

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

David Valentine
DOB: XXXXXX

) Case: 1:24-mj-00242
) Assigned to: Judge Faruqui, Zia M.
) Assign Date: 8/6/2024
) 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:

Code Section

Offense Description

18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder,
18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds
Without Lawful Authority,
18 U.S.C. § 1752(a)(2) -Knowingly, and with intent to impede or disrupt the orderly conduct of
Government business or official functions,,
40 U.S.C. § 5104(e)(2)(D) -Disorderly Conduct in a Capitol Building or Grounds,.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



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

Date: 08/06/2024

2024.08.06
14:06:35 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Brian Hock, is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Washington Field Office. As a law enforcement officer of the United States (“U.S.”), within the meaning of 18 United States Code (“U.S.C.”) § 2510(7), I am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C § 2516. I have been a Special Agent since February 2019, in which time I have investigated several violations involving international terrorism, domestic terrorism, and violent crimes against children. I have a Bachelor of the Arts Degree in Economics from Northwestern University, a Master of Business Administration from Old Dominion University, and I am a graduate of the FBI Academy in Quantico, Virginia, where I received extensive training in federal law. I am currently involved in the investigation of David Valentine (VALENTINE). I have personally participated in this investigation and have witnessed many of the facts and circumstances described herein. The facts in this statement of facts come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

Background: Events at the U.S. Capitol on January 6, 2021

The United States 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.

VALENTINE's Involvement in the January 6th Attack on the U.S. Capitol

The Federal Bureau of Investigation (FBI) received numerous online tips about an individual (later identified as DAVID MATTHEW VALENTINE) who was present on restricted U.S. Capitol grounds during the riot on January 6, 2021. Some tipsters identified the individual with the online moniker #YellowSizzler. Your affiant reviewed open-source materials associated with #YellowSizzler, closed circuit television footage collected from U.S. Capitol security cameras, and footage from law enforcement officers' body-worn cameras that recorded VALENTINE's conduct on the day of the riot.

On January 6, 2021, VALENTINE was wearing a red beanie, a green jacket over a yellow hoodie, khaki-colored pants, dark-rimmed rectangle eyeglasses, and black gloves. VALENTINE was also wearing a black backpack.



Images 1 and 2 (VALENTINE on January 6, 2021)

The footage shows VALENTINE within the restricted grounds, at around 1:30 p.m., near a line of police officers and bike-rack barricades preventing rioters from advancing toward the U.S. Capitol building. At around 1:40 p.m., rioters carried and passed a large metal-framed “Trump

2020” sign toward the police line. When the sign reached the police line, VALENTINE joined the rioters who pushed the sign against the police officers. VALENTINE reached for the sign with his right hand and pushed the sign. The rioters used the large sign as a battering ram against the officers who were holding the line. Rioters attempted to breach the bike-rack barricades while the officers were attacked with the large sign.



Image 3 (VALENTINE near Trump sign)



Image 4 (VALENTINE and other rioters pushing Trump sign toward officers)



Image 5 (VALENTINE pushing Trump sign toward officers)



Image 6 (Police officers attacked with Trump sign)



Image 7 (Police officers attacked with Trump sign)



Image 8 (VALENTINE pushing Trump sign into officers)

The footage also depicts VALENTINE in other parts of the restricted grounds after around 2:30 p.m., when rioters broke through the police line and overtook the west plaza. VALENTINE was one of the rioters who occupied the west plaza.

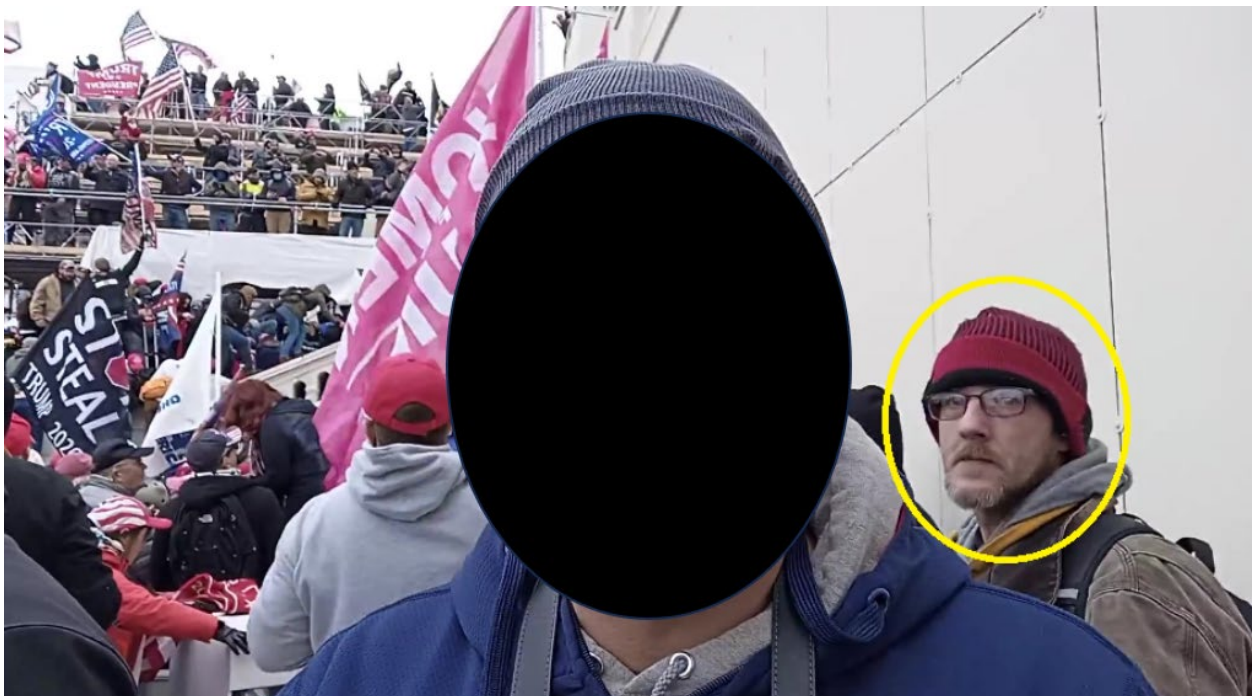


Image 9 (VALENTINE at West Plaza, redacted)



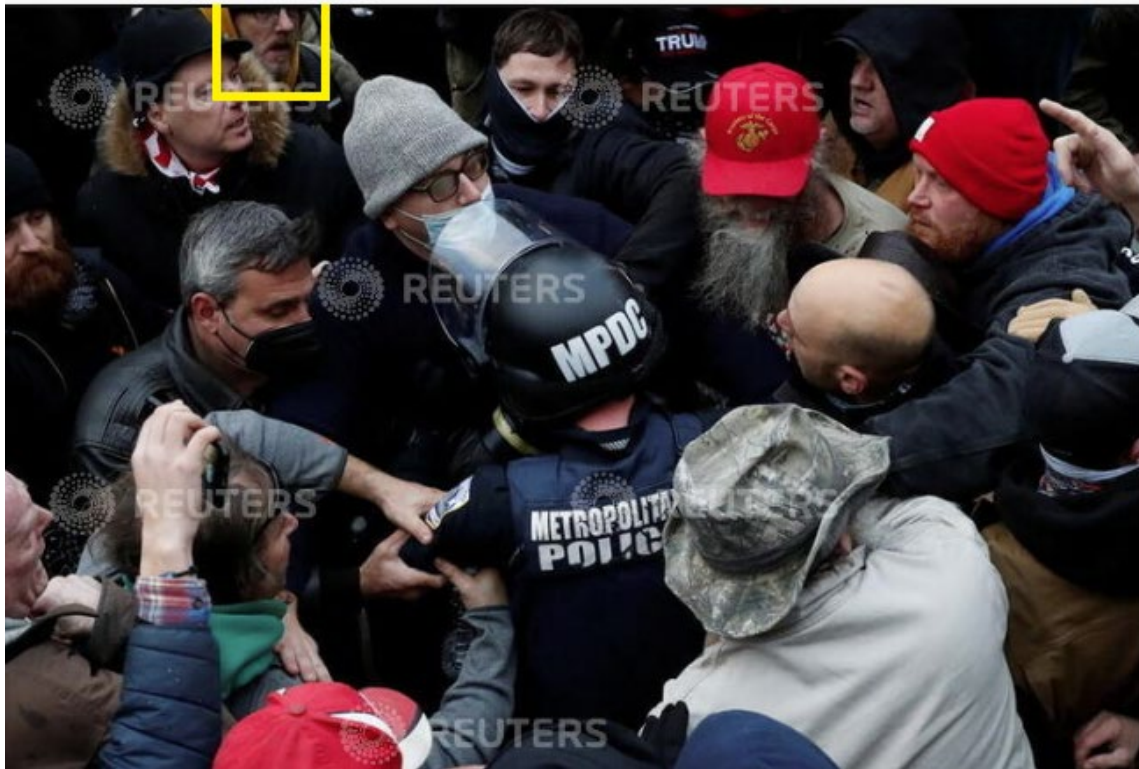
Image 10 (VALENTINE at West Plaza)

VALENTINE entered a lower part of the inaugural stage within the west plaza. He climbed into an area that appeared to be under construction and seemed to cut some wires with a folding knife.



Images 11, 12, and 13 (VALENTINE holding wire in right hand and knife in left hand)

At around 2:30 p.m., members of the Metropolitan Police Department (MPD) retreated to an area inside the archway of the U.S. Capitol building's Lower West Terrace Doors (also referred to as the Lower West Terrace Tunnel or "Tunnel"). Rioters massed in front of this Tunnel and attacked police officers, pushing in a collective effort to overwhelm the police officers guarding this entrance to the building. VALENTINE was present outside the Tunnel.



Images 14, 15, and 16 (VALENTINE near Lower West Terrace Doors)

At around 5:00 p.m., rioters collectively pushed against the police officers and VALENTINE joined the group, placing his hand against the back of the rioter in front of him before being repelled by a chemical irritant.



Images 17 and 18 (VALENTINE and rioters moving toward police line)

Identification of VALENTINE

Your affiant took additional steps to verify VALENTINE's identity. Open-source research revealed a Facebook account for David Valentine. One of the images posted around November 20, 2020, to the Facebook account shows VALENTINE wearing a yellow hooded sweatshirt like the one he wore on January 6, 2021.

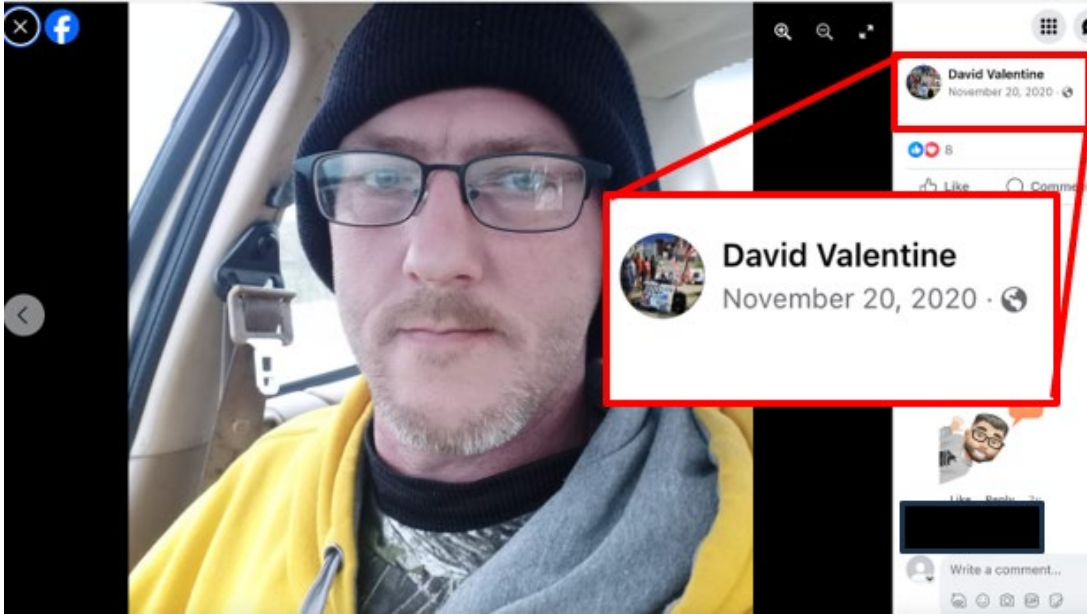


Image 19 (VALENTINE in Facebook post and enlarged name, redacted)

In addition, VALENTINE is associated with a Facebook account known as “Freedom Express Media.” The publicly available account lists contact information for VALENTINE, including the phone number XXX-XXX-6097 and the location Wilmington, Ohio.

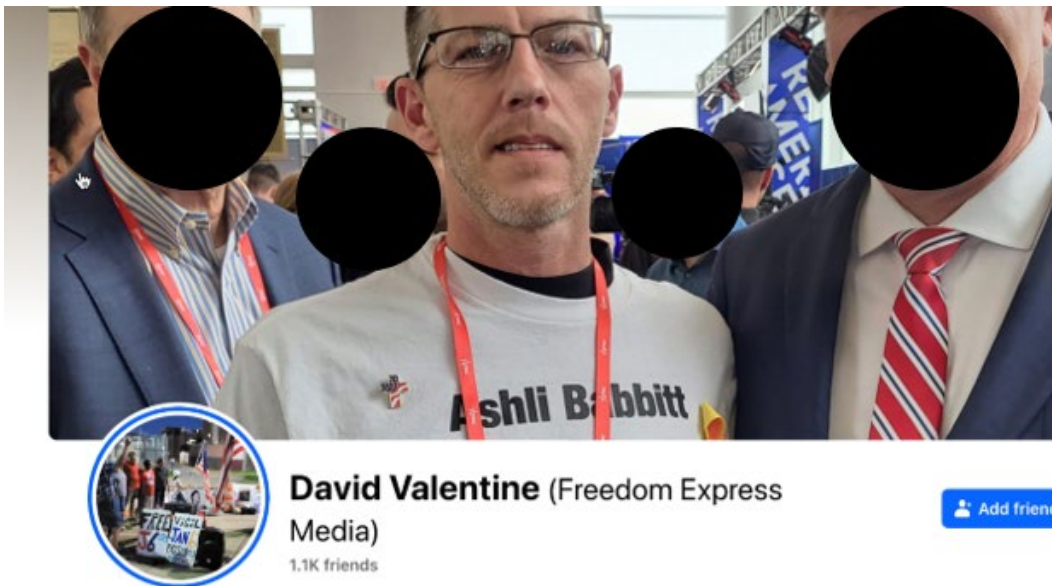


Image 20 (VALENTINE in Freedom Express Media, redacted)

Messages posted from the Freedom Express Media account include admissions that they are “Yellow Sizzler” and were present at the U.S. Capitol on January 6, 2021.

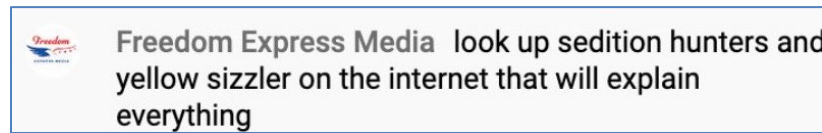


Image 21 (Online message from Freedom Express Media)

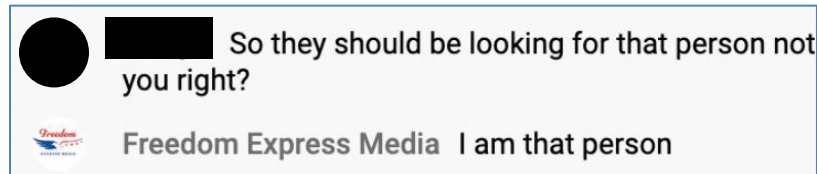


Image 22 (Online message from Freedom Express Media, redacted)

The FBI received documents from Meta, Inc., concerning the aforementioned Facebook account. Meta was the owner and operator of the Facebook social media platform. The documents revealed the account was registered to phone number XXX-XXX-6097. Law enforcement and commercial database queries revealed this phone number was associated with VALENTINE. The FBI received documents from both TracFone and AT&T concerning phone number XXX-XXX-6097. On January 6, 2021, TracFone records indicated the subscriber for XXX-XXX-6097 was an account holder named “David Valentine” using email address [XXXX]ismy0000@gmail.com. As of October 2, 2023, phone number XXX-XXX-6097 was transferred to the AT&T Corporation. The subscriber for XXX-XXX-6097 was an individual named “David Valentine” (DOB: XX/XX/XXXX), with a listed billing address in Wilmington, Ohio.

According to records obtained through a search warrant served on Google, location data associated with email account [XXXX]ismy0000@gmail.com with recovery phone number XXX-XXX-6097 was identified as being within a geographic area that included the restricted area of the United States Capitol grounds on January 6, 2021. The results of a query of the Ohio Bureau of Motor Vehicles (“BMV”) concerning David Valentine yielded the name “David Matthew Valentine” (DOB: XX/XX/XXXX) with an address in Wilmington, Ohio. The BMV image of David Matthew Valentine’s face matches VALENTINE’s likeness, as depicted in images of the January 6th riot and his social-media content. BMV records show that a blue 2001 Dodge Ram Truck with Ohio license plate number XXXXXXXX is registered to VALENTINE. The FBI consulted a local detective from Wilmington, Ohio, who was familiar with VALENTINE’s criminal history. The detective was shown images of VALENTINE from January 6, 2021. On June 27, 2024, the detective confirmed VALENTINE was the person depicted in the images of the January 6, 2021 riot.

On January 13, 2023, the FBI interviewed VALENTINE over the phone. VALENTINE denied entering the U.S. Capitol building on January 6, 2021, but he admitted to being present during the riot, standing just outside the U.S. Capitol building, and seeing other rioters fighting with police officers. VALENTINE described the clothes he wore on January 6, 2021, which

included a brown jacket over a yellow hooded sweatshirt, and a red toboggan-style hat (which is another way to describe a beanie).

Probable Cause

Based on the foregoing, your affiant submits there is probable cause to believe that VALENTINE 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 VALENTINE violated 18 U.S.C. §§ 1752(a)(1) and (a)(2) which make 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. 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 VALENTINE violated 40 U.S.C. § 5104(e)(2)(D), which make 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.



Special Agent Brian Hock
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6th day of August 2024.

HONORABLE ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE