

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the FBI Detroit Division. In my duties as a Special Agent, I have investigated allegations associated with domestic terrorism and international terrorism. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. 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.

On January 8, 2021, the FBI received a tip that “*Kyle Mlynarek has posted videos and photos on snapchat and Facebook storming the Capitol building.*” A screenshot from the Facebook account named “KYLE MLYNAREK” was attached to the tip. The screenshot appeared to show photos and videos that were taken inside the U.S. Capitol building on January 6, 2021. The Facebook post by KYLE MLYNAREK read “*It’s not about Trump or Biden or color . tts [sic] about America. It’s about these motherfuckers thinking they can come take away our guns, burn/kneel on our nations flag and anthem, shut down our businesses, force people to wear something when it’s a personal choice, use social media to divide us, have bullshit rigged elections, give money to other countries before taking care of us and our needs first, the fist [sic] goes on and on. This isn’t a video game, this isn’t something u just look at on a screen, this shits the real deal. So when they things that’ s [sic] unconstitutional or jeopardize our freedom understand patriots gre [sic] gonna stand up kand fight for what we believe in and if u have a problem with that then fuck off and stay out of the way.*”

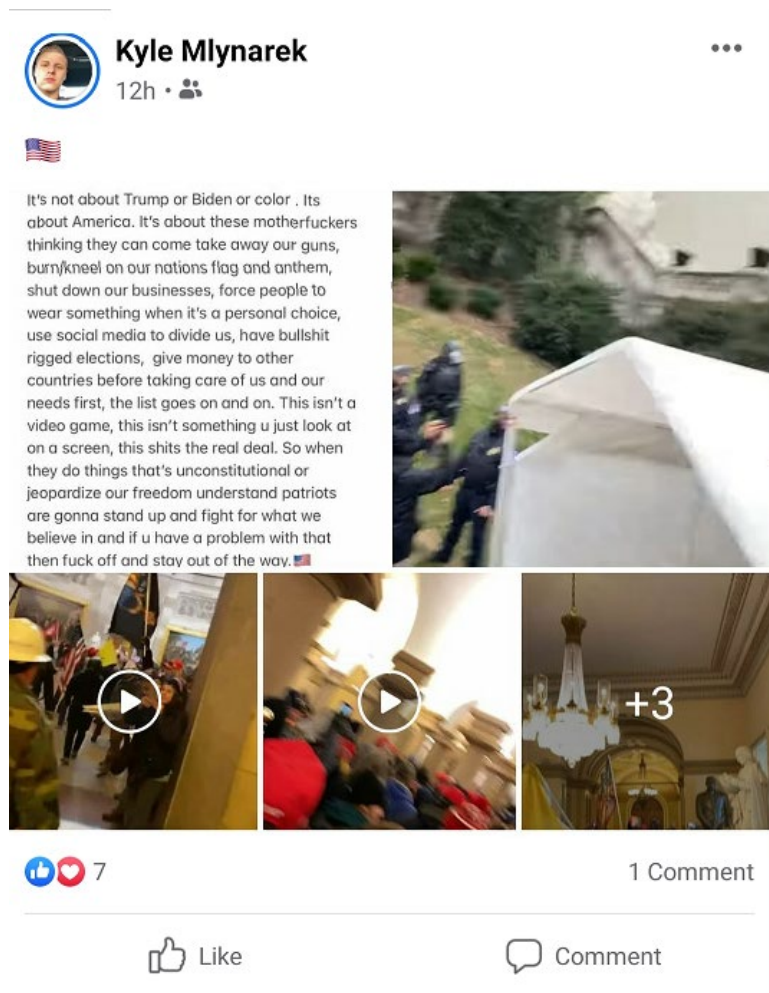


Figure 1

In another tip to the FBI on January 8, 2021, an individual stated in part “*Kyle Mlynarek- Resident of Livonia, Michigan. Domestic terrorist who was involved in the capitol building raid.*” Attached to the tip was a :44 second video taken of “Kyle’s Post”. The video contained several videos within “Kyle’s Post”, including videos taken within the U.S. Capitol as well as the above-referenced Facebook posting.

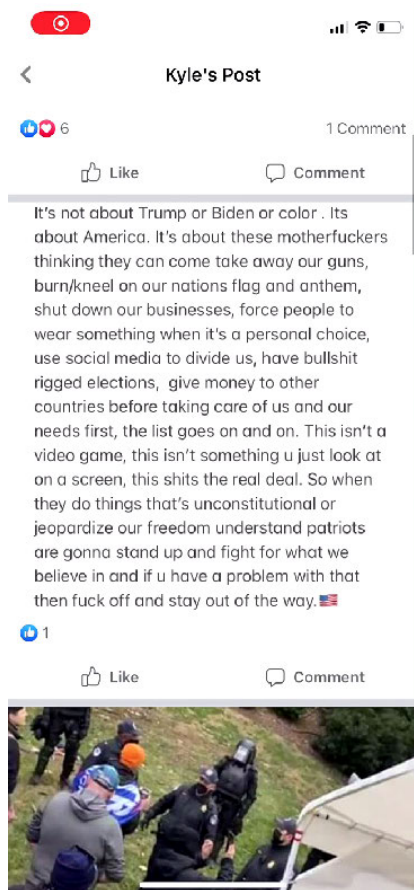


Figure 2

In another tip to the FBI, on January 7, 2021, an individual stated that KYLE MLYNAREK participated in the storming of the Capitol and had traveled from Michigan. Attached to the tip was a screenshot of a Facebook profile picture labeled “Kyle Mlynarek,” seen below:

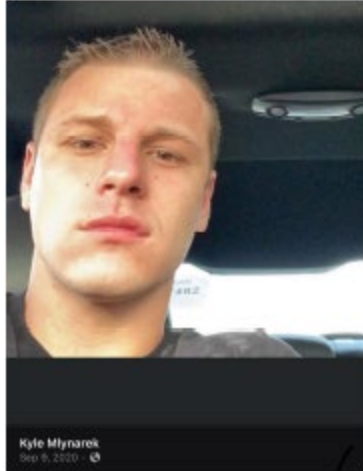


Figure 3

In addition, on or about February 4, 2021, an FBI Agent in the Washington Field Office reviewed Twitter account, @ReneeBaily after interviewing a complainant about what he/she observed on the account. The Agent identified and captured three photos and a seven second video taken from inside the U.S. Capitol building that was posted by the user of Twitter account @ReneeBaily. In one post, the Twitter user stated that "My fiancé got in". Investigation by the FBI's Washington Field Office revealed the above Twitter account was operated by Brandi Renee Wasilewski, address of 1604 Helen St Garden City, MI 48135. A check of Lexis-Nexis revealed that 1604 Helen St. was co-owned by RONALD BALHORN.

A check of KYLE MLYNAREK's contact with local law enforcement in Michigan showed an arrest in 2018. At that time, MLYNAREK listed RONALD BALHORN as his cousin and emergency contact. MLYNAREK listed telephone number 734-516-1101 for BALHORN.

An April 9, 2021 check of the Facebook page "Kyle Mlynarek", ID 100000030919850, revealed a profile picture (as seen below) for the Facebook page that matched the above photograph submitted in the tip to the FBI.

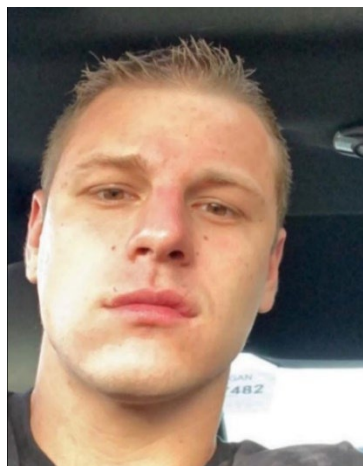


Figure 4

On August 9, 2021, I served a Search Warrant to Facebook requesting records pertaining to KYLE MLYNAREK's Facebook page, Facebook ID 100000030919850. On August 10, 2021, Facebook complied with the search warrant and provided the requested records. I reviewed the records provided by Facebook, which showed KYLE MLYNAREK submitted a mobile upload on January 7, 2021 at 10:10 p.m. EST. The upload included what appeared to be a photograph taken from inside the U.S. Capitol building on January 6, 2021.



Figure 5

Also included in the Facebook mobile upload was a written post, which matched the above-referenced Facebook post provided by the tipster regarding KYLE MLYNAREK's activities at the U.S. Capitol on January 6, 2021. A comment below MLYNAREK's post read "*Well said my friend! Thank you for being there!*". Additionally, in a Facebook Messenger Chat on January 8, 2021 at 12:46 a.m., just over two and a half hours after MLYNAREK's mobile upload Post, Facebook user Kristen Balhorn asked "*we're [sic] you there*". MLYNAREK replied "*Yes me Ron and Brandi*".

On September 7, 2021, I executed a search warrant for KYLE MLYNAREK's Apple iPhone 11, serial number F4LCFPL1N72J, and an IMEI of 352894110814282. The phone had previously been seized by the Livonia, Michigan Police Department to search for evidence following an incident at a local bar/restaurant involving MLYNAREK. A review of the contents of KYLE MLYNAREK's cell phone revealed hundreds of images, several videos, and numerous text message strings regarding his actions at the U.S. Capitol on January 6, 2021.

On January 4, 2021, KYLE MLYNAREK had the following text exchange with a phone number believed to belong to MLYNAREK's roommate:

MLYNAREK: "Btw, I'm leaving tomorrow for d.c. I'll be back Thursday midday."
(Roommate): "Going to protest? Lmao hell yeah I live with a free radical lmaooo"
MLYNAREK: "Doing what's right isn't radical"
(Roommate): "Who you going down there with?"
MLYNAREK: "My cousin and his girlfriend"

Also on January 4, 2021, telephone number 734-516-1101, known to be utilized by RONALD BALHORN and listed in KYLE MLYNAREK's cell phone as "Ron B", sent a text to MLYNAREK and three other individuals which said "Lol. The stick I made to carry in dc weds". Attached to the text were two pictures:

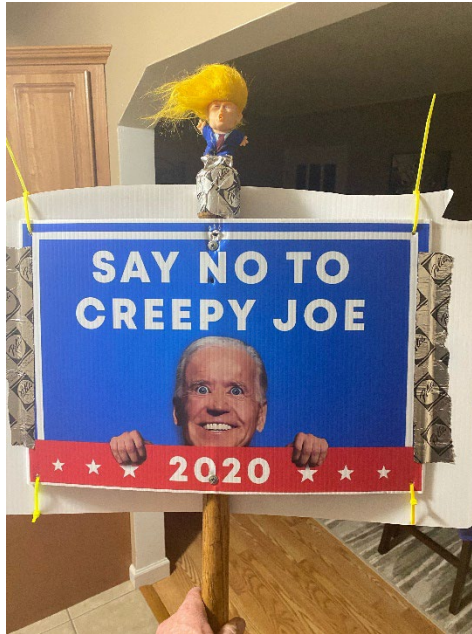


Figure 6



Figure 7

On January 6, 2021, KYLE MLYNAREK sent several photos and videos to a phone number subscribed to by Brandi Wasilewski. Wasilewski replied "I love it and I'm forwarding to Ron." The videos sent by MLYNAREK were taken both inside and outside the U.S. Capitol on January 6, 2021. One video appeared to show MLYNAREK utilizing his cell phone to take a video of him and RONALD BALHORN walking through a hallway inside the U.S. Capitol on January 6, 2021. Below is the screenshot from the video as well as three of the photos sent from MLYNAREK to Wasilewski.



Figure 8



Figure 9



Figure 10



Figure 11

In addition, on January 6, 2021, at approximately 6:19 p.m., MLYNAREK had the following text exchange with telephone number 313-333-0120, listed in MLYNAREK’s phones as “Steve Ford”:

MLYNAREK: “Hell yeah!! First couple hundred people in to”

Ford: “Damn you went lmao”. Gotta show that snapchat to Chad tomorrow morning”.

MLYNAREK: “Don’t fuck with freedom, that’s just a small taste”

Information from MLYNAREK’s phone also showed the following exchange with RONALD BALHORN at 7:05 p.m. on January 6, 2021:

MLYNAREK: “Told u we should have stayed!”

BALHORN: “Nope we left in time. We got in. Let the idiots do the rest”

Also found on MLYNAREK’s phone was a five second video that appeared to be taken inside the U.S. Capitol on January 6, 2021. The video showed a broken window before panning down a hallway. At the end of the video, RONALD BALHORN can be seen waiting in the hallway. Below are two screenshots from the video, with BALHORN circled in Figure 12:

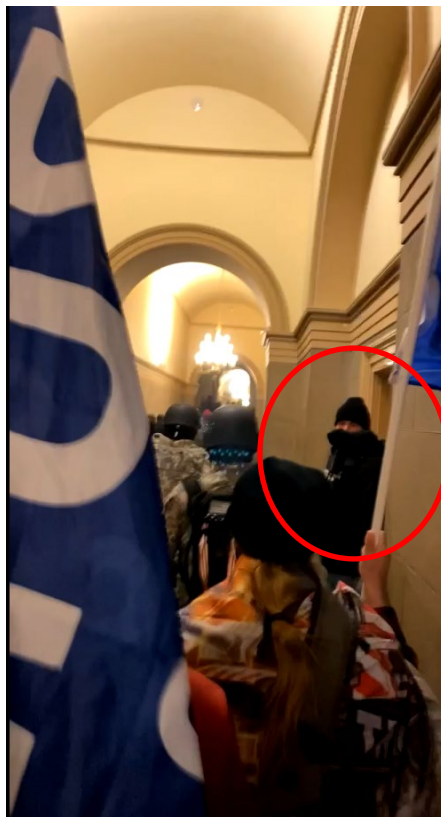


Figure 12



Figure 13

In another image found on MLYNAREK’s phone, MLYNAREK and BALHORN were photographed walking away from the U.S. Capitol building. Based on the lack of crowd or police activity in the photograph, I assess the photograph was taken in the morning hours of January 6, 2021. In the photograph, MLYNAREK was wearing dark jeans, dark Nike sneakers with white soles, dark-colored gloves, a grey Carhartt hooded sweatshirt, a red bandana on his head and was carrying a backpack and American flag on his back. BALHORN was wearing light-colored jeans, a black hooded sweatshirt with white lettering on it, a black baseball hat, grey gloves, dark-colored shoes and was carrying a backpack and American flag on his back. BALHORN was also pulling a green wagon full of bottled water. On the wagon was the above-referenced “stick” and sign BALHORN texted he would be carrying in Washington, D.C.



Figure 14

I utilized the above descriptions of MLYNAREK and BALHORN to search through U.S. Capitol Police footage, Metropolitan Police Department (MPD) body-worn camera (BWC) footage, and open source media for any and all documentation of their activities in and around the U.S. Capitol on January 6, 2021. Based on that research, I found the following information:

In a 26 second video posted on the Facebook account of “Dave Jones,” MLYNAREK (circled in yellow) and BALHORN (circled in green) were observed standing in a large crowd near the Ellipse in Washington, D.C. An individual was speaking to the crowd and the crowd cheered.



Figure 15

In a 16:55s long video posted on what appeared to be a Russian news channel (POCCNR1), MLYNAREK and BALHORN were observed at approximately 1:38s into the video. They were walking with a large group of people down a street adjacent to the National Mall. MLYNAREK and BALHORN were both carrying American flags. A female holding a pink flag was walking between MLYNAREK and BALHORN. As noted above, MLYNAREK previously texted that he, “Ron and Brandi” had gone to Washington, D.C.



Figure 16

At approximately 2:00 p.m. EST, a group of MPD Officers attempted to make their way through a crowd of protestors that had gathered on the Northwest side of the U.S. Capitol, near the scaffolding used for the Presidential Inauguration. At that time, MLYNAREK and BALHORN were observed on MPD Officer A.A.'s BWC standing off to the side of the MPD Officers as the officers made their way through the crowd.



Figure 17

The MPD Officers encountered resistance from the protestors and stopped moving. While they were moving, it appeared MLYNAREK and BALHORN yelled towards the officers and BALHORN held up his middle finger in the direction of the officers.



Figure 18

At approximately 2:01p.m., the group of MPD Officers attempted to push forward through the crowd but were stopped. Most of the officers were contained within a group that was pushed and shoved by several protestors. In audio of several BWCs, an Officer can be heard shouting

“10-33” (I know this code to mean an Officer is in need of assistance) and then can be heard saying “We’re being trampled”. As observed in a 42:56s YouTube video titled “Capitol Riots Raw Footage_***Journalistic Purposes Only”, BALHORN, followed by MLYNAREK, both got down from their position above the Officers to a position directly in front of the Officers.

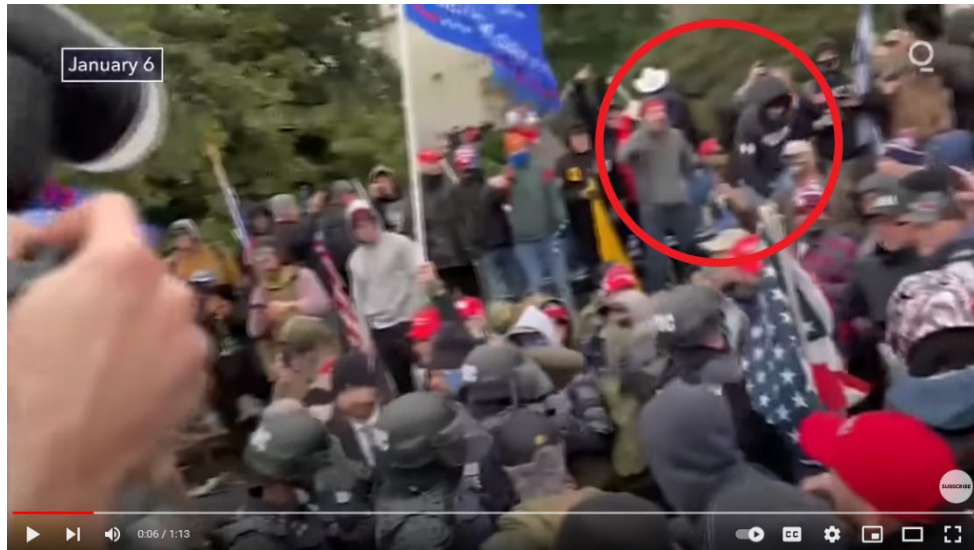


Figure 19



Figure 20

As can be seen in the footage from MPD Officer D.H.s’ BWC, at approximately 2:01:52 p.m., MLYNAREK was observed pushing a group of protestors, who in turn were pushing against the group of MPD Officers. BALHORN was also observed in the group of protestors and appeared to be pushing against the group of MPD Officers.

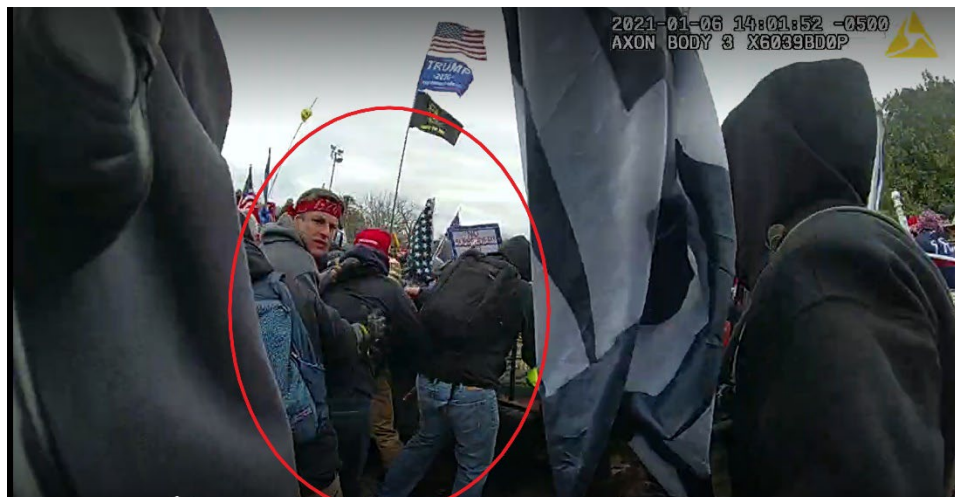


Figure 21



Figure 22

As can be seen in footage from Officer D.H.'s BWC, at approximately 2:02 p.m., it appeared Officer D.H. may have struck BALHORN with his baton as he was attempting to remove protestors who were pushing against the group of MPD Officers, as seen below:



Figure 23

The individual standing next to BALHORN, in the green jacket, then grabbed Officer D.H.'s baton and a struggle ensued. Officer D.H. and the individual struggled on the ground until Officer D.H. was able to regain control of his baton. As can be seen in Officer N.D.'s BWC footage, BALHORN had a wooden stick or club in his hands and was moving aggressively near the group of officers during the struggle.



Figure 24

BALHORN then tried to help the individual in the green jacket up off the ground with his left hand as he held his club/stick in his right hand. MLYNAREK stood beside BALHORN.



Figure 25

As can then be seen in footage from Officer P.K.'s BWC footage, at approximately 2:03 p.m., MLYNAREK was observed using his cell phone (Figure 26). BALHORN, who appeared to have covered the lower part of his face with his black hoodie (Figure 27), was seen standing next to MLYNAREK.



Figure 26



Figure 27

As observed in a 42:56s YouTube video titled “Capitol Riots Raw Footage_***Journalistic Purposes Only”, MLYNAREK is then observed standing on the U.S. Capitol Terrace with a group of individuals who encountered metal barrier gates manned by U.S. Capitol Police Officers. Based on the events in the video, MLYNAREK is first observed at 18:51s into the video, which is shortly after the above-detailed confrontation on the Northwest lawn with the MPD Officers.



Figure 28

The video then showed an altercation between MLYNAREK, BALHORN, and two U.S. Capitol Police Officers that occurred off to the side and away from the main group. It appeared MLYNAREK and BALHORN struggled with an officer to move past him/her on the Terrace. BALHORN and MLYNAREK then continued walking on the Terrace, towards the Senate Wing Door entrance.



Figure 29

Footage from the U.S. Capitol exterior cameras then showed BALHORN and MLYNAREK walking towards the Senate Wing Door. Balhorn was observed dropping his wooden club/stick on a grassy area just before approaching the Senate Wing Door.

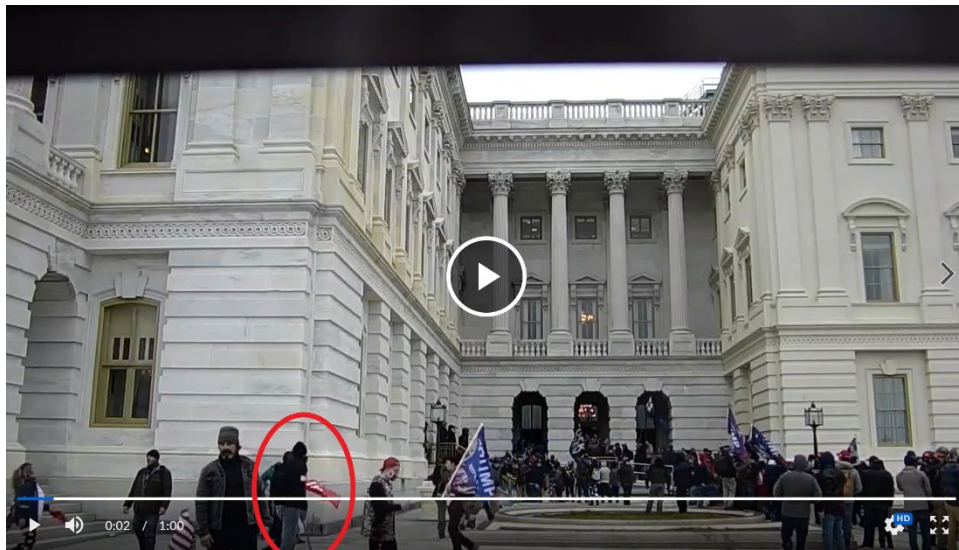


Figure 30

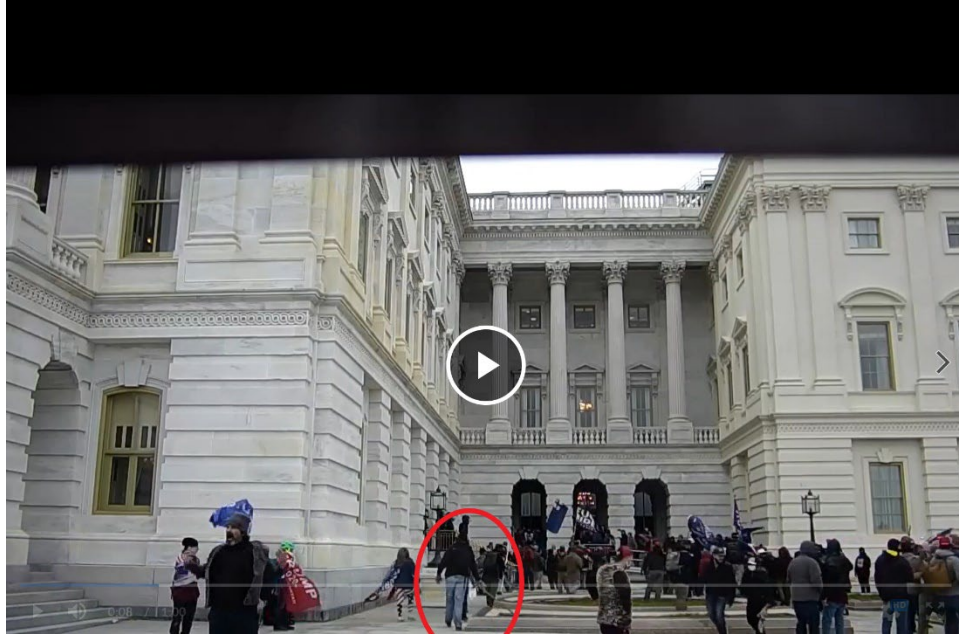


Figure 31

BALHORN is then observed returning to the grassy area to retrieve his club/stick before he and MLYNAREK enter walk towards the Senate Wing Door.

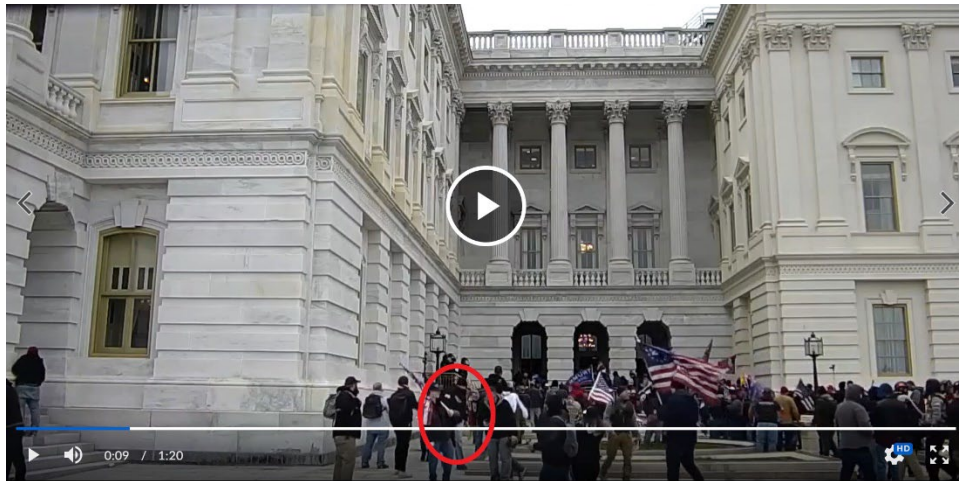


Figure 32

U.S. Capitol Police footage from within the U.S. Capitol showed MLYNAREK and BALHORN enter the U.S. Capitol via the Senate Wing door at approximately 2:22 p.m. EST. MLYNAREK now had a blue facemask, with the word “Trump” on it, covering his nose and mouth. He was also carrying a white shirt or towel. BALHORN had his face covered with a piece of black material and was carrying his wooden club/stick.



Figure 33

MLYNAREK and BALHORN were then observed at approximately 2:27 p.m. EST within a large group of people inside the Crypt of the U.S. Capitol. The group then pushed their way through Officers and into a hallway out of the Crypt at approximately 2:29 p.m.



Figure 34

MLYNAREK and BALHORN then walked upstairs to enter Statuary Hall at approximately 2:30 p.m. They walked through Statuary Hall towards the House Chamber.

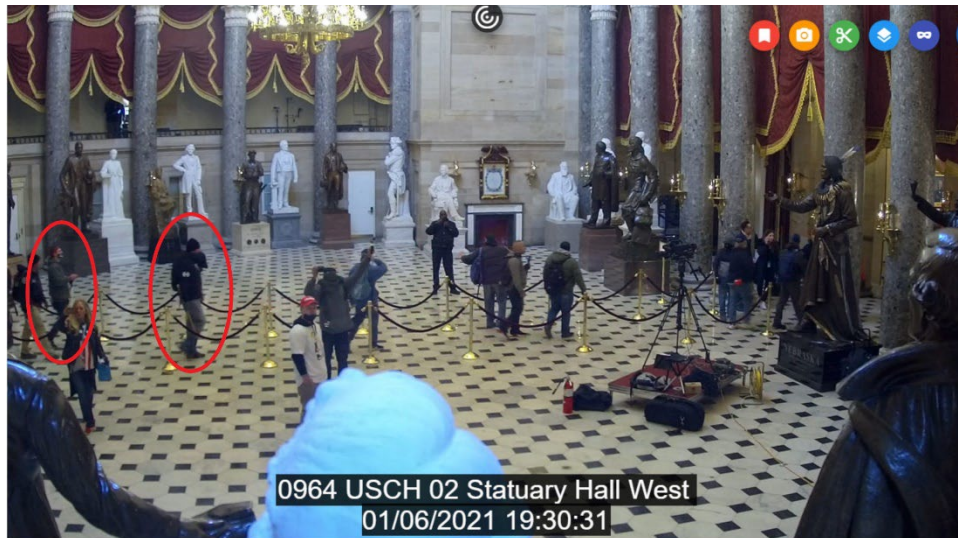


Figure 35

MLYNAREK and BALHORN walked into the Statuary Hall Connector at approximately 2:31 p.m., which connects Statuary Hall to the entrance of the House Chambers. MLYNAREK and BALHORN were within the crowd for several minutes before the crowd pushed past a line of U.S. Capitol Police Officers and into the next hallway near the entrance to the House Chambers.



Figure 36



Figure 37

A video from social media posted by “Jayden X”, which is 39:38s long, showed BALHORN and MLYNAREK standing in the hallway behind the group of people who had just pushed past Officers in the Statuary Hall Connector. The crowd was attempting to enter the House Chambers doors.

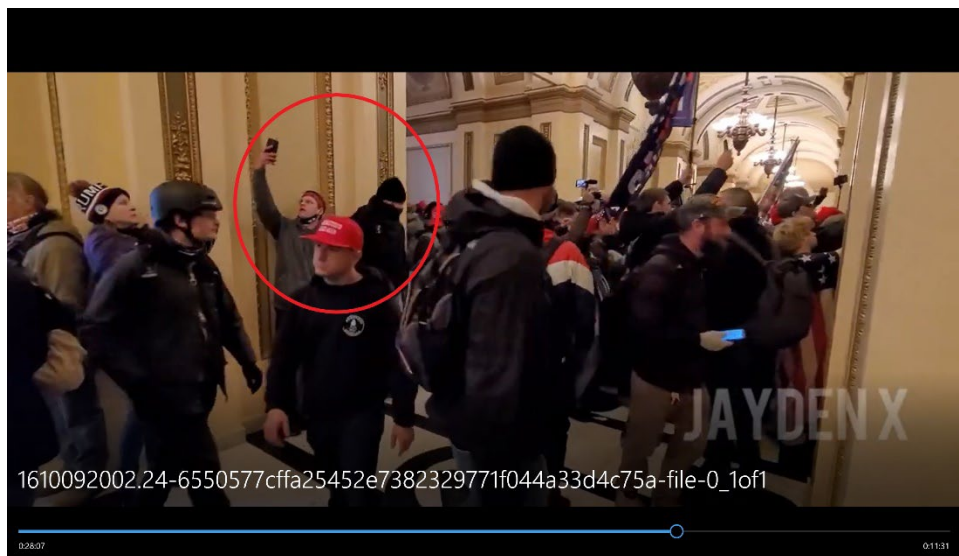


Figure 38

In another video provided to the FBI, BALHORN and MLYNAREK were observed standing in the hallway outside the House Chambers doors. MLYNAREK can be heard yelling “Let’s go” several times toward the crowd and House Chambers doors. A few seconds later, the crowd started shouting “Break it down!”



Figure 39



Figure 40

At approximately 2:45 p.m. EST, as can be seen in security footage from within the U.S. Capitol, a large plume of smoke was observed in the hallway near the House Chamber doors. Shortly thereafter, also at 2:45 p.m., MLYNAREK and BALHORN were observed walking back through the Statuary Hall Connector and into Statuary Hall.



Figure 41



Figure 42

At approximately 2:46 p.m. MLYNAREK and BALHORN entered the U.S. Capitol Rotunda. BALHORN was carrying his wooden stick/club and MLYNAREK was utilizing his cell phone. They exited the Rotunda at 2:47 p.m. via the south door towards the Senate Wing.



Figure 43

After they exited the Rotunda, footage showed MLYNAREK and BALHORN exiting the U.S. Capitol via the Senate Wing door at approximately 2:50 p.m.

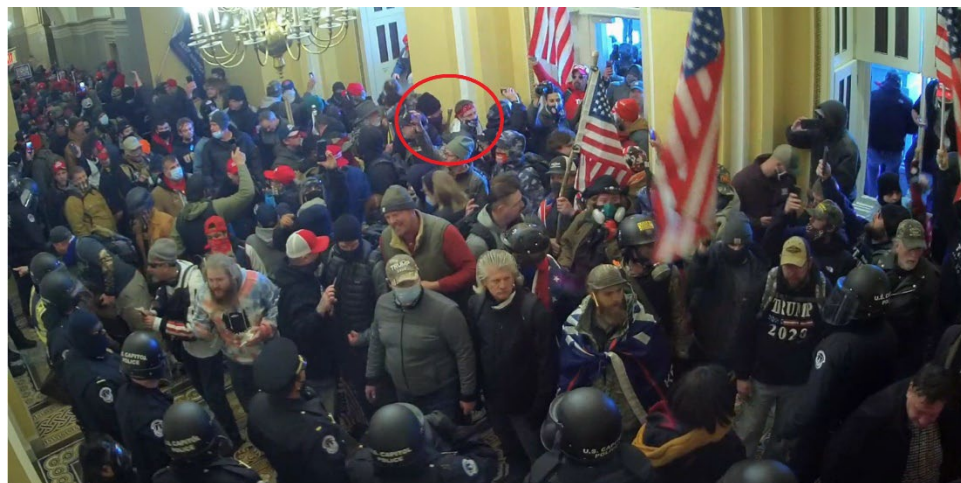


Figure 44

On January 13, 2022, FBI Agents attempted to interview KYLE MLYNAREK regarding his activities at the U.S. Capitol on January 6, 2021. MLYNAREK immediately told Agents he would not speak with anyone unless he had a lawyer present and did not wish to make any statements. Interviewing Agents confirmed KYLE MLYNAREK was the same above-referenced individual observed on video footage inside the U.S. Capitol.

Also on January 13, 2022, FBI Agents attempted to interview RONALD BALHORN at his residence. Before approaching the residence, I observed an individual matching RONALD BALHORN's description open the side door to let a dog inside. Despite repeated attempts, no one at the residence answered the door when Agents knocked and identified themselves. I was able to observe BALHORN open his side door and confirm that the person I saw was the same individual who I observed on video footage at and inside the U.S. Capitol.

Based on the foregoing, I submit there is probable cause to believe that KYLE MLYNAREK and RONALD BALHORN 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.

I submit that there is probable cause to believe that KYLE MLYNAREK 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. 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 that there is probable cause to believe that RONALD BALHORN violated 18 U.S.C. § 1752(a)(1), (2), and (b)(1)(A), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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; and (b)(1)(A) to commit any of the aforementioned offenses with a deadly or dangerous weapon or firearm. 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 KYLE MLYNAREK and RONALD BALHORN violated 40 U.S.C. § 5104(e)(2), 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.

Respectfully submitted,

A large black rectangular redaction box covers the signature of the sender. A horizontal line extends from the right side of the redaction box.

Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 27th day of January 2023.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE