

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Dallas field office. 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 U.S. Congress convened at the U.S. 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 U.S. 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.

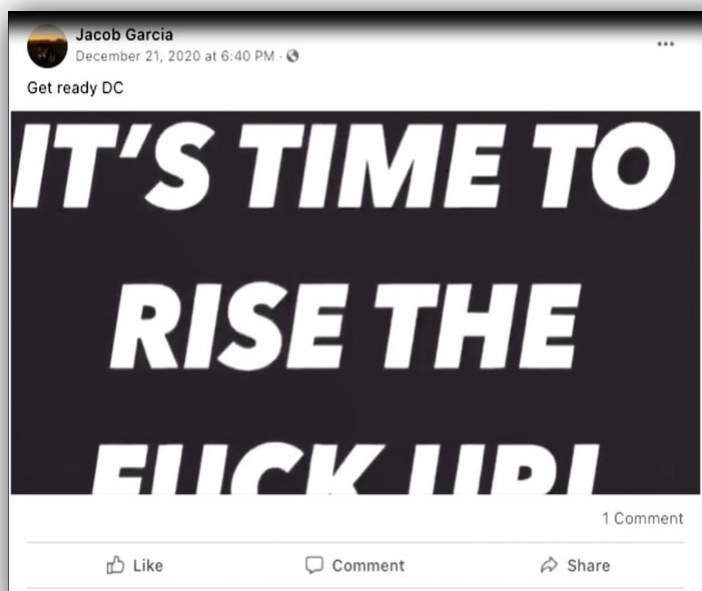
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals 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 U.S. House of Representatives and U.S. 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 U.S. Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

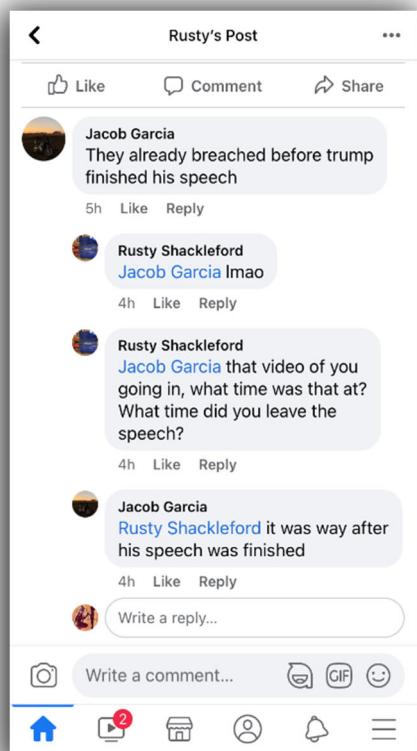
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On or about January 7, 2021, FBI Dallas received information from the Burleson, Texas (TX) Police Department related to a possible Burleson, TX resident, using the Facebook moniker “Jacob Garcia”, who indicated via Facebook that he entered the U.S. Capitol building on January 6, 2021. A review of “Jacob Garcia’s” publicly available Facebook account revealed a December 21, 2020, video post of an individual discussing the need to organize people who are "red-pilled". “Red pillled” referred to individuals who were introduced to new ideas that allowed them to understand the true nature of a particular situation. GARCIA added the caption "Get ready DC" to the video post. A screen shot of the video post is shown below.



In the comment section of another post, “Jacob Garcia” discussed details of his entry into the Capitol building with Facebook moniker “Rusty Shackelford.” Shackelford commented, "Jacob Garcia that video of you going in, what time was that at? What time did you leave the speech?" GARCIA responded, "Rusty Shackelford it was way after his speech was finished." It is public knowledge that the United States Capitol building was illegally occupied by protestors, during and after President Donald Trump’s speech. A screenshot of the conversation is shown below.



Garcia's Facebook

In response to a search warrant, Facebook records for moniker "Jacob Garcia" identified the subscriber as JACOB GARCIA. Records also identified registration email garcijac000@gmail.com, and GoPro style video footage associated with the account. IP address locations utilized for Facebook posts made by GARCIA on January 6, 2021, identified Washington, D.C.

GARCIA wrote the following statements on Facebook :

December 14, 2020

CONCLUDED VIA FORENSIC AUDIT THAT THE MACHINES USED (DOMINION) TO VOTE IN A LOT OF STATES WERE RIGGED. RIP BIDEN. HE WILL "ADDRESS THE NATION" TN LOL. THE WORLD IS WATCHING.

December 21, 2020

GET READY D.C.

January 7, 2021

AMERICAMS STORM THE CAPITAL [*SIC*]

IT'S ALL UNFOLDING

MY ONLY REGRET IS NOT GETTING SOME SOUVENIRS...GOT A DUDE ON FILM SHOWING HE STOLE A FRAMED PICTURE OF PELOSI

I MEAN AFTER YESTERDAY THEY HAVE TO. THERE'S NO WAY IN HELL THEY WILL ASCEND BACK TO POWER AS THEY WISH IF THEY DON'T GET RID OF US ALL. SURVIVAL OF THE FITTEST

GARCIA searched the following terms on Facebook :

On December 23, 2020, GARCIA searched "JANUARY 6TH PROTEST" and "STOP THE STEAL MARCH #BETHERE".

GoPro and CCTV Cross Reference

The GoPro style video footage¹ obtained from Facebook records captured GARCIA's unlawful entry, audio, and movements throughout the Capitol building including climbing the exterior walls. A cross reference of Capitol CCTV footage and the GoPro style video footage using time and location identified the individual shown below. (Figure 1). The video footage indicates GARCIA entered the Capitol at approximately 2:17 p.m. and exited at approximately 3:40 p.m. GARCIA's total time spent inside the Capitol was approximately one hour and twenty-three minutes.

¹ The GoPro video is footage taken by Garcia from a device that he was holding or wearing.



Figure 1: A cropped screen capture of GARCIA appearing in Capitol CCTV (Above).

Cross-Referenced Footage

At approximately 2:17 p.m., GARCIA entered the Capitol through the Senate Wing door. (Figure 2 below).



Figure 2: The two images above are cross-referenced CCTV (top) and GoPro (bottom) video footage of GARCIA entering the Capitol at approximately 2:17 p.m. GARCIA has been circled in yellow for identification purposes. Blue, Green, and Red circles were used to note items and individuals for reference to time and location.

At approximately 2:28 p.m., GARCIA walked down an interior hallway near the House Wing door. (Figure 3 below).

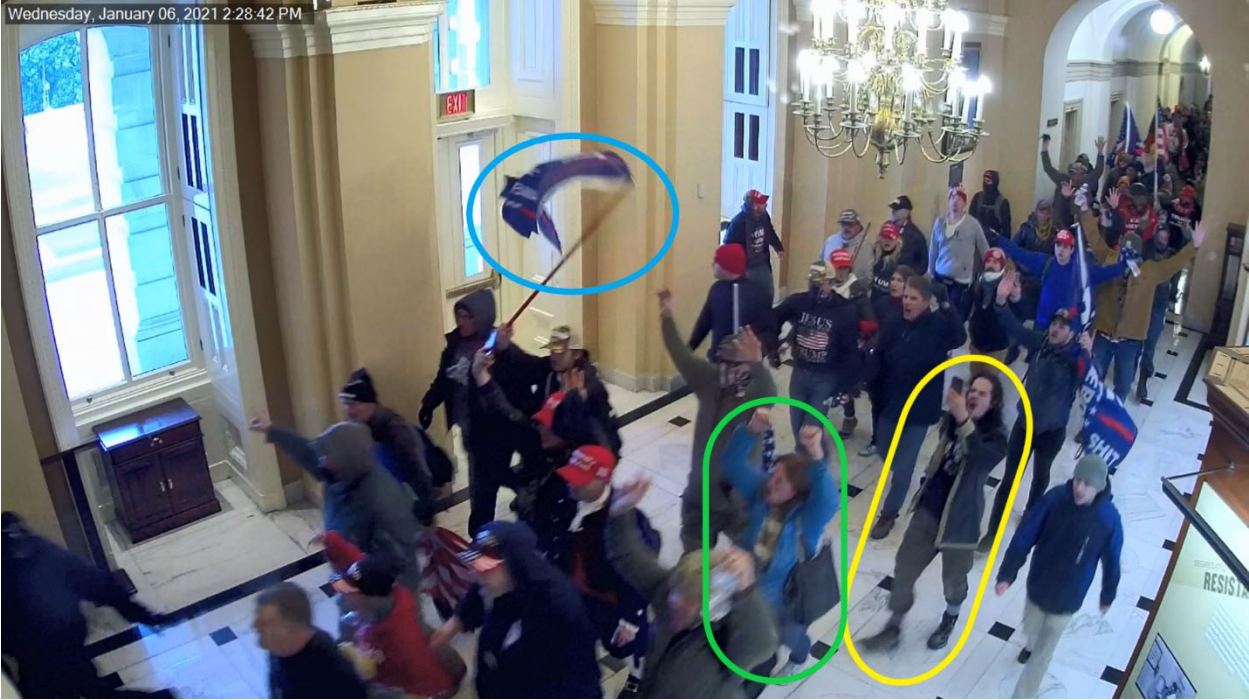


Figure 3: The two images above are cross-referenced CCTV (top) and GoPro (bottom) video footage of GARCIA walking near the House Wing door at approximately 2:28 p.m. GARCIA has been circled in yellow for identification purposes. Blue, Green, and Red circles were used to note items and individuals for reference to time and location.

At approximately 2:40 p.m., GARCIA stood inside the Rotunda. (Figure 4 below).

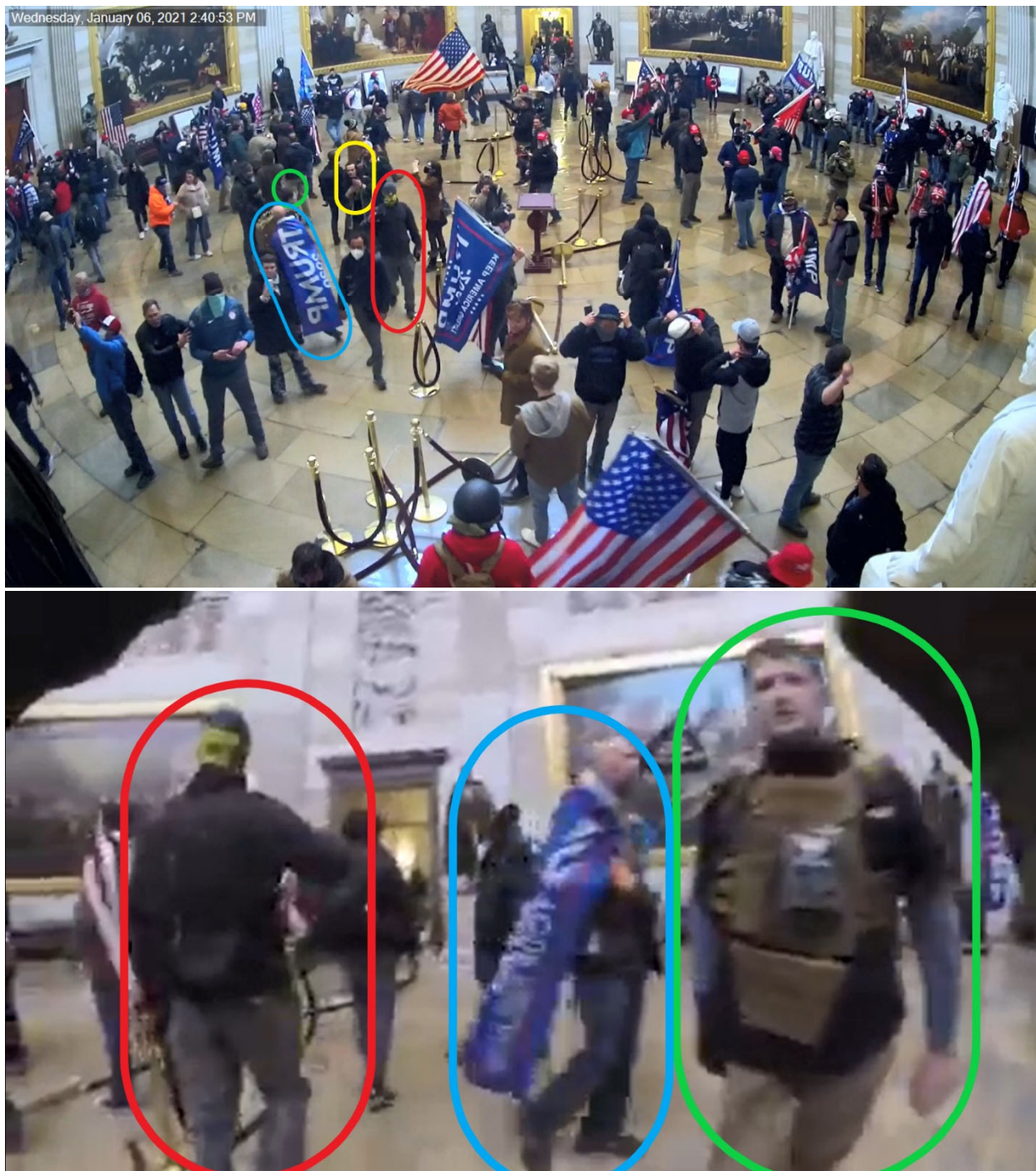


Figure 4: The two images above are cross-referenced CCTV (top) and GoPro (bottom) video footage of GARCIA inside the Rotunda at approximately 2:40 p.m. GARCIA has been circled in yellow for identification purposes. Blue, Green, and Red circles were used to note items and individuals for reference to time and location.

Additional CCTV Footage



Figure 5: The image above is a screen capture of Capitol CCTV footage of GARCIA entering the Capitol's Senate Wing door at approximately 2:17 p.m.



Figure 6: The image above is a screen capture of Capitol CCTV footage of GARCIA inside the Crypt at approximately 2:19 p.m.



Figure 7: The image above is a screen capture of Capitol CCTV footage of GARCIA inside the Rotunda at approximately 2:40 p.m.

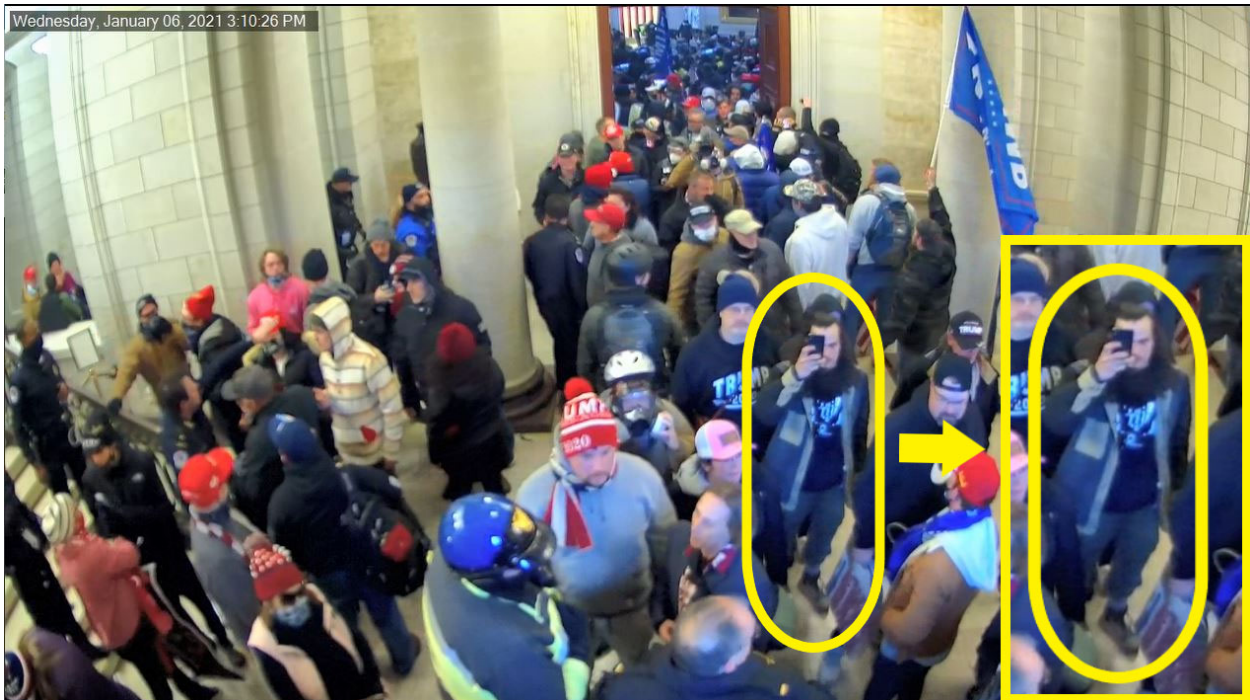


Figure 8: The image above is a screen capture of Capitol CCTV footage of GARCIA exiting the Capitol at approximately 3:10 p.m.

GARCIA's Gmail

Search warrant records obtained from Google for Gmail address garcijac000@gmail.com identified the subscriber as "Jacob." The registration phone number ended in 7904 (complete phone number is known to the FBI).

Phone number ending in 7904

According to records obtained through a search warrant which was served on AT&T, on January 6, 2021, in and around the time of the incident, the iPhone associated with GARCIA's Facebook registration phone number ending in 7904 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building. Records from AT&T identified Angela Kidd as the subscriber. Kidd's billing address in Burleson, Texas is a known former address of GARCIA. Toll analysis revealed that on January 5, 2021, GARCIA placed a phone call to Kush Deliveries, a Cannabis Clinic located in Washington, D.C. that makes local deliveries.

School Resource Officer

On or about September 16, 2021, a Burleson Police Department School Resource Officer informed Agents that Kidd was GARCIA's mother.

Interview of Kidd

On or about September 14, 2021, FBI Agents interviewed Kidd who stated she did not go to Washington, D.C. on January 6, 2021. Kidd later stated that although she was the subscriber registered to the phone number ending in 7904 the phone belonged to one of her children.

Public Photographs and Videos of GARCIA

An open source search of website seditionhunters.com, captured images of GARCIA carrying an iPhone and wearing a GoPro style video camera.



Figure 9: Source <https://seditionhunters.org/insider-72/> (Above)



Figure 10: Source <https://seditionhunters.org/insider-72/> (Above)



Figure 11: Source <https://seditionhunters.org/insider-72/> (Above)

Database Checks

The FBI obtained a copy of the Texas driver's license for JACOB ELIAS GARCIA and confirmed that the individual in the driver's license photo matched the individual seen in images inside of the Capitol on January 6, 2021 and in photographs posted by Facebook moniker "Jacob Garcia." Moreover, law enforcement database checks revealed GARCIA's emergency contact to be Angela Kidd.

Identification of Garcia (Witness 1)

On or about October 7, 2021, a Facebook and childhood friend of GARCIA's whose identity is known to the FBI (WITNESS 1) positively identified GARCIA in images taken within the Capitol's interior. (Figures 12 and 13 below). WITNESS 1 also identified GARCIA's driver's license image. WITNESS 1 stated GARCIA posted a video on his Facebook from the inside of the U.S. Capitol. WITNESS 1 also stated that GARCIA's recent subscription to Q'Anon ideology and intrigue of conspiracy theories changed his behavior.



Figure 12: Screen capture of GARCIA in CCTV footage identified by Witness 1 (Above).



Figure 13: Screen capture of GARCIA in CCTV footage identified by Witness 1 (Above).

Clothing

I have observed publicly available video of GARCIA, wearing what appeared to be the same black beanie style winter hat worn inside the Capitol.



Figure 14: Facebook photograph from Search Warrant Return of GARCIA wearing black beanie (Above).



Figure 15: Image from Seditio Hunters website (Source <https://seditiohunters.org/insider-72/>) of GARCIA inside Capitol wearing black beanie (Above).

Based on the foregoing, your affiant submits that there is probable cause to believe that JACOB ELIAS GARCIA 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 also probable cause to believe that JACOB ELIAS GARCIA violated 40 U.S.C. § 5104(e)(2) (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.



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 March 2022.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE