

STATEMENT OF FACTS

Your affiant, Ian P. Montijo, has been a Special Agent of the Federal Bureau of Investigation (FBI) since September 2020. I am currently assigned to the Joint Terrorism Task Force (JTTF) in the FBI Baltimore Division, where I investigate domestic terrorism including investigating criminal activity in and around the United States Capitol Grounds on January 6, 2021. As an FBI agent, I am authorized by law or by Government agency to engage in or supervise the prevention, detention, 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, shortly 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.

MATTHEW BUCKLER first came to the FBI's attention on or about January 13, 2021 when the FBI received an anonymous tip which stated BUCKLER had been inside the U.S. Capitol Building. The tipster (hereinafter Tipster 1) identified BUCKLER, and correctly identified where BUCKLER resided. Tipster 1 provided a screen capture of what your affiant believes to be BUCKLER's private Snapchat story. In this screen capture video, an individual wearing a black jacket over a white hooded sweatshirt, and a black baseball cap with white letters spelling "TRUMP" can be seen in a crowd chanting "USA." In the upper right corner of this video the user name of the person who posted this video is present. The user name visible reads "matt's priv" and when the video concludes, the user display name "Matt Buckler" is present.

Tipster 1 also provided a screenshot of the Snapchat user's profile which shows a heatmap displaying the user's location. This screenshot shows the "bitmoji," or stylized caricature which Snapchat users create as their online avatar and design, often, but not always, to mimic their actual physical appearance. The bitmoji on this screenshot is labeled "Matt" and is placed prominently on top of a satellite image of the U.S. Capitol Building and grounds. Based on my training knowledge and experience, I know that social media phone applications often use and capture location data based on cellular signal and a phone's Global Positioning System. Your affiant also understand the heatmap filter on Snapchat to display the user's location based on that locational data. The heatmap of this screenshot displays a location in the southwest corner of the U.S. Capitol Building. A screenshot provided by Tipster 1 is shown below:

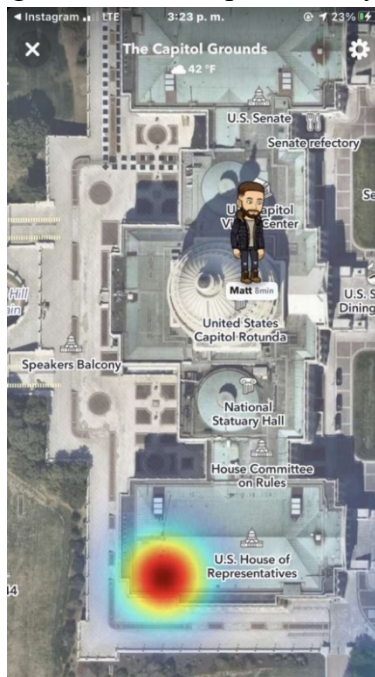


Figure 1

Your affiant has reviewed public information related to the Snapchat account “mbuckler5” which was provided to the FBI by a separate tipster (hereinafter Tipster 2) and identified by Tipster 2 as the Snapchat account belonging to BUCKLER. The display name “matt” appears when the user name “mbuckler5” is searched on Snapchat, and the profile bitmoji is also visible. The bitmoji associated with the “mbuckler5” user name matches the bitmoji in the screenshot provided by Tipster 1. Additional, Snap Inc’s records confirm that BUCKLER’s cell phone number is linked to the user name “mbuckler5.” Publicly available information for Snapchat user “mbuckler5” is shown below.

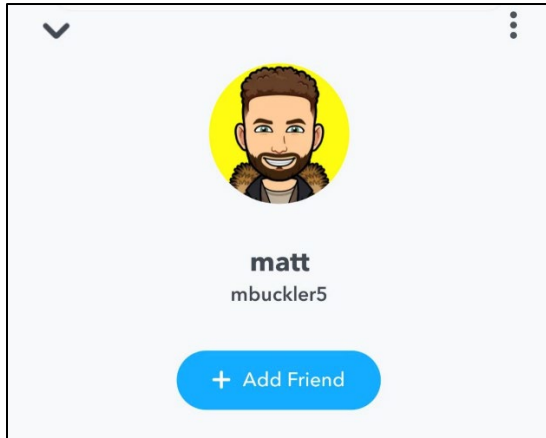


Figure 2

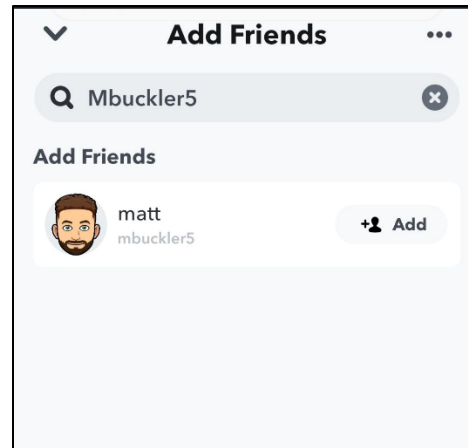


Figure 3

On or about January 25, 2021, the FBI interviewed Tipster 2. Tipster 2 stated that s/he observed Snapchat posts from a known individual (Individual 1) which depicted both Individual 1 and BUCKLER on January 6, 2021. Tipster 2 described Individual 1 and BUCKLER as being present at the rally held by former President Trump, outside the U.S. Capitol Building, and inside the U.S. Capitol Building. Tipster 2 also provided Individual 1’s cellular telephone number.

Individual 1 was interviewed by Special Agents of the FBI and acknowledged that the individual is well acquainted with BUCKLER, and that BUCKLER was inside the U.S. Capitol on January 6, 2021.

Records from Verizon show that a subject associated with the cellphone with a known telephone number ending in 8986 (Phone Number 1) 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. Phone Number 1 is BUCKLER’s cellular telephone number.

On or about January 29, 2021, Special Agents of the FBI interviewed BUCKLER at his residence. During the interview BUCKLER stated that when he went to the U.S. Capitol he wore a black jacket over a white hoodie, and a black “Trump” hat which match the description of the individual in the video provided by Tipster 1. One of the Agents present has also identified BUCKLER as the individual in a still shot taken from the video provided by Tipster 1. BUCKLER also admitted to the Agents that he entered the U.S. Capitol Building.

On or about, May 30, 2021, pursuant to a Federal search warrant issued in the District of Maryland, BUCKLER's phone was seized and searched. An extraction of BUCKLER's phone revealed at least seven videos which appear to be taken in and around the U.S. Capitol Building. The videos depict BUCKLER outside the Senate Wing Door of the Capitol, and inside the Capitol Building in the Senate Wing area, and the area known as the Crypt, located in the basement beneath the Rotunda. Screenshots from two of those videos are included below:



Figure 4



Figure 5

In one of those videos, which is a selfie, Buckler joins with the crowd outside the Senate Wing Door chanting, "Stop the Steal" repeatedly. In another video, which appears to be taken in the Crypt, BUCKLER states: "We in this bitch. We in this bitch."

Your affiant has also reviewed closed circuit television (CCTV) obtained by the FBI from United States Capitol Police (USCP) and recognized BUCKLER in that footage.

Additional CCTV footage from approximately 2:50pm on January 6, 2021 depicts BUCKLER entering the U.S. Capitol Building via a broken window near the Senate Wing Door. After entering via the window, BUCKLER waves his hand to others just outside the window in

apparent encouragement for others to also enter the building. Screen captures of that video are shown below:

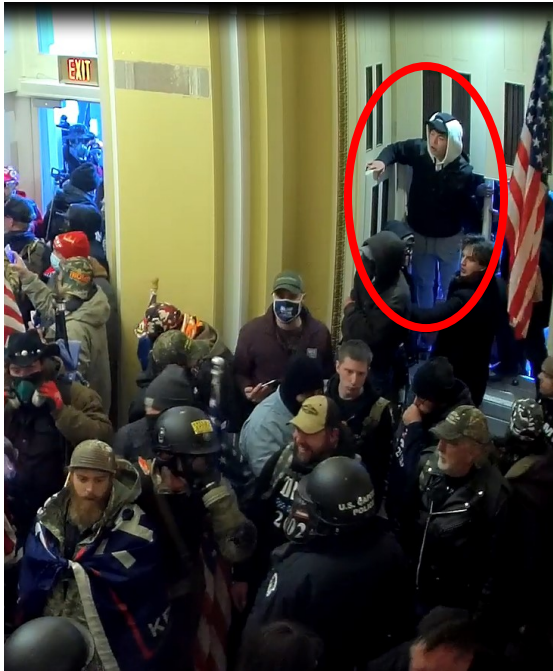


Figure 6



Figure 7

I have fully identified BUCKLER of La Plata, Maryland as Matthew Buckler. In addition to interviewing BUCKLER, during which he identified himself as the individual present inside the U.S. Capitol on January 6, 2021 wearing the clothing depicted above, I have reviewed his motor vehicle photograph, and records that confirm that the individual depicted in the above-referenced videos and photographs at the U.S. Capitol on January 6, 2021 is Matthew Buckler. Both BUCKLER's acquaintance and two individuals personally known to him have confirmed the identity of BUCKLER, BUCKLER's presence on the U.S. Capitol Grounds, inside the U.S. Capitol Building, as well as his conduct that day.

Based on the foregoing, I submit that there is probable cause to believe that MATTHEW BUCKLER 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.

I also submit there is probable cause to believe that MATTHEW BUCKLER 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.



Ian P. Montijo
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of September, 2021.

HON. ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE