

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Joint Terrorism Task Force – FBI Norfolk. In my duties as a special agent, I conduct investigations related to domestic terrorism and related criminal violations. 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.

Following the events of January 6, 2021, the FBI identified an unknown subject participating in the riot on the Lower West Terrace of the U.S. Capitol. *Image 1* and *2* show the subject wearing a 3M brand respirator mask and a tan military style helmet with a flashlight and black and white Gagsden patch attached to the left side. *Image 7* shows a black and white American flag patch affixed to the right side. The subject also donned a tan military style tactical vest with a patch depicting a coiled yellow snake overlaying an American flag. See *Image 2* and *5*.



*Image 1*



*Image 2*

At approximately 4:15 p.m., open source and U.S. Capitol surveillance (CCTV) footage captured the subject approach the mouth of the Inauguration Tunnel Entrance (“Tunnel”). At this time, rioters repeatedly assaulted officers at the Tunnel while officers attempted to prevent rioters from entering the U.S. Capitol. As shown in *Image 3* and *4*, during these confrontations, the subject raised a cannister and sprayed an orange substance towards officers in the Tunnel. CCTV and officer body worn camera (“BWC”) footage captured officers react in pain to the substance and unable to perform their duties, including one officer who was escorted off camera. Based on my review of the video footage, and my training and experience, it appears the substance was OC spray.



*Image 3*



*Image 4*

After discharging the entire cannister on officers, the subject threw the empty cannister at officers in the Tunnel.

Following the subject's actions, an open-source YouTube video captured the subject describe how officers pepper sprayed him. In this video, the subject displayed his helmet and mask to fellow rioters, while wearing the same tactical vest observed in other footage. Referencing his mask, at one point in the video, the subject stated, "Luckily, I invested in one of these, if y'all are going to come out here, and try to go up in 'em front lines y'all better buy some of these." Another individual asked the subject if he "planned for this," to which the subject replied "Yes." In response, another individual in the subject's immediate vicinity stated, "Just like you put on your little nice shows and planned to come to DC, we planned to come and take our Capitol back."



Image 5



Image 6



Image 7

Thereafter, the FBI received additional information concerning #helmetsprayer, a moniker attributed to the subject following January 6, 2021. Specifically, a link from an Invidious webpage,<sup>1</sup> displayed content from a YouTube channel bearing the display name [REDACTED]. The publicly available videos on this YouTube channel consisted primarily of firearm-themed content, operated and hosted by Matthew Stallings (“Stallings”). Based on his appearance and voice in YouTube videos, I can attest that Stallings is the same individual identified in CCTV and open-source videos collected during this investigation, including the open-source video described above where Stallings indicated he “planned” for the event.

Numerous videos posted to the [REDACTED] YouTube channel contained evidence of tactical gear that resembled the tactical gear Stallings wore on January 6, 2021. As shown in *Image 8*, a tan tactical helmet resembling the one worn by Stallings on January 6, 2021 is visible in the background.

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<sup>1</sup> Invidious is an open-source website similar to YouTube.

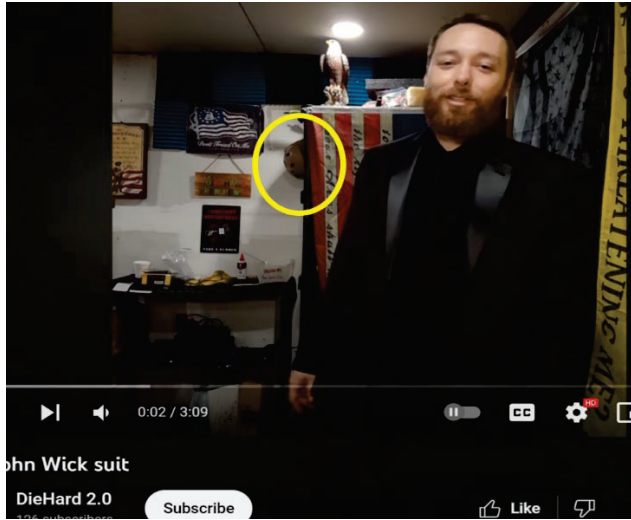


Image 8

Image 9 is a still image of another video on the “[REDACTED]” YouTube page. In the video, a tactical vest appeared with the same American-flag patch depicted in Image 5.

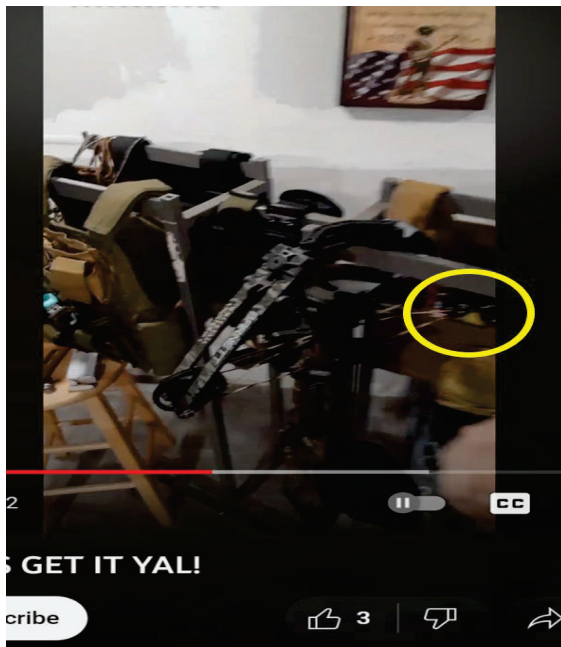


Image 9

The YouTube channel for “[REDACTED]” lists a public email address of [REDACTED] under the “About” section.

According to records obtained from Google, a mobile device associated with [REDACTED] was present at the U.S. Capitol on January 6, 2021. Specifically, Google location data showed that a device associated with [REDACTED] was located on U.S. Capitol grounds, including near the Lower West Terrace, from approximately 3:59 p.m. to approximately 4:45 p.m. on January 6, 2021. This location and time corresponded to Stallings’ actions near the Tunnel at approximately 4:15 p.m.

Records provided by Google also revealed that the mobile device associated with [REDACTED] belonged to a Google account registered in the name of Matthew Stallings, phone number [REDACTED], and an address in Newport News, Virginia. Public records research uncovered an individual named Matthew Stallings residing at the same address with an associated email address of [REDACTED]

In September 2023, I surveilled this address in Newport News, Virginia. As part of this surveillance, I observed a white male depart the residence that I identified as Stallings based on his YouTube Channel and other public records research. Additionally, on January 4, 2024, the Newport News Fire Department responded to a fire in a detached garage at the residence. When the fire marshal arrived, Stallings identified himself as the home occupant. Based on my review of the BWC from this incident, Stallings is the same individual I previously identified at the residence, in YouTube videos, and at the U.S. Capitol on January 6, 2021.


Based on the foregoing, I submit that there is probable cause to believe that Stallings violated 18 U.S.C. § 111(a)(1),(b), and 2, which make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with certain designated individuals, and to use a deadly or dangerous weapon or inflict bodily injury during the commission of such acts, or to aid, abet, counsel, command, induce, or procure the commission of such offenses. Within the meaning of this statute, a designated individual is an officer or employee of the United States or of any agency in a branch of the United States Government (including any member of the uniformed services), while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer in the performance of official duties or on account of that assistance.

I submit there is also probable cause to believe Stallings 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 further submit that there is probable cause to believe that Matthew Stallings violated 18 U.S.C. § 1752(a)(1), (2), and (4), (b)(1)(A) and (B), 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; (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; (b)(1)(A) to commit any of the aforementioned offenses with a deadly or dangerous weapon or firearm; and (b)(1)(B) commission

of any of the aforementioned offenses results in significant bodily injury; or to aid, abet, counsel, command, induce, or procure the commission of such offenses. 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 Matthew Stallings 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.

  
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 6th day of February 2024.

 Digitally signed by  
G. Michael Harvey  
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HONORABLE G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE