

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent (SA) employed by the Federal Bureau of Investigation (FBI). Your affiant is assigned to the FBI's Tampa Division, Fort Myers Resident Agency. Your affiant has been employed as a SA by the FBI for twenty-three years. Immediately prior to being employed by the FBI, your affiant was employed as a police officer for the City of Rochester, New York. Your affiant was a police officer for nine years. As a police officer, your affiant received extensive experience in conducting investigations regarding trespassing, assaults, threats to commit assaults, and firearms violations. Your affiant has received training and experience in conducting investigations of violent crimes that have a Federal nexus. Your affiant was assigned to assist and follow up with leads regarding individuals who engaged in criminal activity in and around the U.S. Capitol on January 6, 2021. Your affiant is authorized by law or by a Government agency to engage in or supervise the prevention, detection, or investigation of violations of Federal criminal laws.

The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

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.

### *Michael J. Dillon's Involvement in the Events of January 6, 2021*

On January 28, 2021, the FBI received a tip regarding persons who entered the U.S. Capitol. The tipster indicated that Michael J. DILLON of Fort Myers, Florida, entered the “bldg.” The tipster provided a full address for DILLON. The tipster also indicated that another individual had entered the “bldg.”, and provided that individual’s address.

Based on the information provided in the tip, your affiant took additional steps to obtain background information regarding DILLON. Your affiant checked Florida Department of Highway Safety and Motor Vehicle (FLDHSMV) records as well as other databases available to the FBI and found that there was a Michael John DILLON residing at the address in Fort Myers, Florida, provided in the January tip. The FLDHSMV records also contained a photo of DILLON and listed DILLON as being 6’5” tall.

On February 4, 2021, your affiant and an FBI Task Force Officer went to DILLON’s home in Fort Myers and spoke with DILLON in the backyard of his residence. DILLON provided his full cellular telephone number ending in -1679. DILLON advised he left Florida on January 5, 2021, and traveled to the Washington, D.C. area. DILLON advised he was at the U.S. Capitol on January 6, 2021. DILLON stated that he did not hurt anyone and did not damage any property. DILLON advised he went there to support President Donald Trump. DILLON declined to provide further information.

Your affiant also received a tip from an individual personally familiar with DILLON that DILLON went inside the Capitol on January 6, 2021 (hereinafter “Witness-1”). Witness-1 said that DILLON was wearing a beige camouflage hat, a black leather jacket, and blue jeans on January 6, 2021.

On March 10, 2021, your affiant provided a physical description of DILLON, including his unusual height and the clothes he was wearing based on the above tip, to a U.S. Capitol Police (USCP) SA. The USCP SA located a man believed to be DILLON on surveillance video

from inside the U.S. Capitol and sent two still surveillance photographs from the video to your affiant. Your affiant observed a white male wearing a beige camouflage baseball cap, a black leather jacket, and blue jeans depicted in the surveillance photographs, who your affiant believed to be DILLON. The two still surveillance photographs are depicted below as “Image 1” and “Image 2”:



*Image 1*



*Image 2*

Witness-1 later identified the male wearing the beige camouflage baseball cap, black leather jacket, and blue jeans in “Image 1” and “Image 2” above as DILLON.

As a result of the above information, your affiant reviewed videos from various sources, including surveillance and publicly available websites, taken at the U.S. Capitol on January 6, 2021. Based on my review, I have located DILLON on video showing him outside and inside the U.S. Capitol building on January 6, 2021. Your affiant knows that it is DILLON in the surveillance and publicly available video footage because, as further described above, your affiant attempted to interview DILLON on one prior occasion and had the opportunity to observe him during that attempted interview. Further, the picture and identifiers of DILLON in FLDHSMV records, including his height, are consistent with the individual depicted in the surveillance and publicly available video. The individual also appears to be wearing a beige camouflage baseball cap and a black leather jacket. Accordingly, the individual who appears in the CCTV and publicly available videos, the individual depicted in the FLDHSMV photograph, and the individual I interviewed all appear to be the same person, MICHAEL DILLON.

Your affiant identified DILLON in a publicly available video outside of the broken window to one side of the Senate Wing Door. The video depicts other rioters climbing through

the broken window and law enforcement on the inside of the window, and an alarm is audible. DILLON is circled in red in the still image included below as “Image 3” from that video.



*Image 3*

Your affiant has also identified DILLON in surveillance footage from inside the Capitol on January 6, 2021. Based on that surveillance footage, at approximately 2:50 p.m., DILLON

appears to climb through the window to the right of the Senate Wing Door. A still image from that surveillance footage is included below as “Image 4,” with DILLON circled in red.



*Image 4*

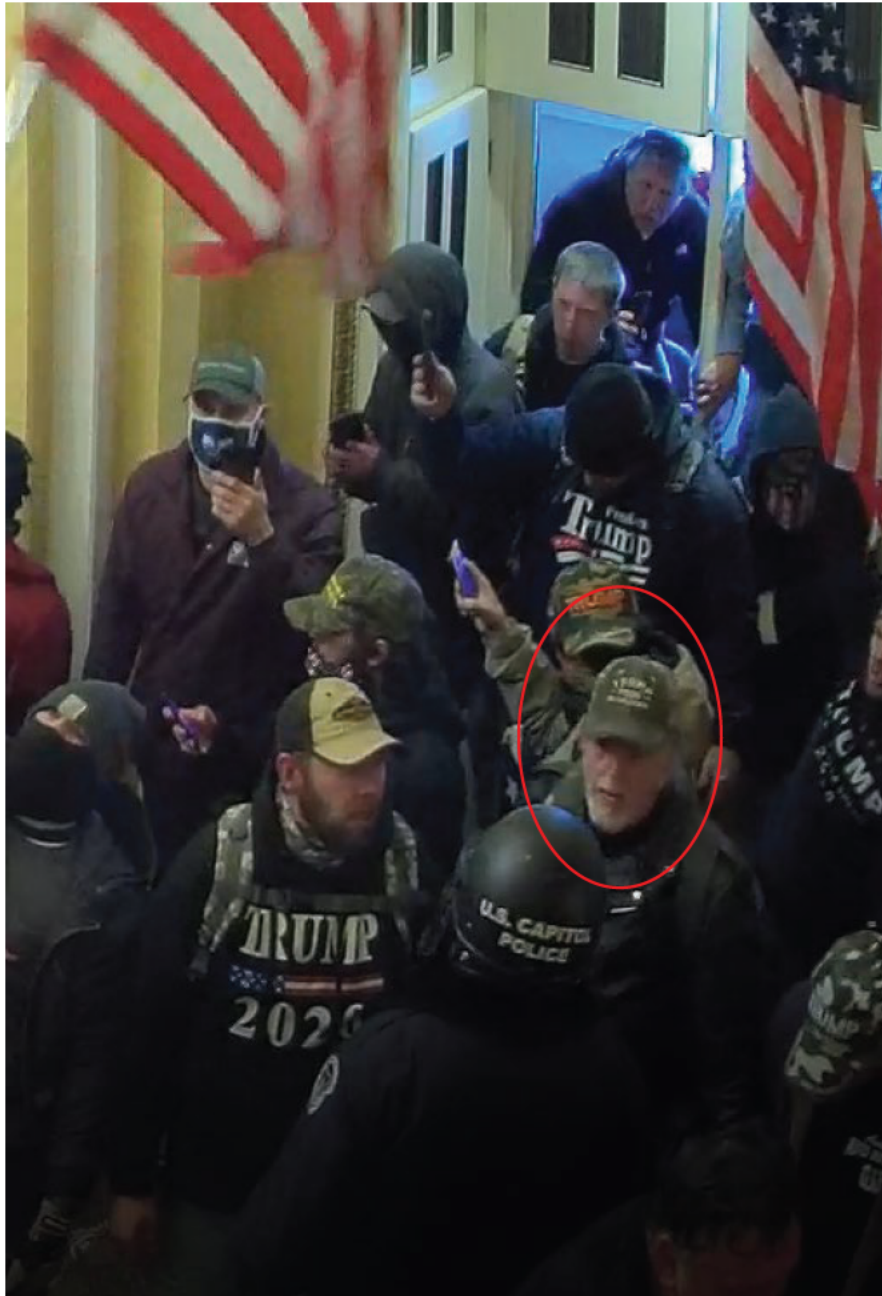
A close-up of another still image from the surveillance footage as DILLON enters is included below as “Image 5,” with DILLON circled in red:



*Image 5*

According to the surveillance footage, after he entered the Capitol, DILLON remained in the crowd near the Senate Wing Door for several minutes. A close-up of still image from the

surveillance footage showing DILLON near a USCP officer is included below as “Image 6,” with DILLON circled in red.



*Image 6*

At approximately 2:55 p.m., DILLON left the Capitol building through the Senate Wing Door. A still image from the surveillance footage is included below as “Image 7,” with DILLON circled in red.

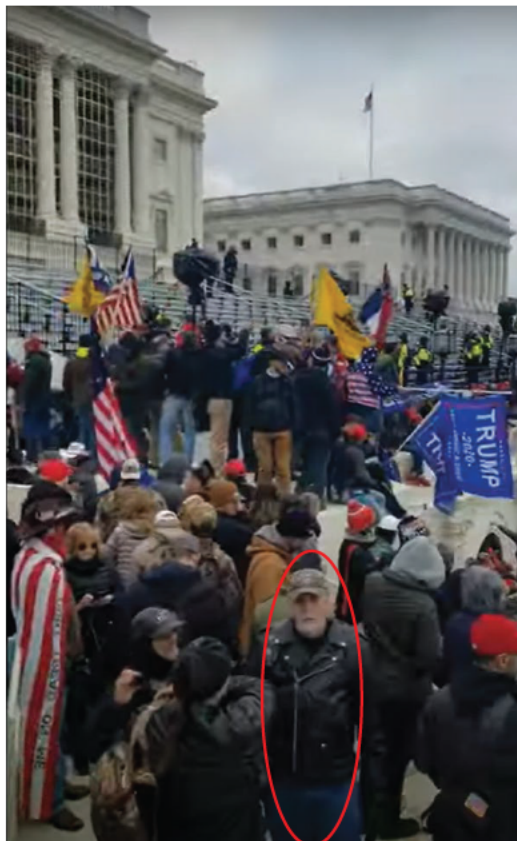




*Image 7*

Your affiant also identified DILLON on the Capitol grounds in another publicly available video. DILLON can be seen in the video standing on the Upper West Terrace with

other rioters. A still image from that video is included below as “Image 8,” with Dillon circled in red.



*Image 8*

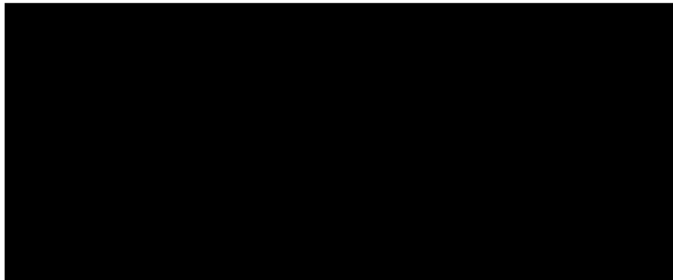
Legally obtained subscriber information confirmed that the phone number ending in -1679 that DILLON provided to your affiant is in fact subscribed to by MICHAEL DILLON. The phone records show that it was active on January 6, 2021, during the time frame of the riot at the U.S. Capitol.

Additionally, pursuant to legal process, the phone records for DILLON’s -1679 number show that the phone traveled north on January 5, 2021, from Fort Myers, Florida, and began utilizing cellular telephone towers located in Washington, D.C., on January 6, 2021. The phone records for DILLON’s -1679 number show that the phone was used to make an outgoing call at 2:58 p.m. EST. The call utilized a cellular tower located at 200 Independence Avenue, SW Washington, D.C. 20024. This cellular tower is located approximately .3 miles from the U.S. Capitol.


Based on the foregoing, your affiant submits that there is probable cause to believe that Michael DILLON 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 DILLON violated 40 U.S.C. § 5104(d)(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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 7th day of February 2023.

 2023.02.07  
12:29:47 -05'00'

---

ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE