

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation in the Salt Lake City Field Office. Currently, I am tasked with investigating criminal activity in and around the U.S. 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, 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 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.

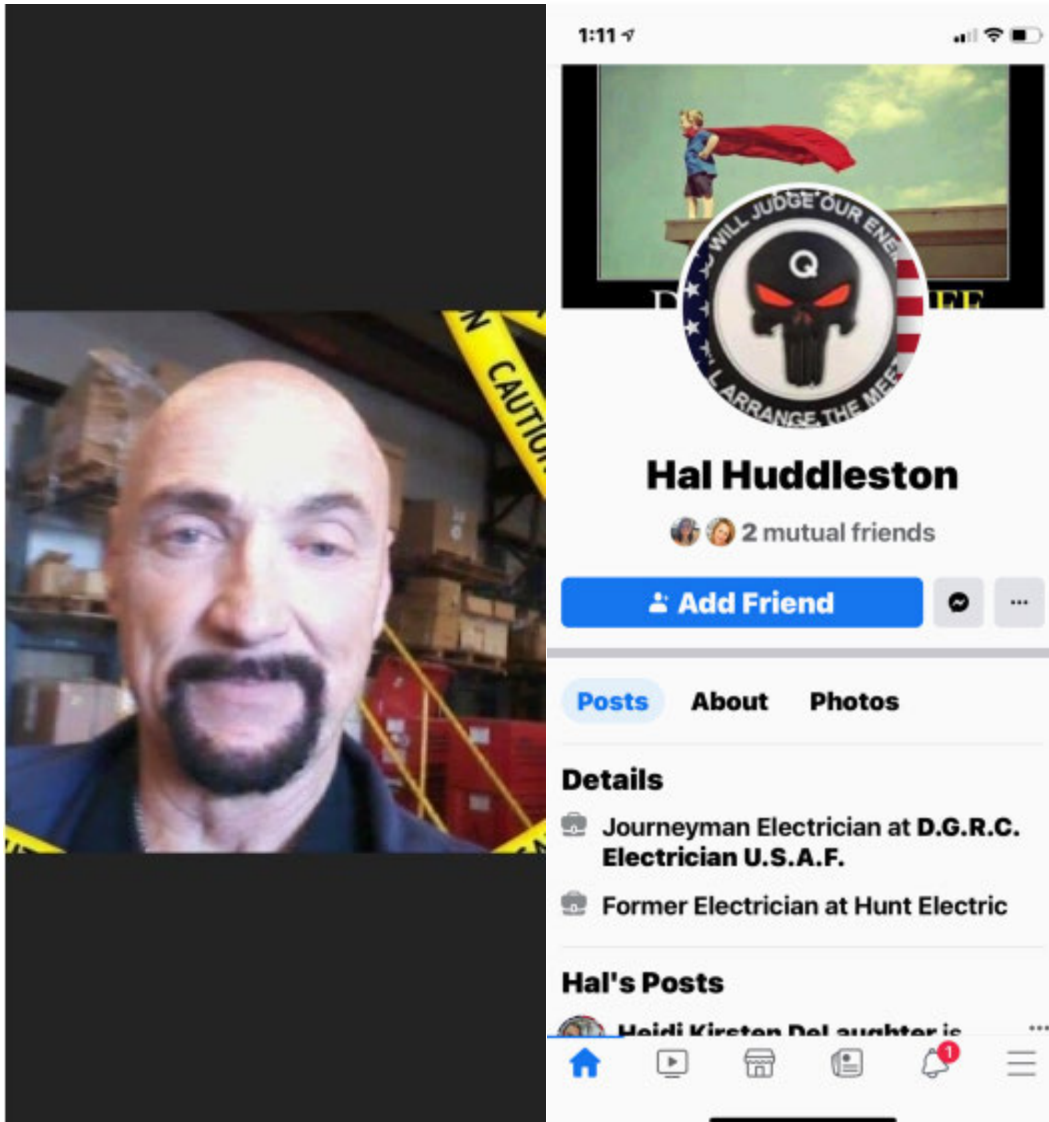
Identification of Hal Ray Huddleston

On or about January 14, 2021, the FBI received a tip containing a screenshot of a Jan. 7, 2021 Facebook post belonging to a user named “Hal Ray Huddleston.” The post stated: “An update to my being in DC. You may have already heard about the Capital being stormed today, I've been to the DC only once in my life and that was today to Storm the Capital, break stuff, fight with the police and be shot with tear gas. I spent the day doing Patriot shit and standing up for my President & country. It was a good day.”



Image 1: Screenshot of Facebook post by Hal Ray Huddleston received in Jan. 7, 2021 tip.

As shown below, the tip also included an image of the user of the account (Image 2), and a screenshot of the Huddleston Facebook account’s profile picture (Image 3). The profile picture was an illustration of the Punisher logo that included Qanon imagery and partially visible text from the Punisher quote: “God will judge our enemies / We’ll arrange the meeting.”



Images 2 and 3: Screenshots from Hal Ray Huddleston's Facebook account received in Jan. 7, 2021 tip.

Meta records obtained through a federal search warrant provided that the Facebook account referenced in Images 1–3 was registered to an individual named Hal Huddleston. FBI identified a 66-year-old individual named Hal Ray Huddleston residing in Ogden, Utah who was employed at the Defense Logistics Agency (“DLA”) located on Hill Air Force Base in northwest Utah as a contractor. The Facebook account listed the same residential address in Ogden and the phone number (XXX) XXX-6793.

According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with 6793 was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Verizon records obtained through grand jury subpoena provided that the 6793 phone number was registered to an individual named Hal

Ray Huddleston at an Ogden, Utah matching employment records for Huddleston from the Defense Logistics Agency.

On November 5, 2021, FBI agents from the Salt Lake City Field Office (SU) attempted to interview Huddleston about his conduct at the U.S. Capitol on January 6, 2021. Huddleston declined to speak with them. FBI agents then contacted Hill Air Force Base Office of Special Investigations (OSI) agents and requested they attempt to interview Huddleston at his place of work, DLA, and Huddleston agreed to a voluntary interview with OSI on Nov. 9, 2021.

Huddleston told OSI that in anticipation of January 6, 2021, he traveled from Sacramento, California, where he resided at the time, to Tennessee to meet an individual whom he had become acquainted with online, and the two of them drove together to Washington, D.C., where they arrived on January 5, 2021 and stayed in a hotel within D.C.

Huddleston told agents that he committed no crimes in or around the U.S. Capitol on January 6, 2021, and that he went to the rally to hear President Trump speak. At some point after traveling to U.S. Capitol grounds, he heard someone announce: "Pence just screwed us." According to Huddleston, shortly thereafter, the crowd became more aggressive. Huddleston said he saw people breaking windows, fighting with police, and generally becoming more aggressive and disorderly. Huddleston said he did not agree with this behavior and even encouraged others not to behave in this manner.

Huddleston told OSI that he did enter the U.S. Capitol building, but that he was "invited" into the building by U.S. Capitol Police officers. According to Huddleston, officers opened the doors to the U.S. Capitol and invited him and others into the building. Huddleston said the officers could be heard telling people to come inside and behave peacefully, and that the crowd could "tour" the building. Huddleston cited at least one officer saying: "that's we do, we give tours." Huddleston said that he and his acquaintance remained inside the building for approximately 30 minutes. Huddleston reported seeing people breaking things, fighting with the police, and tear gas being used in the area, but that he and his associate did not engage in such conduct themselves.

During the interview, OSI agents told Huddleston that the FBI had obtained a Facebook posting from Huddleston's Facebook account that indicated he had in fact engaged in such activity. Specifically, that he went to WDC to "...Storm the Capital [sic], break stuff, fight with police, and be shot with tear gas." In the post, Huddleston went on to say, in part, that he "...spent the day doing Patriot shit and standing up for my President & country." Huddleston said he recalled making the post, but its intention was to describe what he saw at the rally, not what he personally did. Huddleston reiterated this numerous times.

Prior to speaking with Huddleston, OSI agents reviewed Huddleston's Facebook account and screenshotted the following posts. When FBI agents later obtained Facebook records for the account, the posts had been deleted.

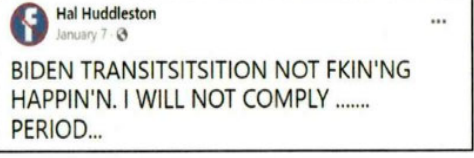
	
<p>1. (U) Screenshot of Facebook post made on January 5, 2021.</p>	<p>2. (U) Screenshot of Facebook post made on January 7, 2021.</p>
	
<p>3. (U) Screenshot of Facebook post made on January 7, 2021.</p>	<p>4. (U) Screenshot of Facebook post made on January 8, 2021.</p>

Image 4: Screenshots of posts from the Huddleston Facebook account captured by OSI agents.

In the days surrounding January 6, 2021, Huddleston also posted several references to far-right groups and ideologies known to have been influential or active in the events of January 6, 2021. For example, on January 7, 2021, Huddleston posted the following image featuring the text: “WHEN TYRANNY BECOMES LAW REBELLION IS ORDER – 1776” surrounding the “Punisher” skull featuring the roman numeral III associated with the Three Percenters, an American and Canadian far-right, anti-government militia movement whose name is derived from the claim that only three percent of American colonists were actively fighting against British forces during the American Revolution.



Image 5: Image posted to Facebook by Huddleston on Jan. 7, 2021.

On January 7, 2021, Huddleston also posted at least one photo with the hashtag #WWG1WGA, a common acronym among followers of QAnon standing for “Where We Go One, We Go All.”

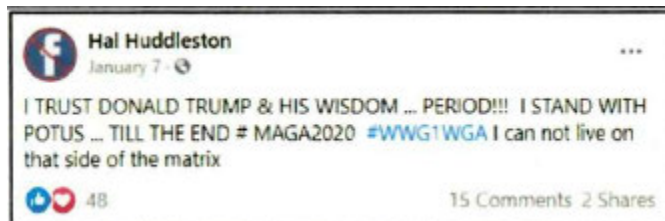


Image 6: Facebook post by Huddleston on Jan. 7, 2021.

Huddleston's Activities on January 6, 2021

During the course of this investigation, I reviewed photographs and videos from several sources capturing Huddleston in and around the U.S. Capitol on January 6, 2021. That day, Huddleston wore a dark baseball cap imprinted with "President Trump 2020" in white text, a black and gray plaid hoodie over a black hoodie with a large silver "Punisher" skull on the front and the hood raised, dark pants, and a black Nike backpack. During portions of the day, Huddleston wore a white face mask or a blue face mask with the words "Trump" imprinted in white text.



Images 7-9 (left to right): Huddleston as he appeared in open-source videos and body-worn camera footage on Jan. 6, 2021.

Some of the footage I reviewed came from the U.S. Capitol Police closed-circuit video system ("CCTV") cameras in and around the U.S. Capitol building and grounds that captured Huddleston inside the Capitol building. CCTV footage shows that at 3:08 p.m., Huddleston entered the Capitol through the Senate Wing Door, which was first breached by rioters at approximately 2:13 p.m. Contrary to Huddleston's statements to OSI agents that officers waved him and other rioters into the building, there are no officers visible at the doorway when Huddleston entered.

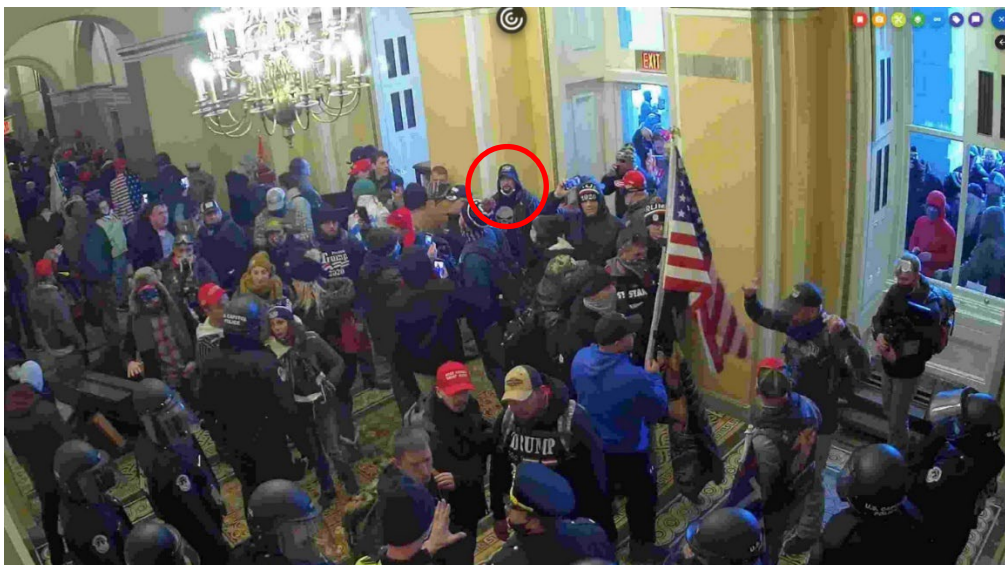


Image 10: Screenshot from CCTV showing Huddleston entering Capitol building at approximately 3:08 p.m.

After entering the building, Huddleston turned right, walking south down a hallway from the Senate Wing Door entryway toward the center of the building, as shown on open-source video footage.



Image 11: Screenshot from open-source video¹ showing Huddleston walking from the Senate Wing Doorway entryway to the Crypt.

At 3:10 p.m., Huddleston entered the Crypt, which is a large, circular room at the center of the first floor of the Capitol building. As shown on CCTV, Huddleston entered the room, appeared to take photos or video on his phone, and then join the crowd near the center of the room.

¹ https://archive.org/download/AtCfFiCLcJzzX4ZtQ/Bucky_Turco_Perfect_exam.mpeg4.



Image 12: Screenshot from CCTV showing Huddleston at approximately 3:10 p.m. shortly after entering the Crypt.

Huddleston remained in the Crypt until 3:19 p.m., when he exited back into the hallway leading toward the Senate Wing Door entryway, where police officers were guiding individuals out of the Capitol building. CCTV footage shows Huddleston exited the Capitol building through the Senate Wing Door at approximately 3:24 p.m.

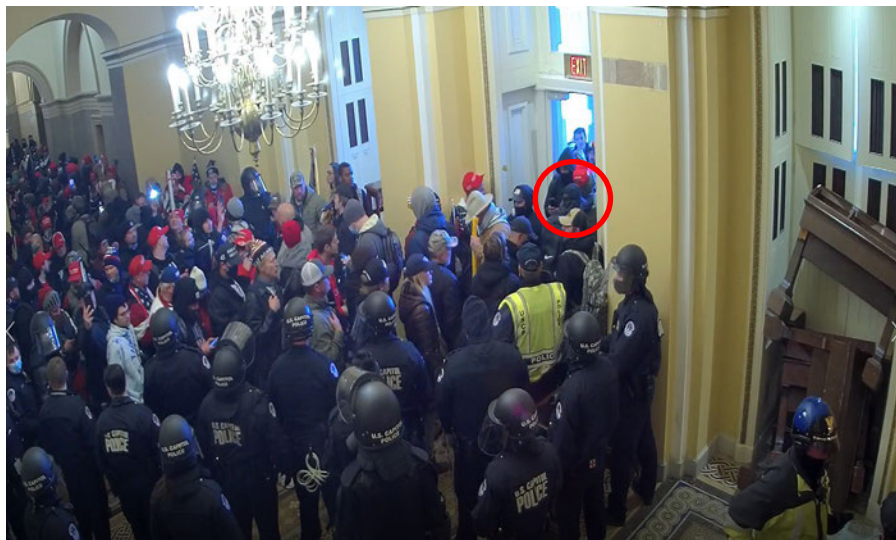


Image 13: Screenshot from CCTV showing Huddleston exiting the Capitol building at approximately 3:24 p.m.

After exiting the Capitol building, Huddleston remained for over an hour outside the Senate Wing Door on the Upper West Terrace, still within the restricted perimeter established around the building, and joined at least one violent confrontation between rioters and officers. Namely, at approximately 4:20 p.m., a large line of police officers in riot gear began advancing toward the northwest corner of the Upper West Terrace in an effort to clear the hundreds of rioters, including Huddleston, from the area. Huddleston is visible in open-source video and body-worn camera (“BWC”) footage capturing rioters near the police line.

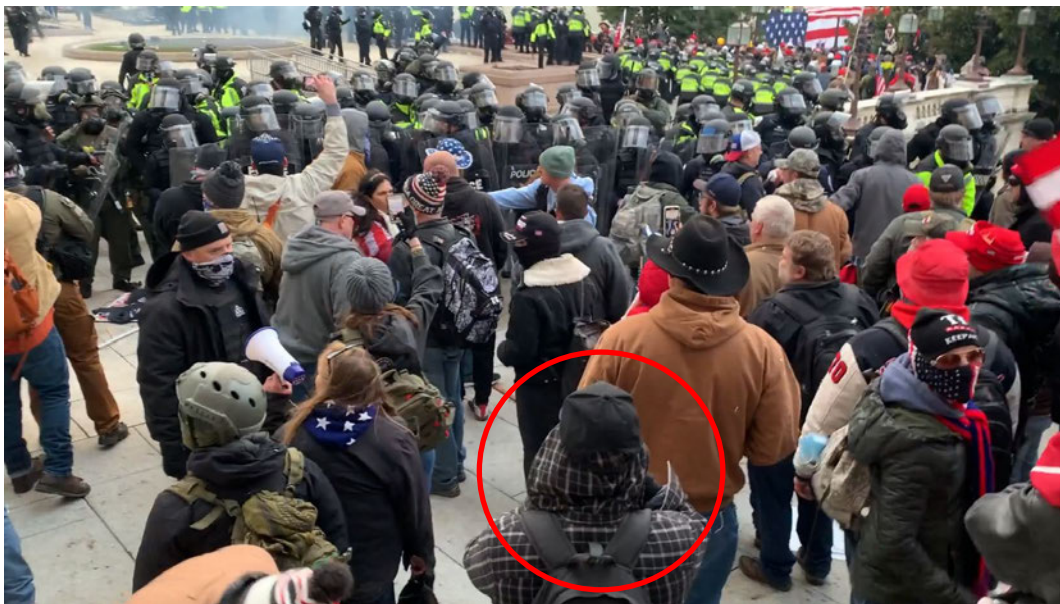


Image 14: Screenshot from open-source video showing Huddleston nearby police line on Upper West Terrace at approximately 4:26 p.m.



Image 15: Screenshot from body-worn camera footage showing Huddleston nearby police line on Upper West Terrace between at approximately 4:26 p.m.

At approximately 4:26 p.m., as the police line begins to advance and push the crowd north, several members of the crowd near Huddleston push back against the police line and begin fighting with officers. One of the rioters pushing against the police line did so by holding a wooden flagpole horizontally and pushing it into the backs of rioters pushing into police in order to reinforce them. Open-source video footage shows Huddleston grabbing the pole and joining the other rioter in pushing it as part of the effort to hold back the police line from advancing.



Image 16: Screenshot from open-source video capturing Huddleston at approximately 4:26 p.m. as he grabbed a flagpole and used it to push against other rioters in an effort to hold back police line from advancing.

As he continued to push the flagpole with his left hand, Huddleston then placed his right hand on the back of the other rioter pushing the flagpole, adding additional force in holding back the officers.



Image 17: Screenshot from open-source video capturing Huddleston at approximately 4:26 p.m. placing right hand on the back of rioter to push against police line.

Police are then able to disperse the rioters fighting against them using OC spray and other crowd control equipment, and Huddleston is again visible on officer body-worn camera footage as the crowd moves north away from the police line.

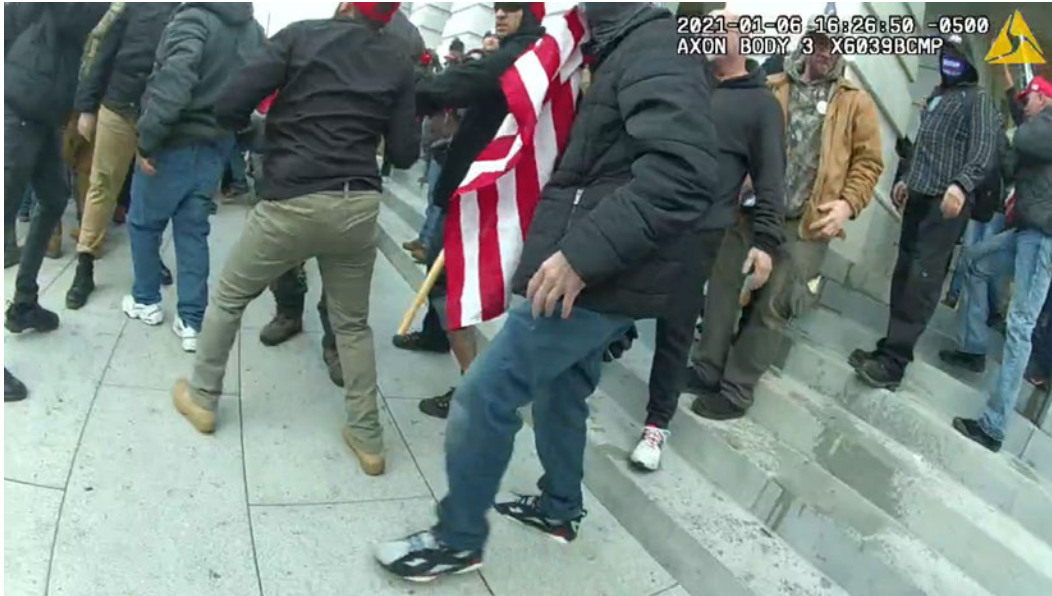


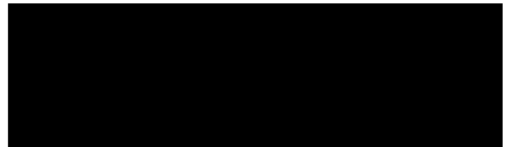
Image 18: Screenshot from BWC showing Huddleston on Upper West Terrace at 4:26 p.m. after pushing against police line.

Based on the foregoing, your affiant submits there is probable cause to believe that Huddleston 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant also submits that there is probable cause to believe that Huddleston 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 so; 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.

Finally, your affiant submits there is also probable cause to believe that Hal Ray Huddleston 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of August 2024.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE