in an excerpt from the photograph from the June 2021 rally.



Figure 30

The FBI interviewed TIPSTER 2, who is a former co-worker of HUNT's. When shown the above photograph, TIPSTER 2 identified the person as Evan HUNT of Columbus, Ohio. At a later date, I showed TIPSTER 2 Figure 1, above, showing HUNT on restricted Capitol grounds on January 6, 2021. TIPSTER 2 also positively identified HUNT in that image.

TIPSTER 2 provided a Facebook account for HUNT. The FBI reviewed that Facebook account and searched law enforcement databases for "Evan Hunt." The FBI identified an Ohio driver's license photo which FBI personnel believed matched the photo of HUNT from the June 2021 rally in Ohio. An image from the Facebook account identified by TIPSTER 2 is below.



Figure 31

The FBI compared images of HUNT against footage from January 6, 2021. The queries yielded several photos of HUNT both outside and inside the U.S. Capitol building on January 6, 2021. *See, e.g.*, Figures 32-34 below. HUNT appeared in many of the images from January 6, 2021 with HILDEBRAND and SPOSITE, both of whom had been previously identified by the FBI, as described above.

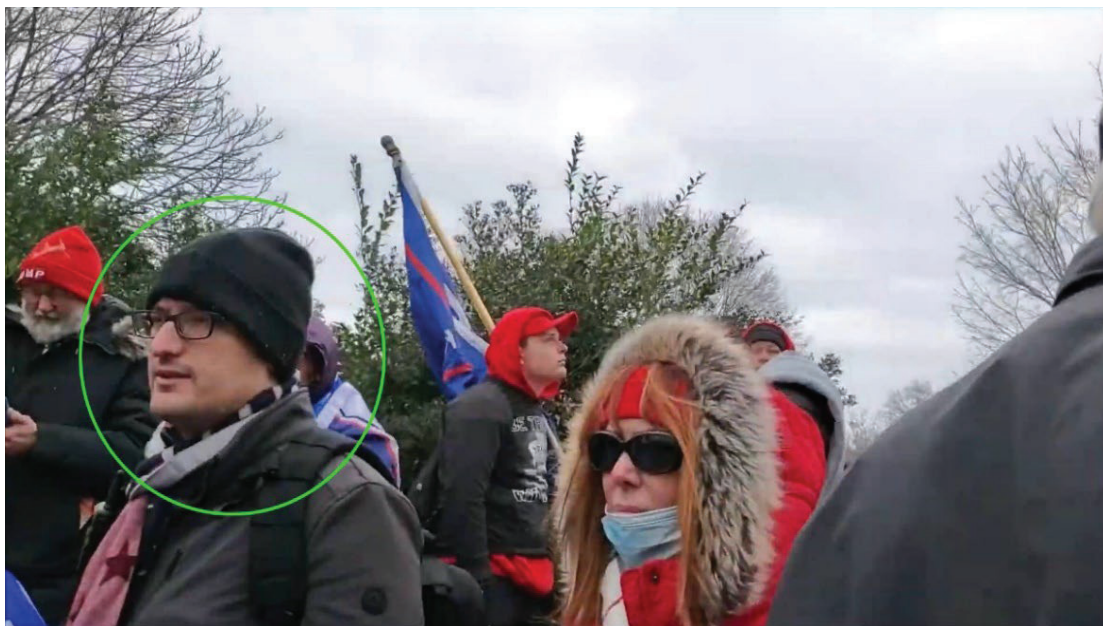


Figure 32

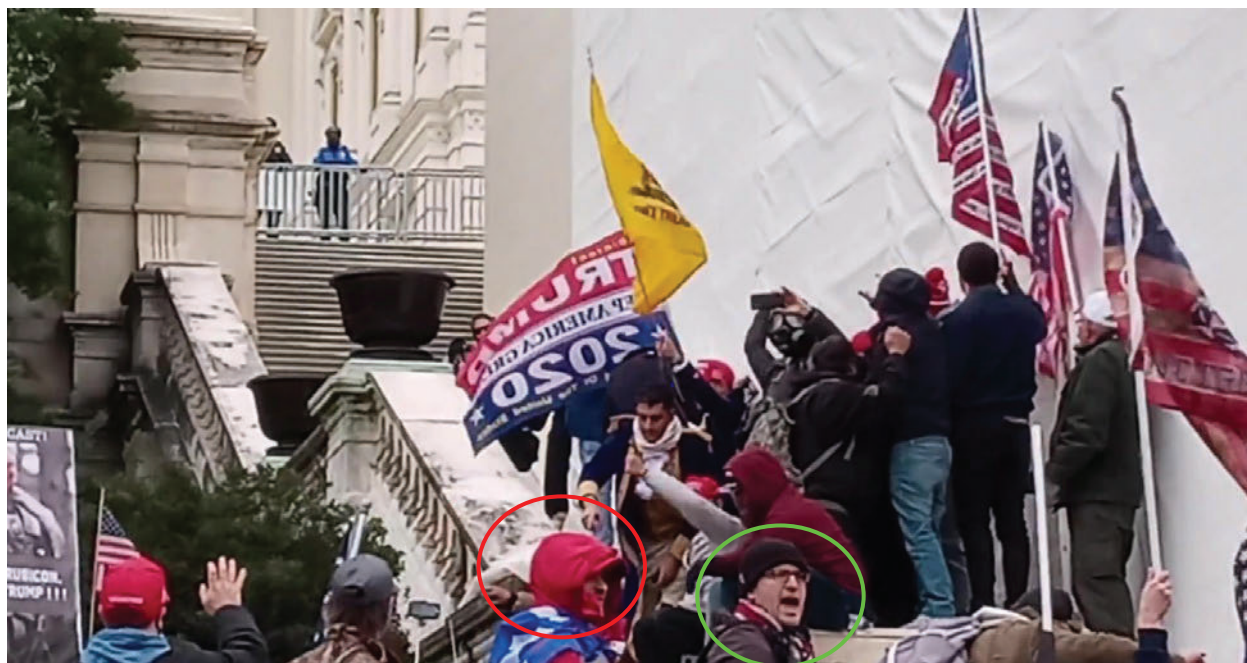


Figure 33

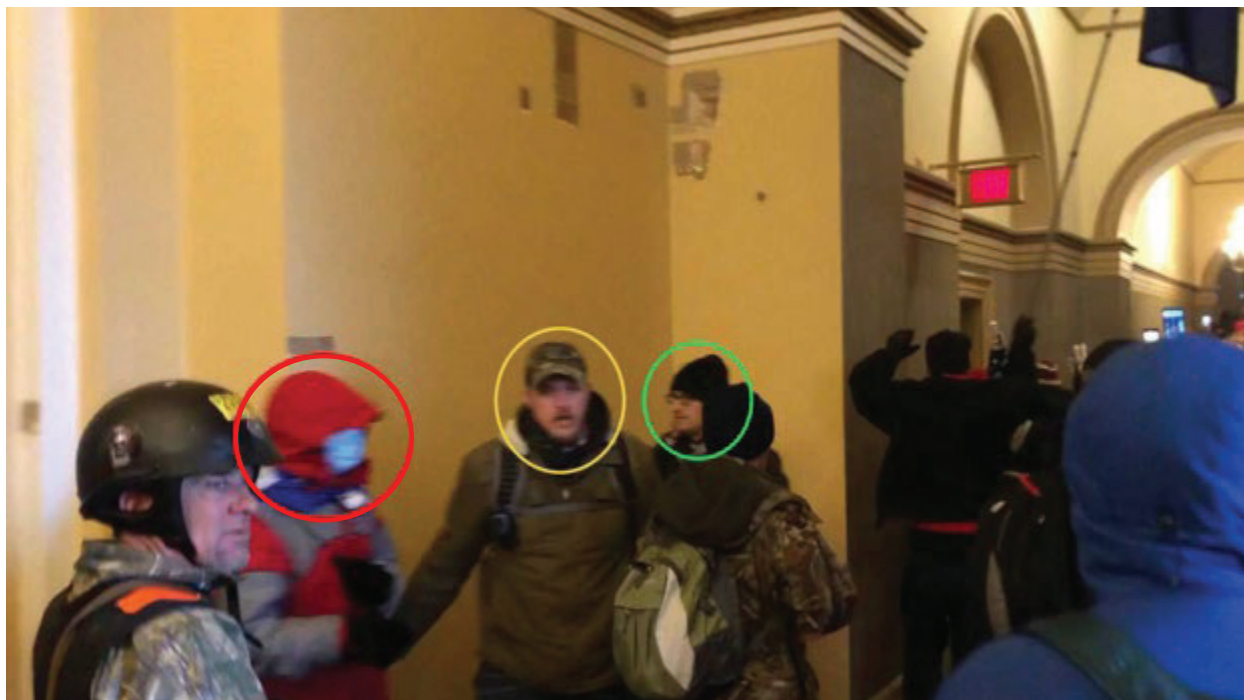


Figure 34

I compared the above images to HUNT’s driver’s license and images from HUNT’s Facebook account. Based on that comparison, I positively identified the individual depicted above (circled in green), as well as other images from January 6, 2021, as HUNT.

In two of the video clips provided by HILDEBRAND to the FBI, the person taking the video can be heard yelling, “Evan!”—which is HUNT’s first name. Screenshots from the footage provided by HILDEBRAND are below. *See also* Figure 16, above.

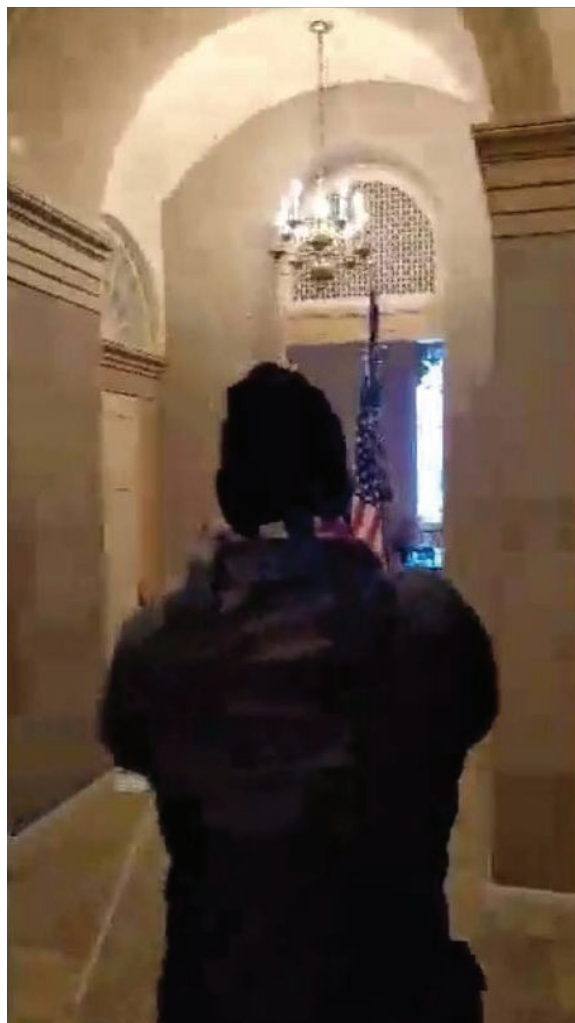


Figure 35

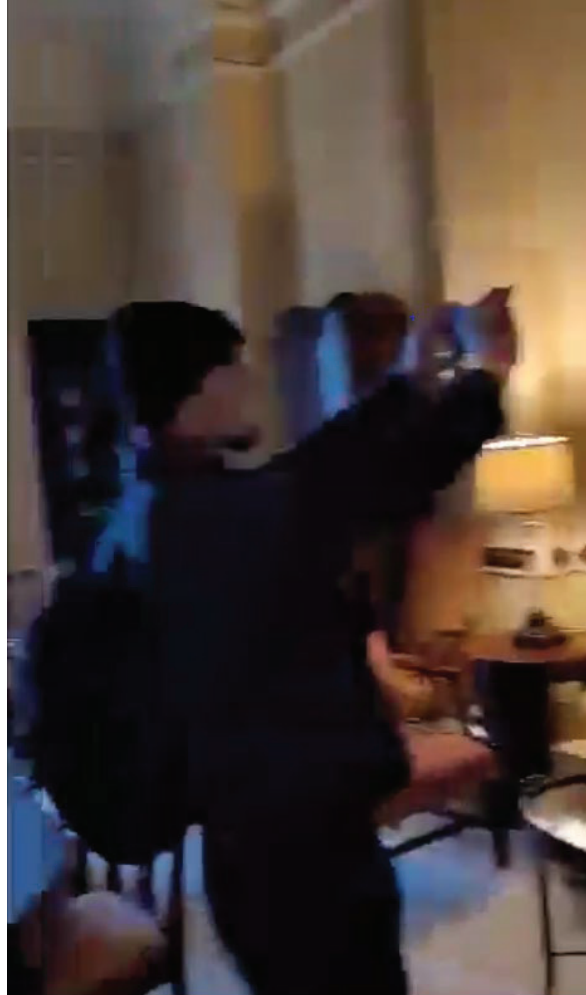


Figure 36

I compared these videos with other footage of HUNT from January 6, 2021 and determined that the individual in Figures 35 and 36 is HUNT, based on his attire and general appearance.

V. HUNT's Facebook Account

I reviewed HUNT's Facebook records, including his public profile and records obtained from Facebook pursuant to a search warrant. Several of HUNT's posts or comments suggested HUNT closely tracked the 2020 Presidential election results and related discussions. The records also included several posts relevant to the January 6, 2021 riot and indicated that HUNT traveled to Washington, D.C. for the riot with the intent to obstruct and impede the electoral vote. For example:

- On the day after the 2020 Presidential Election, November 4, 2020, HUNT posted a status about election results in Michigan. In a comment, HUNT stated in part, "It's definitely going to be contested. Lots of fraud happening, especially in Detroit where they were kicking GOP ballot contestors out that are legally required to be allowed in, then put up visual obstructions, then ballots were seen brought in which 100% went

Biden. Nothing fishy about that at all. God is going to expose the corruption of the wicked. I am 100% certain Trump will be our president, and it's God who will get ALL the glory and it will be obvious to everyone who isn't spiritually blind."

- On November 4, 2020, HUNT commented on another Facebook user's post stating, "Election fraud should be considered treason. It's that serious, and it deserves the coinciding punishment."
- On December 22, 2020, HUNT posted a status imploring others to come to Washington, D.C. on January 6, 2021. That status read in part: "Patriots, I cannot emphasize how important it is that you call your senators and representatives in congress and tell them not to confirm the electors from this fraudulent elections....Also, if you can in any way possible, ***be in Washington DC on Jan. 6 and be LOUD that We The People will not surrender our Republic to this fraud and tyranny*** they are trying to put us under." (emphasis added)
- On December 23, 2020, Hunt posted an article from the *National File* to his status titled "White House Memo Details How 'Pence Card' Can Save Trump's Presidency on December 23." Another Facebook user commented on that status saying, "Bro I heard pence is compromised...." Hunt responded, "I've heard that for awhile now. I'm not convinced either direction yet. Apparently he can still do this on Jan 6 as well...***I'm still looking to the electoral college vote on the 6th*** and enough senators and Representatives to bring motion to not accept the fraudulent electors. I'll be in DC on the 6th for the peaceful protest to ***show our government that the people will not accept these fraudulent electors*** and for our representatives to do their constitutional duty." (emphasis added)
- On December 23, 2020, HUNT commented on another Facebook user's photograph stating in part: "***the people need to apply pressure every day*** for our senators and representatives to refuse to confirm fraudulent electors on Jan 6." In a separate comment on that same post, he said in part, "***I am convinced we need to fight to make sure this election is not stolen.*** In the process, I believe much of the American population may wake up and finally see we have to be actively involved if we want to remain free. ***I will be in DC on Jan 6*** for what I believe will be the largest peaceful protest in world history...." (emphasis added)
- On December 23, 2020, HUNT commented on another Facebook user's post stating: "Despite his BS, it's still important patriots call this loser every day and apply pressure on him to refuse to confirm the fraudulent electors. Make him feel the heat, call, email every day now until Jan 6"
- On December 29, 2020, HUNT posted a status stating: "Patriots have had enough. To those who are 'just doing their job,' if you enforce this garbage, you are committing TREASON against We The People and ***we have a right and a duty to fight back!***" (emphasis added)

- On January 1, 2021, Hunt posted a link to Representative Clay Higgins' Twitter status, which read: "I will object to the certification of the electoral votes on January 6th. See my full statement below."
- On May 16, 2021, HUNT posted a video on Facebook with the caption: "Proof there was no 'insurrection' on Jan 6. When the police are on video letting people in, it's not violent assault and insurrection."

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

Your affiant also submits that there is probable cause to believe that HUNT, HILDEBRAND, and SPOSITE 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.

Further, your affiant submits there is also probable cause to believe that HUNT, HILDEBRAND, and SPOSITE 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; (G) parade, demonstrate, or picket in any of the Capitol Buildings.



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 1st day of March 2024.

Rob M. Meriweather  2024.03.04
13:17:30 -05'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE