

UNITED STATES DISTRICT COURT

for the

District of Columbia

21-137M

United States of America
v.
Anthony Alexander Antonio
DOB: xx/xx/xxxx

)
) **Case: 1:21-mj-00375**
) **Assigned To : Meriweather, Robin M.**
) **Assign. Date : 4/14/2021**
) **Description: COMPLAINT W/ ARREST WARRANT**
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ in the District of Columbia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1752(a) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,	
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds,	
18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder,	
18 U.S.C. § 1512(c)(2), 2 - Obstruction of an Official Proceeding and Aiding and Abetting,	
18 U.S.C. § 1361 - Destruction of Government Property.	

FILED

This criminal complaint is based on these facts:

See attached statement of facts.

APR 20 2021

U.S. DISTRICT COURT DISTRICT OF DELAWARE

Continued on the attached sheet.

[Redacted Signature]

Complainant's signature

[Redacted Name]

Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 04/14/2021

2021.04.14
17:34:16
-04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Background

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation (FBI). In my duties as a special agent, I investigate violent crimes, which encompasses bank robberies, armored car robberies, kidnappings, Hobbs Act violations and threats. 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, detention, investigation, or prosecution of a violation of Federal criminal laws.

U.S. Capitol Police secure the U.S. Capitol 24-hours a day. 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 are 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. Then-Vice President Michael 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 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 Michael 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 that 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 Anthony Alexander Antonio

During the course of this investigation, the FBI identified a subject who was in the area known as the Lower West Terrace Entrance of the Capitol building. This area of the Capitol saw a tremendous amount of violent criminal activity on January 6, 2021, including an incident where a known Metropolitan Police Officer (MPD) (hereinafter “Officer 1”) was pulled from the line of officers defending the entrance to the Capitol, dragged down a set of stairs, and assaulted by the rioters. During that incident a male subject, later identified as ANTHONY ALEXANDER ANTONIO (ANTONIO) was seen squirting water and throwing a plastic water bottle in the direction of Officer 1 as he was dragged down the set of stairs.

ANTONIO is a white male with blonde/light brown/reddish hair. On January 6, 2021, ANTONIO had a beard and was wearing a black tactical bulletproof vest adorned with a “Three Percenter” patch, a black and grey camouflage shirt, dark jeans, and greyish colored sneakers with an orange stripe along the sides.¹ That day, ANTONIO wore his sleeves rolled up, and a tattoo of the words “Carpe Diem” with an arrow was visible near his right wrist; he also wore beaded bracelets on his wrist. At different times throughout the day of January 6, 2021, ANTONIO wore a black hat with a red, white, and blue assault rifle on the front, a red, white, and blue scarf, and black gloves with the numbers “805” in white writing.

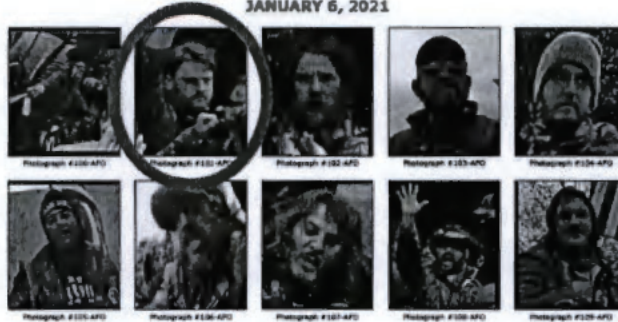
ANTONIO was included in a “Seeking Information” list and given the identifier “101-AFO.” The FBI posted that list to its website and to social media in order to garner public assistance to identify the individual.

¹ Militia extremists sometimes call themselves three percenters (“III%ers” or “threepers”) based on the myth that only three percent of American colonists took up arms against the British during the American Revolution. Some III%ers regard the present-day U.S. Government as analogous to British authorities during the Revolution in terms of infringements on civil liberties. While many independent or multi-state militia groups incorporate III% in their unit names, the term is less indicative of membership in a single overarching group than it is representative of a common belief in the notion that a small force with a just cause can overthrow a tyrannical government if armed and prepared.

 **SEEKING
INFORMATION**

**ASSAULT ON FEDERAL OFFICERS AND
VIOLENCE AT THE UNITED STATES CAPITOL**

WASHINGTON, D.C.
JANUARY 6, 2021



DETAILS

The Federal Bureau of Investigation's (FBI) Washington Field Office is seeking the public's assistance in identifying individuals who made unlawful entry into the United States Capitol Building and assaulted federal law enforcement personnel on January 6, 2021, in Washington, D.C. Anyone with information regarding these individuals, or anyone who witnessed any unlawful violent actions at the Capitol or near the area, is asked to contact the FBI's Toll-Free TipLine at 1-800-CALL-FBI (1-800-225-5324) to verbally report tips. You may also submit any information, photos, or videos that could be relevant online at fbi.gov/USCapitol. You may also contact your local FBI office or the nearest fbi.gov location.

On January 18, 2021, an identified individual (hereinafter "Witness 1") called the National Threat Operations Center (NTOC) and identified 101-AFO as ANTONIO. Witness 1 provided ANTONIO's date of birth, social security number, and telephone number. Witness 1 also advised that ANTONIO lived in Chicago, Illinois, but was currently staying with his parents in Clayton, Delaware, and provided that address. Witness 1 described how they knew ANTONIO and stated they were certain of the identification. Witness 1 stated that ANTONIO was contemplating turning himself in to law enforcement.

On January 31, 2021, your affiant conducted a follow-up interview with Witness 1. Witness 1 stated that they were 100 percent positive that 101-AFO was ANTONIO and explained that they had seen ANTONIO in person over fifty times. Witness 1 also provided law enforcement with an internet link to an interview that ANTONIO had given to a news station in South Carolina. Witness 1 further advised that they had heard that ANTONIO had admitted to people that he was at the Capitol. However, Witness 1 later advised that they were wrong that ANTONIO had admitted to other people that he was at the Capitol on January 6, 2021.

A second known person (hereinafter "Witness 2") sent to the FBI what appears to be a screen shot of a public Instagram account (pictured below) that had posted a photograph of ANTONIO from the Capitol riot.



Witness 2 identified the person in the photograph as ANTONIO. In doing so, Witness 2 provided ANTONIO's first and last name and stated that ANTONIO resided in Naperville, Illinois, which your affiant knows is a suburb of Chicago. Witness 2 also stated that ANTONIO had possibly left Illinois and returned to his parent's house. Finally, Witness 2 provided ANTONIO's TikTok account name, as "ant_alex" and noted that ANTONIO'S account had been banned, although Witness 2 advised that there were still "duets" with ANTONIO'S account online. Your affiant knows that a "duet" is when another TikTok user screen records a TikTok user's video, often using a split screen with a recording of themselves reacting to the screen-recorded video.

Your affiant discovered several duets with the TikTok user "ant_alex_tony," that featured videos of ANTONIO speaking to the camera, as depicted in the screen shot below.



Your affiant conducted a follow-up interview with Witness 2. Witness 2 confirmed that they had sent the Instagram screen shot photograph to the FBI. Witness 2 described how they knew ANTONIO and said that they had known him for over one year. Witness 2 advised that for a period, they saw ANTONIO in person once a week. Witness 2 reiterated that they heard from others that ANTONIO had left Naperville, Illinois, and had moved in with his parents.

A check of law enforcement databases revealed that ANTONIO previously had a Delaware driver's license with an address consistent with that provided by Witness 1. Further, in 2020 ANTONIO obtained an Illinois driver's license with an address in Naperville, Illinois. The date of birth listed on the driver's license was consistent with that provided by Witness 1.

To date, the FBI has received eleven (11) tips about 101-AFO. Two of those tips were about ANTONIO, as mentioned above.² The remaining tips came from identified individuals who thought 101-AFO could be various people that they knew who were not ANTONIO. Two such tips identified 101-AFO as an individual who "looks like" two different specifically named people who were not ANTONIO, one of whom possibly lived in Las Vegas, Nevada.³ Another identified individual reported to the FBI that they were "not 100% certain, but it's possible" that 101-AFO was a person they knew that was not ANTONIO. One identified individual called the FBI and stated that the person in 101-AFO looked like someone he had not seen in 12 years that lived in Virginia and was approximately 66 years old. Yet another person who provided their identity reported to the NTOC that they were about "80% certain" the person in 101-AFO was their former brother-in-law, who they had not seen in over ten years and who may live in Utah. One identified

² Three other tips received by the FBI also were about ANTONIO. In one, an anonymous individual submitted an online tip to the NTOC, identifying 101-AFO as ANTONIO. In another online tip, an identified individual submitted information to the FBI that someone they knew identified ANTONIO as the person depicted in 101-AFO. A follow-up interview confirmed that this tipster knew Witness 2, and was reporting Witness 2's identification of ANTONIO. Finally, an identified individual contacted the FBI and stated that they had used social media and the internet to identify ANTONIO as the individual depicted in 101-AFO.

³ The tipster who reported that 101-AFO looked like a person they knew who lived in Las Vegas stated that their relative also thought 101-AFO looked like this same person who lived in Las Vegas.

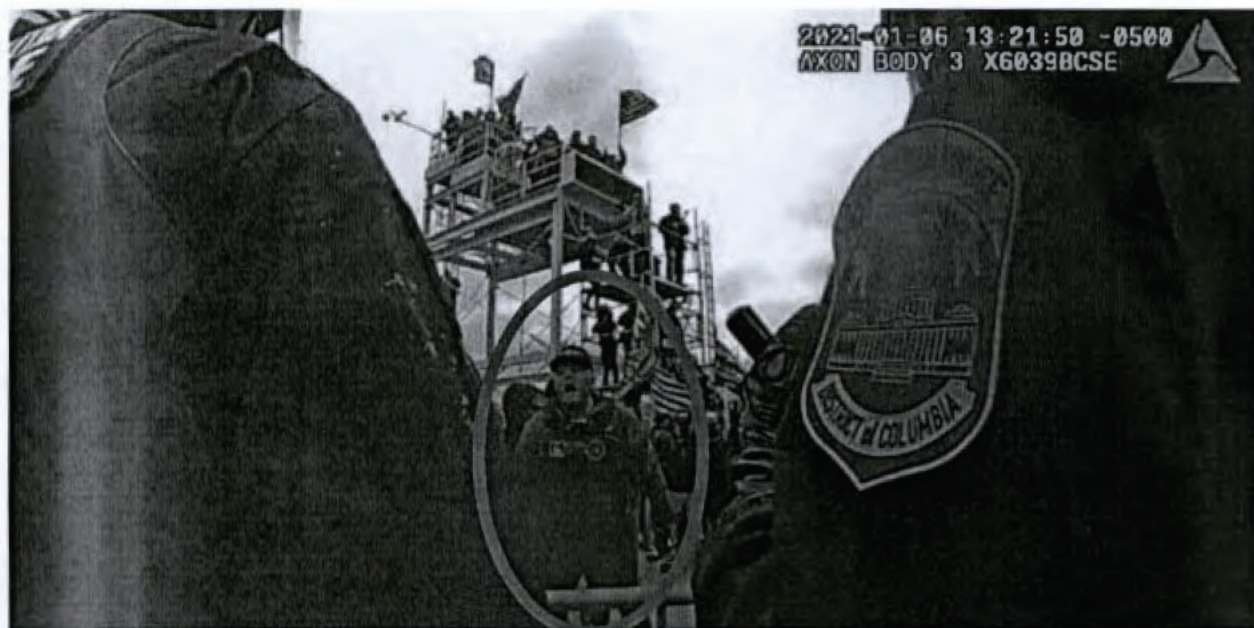
(hereinafter "Witness 3") stated that they were "one hundred percent certain" that the person in 101-AFO was a named individual (hereinafter "Person 1") who lived in Albuquerque, New Mexico. Agents interviewed Witness 3, who admitted that they had not seen Person 1 in over a year.

Your affiant reviewed photographs believed to be of the people reported in these tips. Your affiant concluded that none of the people were AFO-101. This conclusion was based upon differences in physical characteristics for some, and that none of the tipsters provided definitive information the person they were calling about traveled to Washington, D.C. Also, taken into account was the gap in time between when the tipsters last saw the person they were calling about face to face. Your affiant is not aware of any other information provided to the FBI about 101-AFO at this time. However, the FBI is receiving tips from throughout the country on a semi-daily basis about individuals who may have participated in the events at the Capitol on January 6, 2021.

Antonio's Actions on January 6, 2021

Your affiant reviewed multiple videos derived from open-source databases, as well as both MPD and U.S. Capitol Police holdings. During that review, your affiant observed ANTONIO in several different areas of the Lower West Terrace of the Capitol building. Initially, ANTONIO was in front of a barricade that officers were defending in an attempt to prevent the crowd from pushing further into the Lower West Terrace. At the time, MPD and U.S. Capitol Police officers stood shoulder-to-shoulder behind the metal fencing. The crowd attempted to break through by shoving and tearing down the fencing, and by assaulting officers, including throwing objects at them, striking them, and using chemical irritants against the officers.

At approximately 1:22 p.m., Body Worn Camera (BWC) footage from a known MPD officer captured ANTONIO, recognizable from the bulletproof vest, clothing, gloves, and hat, standing near and shouting at the officers, "You want war? We got war. 1776 all over again."



An open-source video posted to YouTube, as depicted in the screen shot below, also captured ANTONIO as he screamed, “You want war? We got war. 1776 all over again” at the officers. See <https://www.youtube.com/watch?v=wIFpSg-6HIc> (last visited Mar. 28, 2021).

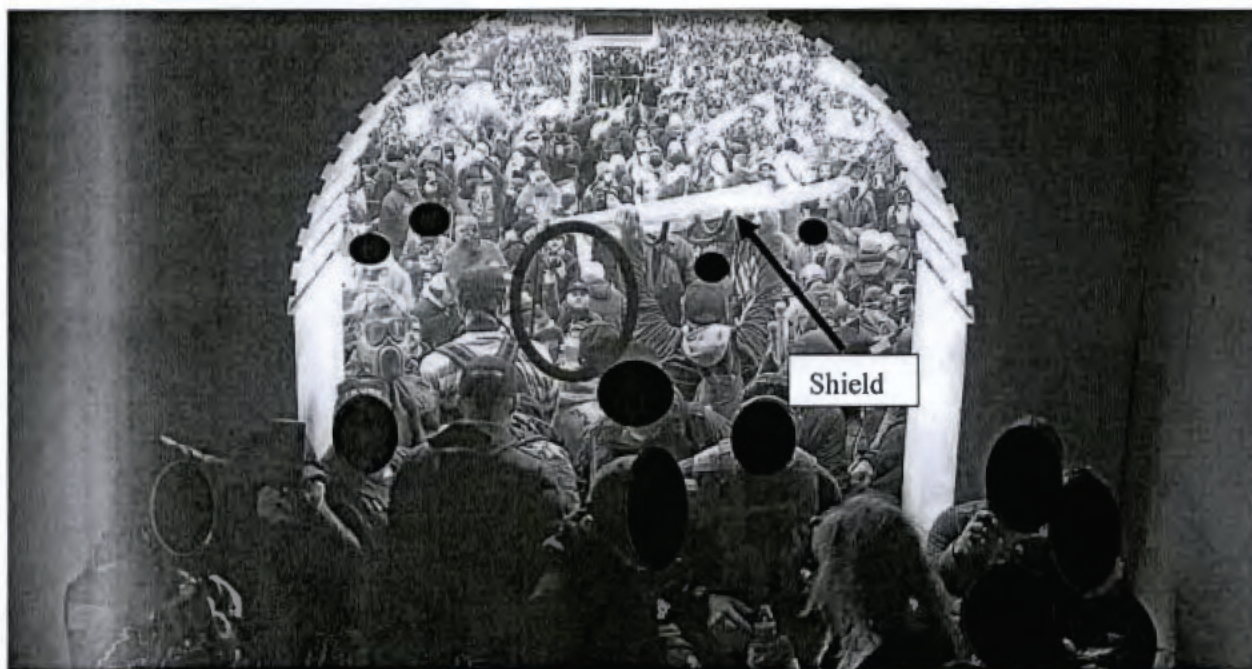


Scaffolding had been erected in the Lower West Terrace area in preparation for the inauguration of now-President Biden. Several rioters, including ANTONIO, climbed the scaffolding during the events of January 6, 2021. ANTONIO is recognizable based on his physical build, facial hair, and clothing.

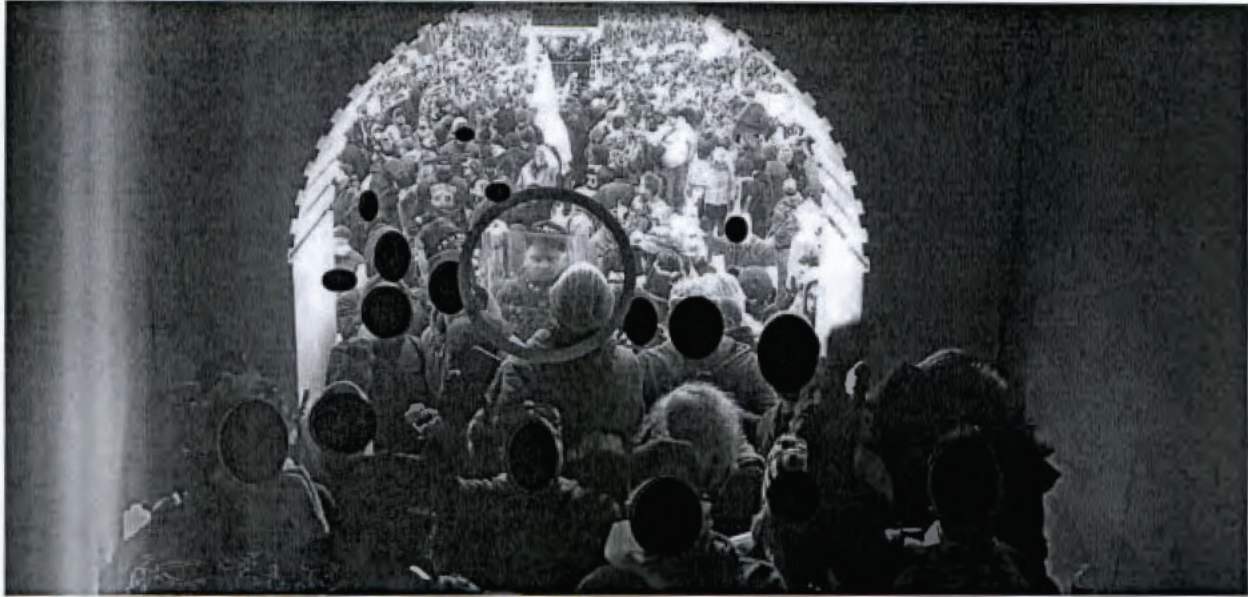


Law enforcement eventually retreated up a set of stairs and toward the Lower West Terrace Entrance Tunnel, and ANTONIO followed. As the rioters made their way into the tunnel that led to the entrance of the Capitol, they were met with a large law enforcement presence of both MPD and U.S. Capitol police officers at the doors. Trying to break past the officers, rioters attempted to gain entry into the Capitol by physically assaulting law enforcement, including spraying chemical irritants and throwing objects.

During the investigation, your affiant reviewed surveillance footage of the tunnel that led to the Lower West Terrace Capitol building entrance. That surveillance video captured ANTONIO standing on the Lower West Terrace of the Capitol building, watching the crowd in the tunnel grow, and at one point, holding both of his arms up in a gesture that is consistent with celebration. Less than two minutes later, the crowd in the tunnel began passing around a riot shield, apparently taken from one of the officers. The crowd in the tunnel passed the shield back to the crowd outside the tunnel. As it became visible to the crowd, ANTONIO, looking in the direction of the riot shield, raised his arm and fist in a gesture consistent with celebration.



Approximately three minutes later, ANTONIO entered the tunnel with what appears to be an identical riot shield and shoved his way to the front of the crowd, as depicted in the below screenshot of U.S. Capitol surveillance footage.



Once he made his way to the front of the tunnel, ANTONIO turned his hat around so that the bill was facing backwards. At this time in the investigation, due to the angle of the surveillance video, it is unclear what actions ANTONIO took at the front of the tunnel. Approximately two minutes later, ANTONIO left the tunnel with the riot shield still in his possession. About twenty minutes later, ANTONIO reentered the tunnel and pushed his way towards the front of the crowd; he was ultimately pushed out of tunnel. As before, it is unclear at this point, what ANTONIO did while inside the tunnel due to the angle of the surveillance video.

At approximately 3:21 p.m., MPD Officers pushed the rioters out of the Lower West Terrace tunnel. At the mouth of the tunnel was a set of stairs that led to the Lower West Terrace. Shortly thereafter, the crowd dragged MPD Officer 1 down a set of stairs, as described earlier. An open source YouTube video captured ANTONIO squirting water and throwing his water bottle in the direction of Officer 1, although there were several people between ANTONIO and Officer 1 when he did so. See <https://www.youtube.com/watch?v=iNFcdpZdkh0> (last visited Mar. 3, 2021).⁴

⁴ As of March 28, 2021, this video is no longer available to the public on YouTube and has been marked as “private.”



After this incident, there was a break in the crowd's assault on the police. ANTONIO made his way towards the front of the tunnel where law enforcement was now holding back the crowd, and began speaking with the officers in the tunnel. Footage from a known officer's BWC (depicted below) captured some of what ANTONIO said to the officers. Initially, he told them, "I'll be honest, this isn't against you personally. This is against our country." ANTONIO apologized to the officers, but went on to say, "We got to regroup." While speaking with the officers and facing them with his hand up he asked, "Is that on" and "who's going to see it," apparently referring to the officer's BWC. When the officer replied, "the Department," ANTONIO bent down and leaned forward as if to speak directly into the officer's camera and stated, "We will not back down." While gesturing, ANTONIO said, "That guy's gun? It is what it is. I mean, if he shoots me with it, there is nothing I can do." An officer stated, "We're not touching it," seemingly referring to his firearm. ANTONIO, however, went on to comment that the officer had an "extended mag that Nancy Pelosi wants to ban, so. You work for her."



A few moments later, as captured by an open source video posted to YouTube, ANTONIO was provided a bullhorn from someone in the crowd. After asking people near him to sit down so that others in the crowd could see him, ANTONIO proceeded to address the crowd standing on the Lower West Terrace. ANTONIO was captured saying:

Patriots! Everybody listen up! We've made it this far. We've spoken to them. These are the guards right now. We've spoken to them. We are holding the line. Listen, they say they will not mace us, tase us, or beat us. We are holding the line. We are not moving until we get our way. This is a peaceful protest now. This is a peaceful protest now and always has been. Remember this is our Capitol; this is our house, these are our steps. If we have to sit here all night, we will. Do not bum rush us, we are trying to work with them.

See <https://www.youtube.com/watch?v=iISN53RNVIA> (last visited Mar. 28, 2021).



Shortly after addressing the crowd, ANTONIO was again captured at the front of the tunnel speaking with law enforcement officers. As time went on, the large crowd began to push and surge forward towards the Lower West Tunnel entrance again, fighting the officers defending the Capitol building. ANTONIO, still near the front of the crowd, told others in the crowd numerous times to stop pushing him and the officers, and told law enforcement he was trying to work with them.

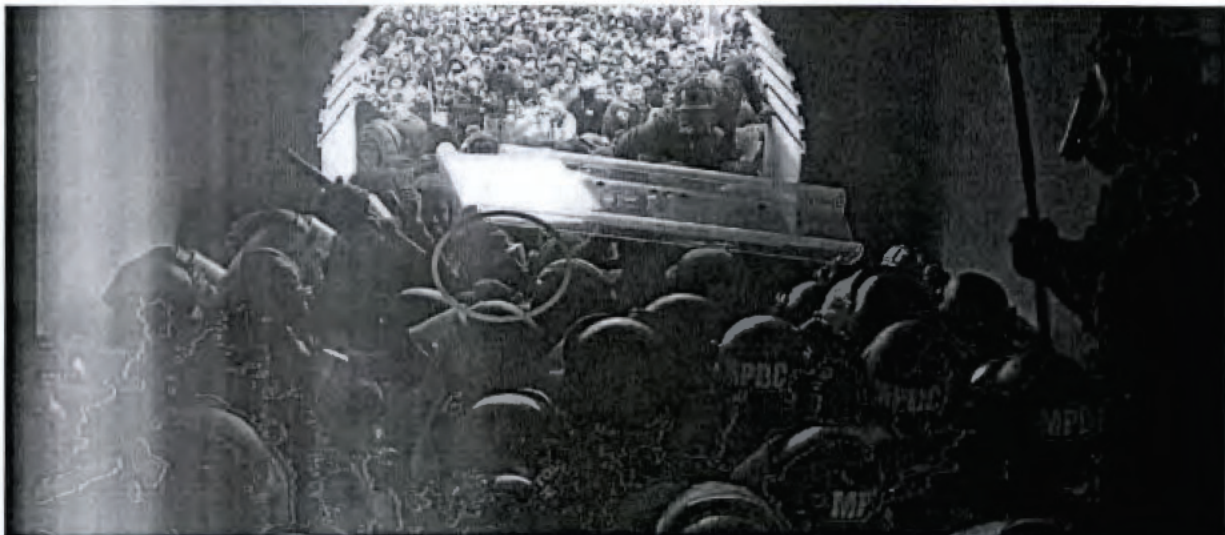


Around 4:00 p.m., surveillance footage from the U.S. Capitol Lower West Terrace tunnel area captured ANTONIO in the mass of bodies pushing against the officers in the tunnel. While

there, ANTONIO reached out and took an object that appeared consistent with a gas mask from the area of an officer. There were also civilians in the area from where ANOTNIO grabbed the object.⁵ ANTONIO was recognizable not only by his facial features, hair, and scarf in the moments before he grabbed the object, but also by his distinctive black gloves with the white writing when he reached out and grabbed the object.



The video then captured ANTONIO putting the object over his head, and it became clear that the object was in fact a gas mask.



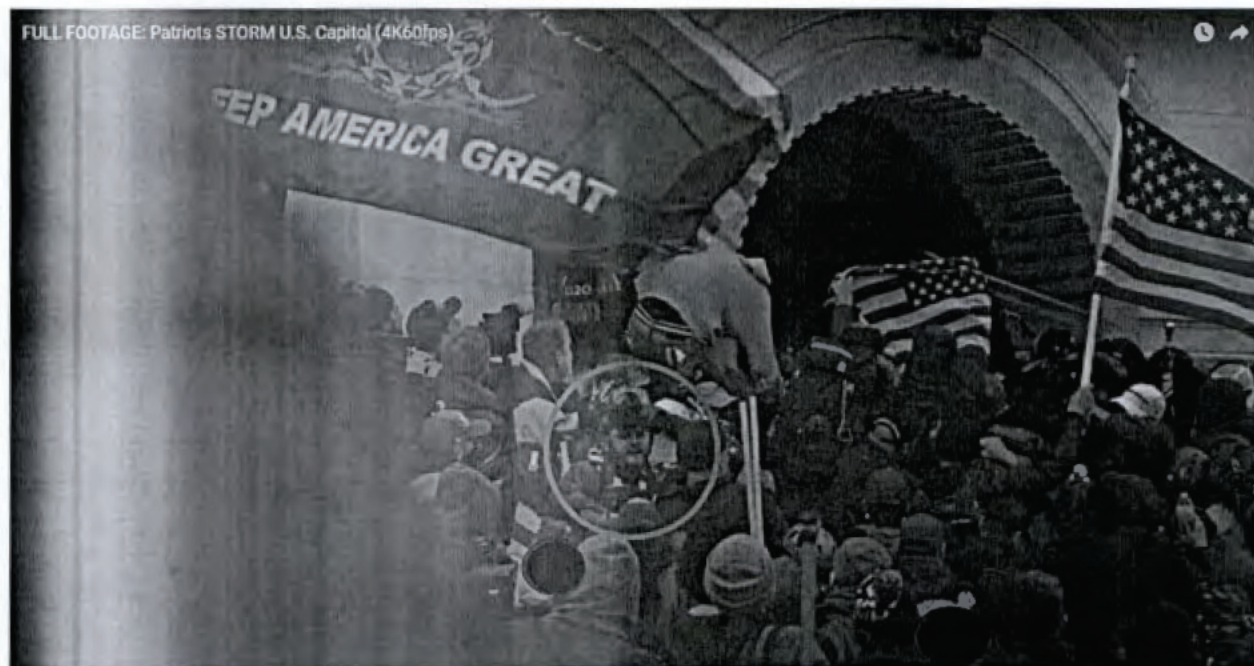
Ultimately, ANTONIO pushed his way out of the tunnel, still wearing the gas mask when he did so. He was captured by an open-source video on YouTube, and is identifiable based on his haircut,

⁵ In a later video, while putting the gas mask back on his head, ANTONIO stated that “they fucking pulled my mask off,” apparently indicating that the mask belonged to him.

the scarf, and his distinctive black gloves with the white writing. See <https://www.youtube.com/watch?v=iNFcdpZdkh0&t=2371s> (last visited Mar. 14, 2021).⁶



Moments later, ANTONIO was captured on the Lower West Terrace with the gas mask on top of his head. See *id.*



Shortly thereafter, rioters used various objects to break open windows just to the side of the Lower West Terrace tunnel. ANTONIO was then captured by a different open-source video replacing the gas mask on his head and asking his fellow rioters to lift him up to the window. He

⁶ As of March 28, 2021, this video has been marked private, and is no longer available to the public on YouTube.

was recognizable from his hair, facial hair, black and gray camouflage shirt, bulletproof vest with a Three Percenter patch, and black gloves with white writing. See https://www.youtube.com/watch?v=hAkaaO16_i8&list=PLs1LZJLJD-ie80S-dYG_dzitJ_wIwfr7Y&index=92 (last visited Mar. 28, 2021).



ANTONIO then climbed through one of the broken windows that lead to an interior room of the Capitol. Although his face was not visible, he was identifiable by the tattoo on his wrist and the distinctive black gloves with white writing. See *id.*



After climbing through the window, ANTONIO appeared to stay in the room into which he initially landed. An open-source video captured ANTONIO inside that room picking up a piece of

furniture, which appeared to have a broken leg, with another individual and tossing the furniture off to the side. *See id.*



ANTONIO then walked away with the furniture leg in his hand. Eventually, ANTONIO was captured climbing back out of the same broken window through which he entered the building. Photographs from after the riots on January 6, 2021, of the room into which ANTONIO entered showed numerous pieces of broken furniture, as well as furniture tossed about the room haphazardly, as depicted in the photograph below.



Your affiant spoke with a member of the U.S. Capitol police who advised that the above room was not occupied by any specific member of Congress but was a “hideaway office.”

Later that day, ANTONIO gave an interview to VDARE where he described some of the actions he took. The reporter asked ANTONIO, “So you actually penetrated the Capitol Building?” and he replied,

Yes, yes, we penetrated the Capitol Building. There was three officers that were trying to work with us, when I had the megaphone. The other officers told them to shut up, mow us down, and they all sprayed us. They lifted up my gas mask and sprayed me in the face, beating us in the head with batons. So, we knew we couldn't get through the doors.

So, we broke the window, got into the room, at that point...it was all over my hair, my face, I couldn't breathe, I couldn't see, so I, we had to come up with a plan. We barricaded the door, broke everything, so we have something to use against 'em. While we were in there, trying to come up with a plan, I was useless, I was useless so, I left.

What ended up happening, a man's father called him from the outside and said the media is calling us anarchists. And what that means is, is they now have access to use deadly force against us. We lost lives in there. Two confirmed lives have been lost. Patriots, we took the Capitol and we're not stopping. I will be back tonight. I couldn't see, I couldn't breathe, but we're not backing down. We've got the outside. We will take it back. But, Patriots, I'm telling you right now, be safe. Watch your six. They have been granted access to use deadly force.

During the interview, as depicted in the below screen shot, ANTONIO used a hand signal often used by Three Percenters.⁷

⁷ According to the Anti-Defamation League, Three Percenters, “often make a hand gesture to symbolize their movement that uses the outstretched middle, ring, and pinky fingers to represent a Roman numeral ‘3.’” See <https://www.adl.org/education/references/hate-symbols/okay-hand-gesture> (last visited Mar. 28, 2021). The first time in the interview that ANTONIO used the signal, he was speaking about the “three officers.” He used it a second time a few moments later when talking about the officers again, but did not mention their numbers.



The reporter went on to ask, “Let’s say everybody gets into the Capitol. What happens next?” ANTONIO replied,

So, in my opinion, man, and a lot of guys up there, we need to talk. We the People need to be heard. We’re done with false elections. We’re done with stealing the election. As you can see, Georgia, last night, as I was following, what happened? He was up two-thirty, and then he was down to two-twenty-five. You can’t lose votes. We wanted to talk to the people. You work for us. We wanted to talk to you. You don’t want to talk to us? This is how we do it. 1776 is back. 2021 United We Stand. With Biden we fall.

See <https://vdare.com/videos/patriots-storm-u-s-capitol-january-6-2021> (last visited Mar. 28, 2021).

Antonio on Social Media

An open-source search of TikTok revealed a duet posted to TikTok dated January 3, and contained a video of ANTONIO discussing a Tweet that stated now-President Biden’s inaugural parade had been cancelled. ANTONIO stated, “Maybe this is why they were still building that stage. You know, they couldn’t figure out why. This is it. This is the beginning of a beautiful week. Stay golden Patriots.” In the video, ANTONIO is observed wearing the same black baseball hat with the image of a red, white, and blue assault rifle he was observed wearing on January 6, 2021. See <https://www.tiktok.com/@rachel34536/video/6913717495329230085> (last visited Mar. 28, 2021).



Another TikTok duet, dated January 6, was also discovered, in which ANTONIO stated he was in Washington, D.C., was at the hotel, and had “big news.” ANTONIO went on to say,

Georgia, they stopped counting for the night. No surprise, we knew it was probably going to happen, they did it during the election. It is what it is, right? But, even bigger news is, Trump just came out with, Pennsylvania just got decertified. We’re bringing it back, we’re stopping the steal. Biden is not going to be in office January 6th, now today, on the east coast its past 12:00. So, we’re going to be out there in D.C. celebrating P.A. being decertified. Biden is now not the president-elect anymore, technically. So, we’re stopping the steal, we’re coming back, Trump 2020. Let’s get it conservatives, patriots, stand with us.

In the video, ANTONIO was wearing a black and gray camouflage button down shirt, with a black baseball hat that has an image of a red, white, and blue assault rifle, consistent with the clothing he was observed wearing on January 6, 2021. See https://www.tiktok.com/@floridagal79/video/6914542089212579077?lang=en&is_copy_url=1&is_from_webapp=v1 (last visited Mar. 28, 2021).



Interview with Law Enforcement

On February 4, 2021, FBI agents interviewed ANTONIO with his attorney present. ANTONIO stated that he came to Washington, D.C. because then-President Trump told him to do so. He admitted that he was at the Capitol on January 6, 2021, and saw that there were barriers up and that people were clashing with the police. ANTONIO admitted that he was on the scaffolding that day, but stated that another person also on the scaffolding said, “I’m media,” showed ANTONIO a badge, and said that ANTONIO could be on the scaffolding because he (ANTONIO) was “with” the person with the badge. ANTONIO told the agents that he was advising others not to come up on the scaffolding because he was worried it would fall.

When asked if he heard the police give any commands, ANTONIO claimed that when he was on the scaffolding he heard announcements over a speaker, but could not understand what was being said. ANTONIO said that he saw the barriers pushed over by people and that the police were gone. According to ANTONIO, he thought “I guess they gave us the steps, they said we could be on the steps, they’re, they’re done.” ANTONIO also told agents that when he was on the “steps,” – contextually referring to the steps of the Lower West Terrace – he observed a person who was bleeding from the head, and he tried to make a path through the mass of people to get the injured person aid.

ANTONIO told the agents that while he was on the steps, he observed about six men drag a police officer down the steps. He claimed that he heard the sound of a taser, looked in that direction, believing that the officer was using the taser against the crowd, but “it was the exact opposite.” Your affiant is aware that this police officer, Officer 1, was tased by participants in the riot. ANTONIO claimed that he locked eyes with the officer, who said, “help, help,” and ANTONIO could see “death in the man’s eyes.” ANTONIO stated he would not be able to get the image of the officer out of his head. ANTONIO reported that this was the point he said to himself something was wrong and not right. According to ANTONIO, he did not help the officer, and “missed my judgement, I didn’t help him when I should of.”

When asked how far up the Capitol steps he went, ANTONIO stated that he went to stand right in front of the riot shields, and began talking to the officers, “begging them” to stop spraying the crowd with tear gas. ANTONIO reported that he told the officers, “let me just talk to them and see if we can stop this madness,” referring to the crowd. ANTONIO stated, “in my mind, I’m just like, anything I could do to help to get this to stop.” ANTONIO stated the police told him he could do anything he wanted, the steps were theirs – seemingly referring to the crowd – so in his mind he felt he needed to be a “leader.” According to ANTONIO, it was at this point that he began speaking to the crowd through the megaphone. However, ANTONIO claimed that the crowd turned on him when he said that it was a “peaceful protest.” He said that at that point he and another man tried to sit down, with the blessing of the officers, hoping it would calm the crowd; however, ANTONIO claimed that other officers started talking about how they were going to mow the crowd down, and then the police began spraying the crowd with tear gas again.

According to ANTONIO, he tried to stop people from pushing towards the officers, but eventually he was “sandwiched,” and his legs gave out. ANTONIO said that while being pushed against the officers, he observed a gas mask “kind of floating” and he grabbed it and put it on his face. Once he got the gas mask on, however, ANTONIO claimed that an officer ripped it off his face and sprayed him with a chemical irritant directly in his face.

ANTONIO was asked if he was ever in a position to observe what was going on inside the Capitol building. ANTONIO responded that there was a woman yelling, “we broke the window,” and through that window he observed people smashing furniture and piling it in front of the door to create a barricade. ANTONIO reported that because of the chemical irritants in his eyes, he was rubbing them, but he could hear the sound of the property being broken inside the room. When asked if he went inside the Capitol building, ANTONIO’s lawyer stated, “Next question, please,” and the agents complied with that request.

ANTONIO also claimed that he did not know anything of importance was happening at the Capitol on January 6, 2021. He asserted that he did not know anyone except police officers were at the Capitol building, and only went to the Capitol building because then-President Trump stated that he would be there on the steps. According to ANTONIO, he knew President Trump said Vice President “Pence needs to do the right thing,” but he did not know what was going on at the Capitol building, apparently referring to the Certification.

When asked about biographical information, ANTONIO provided an address in Clayton, Delaware, where he was staying. He also advised the agents that the only social media account he had was SnapChat. He admitted that he used his iPhone to take videos of himself at the Capitol, specifically on the scaffolding, but that he deleted everything from his phone because he did not want to relive the events of that day. Agents also asked ANTONIO if he had any role or affiliation with any groups. ANTONIO replied that the only group he knew of was the Proud Boys, but that he was not a part of that group and did not affiliate with them.

The facts in this affidavit come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and

witnesses. Except as explicitly set forth above, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge.

Based on the foregoing, your affiant submits that there is probable cause to believe that ANTHONY ALEXANDER ANTONIO violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire 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 ANTHONY ALEXANDER ANTONIO violated 40 U.S.C. § 5104(e)(2) (C), (D), and (G), which makes it a crime to willfully and knowingly (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; (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.

Your affiant submits there is probable cause to believe that ANTHONY ALEXANDER ANTONIO 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.

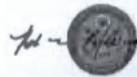
Your affiant submits there is probable cause to believe that ANTHONY ALEXANDER ANTONIO violated 18 U.S.C. § 1512(c)(2) and 2, which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Finally, your affiant submits there is probable cause to believe that ANTHONY ALEXANDER ANTONIO violated 18 U.S.C. § 1361, by willfully injuring or depredating of any property of the United States.



SPECIAL AGENT, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14 day of April 2021.



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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE