

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Senior Federal Air Marshall and Task Force Officer with the Federal Bureau of Investigation (FBI). I am currently assigned to the Fort Worth Division of the FBI, where I serve on the Joint Terrorism Task Force (JTTF). 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 statements contained in this affidavit are based on 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 warrant. I have not included every fact known to me concerning this investigation.

BACKGROUND

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.

DANIEL HATCHER, NATHAN MACKIE, AND BRANDON MACKIES’ PARTICIPATION IN THE EVENTS OF JANUARY 6, 2021

According to Capitol surveillance footage and public source video from the U.S. Capitol on January 6, 2021, three men identified as Daniel Hatcher (“HATCHER”) and brothers Nathan Mackie (“NATHAN MACKIE” or “NATHAN”) and Brandon Mackie (“BRANDON MACKIE” or “BRANDON”) entered the Capitol building and its restricted grounds on January 6, 2021. As set forth below, there is probable cause to believe that HATCHER, NATHAN MACKIE, and BRANDON MACKIE committed violations of 18 U.S.C. §§ 1752(a)(1) (entering or remaining in restricted buildings or grounds); 1752(a)(2) (disorderly or disruptive conduct in a restricted building or grounds); 40 U.S.C. §§ (e)(2)(D) (disorderly or disruptive conduct in a Capitol Building or Grounds) and 5104(e)(2)(G) (parading, demonstrating, or picketing in a Capitol Building).

1. HATCHER, NATHAN MACKIE, and BRANDON MACKIES’ Activities on January 6, 2021.

Pursuant to its investigation of the events of January 6, 2021, including individuals who illegally entered the Capitol building and restricted Capitol grounds, the FBI identified three men – HATCHER, NATHAN MACKIE, and BRANDON MACKIE – who entered the Capitol building and its restricted grounds on January 6, 2021. The identification of HATCHER, NATHAN MACKIE, and BRANDON MACKIE is described in more detail in Section 2, below.

According to my investigation and the investigation of other agents assigned to this case, HATCHER, NATHAN MACKIE, and BRANDON MACKIE stayed with each other throughout the day on January 6, 2021, including when they entered and exited the Capitol building. HATCHER was identified as a white man with a white beard, wearing green or gray pants, a blue jacket with a red collar, and a camouflage Trump hat on January 6, 2021 (*see* Figure 1); BRANDON MACKIE was identified as a white man with a brown beard, wearing light brown pants, a tan jacket with a brown collar, and a dark blue Trump hat (*see* Figure 2); NATHAN

MACKIE was identified as a white man wearing blue jeans, a black hoodie, and a black hat with a red Under Armour logo (see Figure 3).



Figure 1 – Hatcher



Figure 2 – B. Mackie



Figure 3 – N. Mackie

As part of the investigation, the FBI interviewed HATCHER on two separate occasions. HATCHER told FBI agents that he, NATHAN MACKIE, and BRANDON MACKIE went to President Trump’s rally early on January 6, 2021. I have reviewed open-source footage showing HATCHER, NATHAN, and BRANDON at that rally. *See, e.g.*, Figures 4 and 5. In all images below (Figure 4 through Figure 17), HATCHER is circled in yellow, NATHAN MACKIE is circled in blue, and BRANDON MACKIE is circled in red.



Figure 4



Figure 5

HATCHER stated that he, NATHAN MACKIE, and BRANDON MACKIE walked to Capitol building after the rally. Footage that I reviewed indicates that the three men approached the Capitol building on the West side, and that HATCHER attempted to climb a wall leading the Northwest Terrace of the building. *See* Figure 6.



Figure 6

Publicly available images also show BRANDON MACKIE in the vicinity of the HATCHER as he climbed the wall leading up to the Northwest Terrace of the Capitol building. See Figure 7. In the image below, it appears that HATCHER repurposed a bike rack, used to block off the restricted perimeter of the Capitol building on January 6, 2021, as a ladder.



Figure 7

HATCHER told the FBI that he climbed to the top of the wall, but then climbed back down the wall and decided to use the stairs. The footage that I reviewed confirms this account. Specifically, in publicly available footage that I reviewed, HATCHER, NATHAN MACKIE and BRANDON MACKIE can be seen on top of a ledge near the steps leading up to the Northwest Terrace of the Capitol building. This footage suggests that the men ascended the stairs leading to the Upper Northwest Terrace of the Capitol building. *See, e.g.* Figures 8 and 9 below.



Figure 8



Figure 9

Other publicly available footage shows all three men on the Northwest Terrace of the Capitol building, within restricted Capitol grounds:



Figure 10



Figure 11



Figure 12

Further, in Capitol closed-circuit television (CCTV) surveillance footage that I reviewed, HATCHER is visible on the Northwest Terrace of the Capitol building at 3:00 p.m., as shown in Figure 13 below.



Figure 13

According to CCTV footage, HATCHER, NATHAN MACKIE, and BRANDON MACKIE entered the Capitol building through a broken window near the Senate Wing Doors, adjacent to the Northwest Terrace of the Capitol building, at 3:12 p.m. on January 6, 2021. Figure 14 below shows HATCHER and NATHAN MACKIE immediately after they entered the building through that window, and BRANDON MACKIE as he is entering the building. Figure 15 shows all three men in the Capitol building immediately after they entered it.



Figure 14

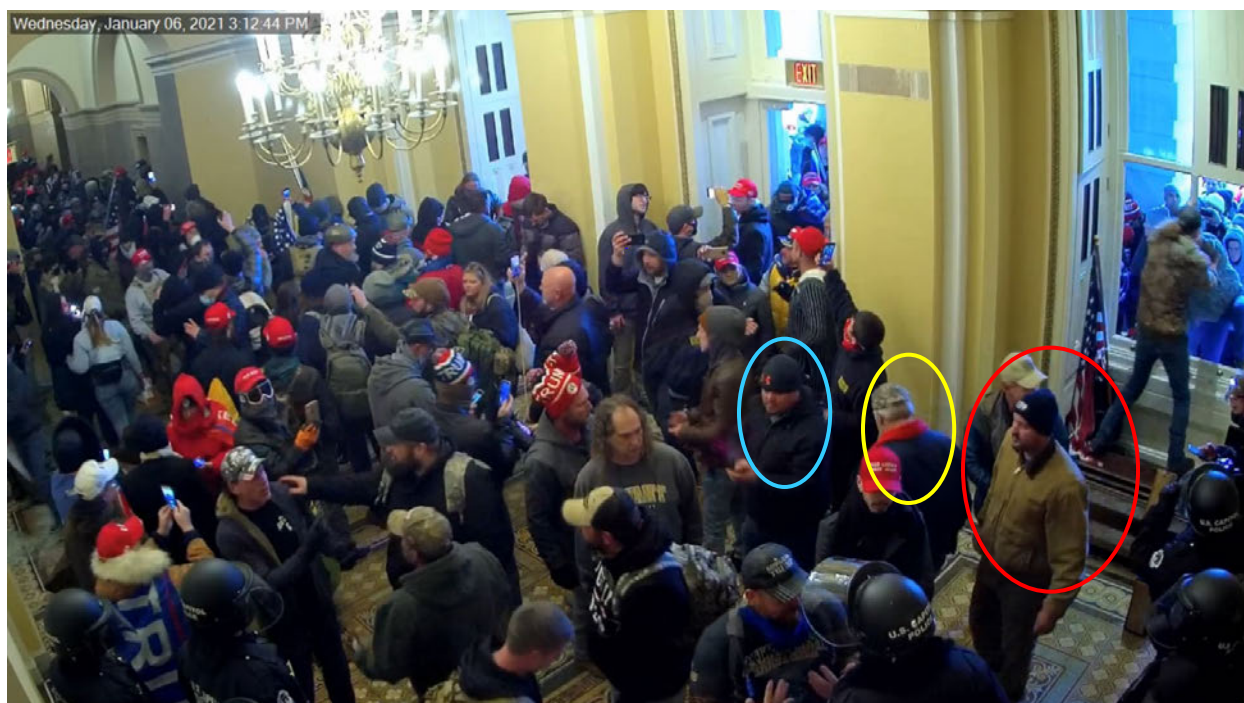


Figure 15

During his interview with the FBI, HATCHER stated that he entered the U.S. Capitol through a door that had been broken previously, and that after he entered there was a riot police line to the left. HATCHER further stated that he walked over towards the police line and had

BRANDON take a picture of him. CCTV footage confirms that a line of Capitol Police officers stood just North of the window through which HATCHER, NATHAN MACKIE, and BRANDON MACKIE entered. HATCHER appears to have spoken with the officers immediately after entering through the window. *See* Figure 16. According to CCTV footage, it also appears that BRANDON MACKIE took a picture of HATCHER standing in front of the line of officers. *See* Figure 17.

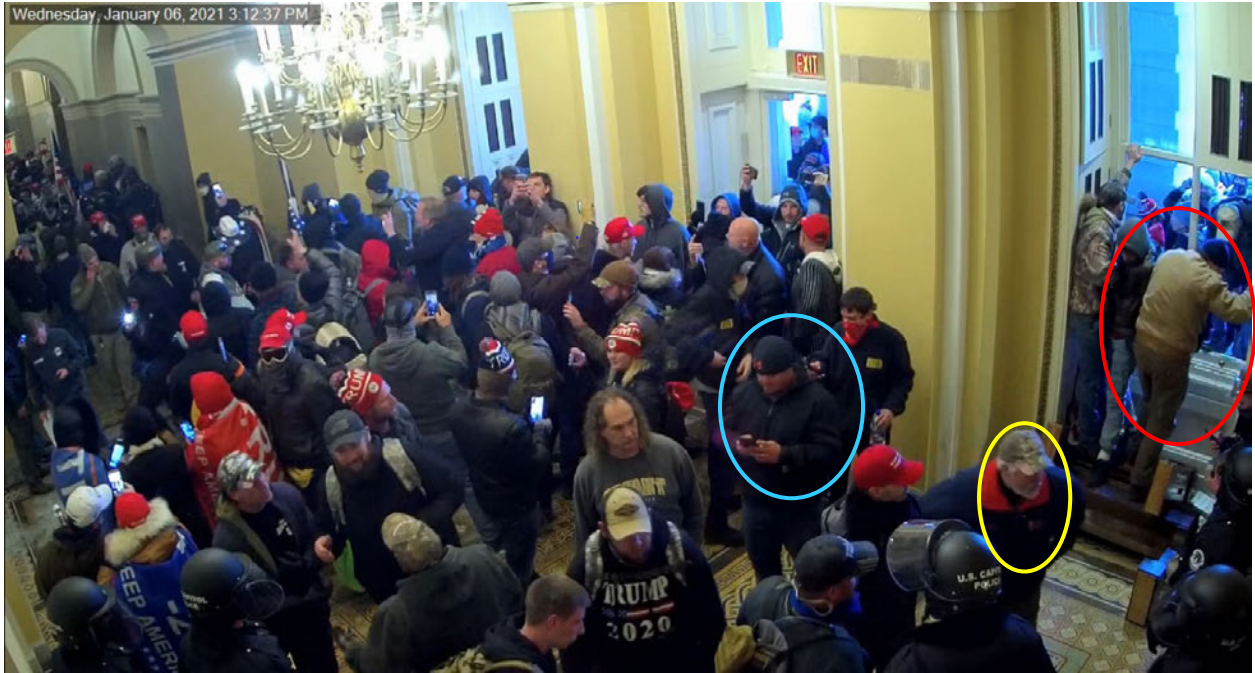


Figure 16

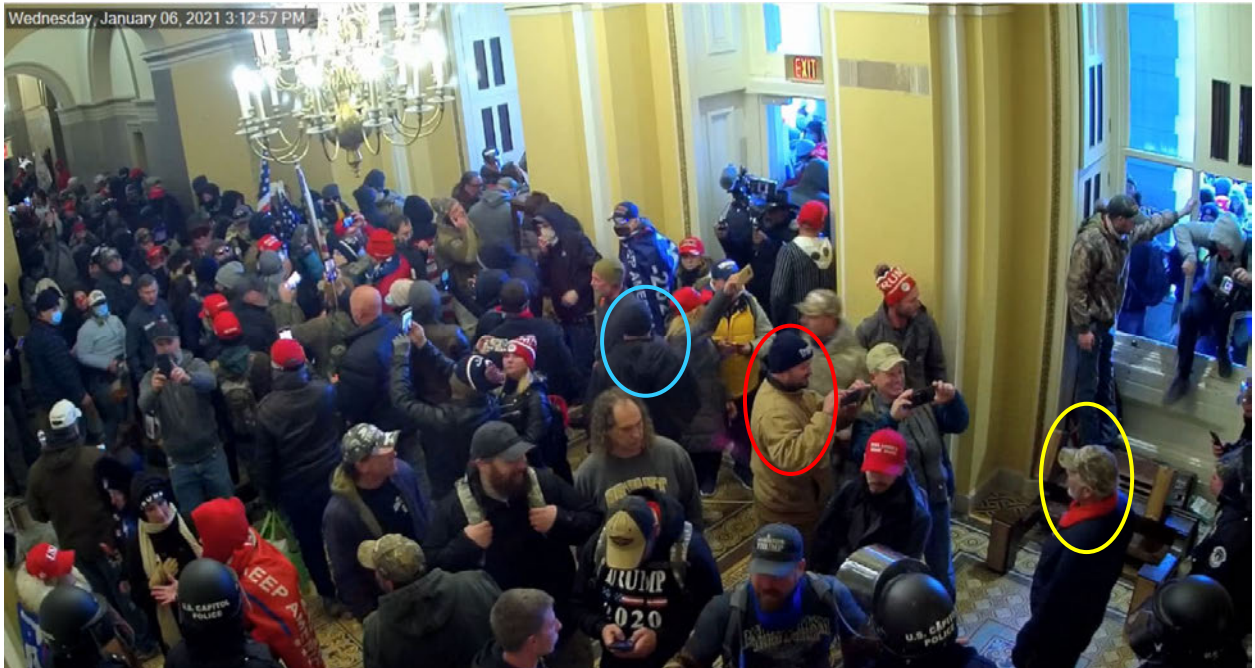


Figure 17

The three men remained in the area for approximately two minutes. CCTV footage shows that they exited through the Senate Wing Door at approximately 3:14 p.m.

2. Identification of DANIEL HATCHER, NATHAN MACKIE, and BRANDON MACKIE.

a. Tips Identifying HATCHER, NATHAN MACKIE, and BRANDON MACKIE.

To facilitate its investigation into the events of January 6, 2021, the FBI released photographs of individuals present at the Capitol building to the public and sought assistance identifying those individuals. In the days following the January 6, 2021 riot, the FBI received a tip from a tipster (“Tipster 1”) purporting to identify one of the individuals in an image disseminated by the FBI. The tip stated: “From the photos of people at the Capitol. #17 the older man holding his cell phone up on the left with a Trump hat, I believe is Dan Hatcher of Georgetown TX. He was there with two other men Nate Mackie and Brandon Mackie. They all stayed in an Airbnb for this rally. Here is a photo from Dan’s Facebook.”¹ The tip including the following image from HATCHER’s Facebook account:



Figure 18

The FBI separately received a tip from another Tipster (“Tipster 2”) stating in part: “I know Brandon Mackie, Nate Mackie, and Dan Hatcher were at the rally. I don’t know if they breached the capitol but the Mackie’s behavior concerned me before this...If they specifically were not

¹ The pictures released by the FBI of rioters on January 6, 2021 were numbered. This tip purported to identify the individual in photograph #17. The FBI ultimately determined that HATCHER is not the individual pictured in photograph #17.

inside the capitol people they know may have been.” The tip included an image apparently taken from NATHAN MACKIE’s Facebook account. A version of that image, containing only NATHAN MACKIE, is below.



Figure 19

The FBI ran baseline checks on HATCHER, and reviewed HATCHER’s driver’s license photograph from Arkansas records. Based on a comparison of HATCHER’s driver’s license image to the one from HATCHER’s Facebook page provided by Tipster 1, above, the FBI confirmed that the individual pictured in Figure 18 was HATCHER. The FBI also obtained an address and contact information for HATCHER pursuant to those checks.

b. January 13, 2021 Interview of HATCHER.

On January 13, 2021, an FBI Special Agent from the Little Rock, Arkansas division of the FBI called HATCHER, at a number registered to HATCHER, and interviewed him via telephone. During that interview, HATCHER stated that he flew to Washington, D.C. on January 5, 2021 with two hunting buddies, whom he identified by name as “Nate” (NATHAN) MACKIE and BRANDON MACKIE, and that the three men stayed in an Airbnb together. HATCHER also stated that the three men walked to the Capitol building after the Trump rally on January 6, 2021, arriving at the Capitol “around 2PM.” HATCHER stated that although he saw some tear gas, the majority of the individuals at the Capitol were “peaceful.” He admitted to going inside the Capitol building.

HATCHER told the interviewing agent that he wore green pants, a blue jacket with a red collar, and a camouflage Trump hat on January 6, 2021. He also told the FBI that there was a

photograph of him “on the front page of the news for the Washington Post.” The FBI asked HATCHER to save a copy of that photograph.

c. January 15, 2021 Interview of Hatcher.

The FBI interviewed HATCHER in-person at HATCHER’s attorney’s office on January 15, 2021. During that interview, HATCHER told the FBI that he heard about the rally through NATHAN MACKIE and BRANDON MACKIE, and that NATHAN and BRANDON booked the Airbnb and invited HATCHER to stay with them. The interviewing agent confirmed that HATCHER is the individual pictured in the CCTV footage and open-source footage from January 6, 2021, as described in Section 1 of this affidavit.

The FBI showed HATCHER the image below. HATCHER immediately recognized the image and identified himself as the individual circled in yellow. HATCHER stated that he made the decision to climb the wall when he saw others doing so. He further explained that he climbed to the top of the wall, but then climbed back down. He said that he then used the stairs to go up to the landing area just outside the Capitol entrance.



Figure 20

When asked if he entered the Capitol building, HATCHER briefly stepped out of the room with his attorney. He returned and admitted that he entered the Capitol building, stating that a

woman told the crowd, “they’re letting people take a tour of the entrance hallway.” HATCHER stated that he entered the building through a broken door.

HATCHER told the FBI that there was a line of riot police to his left once he entered the building. He said he walked over to the police and asked BRANDON to take a picture of him. He also said that he spoke with the police, and that he told them to be safe and stated, “I hope no harm comes to you.” HATCHER said that, at this point, he thought that they should leave. He said that he spent about 45-60 seconds total inside of the building. HATCHER told the FBI that he, NATHAN, and BRANDON left the Capitol at around 4:00 P.M. EST and walked back to their Airbnb.

d. Additional Investigation of NATHAN and BRANDON MACKIE.

After HATCHER identified NATHAN MACKIE and BRANDON MACKIE during his interviews with the FBI, the FBI ran preliminary database and open-source checks on both men.

The FBI compared NATHAN’s Texas driver license photograph and an image from NATHAN’s Facebook to images from Capitol surveillance and publicly available footage from January 6, 2021. The FBI determined that all images depicted the same individual. *See* Figure 19, above (Facebook image), Figure 21 (Capitol surveillance image from January 6, 2021) and Figure 22 (open-source footage from January 6, 2021).

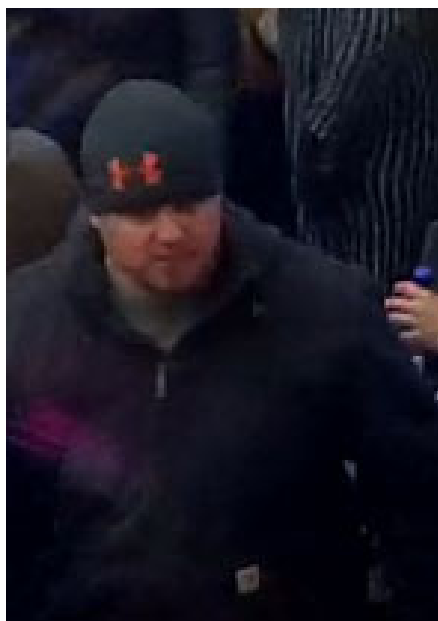


Figure 21



Figure 22

Database checks revealed that BRANDON MACKIE also has a valid Texas driver’s license and that he previously had a valid Colorado driver’s license. The FBI reviewed BRANDON

MACKIE's Colorado driver's license photograph and Texas driver's license photograph and images from BRANDON MACKIE's Facebook account (including Figure 23, below).



Figure 23

Further, the FBI reviewed Capitol surveillance footage and open-source footage of BRANDON MACKIE from January 6, 2021. The FBI compared BRANDON MACKIE's driver's license photographs and images from BRANDON MACKIE's Facebook (*see, e.g.*, Figure 23) to open-source images (*see, e.g.*, Figure 24) and CCTV images (*see, e.g.*, Figure 25) from January 6, 2021. Based on that comparison, the FBI positively identified the individual pictured in the open source and CCTV footage from January 6, 2021 as BRANDON MACKIE.



Figure 24



Figure 25

Information lawfully received from Google indicated that a Gmail account associated with the email address brandonXXXXXXXX@gmail.com and recovery email address

XXXXXXX@filterswap.com was present at the United States Capitol on January 6, 2021. Database checks confirmed that BRANDON MACKIE's primary email address is brandonXXXXXXX@gmail.com. Open-source checks confirmed that MACKIE previously worked at a company called "Filter Swap," a company owned and controlled by MACKIE, which has since changed its name to "Patriot Filter Service."

e. September 2021 Interview of NATHAN MACKIE.

On September 28, 2021, the FBI interviewed NATHAN MACKIE via telephone. NATHAN stated that he was aware that the FBI went to speak with a friend of his that he went "up there" with. He also asked if he would be facing jail time for his actions. NATHAN told the interviewing agent that he wasn't "dodging" the investigation, but that he had never been "on this side of the law before." He also told the interviewing agent that he would consult with an attorney and would let the agent know if would be willing to allow an in-person interview.

f. February 2, 2022 Interview of WITNESS 1.

On February 2, 2022, FBI Task Force Officer [REDACTED] interviewed WITNESS 1. WITNESS 1 stated that she was BRANDON MACKIE's neighbor when he lived in Colorado. WITNESS 1 said that she met BRANDON's brother, NATHAN MACKIE, on several occasions. TFO [REDACTED] sent the two photographs below to WITNESS 1 via email. In response to that email, she replied: "Dan Hatcher is circled in green on first photo, Brandon is taking his picture. Two people to the left of Brandon in the black hooded jacket and black beanie looks like Nate to me from the back. He's just turned away from the camera...the 2nd picture left to right is Dan Hatcher, Nate Mackie, Brandon Mackie. I can't identify the other people."



Figure 23



Figure 24

* * * *

Based on the foregoing, your affiant submits that there is probable cause to believe that DANIEL HATCHER, NATHAN MACKIE, and BRANDON MACKIE 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 DANIEL HATCHER, NATHAN MACKIE, and BRANDON MACKIE 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.



FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 12th day of February 2024.

Zia M. Faruqi
U.S. MAGISTRATE JUDGE