

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Task Force Officer (“TFO”) with the Federal Bureau of Investigation (“FBI”) assigned to the Joint Terrorism Task Force (“JTTF”), Domestic Terrorism and Weapons of Mass Destruction Squad in Austin, Texas. During my assignment with the JTTF, I have conducted investigations regarding material support of terrorism, weapons violations, explosives violations, as well as racially motivated or anti-government/anti-authority violent extremism. Prior to assignment to the FBI, I was employed by the Austin Police Department (“APD”) as a Detective for over thirteen (13) years. As a Detective, I investigated vehicular homicides, crashes and sexual assaults, among other crimes. Through my employment with the FBI and APD, I have gained knowledge in the use of various investigative techniques, including, but not limited to, conducting physical surveillance, conducting interviews, obtaining information through administrative and grand jury subpoenas, preparing and executing state and federal search warrants, preparing reports, and reviewing electronic evidence.

Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a TFO, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of violations 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 Dustin WILLIAMS

Since January 6, 2021, the FBI has been identifying and investigating those who were inside of the U.S. Capitol building and/or on the U.S. Capitol grounds without authority. On or about January 15, 2021, an individual submitted a tip to the Bellingham Resident Agency of the FBI indicating that DUSTIN RAY WILLIAMS (“WILLIAMS”) posted a Facebook video on or about January 7, 2021, in which stated that he had participated in the events at the U.S. Capitol on January 6, 2021. The tipster provided the FBI with the video posted by WILLIAMS, described in further detail below:

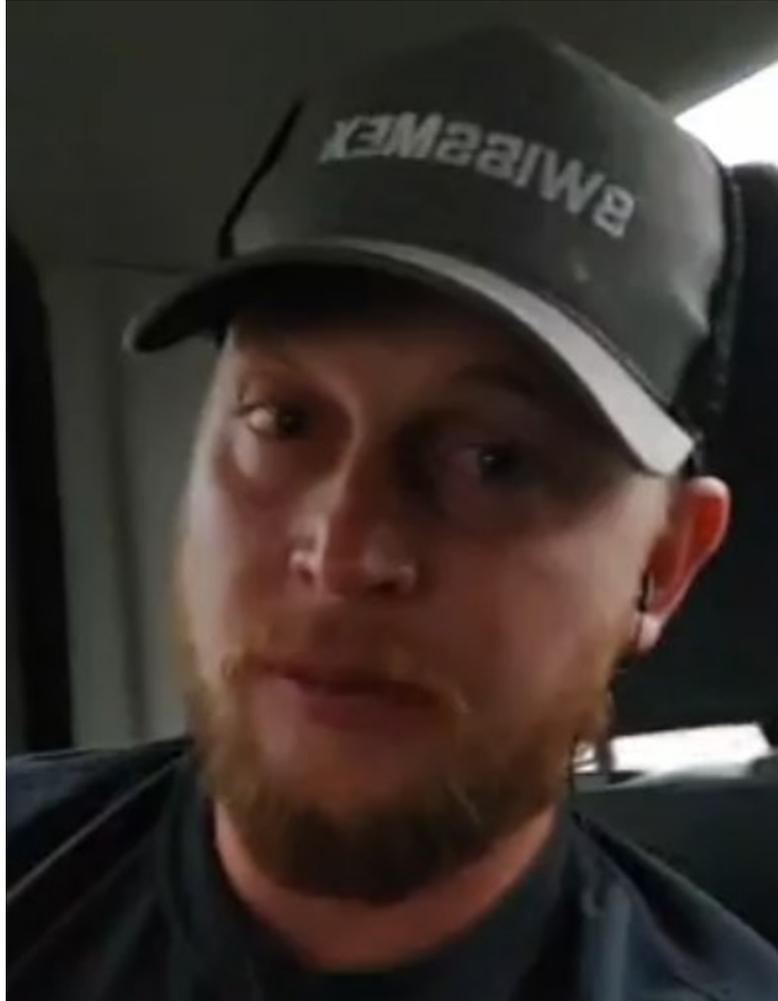


Image 1: Still from Facebook video WILLIAMS posted on or about January 7, 2021.

Accordingly, in January of 2021, the FBI began an investigation on WILLIAMS which led to the identification of a Facebook social media account for WILLIAMS. Investigators reviewed WILLIAMS's publicly available social media profile for evidence that WILLIAMS unlawfully entered the U.S. Capitol grounds on January 6, 2021. The Facebook Display Name for the account was "Dustin Williams" and the User ID was [REDACTED]0276. Investigators obtained and reviewed the video posted to WILLIAMS's account posted on January 7, 2021, titled, "The TRUTH about the DC Capitol Riots from a first hand witness[.]" During the video WILLIAMS can be seen riding in the back of a vehicle, recording himself discussing his attendance at the pro-Trump rally on January 6, 2021. WILLIAMS describes himself as a U.S. Army veteran who spent three years in the infantry, participated in Operation New Dawn, and served one tour in Iraq. Investigators obtained WILLIAM's U.S. Army records that showed he served in the Army for over two years. WILLIAMS stated he participated in the rally but did not go inside the US Capitol building or engage in any vandalism. WILLIAMS stated that initially the rally was very peaceful and patriotic. However, he said that Antifa was present and were dressed as pro-Trump protesters. WILLIAMS stated the riots were a sophisticated, orchestrated infiltration conducted by Antifa and funded by the "Swamp." WILLIAMS stated this was not the first "protest" that he attended in

D.C., or the first time he had had “run-ins” with D.C. riot police. However, he said that this was the first time that he was pepper sprayed and gassed. He also stated that flash bangs were thrown into the crowd. WILLIAMS stated that he was on the steps with other protesters singing, and that he and his group worked their way up to the second level of the US Capitol building. While on the second level, he saw other members of the crowd breaking windows. WILLIAMS stated he was wearing a bright orange shirt and can likely be seen on video footage pulling the guys from the windows to stop them. He said that he told them that they had not come there to vandalize and break in the building. However, the individuals did not appear to care, and WILLIAMS stated that they did not appear to be pro-Trump protesters but rather Antifa members. WILLIAMS stated he also saw people pulling out sledgehammers and batons.

On September 7, 2021, FBI investigators interviewed the owner of a concrete business located in Fort Collins, Colorado. The owner explained to the FBI that he contacted WILLIAMS a couple years ago for assistance with a custom concrete fixture. WILLIAMS and two of his crew members traveled to Colorado to assist and train the owner on carving a specific concrete fixture. The owner gave WILLIAMS a bright orange shirt with the name of the owner’s company on the back as a gift of appreciation for assisting with the job. The shirt also contained the owner’s business telephone number, which the owner believed had led to his receiving harassing and threatening phone calls since January 6, 2021. The owner learned of WILLIAMS’s involvement in the Capitol Riots in real time through WILLIAMS’s Facebook account which contained a livestream of WILLIAMS filmed at the US Capitol on January 6, 2021. In the Facebook live stream, the owner heard WILLIAMS complaining about poor cell phone reception and that WILLIAMS was trying to stop people from tearing stuff up at the US Capitol. The owner verified that it was WILLIAMS at the US Capitol on January 6, 2021, wearing his company’s orange shirt. The owner had not seen WILLIAMS in person since they worked together in Colorado two years earlier.

As a part of this investigation, I have reviewed additional videos from WILLIAMS’s Facebook account. In one video, WILLIAMS addressed viewers while on the West Front of the U.S. Capitol Building. In the video, WILLIAMS is wearing a hat that reads, “SWISSMEX” and an orange shirt.



Image 2: Still from Facebook video showing WILLIAMS on West Front of the U.S. Capitol building on January 6, 2021.

In another video from WILLIAMS Facebook account, WILLIAMS addressed his viewers while attempting to find a ride back to his hotel after having been at the U.S. Capitol. In that video, WILLIAMS is wearing the same hat he wore while on the U.S. Capitol grounds and in the video he posted to Facebook on January 7, 2021.



Image 3: Still from Facebook video showing WILLIAMS after leaving the U.S. Capitol grounds on January 6, 2021.

In that same video, WILLIAMS stated, “We did get into it with the cops, just a little bit.” He also stated that he “took a lot of footage here, so I’ll be posting some videos that I took.”

WILLIAMS’S CONDUCT ON JANUARY 6, 2021

Based on a review of video footage, WILLIAMS entered into and remained inside the restricted perimeter of the U.S. Capitol grounds beginning at least 1:03 p.m. on January 6, 2021. At that time, a line of U.S. Capitol Police Officers (wearing jackets identifying themselves as law enforcement and carrying riot helmets and riot shields) stood on the west side of the U.S. Capitol building. WILLIAMS walked through the crowd gathered on the West Front and approached the police line defending the U.S. Capitol building. WILLIAMS, wearing the same hat and distinct bright orange shirt bearing the name of the concrete business located in Fort Collins, Colorado, described above and shown in the images above, stood directly in front of the U.S. Capitol Police

officers and shoved and pushed them, initially by placing his hands on their shields. Video captures approximately 25 seconds of WILLIAMS's aggressive contact with the law enforcement officers. The video also showed WILLIAMS getting sprayed with pepper spray by a police officer, continuing to push and shove officers, and grabbing the arm of an officer.



Image 4: Image obtained from open source videos showing the defendant confronting police officers on January 6, 2021, on the West Front of the U.S. Capitol Building.

Additional video extracted from a cell phone shows a person I believe to be WILLIAMS, wearing the same bright orange shirt, screaming at police officers while still on on the U.S. Capitol grounds on January 6, 2021. In the recorded video, WILLIAMS appears to say, “You shot an unarmed person,” and “There’s a lot more of us coming motherfuckers,” shortly after the mob clashed with the line of police officers.



Image 5: Image obtained from cell phone video showing WILLIAMS within the restricted perimeter on the U.S. Capitol Building grounds on January 6, 2021.

Based on a review of surveillance video, it appears that WILLIAMS remained near the West Front for over two hours. Additional images of WILLIAMS extracted from video obtained from Reddit users showed that WILLIAMS made his way to the Lower West Terrace of the U.S. Capitol as well, still wearing the same bright orange shirt with the the name of a concrete business on the back and a black and gray baseball hat. In video from the Lower West Terrace, WILLIAMS confronts other protesters striking at a window with metal objects in an attempt to break the glass.



Image 6: Image obtained from video obtained from Reddit users showing the WILLIAMS (circled in red) at Lower West Terrace on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that WILLIAMS 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.

18 U.S.C. § 1752(a)(1) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do and (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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 probable cause to believe that WILLIAMS violated 40 U.S.C. § 5104(e)(2)(D) and (F), 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 (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

[REDACTED]

[REDACTED]

FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of July 2023.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE