

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No:</b>
	:	
<b>v.</b>	:	
	:	<b>VIOLATIONS:</b>
	:	
<b>ERIC GAVELEK MUNCHEL,</b>	:	<b>18 U.S.C. § 1752(a),</b>
	:	<b>(Restricted Building or Grounds)</b>
<b>Defendant.</b>	:	
	:	<b>40 U.S.C. § 5104(e)(2)</b>
	:	<b>(Violent Entry or Disorderly Conduct)</b>

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT  
AND ARREST WARRANT**

I, Carlos D Fontanez, being first duly sworn, hereby depose and state as follows:

**PURPOSE OF AFFIDAVIT**

1. This Affidavit is submitted in support of a Criminal Complaint charging ERIC GAVELEK MUNCHEL (hereinafter "MUNCHEL") with violations 18 U.S.C. § 1752(a) and 40 U.S.C. § 5104(e). I respectfully submit that this Affidavit establishes probable cause to believe that MUNCHEL (1) did knowingly enter or remain in any restricted building or grounds without lawful authority, or did knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct, and (2) did willfully and knowingly 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 any deliberations of either House of Congress. Specifically, on or about January 6, 2021, MUNCHEL traveled to Washington, D.C., and knowingly and willfully joined and encouraged a crowd of individuals who forcibly entered the U.S. Capitol and impeded, disrupted, and disturbed the orderly conduct of business by the United States House of Representatives and the United States Senate.

**BACKGROUND OF AFFIANT**

2. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2015. I am currently assigned to a squad that investigates criminal enterprises and violent gangs for the Washington

Field Office. I have training and experience in the areas of violent crimes, gang-related criminal activity, interview and interrogation, evidence recovery, source recruitment and digital forensics. I have also testified in federal court in violent gang investigations where defendants were charged with violent crimes in aid of racketeering.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

#### **STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE**

4. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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 are allowed access inside the U.S. Capitol.

5. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

6. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol. 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. Vice President Mike Pence was presiding in the Senate chamber.

7. With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround the exterior of the

U.S. Capitol Building. U.S. Capitol police were present and attempting to keep the crowd away from the Capitol buildings and the proceedings underway inside.

8. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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. Shortly after 2:00 p.m., however, individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows.

9. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and the 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 session resumed.

10. After forcing entry into the U.S. Capitol, certain individuals made their way into the Senate chamber. 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 scores of individuals inside the U.S. Capitol building without authority to be there, in violation of Federal laws.

11. Photographs and videos of several of these persons were disseminated via social media and other open source online platforms. Those persons included the person wearing dark fatigues in the following photographs, whom law enforcement, as outlined below, has probable cause to believe is MUNCHEL, who currently resides in Nashville, Tennessee:



12. In the photograph above, the person who appears to be MUNCHEL is wearing or displaying several distinctive items, including: (1) a baseball cap that appears to have been manufactured by Black Rifle Coffee Company, depicting a rifle and a flag, with writing on the left side of the cap near the back of the cap; (2) a patch on the center of his chest displaying the “Punisher” comic book character, as well as a Tennessee “thin blue line” patch depicting the State of Tennessee bisected by a horizontal blue line; and (3) a long-sleeve shirt in a fatigues pattern with black rectangles on the upper sleeves. The person who appears to be MUNCHEL is also depicted in these photographs carrying plastic restraints and an item in a holster on his right hip. In my experience, flex cuffs are used by law enforcement to restrain and/or detain subjects. And the person who appears to be MUNCHEL appears to have a cell phone mounted on his chest, with the camera facing outward, ostensibly to record events that day.

13. On or about January 6, 2021, a person who appears to be MUNCHEL was recorded on a LiveStream video in a hotel lobby. Screen captures of that video, reproduced below, depicts a person who appears to be MUNCHEL wearing a long-sleeved shirt in a fatigues pattern with a black rectangle on the upper sleeves, and a dark baseball cap with writing on the left side of the cap near the back of the cap:



14. Additionally, at or near the time persons forced their way inside the Capitol, a person who appears to be MUNCHEL was walking on the Capitol grounds with a white female, as depicted in another photograph obtained via an open source search. In that photograph, the person who appears to be MUNCHEL is depicted wearing (1) a baseball cap that appears to have been manufactured by Black Rifle Coffee Company, depicting a rifle and a flag; (2) a patch on the center of his chest displaying the “Punisher” comic book character, as well as a Tennessee “thin blue line” patch; and (3) a long-sleeve shirt in a fatigues pattern with black rectangles on the upper sleeves. The person who appears to be MUNCHEL is also depicted in this photograph carrying an item in a holster on his right hip:



15. MUNCHEL maintains or maintained a Facebook page. As of approximately January 9, 2021, MUNCHEL’s profile on Facebook appeared as follows:



16. On the evening of January 8, 2021, persons on various online platforms began to make identifications of MUNCHEL, in part by referencing his Facebook page. MUNCHEL's Facebook page was taken down in the late evening hours on January 9, 2021, and is no longer accessible.

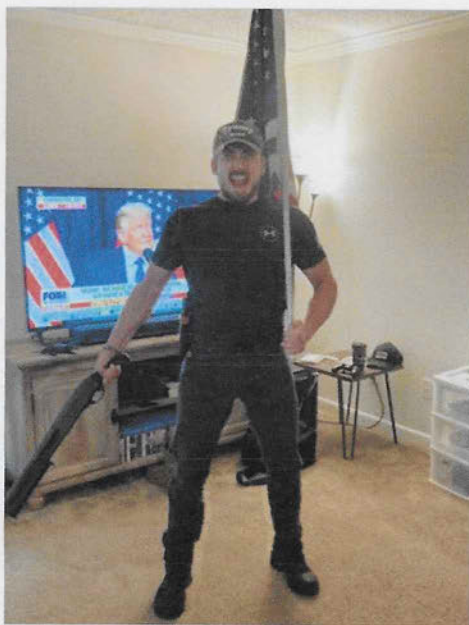
17. MUNCHEL is depicted in the circular Facebook photo above wearing what appears to be a white t-shirt with the words "Kid Rock" or something similar on the left breast. "Kid Rock's Big Ass Honky Tonk" is a bar located in downtown Nashville, Tennessee. On an Instagram post from August 18, 2020, a person who appears to be MUNCHEL is depicted wearing what appears to be a white t-shirt with the words "Kid Rock" or something similar on the left breast. This same person, who appears to be MUNCHEL, also appears to have one or more brown wristbands on his right wrist:



18. Before MUNCHEL's Facebook page was taken down, various actors on social media sought to capture screen shots of MUNCHEL depicted online. Those screen shots included:
- a. A photograph of a person who appears to be MUNCHEL in downtown Nashville draped in an American flag; wearing a baseball cap that appears to have been manufactured by Black Rifle Coffee Company, depicting a rifle and a flag; wearing one or more brown wristbands on his right wrist; and carrying an item in a wraparound holster on his right thigh:



- b. A photograph of a person who appears to be MUNCHEL, holding an American flag and a shotgun, standing in front of a television playing a statement by President Donald Trump; a baseball cap that appears to have been manufactured by Black Rifle Coffee Company, depicting a rifle and a flag is resting on a small desk behind him; and wearing one or more brown wristbands on his right wrist:





19. According to a law enforcement database search, MUNCHEL's present address, as of approximately September 2019, is [REDACTED], Nashville, Tennessee 37205.

20. MUNCHEL was issued a driver's license from the State of Tennessee on July 14, 2020. The address listed on that driver's license is [REDACTED], Nashville, Tennessee 37205. The photograph associated with that driver's license is below



21. As noted, the person who appears to be MUNCHEL was walking on the Capitol grounds with a white female, as depicted in the photograph below:



22. Law enforcement has probable cause to believe this person is Lisa Eisenhart. A search of a law enforcement database yielded the following photograph for Eisenhart, with a date of birth of [REDACTED] [REDACTED] 1964:



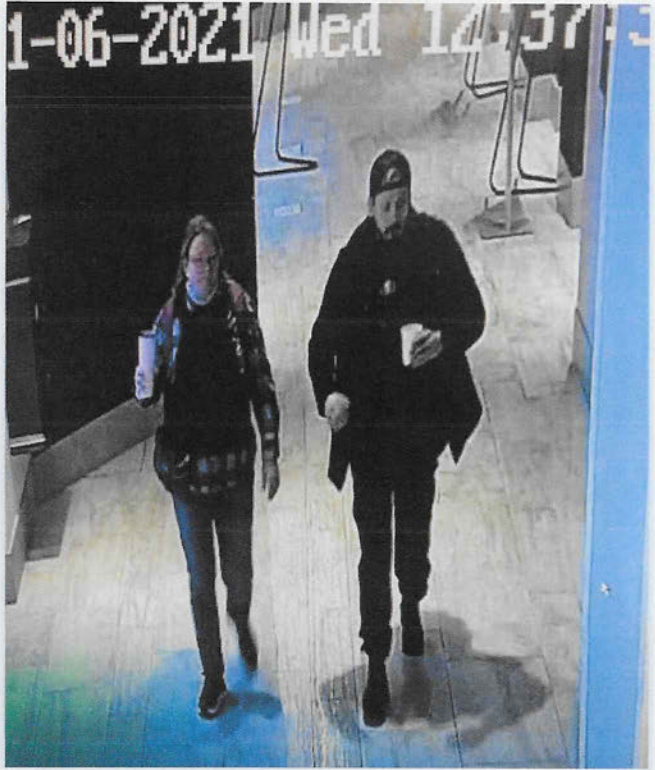
23. According to the government's investigation, MUNCHEL flew on Southwest Airlines from Nashville to Fort Myers, Florida, in March 2020. That flight was booked by a person named Lisa Eisenhart with a date of birth of [REDACTED] 1964.

24. According to a search of a law enforcement database, Eisenhart's aliases include Lisa Marie Gavelek. MUNCHEL's middle name is Gavelek.

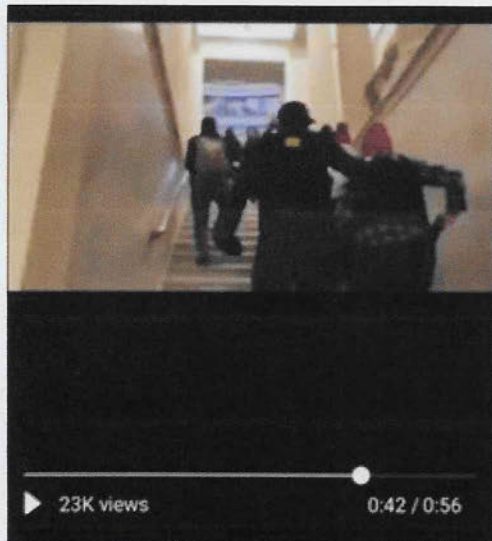
25. A further search of law enforcement databases revealed that MUNCHEL and Gavelek had a physical address in Fort Myers, Florida, in common, and a post office box address in Blue Ridge, Georgia, in common.

26. On January 6, 2021 law enforcement encountered MUNCHEL at the Grand Hyatt Hotel, address 1000 H Street NW, Washington DC. MUNCHEL gave law enforcement the name of Eric MUNCHEL when stopped. At the time, MUNCHEL was wearing camouflage pants wearing a black holster containing what appeared to be a handgun. Law enforcement interviewed MUNCHEL and identified that he was carrying a black and yellow "Taser Pulse" taser that emits electrical shock. MUNCHEL stated that he possessed the taser for self-protection as he had participated at the pro-Trump rally.

27. As shown below, video surveillance camera at the Grand Hyatt Hotel captured MUNCHEL and Eisenhart walking out of the hotel at 12:37 p.m. on January 6, 2021. It depicts MUNCHEL wearing a black baseball hat, dark clothing, boots, and a decal in the middle of his chest, which is consistent with the clothing he is observed wearing while he committed the offense. Moreover, Eisenhart is wearing the same clothing that she is seen wearing at the Capitol while standing with MUNCHEL.



28. As shown below, a screenshot from a cell phone video taken from inside of the Capitol building depicts MUNCHEL and Eisenhart walking together up the stairs. The clothing that both individuals are wearing is consistent in color and style to the clothing that both individuals wore while leaving the hotel together earlier that day as well as before they entered the Capitol building.



### CONCLUSIONS OF AFFIANT

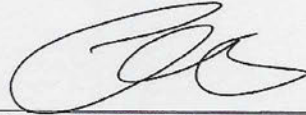
29. Based on the foregoing, your affiant submits that there is probable cause to believe that MUNCHEL violated:

- a. 18 U.S.C. § 1752(a), 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 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; (3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstruct or impede ingress or egress to or from any restricted building or grounds; or (4) knowingly engage 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 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; and
- b. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a

Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

30. As such, I respectfully request that the court issue an arrest warrant for MUNCHEL.

The statements above are true and accurate to the best of my knowledge and belief.



SPECIAL AGENT Carlos D Fontanez  
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 10 day of January, 2021.



G. Michael Harvey  
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HON. G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE