

STATEMENT OF FACTS

Your affiant, Kyle G. Metz, is a Task Force Officer assigned to FBI Cincinnati's Joint Terrorism Task Force. In my duties as a Task Force Officer, I investigate crimes of International and Domestic Terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

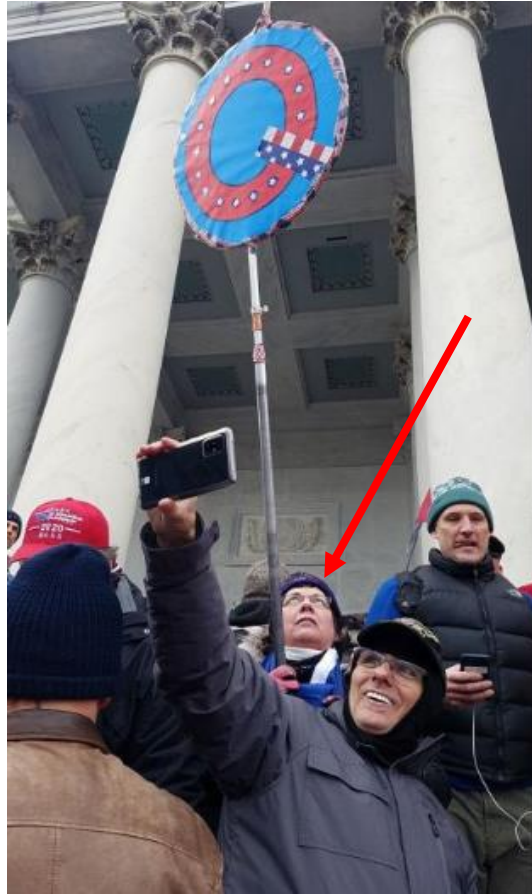
On January 9, 2021, an anonymous tip was made to the FBI about three individuals being present at the U.S. Capitol on January 6, 2021 and who posted pictures on their Facebook pages and uploaded YouTube videos of their activities on that day. According to the tipster ("T1"), the individuals posted photos of themselves entering the building and being present inside the building. T1 identified one of the individuals as Walter Messer, age 50, of Piqua, Ohio. The other two individuals were identified by T1 as Therese Maurer Borgerding and her husband Richard Borgerding.

A Facebook page with the Facebook Account ID 100016499853552 was located with the vanity name "Walt Messer". The url for the page was <https://facebook.com/walt.messer>. Your affiant compared the Facebook profile photograph for this account to the Ohio Ohio Driver's License photograph of Walter J. Messer and confirmed they appear to be the same person. Additional review of the "Walt Messer" Facebook page showed a post related to the January 6, 2021 Riot, as well as comments by Messer and others about being at the U.S. Capitol.

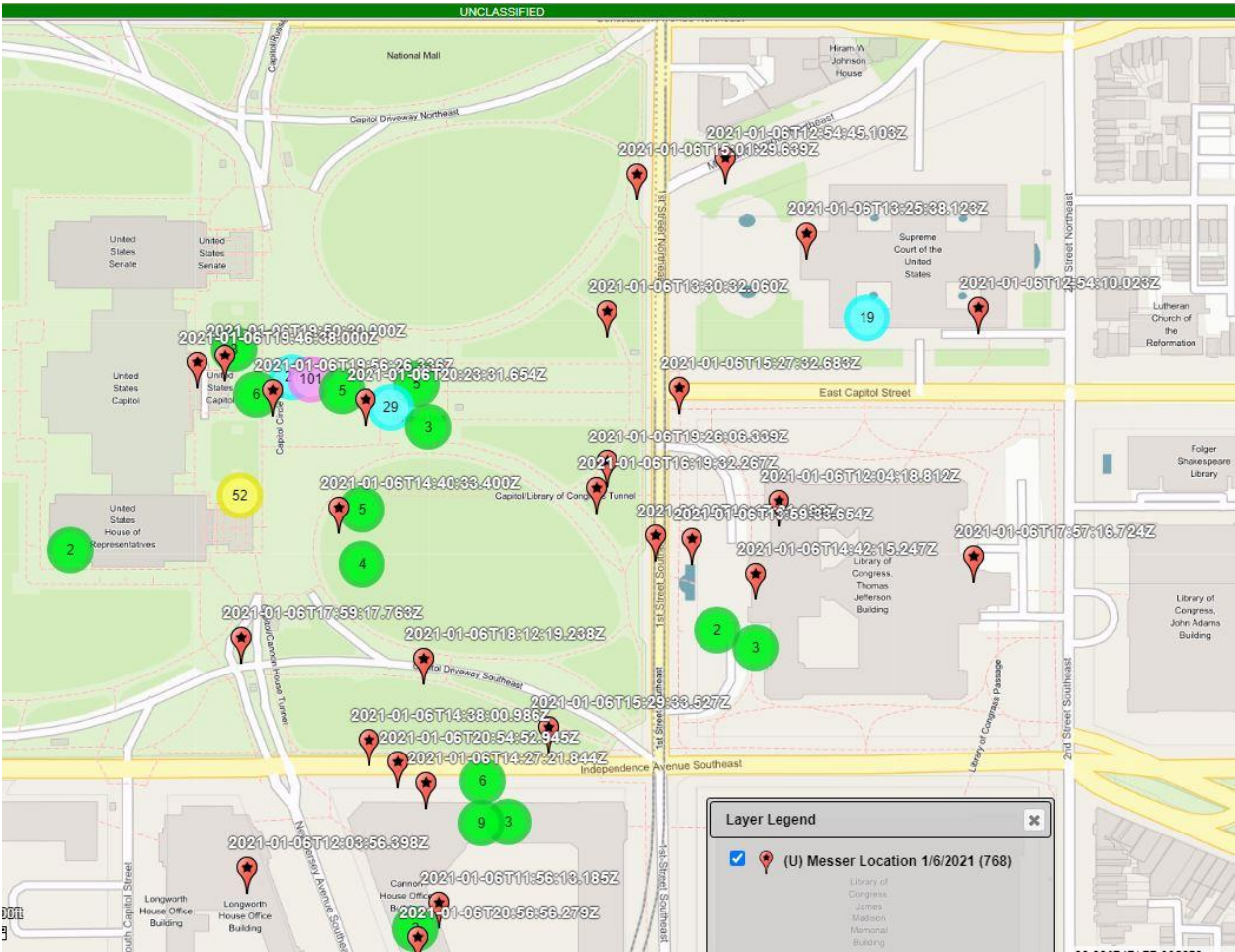
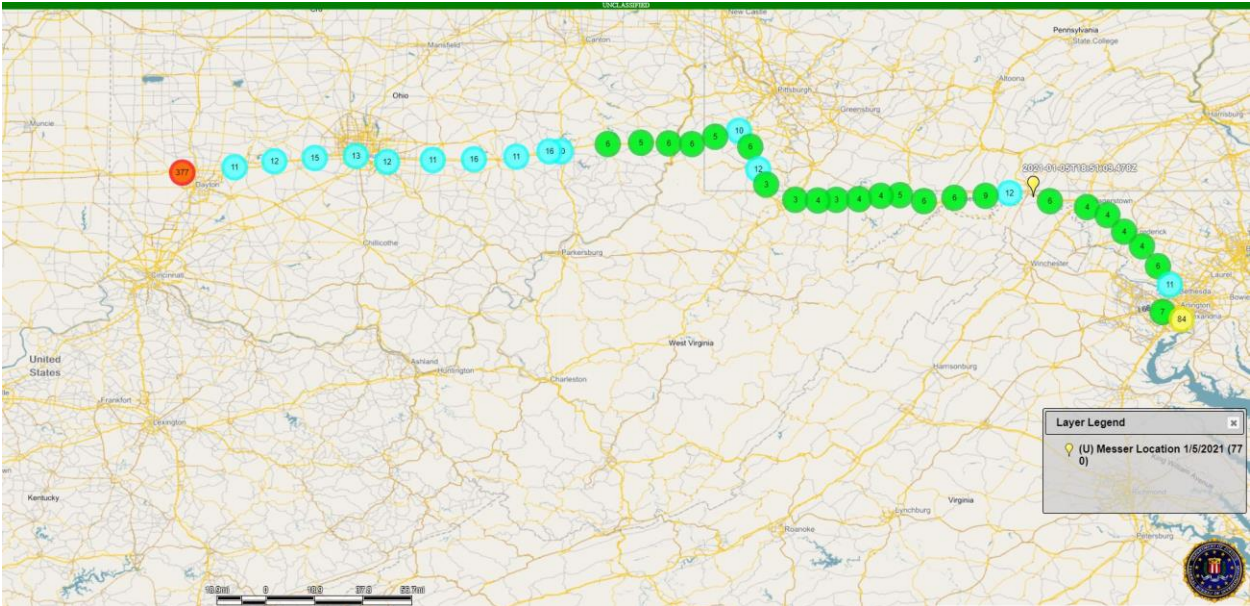
A public post made by Messer on January 8, 2021 at 3:15 p.m. stated *"Joe Biden is claiming Trump supporters were taking selfies with the capital police. This is true. I'm glad the police took time out for these selfies during the fake riot"*. Several comments were made on this post by others and Walter Messer. A comment made by a Facebook account with the vanity name "Therese Maurer Borgerding" stated, *"Walt was there. You weren't. You have NO story to tell. You might want to shut your mouth."* Another comment on the post by Therese Maurer Borgerding stated, *"I know they helped me and were very friendly and held the door for us to come in the Capitol Building!"*. The Facebook account with the vanity name Therese Maurer Borgerding has Facebook Account ID 100009539724761.

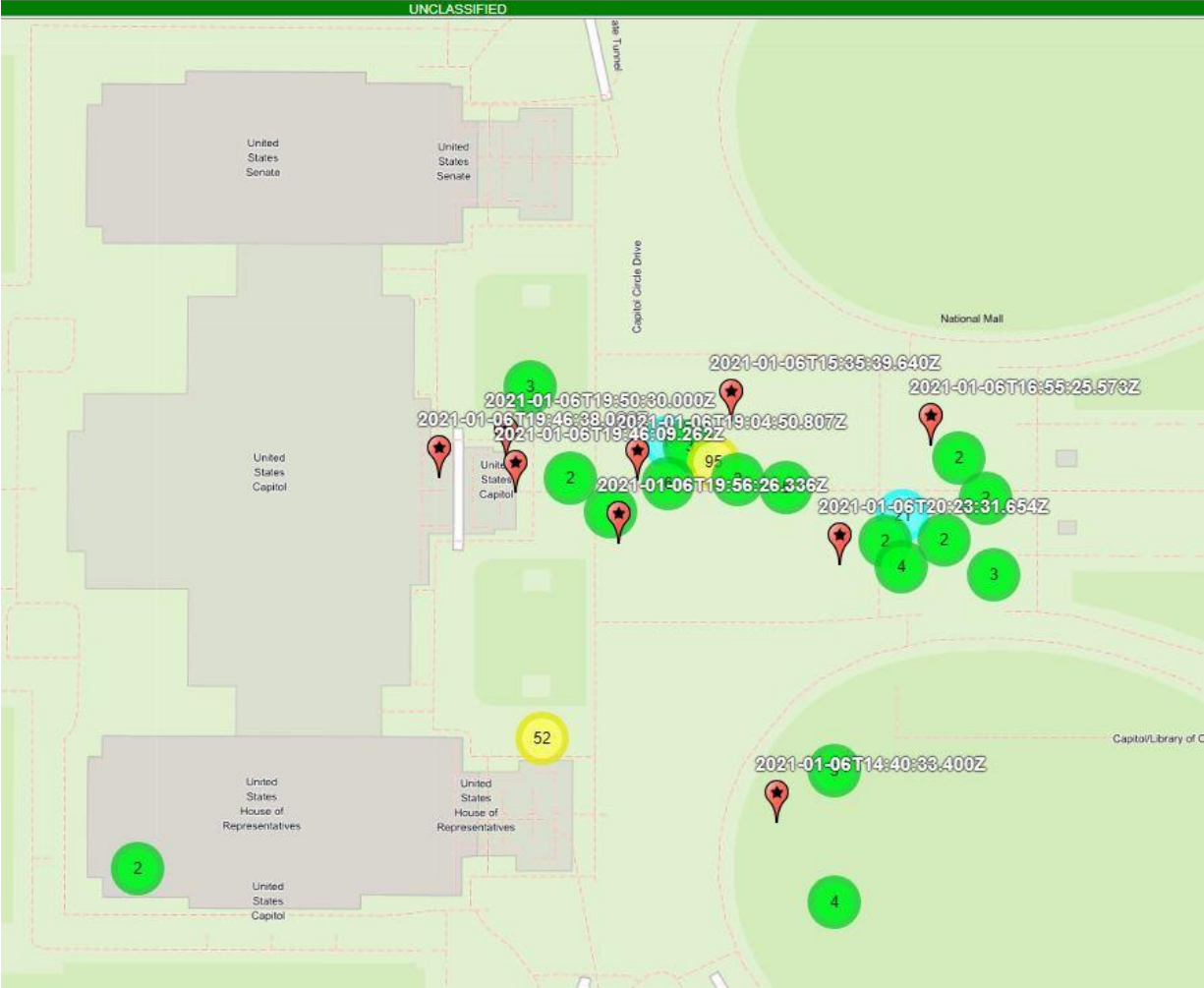
Lawfully obtained Facebook records show that Facebook Account ID 100009539724761. belongs to Therese Maurer Borgerding. The listed vanity name and the account name are the same according to the provided records.

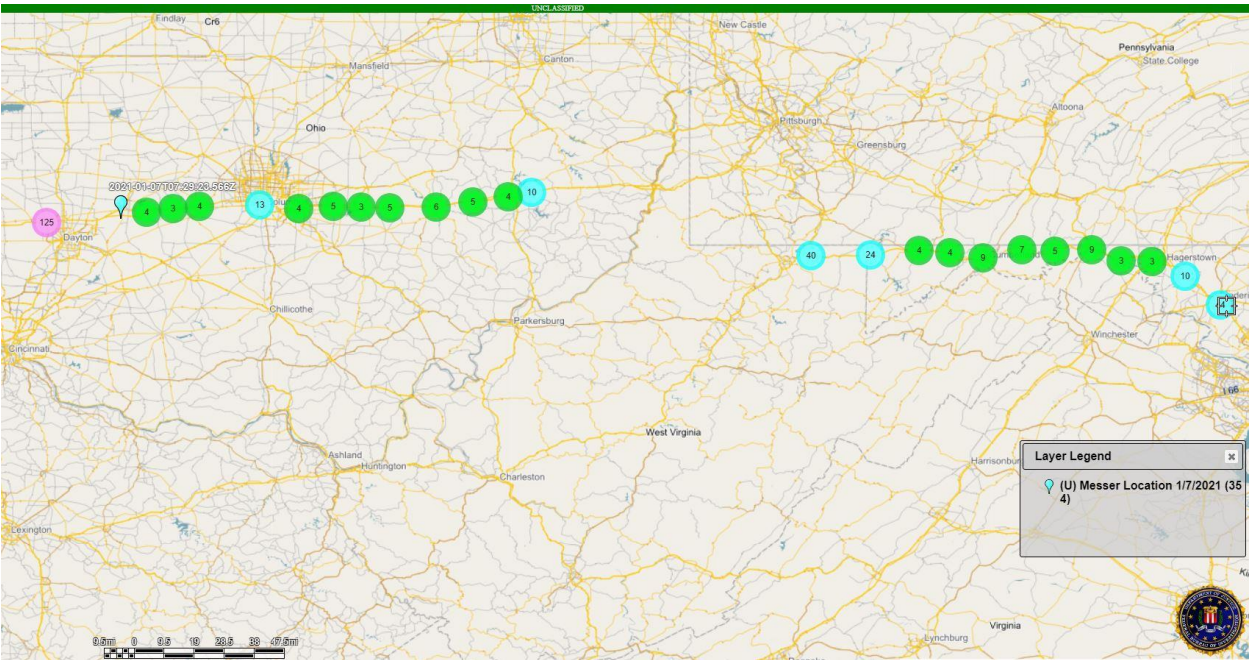
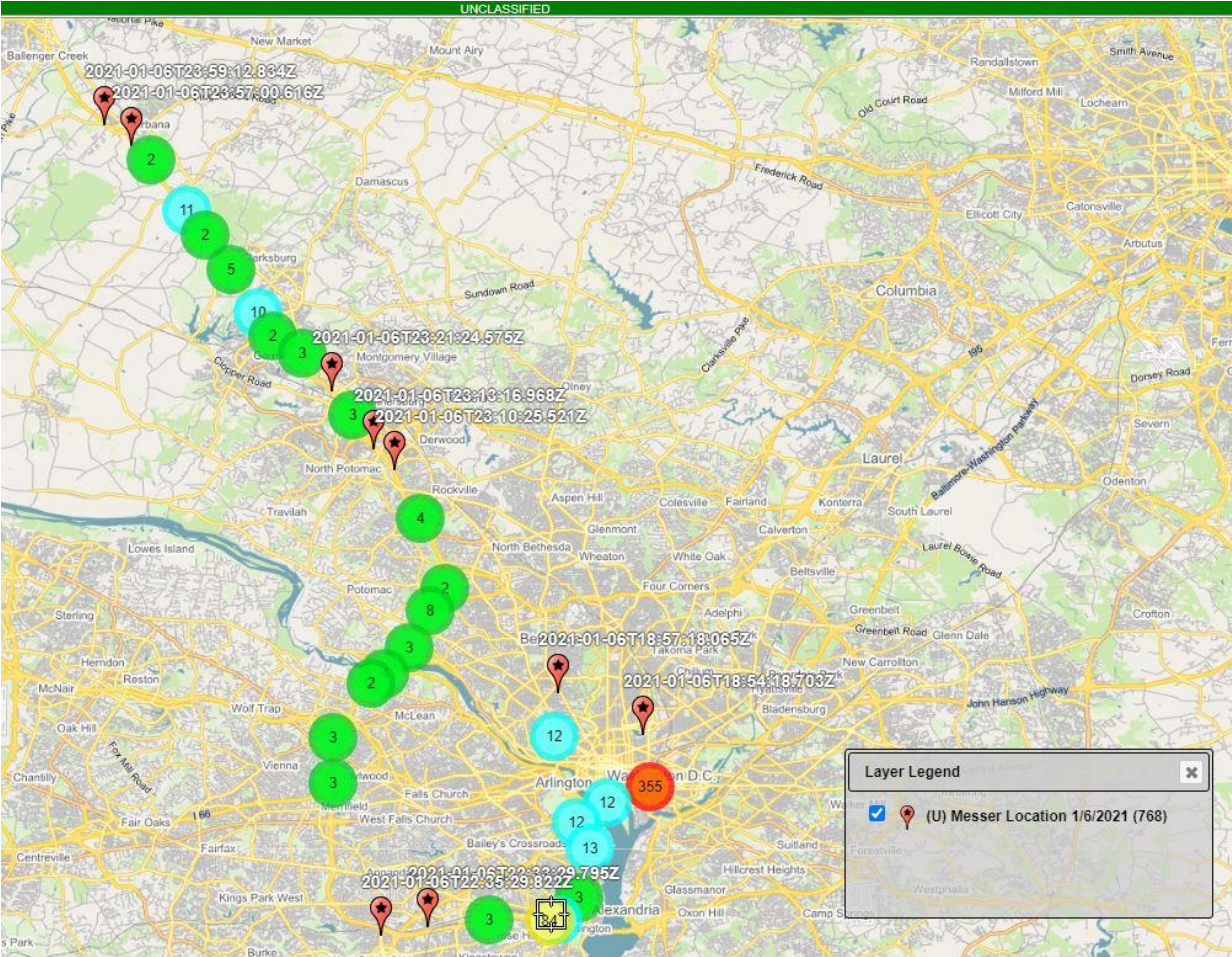
Lawfully obtained Facebook records show that Facebook Account ID 100016499853552 belongs to Walt Messer and is associated with telephone number [REDACTED]. Facebook records show that the account belonging to Walt Messer posted images from both inside and outside the United States Capitol building on January 6, 2021. The below image, which was posted to Messer's Facebook account depicts an individual your affiant believes to be Therese Borgerding on the steps of the Capitol] holding a pole containing a "Q" sign. Your affiant believes that the male in the photograph, wearing glasses and holding a cell phone is Richard Borgerding, the husband of Therese.



Lawfully obtained location information from Google for the account identified by the email address [REDACTED] shows the movement of Walter J. Messer as he traveled from the Dayton, Ohio area to the Washington D.C. area on January 5, 2021. Walter J. Messer's location in and around Washington D.C and the United States Capitol Building on January 6, 2021, was also located in the provided records. A travel route from Washington D.C. back to Ohio on January 7, 2021 was located. Maps showing the travel and locations are below, including travel from Dayton, Ohio to Washington, D.C. on January 5, 2021, and returning from Washington, D.C. to Dayton, Ohio on January 7, 2021.



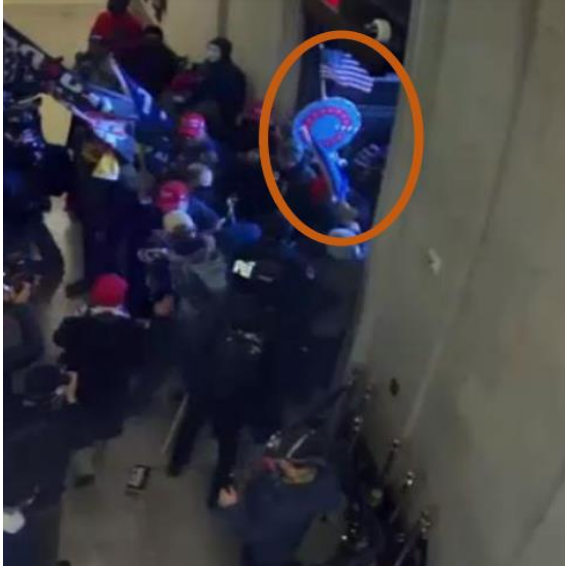




A review of the [REDACTED] revealed seven YouTube videos posted by the account. The videos depict the events of January 6, 2021, from both inside and outside of the United States Capitol Building. In the video from inside the United States Capitol Building, the United States Capitol Police can be seen inside the Rotunda on the opposite side pushing back outside. In one of the videos, Therese Borgerding is seen moving erected metal barricades and entering the grounds of the Capitol



Your affiant reviewed surveillance footage from the United States Capitol in an attempt to locate footage of Therese Borgerding. The FBI located footage from inside the U.S. Capitol that matches a person who appears to be Borgerding entering and inside the Capitol Building after the Capitol had been breached on January 6, 2021. Borgerding is seen wearing the same clothing she is shown wearing in the Facebook image, and is seen walking with a “Q” sign. (Images from the video are below)



On March 25, 2021, the affiant interviewed two witnesses (W-1 and W-2), relatives of the Borgerdings, regarding Therese and Richard Borgerding. During the interview, the image of the Borgerdings on the steps of the Capitol was shown to W-1 and W-2. Both W-1 and W-2 positively identified Therese Borgerding as the female in the knit hat holding the “Q” sign and Richard Borgerding as the male in the glasses holding a cell phone. W-1 and W-2 provided an image from Facebook that shows an admission in a comment by Therese Borgerding about being inside the Capitol. The statement is “*YES I was inside the Capitol Building for a longtime. You don’t know The Truth what really happened*”. (Image below)



Therese Maurer Borgerding
I was there you dont know the real story

3m Like Reply



Aimee Morgenthaler-Maurer
[Therese Maurer Borgerding](#) you were
inside the capital building? Because if
you weren't, you don't either.

2m Like Reply



Therese Maurer Borgerding
YES I was inside the Capitol Building for
a long time. You dont know The Truth
what really happened

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

Your affiant submits there is also probable cause to believe that Therese Borgerding 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.

Task Force Officer Kyle G. Metz
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 26th day of July 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE