

STATEMENT OF FACTS

Your affiant, Thomas M. Dalton, is a Special Agent with the Federal Bureau of Investigation (“FBI”), and has been so employed for more than twenty-five years. My service as a Special Agent with the FBI began in 1997 in the FBI’s Kansas City Division. Since January 2013, I have been assigned to the FBI’s Boston Division where I am currently assigned to a Counterterrorism Squad. Among other things, I am responsible for conducting national security investigations and investigations into violations of federal criminal laws, including violent crimes and threats. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021. 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 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, shortly 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.

Facts Specific to this Application

On January 12, 2021, the Boston FBI office received information that MICHAEL J. ST PIERRE (“ST PIERRE”), a grocery store owner in Fall River, Massachusetts, had traveled to Washington D.C. and had participated in the Capitol riots. This information was obtained from a social media article posted by an individual who uses the social media name “Turtle Boy.” This post identified ST PIERRE by name and included video of ST PIERRE hurling an unidentified object at the interior doors of the Capitol building.¹

I have provided screenshots from Turtle Boy’s social media post below as Still Images # 1 and # 2:



Still Image # 1



Still Image #2

According to information provided to me by another Special Agent assigned to the FBI’s Boston Division, on January 12, 2021 a Fall River (MA) Police detective and a FBI Special Agent conducted a non-custodial interview of ST PIERRE at his residence in Swansea,

¹ The post was an article by “Turtle Boy” entitled *Fall River Grocery Store Owner Filmed Himself Throwing Smoke Bomb into Capitol Talking about Grabbing Nancy Pelosi by the Hair while Invading*. The link to this article can be found at: <https://tbdailynews.com/fall-river-grocery-store-owner-filmed-himself-throwing-smoke-bomb-into-capitol-talking-about-grabbing-nancy-pelosi-by-the-hair-while-invading/>

Massachusetts. I have spoken with the FBI Special Agent who interviewed ST PIERRE and I have reviewed the FBI's investigative report from this non-custodial interview. During the interview, ST PIERRE admitted that he was at the U.S. Capitol on January 6, 2021 and that he was, in fact, the protester depicted in the video clip posted by "Turtle Boy" who threw an object through an open Capitol doorway at a closed set of interior doors. ST PIERRE stated that the object was the top piece to a flagpole that had been provided to him by another, unknown protestor.

I have watched the video associated with Still Image # 1, which appears to have been taken in Washington, D.C. on January 6, 2021. Above the video is a small circular photo, and writing that says "Mike Stadium was live." The circular photo is consistent with a Facebook "profile picture" and the writing appears to be a Facebook "vanity name" and live post. Based upon images, videos, and photographs, which I have seen during the course of this investigation, the person in the video associated with Still Image # 1 appears to be consistent with the person identified as ST PIERRE. In the video, ST PIERRE pans from his face to the U.S. Capitol building and states that the Capitol is "where the meeting ground is. Hopefully they'll bust through, and I'll join them to rush the Capitol, to grab Nancy Pelosi by the hair and fucking twirl her around."

I reviewed posts captured from the publicly available version of a Facebook page with the listed name "Mike Stadium" (the "Mike Stadium Account") and observed numerous photographs on that page consistent with the person identified as ST. PIERRE, including the image below.



The screenshot shows a Facebook profile page for "Mike Stadium". The browser address bar displays "facebook.com/TheAuctionStore/". The profile picture is a circular image of a man in a black tank top with a white star on the chest. The main profile picture is a group photo of four men indoors. Below the profile picture, the name "Mike Stadium" is displayed in bold black text. The navigation menu includes "Posts", "About", "Friends", "Photos", "Videos", "Sports", and "More". There are "Follow", "Message", and search icons. A section titled "Do you know Mike?" with the text "If you know Mike, send him a message." and a "Message" button is visible at the bottom.

Based on my review of the above Facebook page in the name “Mike Stadium,” I believe that the video associated with Still Image #1 was posted on that page since both the vanity name and circular profile picture appear to be the same.

I reviewed subscriber information from Facebook for the Mike Stadium account. The subscriber’s email address includes ST PIERRE’s full name.

In other open-source footage, I observed ST PIERRE appear to throw an object at the closed doors as depicted in Still Images # 3 and # 4. These videos appear to be the same moment in time as the video from Still Image #2, but filmed from a different angle. In these videos, immediately after ST PIERRE threw the object at the door, I heard a noise consistent with the object striking the outside of the door. Further review of the open-source videos shows U.S. Capitol Police officers attempting to manage the crowd outside the doors and retreating to the interior entryway as the crowd became more violent. Once the officers were inside, several protesters, including ST PIERRE, threw objects at the doors that the officers were behind.

At various times, including approximately 15 seconds before the time of the below still image, officers cracked open the doors and deployed chemical irritants at the crowd and then closed the doors again.



Still Image # 3



Still Image # 4

During one of the times the officers deployed chemical irritants at the crowd from behind the cracked-open North Doors, I observed ST PIERRE in the crowd, looking in the direction of the doors as seen below in Still Image # 5.



Still Image # 5

ST PIERRE ascended the steps leading to the North Doors several minutes before the officers retreated inside, when Metropolitan and Transit Police Officers responded to the exterior of the North Doors between approximately 3:38 and 3:46 p.m. Still Images #6 and #7.



Still Image #6



Still Image #7

Officers maintained their position behind the North Doors during the timeframe when ST PIERRE and other rioters threw objects at the door as depicted below in Still Image #8. The doors leading to the exterior of the North side of the building are out of frame just below the surveillance clip in Still Image #8.



Still Image #8

I have also reviewed a video published by the New Yorker that documented some of the events of January 6, 2021. A screen capture from that video is depicted below as Still Image #9. At that point in the video, ST PIERRE appears to encourage others to join him, before pushing against other rioters who are pushing against a police line.



Still Image #9

In another open-source video (Still Image # 10), ST PIERRE is encouraging rioters to enter the Capitol building through a megaphone, stating “We need everybody, let’s get in the Capitol.”



Still Image #10

Your affiant submits there is probable cause to believe that MICHAEL ST PIERRE violated 18 U.S.C. §§ 1361 and 2, by willfully injuring or deprecating any property of the United States.

Your affiant further submits that there is probable cause to believe that MICHAEL ST PIERRE 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; 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 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 MICHAEL ST PIERRE violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence on the grounds, or within, any of the Capitol Buildings.

Your affiant submits there is also probable cause to believe that MICHAEL ST PIERRE 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.



Thomas M. Dalton
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
| telephone, this 20th day of July 2023.

ROBIN M. MERIWEATHER
| U.S. MAGISTRATE JUDGE