

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the FBI's Houston, Texas Field Office, Beaumont Resident Agency. In my duties as a special agent, I investigate a variety of criminal matters, including without limitation violent crimes, public corruption, bank robberies, and other violations of Federal law. 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, 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.

Identification of Michael Marroquin

On January 7, 2021, a tip was submitted through the FBI's online portal consisting of a screenshot of an Instagram story, depicting a man wearing a red Trump hat and a black hoodie with an orange Q emblazoned on the front, presumably inside the US Capitol building on January 6, 2021. The screenshot also had a pair of eyes looking at the man in the red hat and Q hoodie, and the caption, "If you know, you know..." as depicted below:

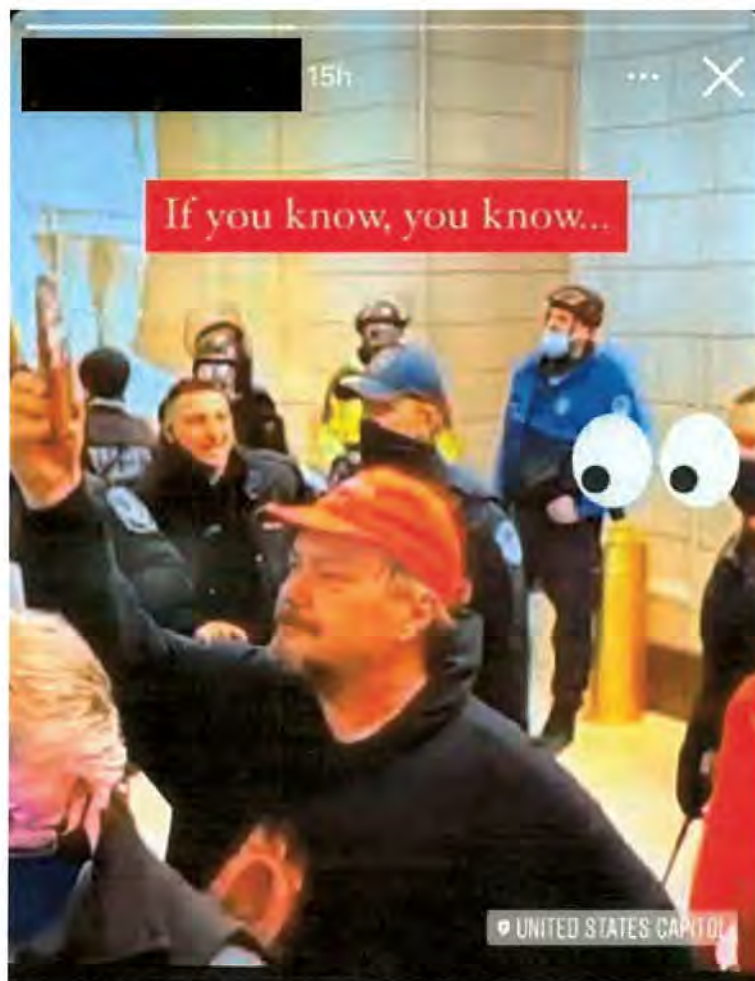


Figure 1: Original image submitted with Tip (redacted)

The tip was not made anonymously, and the FBI was able to contact the complainant to learn that the man in red hat and Q hoodie, was MICHAEL MARROQUIN, of Nederland, Texas, and a relative of the complainant. An FBI Intelligence Analyst searched for "Michael Marroquin"

on Facebook and compared the results to MARROQUIN's driver's license photograph to identify MARROQUIN's Facebook account. Other open source research revealed MARROQUIN's telephone number.

MARROQUIN had several posts and videos on his Facebook page publicly, which were viewable without being Facebook friends with MARROQUIN. In those public posts, depicted below, MARROQUIN stated he would be travelling to Washington, D.C. on January 4, 2021, to attend the Trump rally.



Figure 2



Figure 3

MARROQUIN had also posted videos featuring himself boarding a plane for Washington, D.C., and videos in Washington, D.C.

On January 10, 2021, MARROQUIN posted that he had been at the US Capitol on January 6, 2021, as depicted below.



Figure 4

On April 13, 2021, I interviewed a relative of MARROQUIN. The relative was identified in one of MARROQUIN's posts from January 4 as a sponsor of MARROQUIN's trip to Washington, D.C. The relative confirmed he loaned MARROQUIN some money for the trip to Washington, D.C. to attend the Trump rally on January 6, 2021.

On April 15, 2021, I interviewed another relative of MARROQUIN. She was identified in one of MARROQUIN's posts from January 4 as a sponsor of MARROQUIN's trip to Washington, D.C. She confirmed she paid for MARROQUIN's hotel during his trip to Washington, D.C. to attend the Trump rally on January 6, 2021.

On April 19, 2021, I interviewed the user of the aforementioned Instagram account. On January 6, 2021, this individual was watching the David Pakman Show on Youtube. David Pakman was livestreaming his reactions and comments to news coverage and live footage of the civil unrest unfolding within the US Capitol.¹ At approximately 1520 EST, and roughly two hours and thirty-six minutes into the livestream, an individual wearing a black sweatshirt with an orange letter “Q” and a red hat appeared in the footage from inside the US Capitol, as depicted below.

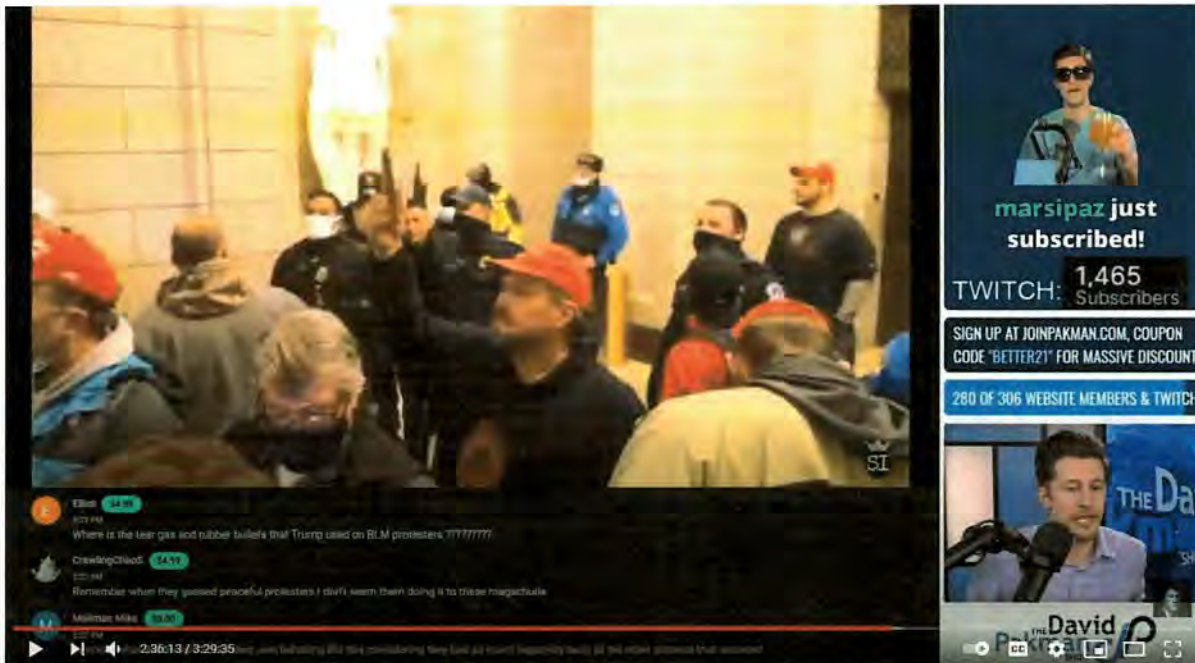


Figure 5: Live-stream video that original tip came from

The user immediately recognized the individual as a relative, Michael MARROQUIN. She froze the video and took a screenshot of the video depicting MARROQUIN, and uploaded it to Instagram.

Within the initial photograph, and other video from the Capitol, MARROQUIN is observed using a device while within the Capitol.

Device and Actions on January 6, 2021

On August 2, 2021, the Washington Field Office of the FBI received a postal package containing the Device and a typed note which read, “THERE IS PHOTO, VIDEO AND OTHER EVIDENCE ON THIS DEVICE THAT IMPLICATES THE OWNER AS A PARTICIPENT IN THE JANUARY 6, 2021 CAPITOL RIOT” (sic). Legal process to Verizon returned results indicating the phone belonged to a Michael Marroquin of Nederland, Texas.

¹ The above referenced Youtube video is entitled "LIVE: January 6, 2020 Trump Insurrection" and can be accessed on the following URL:
<https://www.youtube.com/watch?v=EWpnHADKEb8>

On March 25, 2022, I interviewed MARROQUIN. MARROQUIN confirmed he travelled to Washington, D.C. to attend the Trump rally on January 6, 2021, and that he marched with Trump supporters to the Capitol Building following Trump's speech. MARROQUIN admitted entering the United States Capitol and using his cell phone to record during the entire time he was inside. MARROQUIN stated that after leaving the Capitol, MARROQUIN fell asleep on a train while returning to his hotel and when he awoke, his cell phone was gone and he has not seen it since.

Recordings on MARROQUIN's phone depict MARROQUIN talking to Capitol Police just outside the Senate Wing Door. United States Capitol surveillance subsequently captures MARROQUIN entering the Capitol at approximately 1:20 pm through the Senate Wing Door.



Figure 6: Capitol Surveillance Capturing MARROQUIN enter the building



Figure 7: Selfie-style recording from MARROQUIN's phone

A series of recordings on MARROQUIN's phone capture MARROQUIN's movements through the Capitol and his shouts of encouragement to his fellow rioters, such as: "This is our House!" "We occupy and we don't leave!" "Keep moving!" "Go forward!" and "USA." As he and other rioters approached the door into the House Chamber, MARROQUIN can be heard to shout, "Go through the door!"

In one such recording, as MARROQUIN approaches the Crypt, he states: "I wanna tell you something. You arrest me, but this is our House! No! You'll never take our . . . We're not silent anymore, understand?!" As the crowd he's with reaches a line of officers MARROQUIN can then be heard yelling, "Keep moving!"

Also depicted through recordings on MARROQUIN's phone are his interactions with Capitol Police. While MARROQUIN can be heard thanking police for their service and offering them water, he can also be heard saying, "Drop your gun!" "Get that gun outta my house!" and "You're good guys so just get out of the way. It's our house!"

One video on MARROQUIN's phone was filmed from directly outside the House Chamber, looking through the broken door and into the faces of law enforcement with their weapons drawn and aimed back at the camera. MARROQUIN attempts to engage the officer in conversation, eventually shouting, "You're a traitor!" *See Figure 8.*

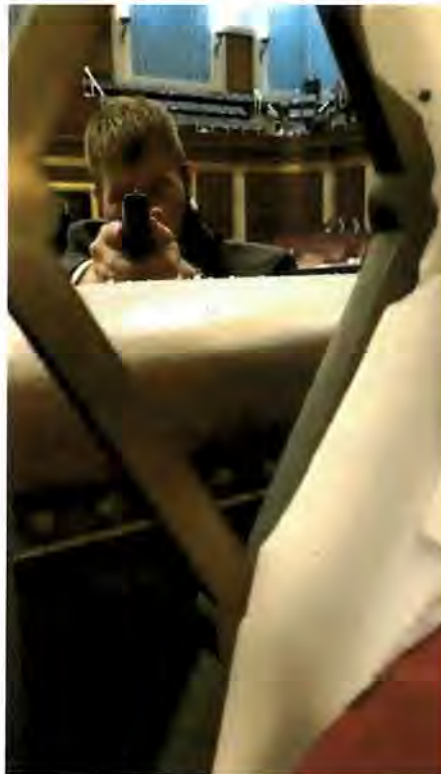


Figure 8

MARROQUIN slowly made his way back through the Capitol to the Rotunda and to the Rotunda Door Lobby. Capitol surveillance captured MARROQUIN in the Rotunda lobby shortly before he exited the Capitol at approximately 2:31pm.



Figure 9: Capitol Surveillance capturing MARROQUIN exit the building

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

Additionally, your affiant submits that there is probable cause to believe that MARROQUIN 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.

Finally, your affiant submits there is also probable cause to believe that Marroquin violated 40 U.S.C. § 5104(e)(2)(A), (D), (E), and (G), which makes it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the

Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; 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 20th day of July 2023.

A handwritten signature in black ink, appearing to read "Rob M. Meriweather", written over a circular official seal.

2023.07.20
17:34:49 -04'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE