

## STATEMENT OF FACTS

Your affiant, Matthew Hamel, Special Agent with the Federal Bureau of Investigation (“FBI”), is one of the agents assigned to an ongoing investigation of riots and civil disorder that occurred on January 6, 2021, in and around the United States Capitol grounds by the FBI, United States Capitol Police (“USCP”), Metropolitan Police Department (“MPD”) and other law enforcement agencies. I am presently assigned to the Washington Field Office. As a Special Agent with the FBI, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations of Federal criminal laws.

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 after 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 Thursday, January 7, 2021, a tipster, who will be referred to as T-1, called the FBI's National Threat Operations Center (NTOC) and identified MICHAEL SPARKS as being the first individual to climb through a broken window into the U.S. Capitol building on January 6, 2021.

The next day, an FBI agent interviewed T-1 by telephone. T-1 explained that (s)he is an acquaintance of SPARKS and overheard SPARKS discuss plans to travel to Washington, D.C. on January 6, 2021 to attend the pro-Trump rally. (S)he heard SPARKS tell another person, "This time we are going to shut it down."

After the incidents at the U.S. Capitol on January 6, 2021, T-1 saw videos and photographs posted online of men breaking windows and illegally entering the U.S. Capitol building; T-1 identified SPARKS in some of those videos and photographs. On January 12, 2021, law enforcement conducted an in-person interview with T-1.<sup>1</sup> T-1 reviewed several videos and screenshots of individuals inside the U.S. Capitol building and again identified SPARKS.

In particular, T-1 identified SPARKS in a video in which SPARKS is inside the Capitol building confronting a U.S. Capitol Police ("USCP-1"). Video footage from January 6, 2021, which has been widely posted online, including on The Washington Post webpage, shows SPARKS following a group of men inside the U.S. Capitol building.<sup>2</sup> The group is led by Douglas Austin Jensen. The video shows Jensen leading the crowd toward USCP-1 in a menacing manner, which causes USCP-1 to retreat. When USCP-1 reaches a staircase, he turns and runs up a flight of stairs in an attempt to get help. The video footage captures Jensen chasing USCP-1 up the stairs while shouting at him, as the group of men follows. Once Jensen and USPC-1 reach the next floor, several other USCP officers walk up in an effort to assist USCP-1 and stop Jensen and the group. SPARKS then walks to the front of the group and confronts USCP-1. A USCP officer yells, "Leave now!" to which SPARKS responds, "We're standing here for you as well." SPARKS then yells, "This is our America! This is our America!" He becomes increasingly agitated and points his finger at USPC-1. A Reuters photograph from SPARKS's confrontation with USCP-1 shows him wearing black gloves with a skeleton imprint, black jacket, jeans, and glasses:

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<sup>1</sup> One of the officers participated by telephone.

<sup>2</sup> The video can be viewed here: [https://www.washingtonpost.com/video/national/lone-capitol-police-officer-eugene-goodman-diverts-capitol-rioters/2021/01/11/ba67a5e8-5f9b-4a9a-a7b7-93549f6a81b3\\_video.html](https://www.washingtonpost.com/video/national/lone-capitol-police-officer-eugene-goodman-diverts-capitol-rioters/2021/01/11/ba67a5e8-5f9b-4a9a-a7b7-93549f6a81b3_video.html)



After talking to the FBI agent on January 8, 2021, T-1 sent the following screenshots from various news sources by email to the agent, and identified SPARKS in the photographs as the man wearing glasses with a black jacket and no hat:





In the top photograph, SPARKS appears to be wearing the same black gloves that can be seen in the Reuters photograph above, but in the bottom two photographs he is no longer wearing those

gloves and appears to be photographing or videotaping the encounter with officers using a black in color cellphone.

T-1 also reviewed a video of individuals breaking a window of the U.S. Capitol building using a plastic police shield. T-1 identified SPARKS (circled in red below) as the individual who first climbs into the building after the glass is broken, as shown in the screenshots below:<sup>3</sup>



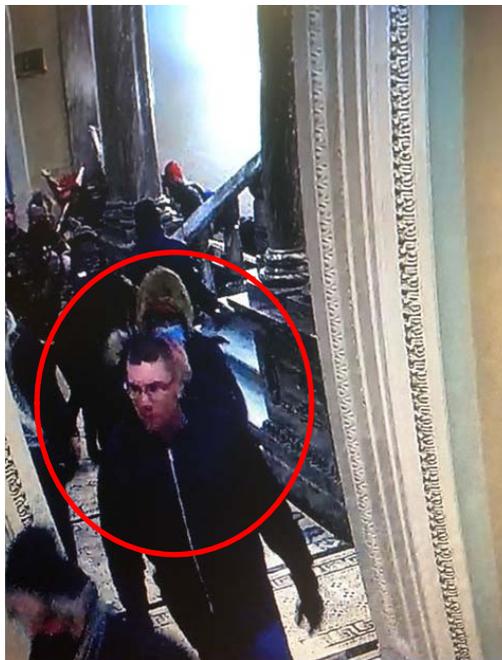
SPARKS is wearing blue jeans, a black jacket, hat, and black gloves with an imprint on them. As noted above, SPARKS was wearing that same clothing inside the U.S. Capitol building (except for the hat).

<sup>3</sup> The video can be viewed here: <https://www.youtube.com/watch?v=FlfMHNYx4Vo>

Video surveillance from inside the U.S. Capitol building on January 6, 2021, shows SPARKS entering through the window and jumping down to the floor at about 2:13 p.m. A screenshot from that video shows him immediately after he climbed through the window:



The timing of this incident is consistent with USCP surveillance video from inside the U.S. Capitol building near the Ohio Clock corridor at about 2:15 p.m., where SPARKS is seen confronting USCP officers. Screenshots from that video show SPARKS confronting officers:



The FBI also received a tip from another tipster, who will be referred to as T-2. T-2 sent the FBI a photograph of SPARKS inside the U.S. Capitol building on January 6, 2021. T-2 circled SPARKS using a red marker:



Tipster 3 (T-3), who knows SPARKS well, also contacted the FBI because T-3 was concerned about messages that SPARKS posted on his Facebook page after January 6, 2021. T-3 provided screenshots of several Facebook messages from SPARKS's Facebook page. T-3 stated that she is Facebook friends with Mike Sparks and recognizes the Facebook profile titled, "Mike Sparks," as SPARKS's account. In one post provided by T-3, SPARKS ominously warns, "A new dawn is coming. Be ready. Just pray and trust in the Lord":



In another post provided by T-3, SPARKS states, “TRUMP WILL BE YOUR PRESIDENT 4 more years in JESUS NAME. No need to reply to this just be ready for a lot of big events. Have radios for power loss etc. Love every body [sic]”:



T-3 also provided the FBI with other screenshots from SPARKS’s Facebook page in which he states that he will be traveling to D.C. for the pro-Trump rally. On December 30, 2020, SPARKS replies to President Trump’s message, “JANUARY SIXTH, SEE YOU IN DC!,” by saying, “I’ll be there.”



T-3 stated in an email to an FBI agent that she knew of SPARK's attendance at the pro-Trump rally due to social media posts and text messages SPARKS sent to another family member.

Your Affiant reviewed the publicly available Facebook account for "Mike Sparks," which states that he lives in Elizabethtown, Kentucky, and is married to Amanda Swan Sparks. Your affiant verified through a law enforcement database that SPARKS is married to Amanda Sparks.

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

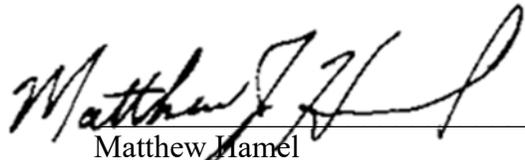
Your affiant submits there is probable cause to believe that Michael N. SPARKS violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any . . . law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects . . . the conduct or performance of any federally protected function.

For purposes of Section 231, the term "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons which causes an immediate danger of, or results in damage or injury to property or person of any other individual. *See* 18 U.S.C. § (1).

For purposes of Section 231, 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 of employee thereof. This includes the Joint

Session of Congress where the Senate and House count Electoral College votes. *See* 18 U.S.C. § (3).

For purposes of Section 231, the term “law enforcement officer” means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia . . . . *See* 18 U.S.C. § (7).

  
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Matthew Hamel  
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 17th day of January 2021.

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Robin M. Meriweather  
U.S. MAGISTRATE JUDGE