

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Joint Terrorism Task Force (JTTF) in the FBI Baltimore Division. In my duties as a Special Agent, I am currently assigned to investigating, managing and supporting domestic terrorism investigations which often involve violations of Title 18 of the United States Code. I have assisted in the preparation of search warrant applications, conducted or participated in physical and electronic surveillance, assisted in the execution of search warrants, debriefed informants and reviewed other pertinent records. 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.

DOUGLAS WYATT and JACOB MICHAEL THERRES's Participation in the Capitol Riot

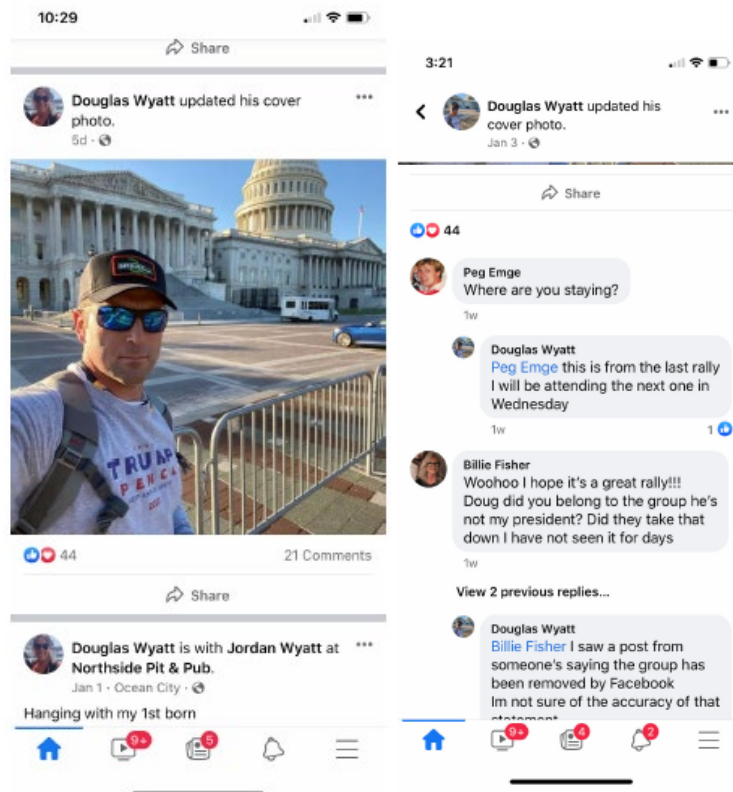
Shortly after January 6, 2021, the FBI received a number of tips from the public suggesting that DOUGLAS WYATT and JACOB MICHAEL THERRES had been at the Capitol Building on January 6, 2021.

AFO-277 DOUGLAS WYATT

- January 7, 2021: Tipster #1 submitted the following information to the FBI: “Check out his Facebook, too. He has posted videos as well.”
- January 8, 2021, Tipster #2 submitted a tip: “Pictures of Douglas Wyatt at/in the Capitol on the day in question”:



- January 8, 2021, Tipster #3 submitted a tip: “I’m simply reporting a former FB friend for his part in the terrorist acts in Washington D.C. on January 6th” and included the following relevant “Subject Information”: “Douglas Wyatt, age 46, who...lives in Fallston, MD. . . He posted photos of himself at the Capitol.”
- January 12, 2021, Tipster #4: provided the following: “Saw Suspicious FB comment and checked his page. These were associated with a ‘profile’ attached. Douglas Wyatt lives in Fallston, MD...” Tipster #4 included the below screenshots, including one where Wyatt posted that he would “be attending the next one in Wednesday,” believed to be a reference to the events on January 6, 2021 at the U.S. Capitol Building:



- January 12, 2021, Tipster #5 submitted a tip that stated in relevant part: “Made suspicious comments on FB post which led me to snoop his profile. Found this and wanted to share. FB pick is from previous ‘protest’ but comments he will be there on Wednesday.”

On January 29, 2021, the FBI interviewed WYATT at his residence in Fallston, MD. WYATT admitted he had been present on January 6, 2021 at the U.S. Capitol, which he referred to as “the People’s House,” and felt he had the right to protest. However, WYATT claimed he did not have time to talk but took a business card and agreed to call the FBI in the future. WYATT later retained counsel (“Attorney-1”) and was not interviewed further.

On or about April 6, 2021, Attorney-1 sent an email to an Assistant United States Attorney for the District of Columbia. The email stated in relevant part (with emphasis added):

- “Mr. Wyatt did not go into the Capital building on January 6, did not assault a law enforcement officer, nor anyone else that day, and was not engaged in the destruction of any property. . . He had no intention nor desire to, nor caused any trouble and is not a member of any group which was involved in causing trouble on January 6. I am sending you this email ***because I noticed yesterday that my client’s picture is one of the several hundred pictures on the FBI website.*** That came as a surprise because the FBI has known who he is since early February.”

The FBI conducted open source searches in or about late October 2021 for the Facebook account of WYATT, but the content was not available. However, an FBI Confidential Human Source provided several photos/screenshots from WYATT’s Facebook page that had since been removed. Included was a screenshot in which WYATT stated he would “absolutely” be “in front of the capital by 8am” on January 6, 2021:



On or about October 29, 2021, the FBI accessed the Facebook account for WYATT’s spouse, “Gina Wyatt.” During this review, the FBI identified photos of what appeared to be WYATT and Gina Wyatt. One of the photos identified on Gina Wyatt’s page appears to be of WYATT wearing gloves (below left) similar to the gloves AFO-277 wore while at the United States Capitol on January 6, 2021 (below right photograph, obtained from open source research):



Screenshot 12 - Possible Photo of Doug Wyatt from Gina Wyatt's Facebook Page



Screenshot 13 - Photo of BOLO AFO-277 from Sedition Hunters

On or about April 6, 2022, the FBI obtained records from Meta Platforms, Inc. in response to a previously served search warrant targeting WYATT's Facebook account. These records revealed the following additional information:

- WYATT had posted or shared several additional photographs in which he wore the same clothing as he did on January 6, 2021, including one with the same or similar sunglasses and gloves:



- WYATT commented on Facebook:
 - he was present at the Capitol on January 6, 2021.
 - on January 7, 2021 that “I was there.”
 - on January 8, 2021 that Ashli Babbitt “was in the wrong for breaking the window” and that “I did not enter the capital or engage the police.”
- WYATT conducted several searches on Facebook in February 2021 regarding “fbi most wanted capitol riots.”

On April 19, 2022, the FBI special agent who interviewed WYATT at his residence in January 2021 reviewed photos of AFO-277 at the Capitol on January 6, 2021, and positively identified AFO-277 as WYATT.

WYATT's Relationship to THERRES

WYATT was repeatedly observed in videos and photos from January 6, 2021 with or near a younger white male who wore a red hooded sweatshirt and blue baseball cap (see below) who has been labeled AFO-180 and later identified as JACOB MICHAEL THERRES (see above), who, based on reviewed police reports, common addresses and names, is believed to be WYATT's stepson (Gina Wyatt's son). In one open-source video, WYATT is seen handing a long, wood plank to THERRES shortly before THERRES threw the wood plank at a group of officers (see below).

AFO-180 JACOB MICHAEL THERRES

On February 2, 2021 the FBI posted a BOLO for unsub #180- Assault on a Federal Officer (AFO). The photographs accompanying that BOLO are shown below:



On August 5, 2021, the FBI received an anonymous tip, the individual identified photograph AFO-180 A and B as “Jake Therres from Maryland.” The tipster stated that “Jake” posted videos on his snapchat of the Capitol riot and was wearing the same clothing as seen in the photos.

On September 20, 2021, the FBI compared the AFO-180 photos to other photos and identified Maryland resident JACOB MICHAEL THERRES as the person depicted in AFO-180.

On November 5, 2021, the FBI showed still frame photos of the person depicted in AFO-180 committing acts of violence at the United States Capitol to THERRES’s Probation Officers, who positively identified the individual in the photo as THERRES.

On December 14, 2021 the FBI received a non-anonymous tip from an individual who stated that a friend recognized someone “he knew” in the pictures of the Capitol riot. The tipster stated that the individual was “Jake” THERRES, who is in his 20’s and resided in Fallston, MD. The tipster stated that he/she heard second-hand that THERRES picked up a taser from the ground and tasered four people who were likely police officers.

On April 5, 2022 the FBI interviewed an individual with close contact to THERRES. That individual positively identified THERRES in the AFO-180 photos and indicated that THERRES has been very vocal in his social circle of being at the Capitol on January 6, 2021 and inflicting violence on police officers, with potentially a taser.

Videos and Images of WYATT’s Conduct on January 6, 2021

A review of video footage in the aftermath of January 6, 2021 resulted in an unidentified individual later labeled as AFO-277 and subsequently identified as WYATT being involved in multiple assaults of unknown law enforcement officers with an unknown chemical spray on the Lower West Terrace of the Capitol on January 6, 2021. During the course of the investigation, the FBI obtained numerous pictures and videos from open sources depicting the assaults. A review of one of these videos showed WYATT deploying an unknown spray into the crowd and towards law enforcement officers in the immediate aftermath of rioters breaking through a police line and barriers on the Lower West Terrace. A comparison of the previously discussed photographs provided by tipsters and of open-source photographs of AFO-277 are a positive match for WYATT:



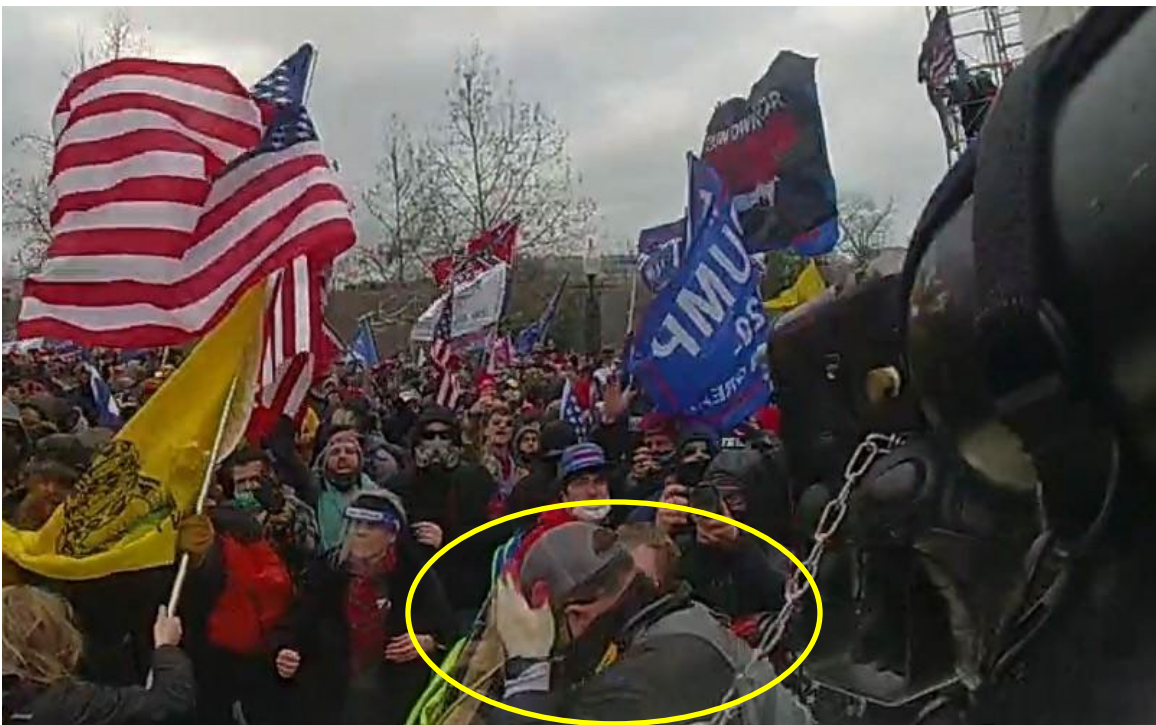
The FBI also reviewed additional video footage of WYATT's activities from throughout the afternoon of January 6, 2021. For example, body worn camera footage from Metropolitan Police Department (MPD) Officer C.B. shows WYATT shortly after rioters overwhelmed law enforcement lines and physical barriers on the Lower West Terrace of the U.S. Capitol, at approximately 2:31 PM, using his cell phone to record law enforcement officers. Based on the timing of the rush of rioters, the below screenshot is assessed to be immediately following the incident in which WYATT deployed the spray into the crowd, clearly showing that Wyatt was in close proximity to where and when the incident took place:



The FBI also reviewed additional video footage of WYATT's activities from throughout the afternoon of January 6, 2021. For example, body worn camera footage from Metropolitan Police Department (MPD) Officer K.K. depicted WYATT at or near the front line of protestors outside the Capitol Building shouting numerous obscenities at law enforcement officers. WYATT also helped pull away a protestor's flag, shouting "get the fuck off that" as an officer attempted to grab the flag away from the protestor:



This prompted an officer to spray a chemical or liquid agent at or near WYATT:



WYATT also angrily shouted at and encouraged the crowd before turning back to face and shout at the officers again about, among other things, the "fraudulent fucking election":



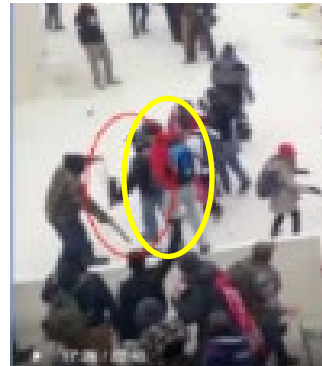
Shortly after this outburst, two officers separately deployed a chemical or liquid agent at or near WYATT:

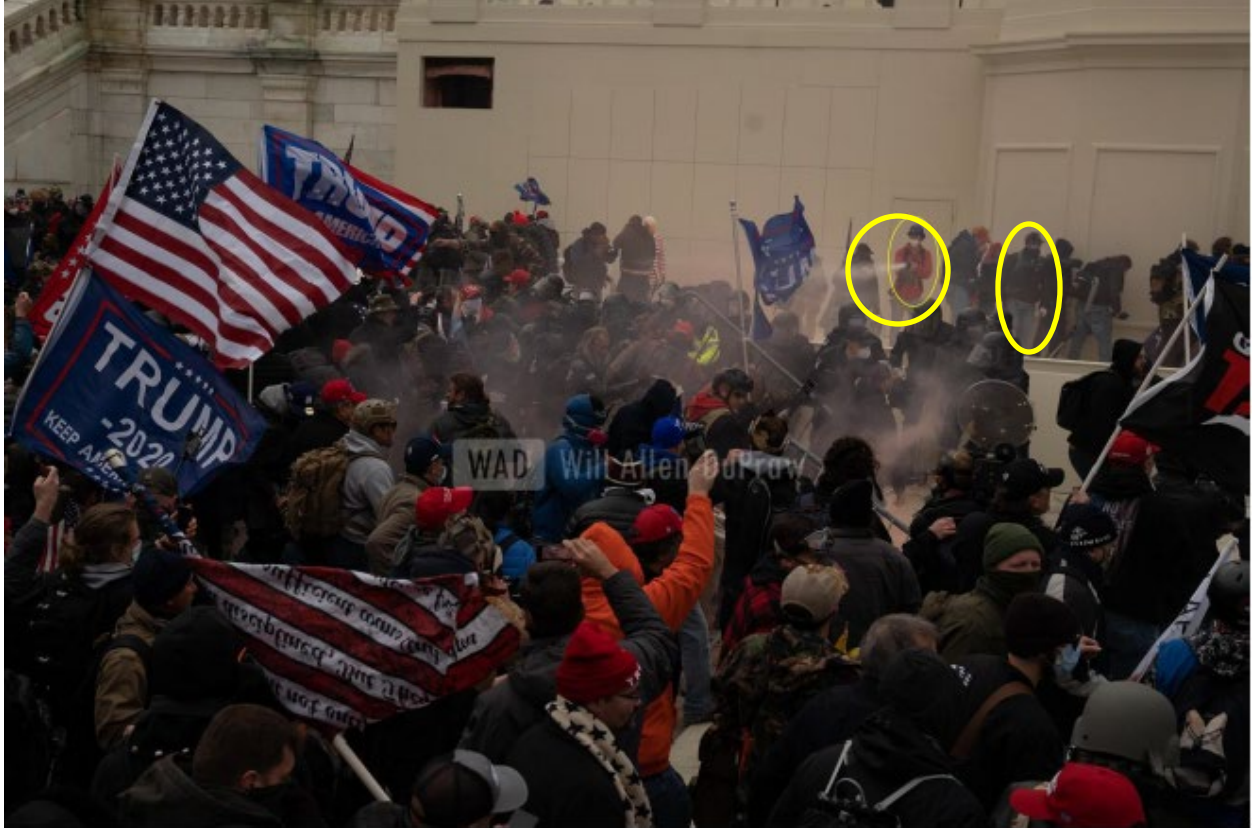


Videos and Images of THERRES's Conduct on January 6, 2021

On November 23, 2021 the FBI reviewed open source media and footage which depicted THERRES at the United States Capitol Building on January 6, 2021. THERRES is observed in multiple videos holding and throwing a long, heavy plank of wood that WYATT handed him toward a line of officers. The wood plank thrown by THERRES strikes an officer in the head. THERRES can be seen pointing and laughing at officers while the officers fought with protestors. THERRES is also observed spraying contents of an unknown chemical spray towards a line of officers.

On November 29, 2021, the FBI reviewed body worn camera footage of Metropolitan Police Department Officers who were assaulted on January 6, 2021. THERRES was observed spraying an unknown chemical substance towards the line of law enforcement officers. THERRES is also observed throwing a liquid substance towards the line of law enforcement officers.









The FBI interviewed the victim Officer and witness Officers who stated that an individual within the crowd threw a wooden plank with intentions to hit an Officer. That wooden plank, seen in videos being hurled by THERRES made contact to an Officer's head. That Officer has experienced immediate and lingering medical effects from the blow to the head.

Charges

Based on the foregoing, your affiant submits that there is probable cause to believe that DOUGLAS WYATT and JACOB MICHAEL THERRES violated 18 U.S.C. §§ 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in Section 1114 of Title 18 while engaged in or on account of the performance of official duties and using a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component). Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is probable cause to believe that DOUGLAS WYATT and JACOB MICHAEL THERRES 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 that there is probable cause to believe that DOUGLAS WYATT and JACOB MICHAEL THERRES 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 the 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 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. 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 DOUGLAS WYATT and JACOB MICHAEL THERRES violated 40 U.S.C. § 5104(e)(2)(D) & (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. An act of physical violence includes damage to, or the destruction of, real or personal property.



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 8th day of November 2022.

Moxila A. Upadhyaya
U.S. MAGISTRATE JUDGE