

**SEALED**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH THE  
CELLULAR TELEPHONE ASSIGNED  
CALL NUMBER **(301) 250-0340**, THAT IS  
STORED AT PREMISES CONTROLLED BY  
**AT&T WIRELESS**, 11760 U.S HIGHWAY  
1, SUITE 600, NORTH PALM BEACH,  
FL 33408

Case No. 3:19mj00017

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, David Wolf, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain cellular telephone assigned call number **(301) 250-0340**, (“the SUBJECT PHONE”), that is stored at premises controlled by **AT&T WIRELESS**, a wireless telephone service provider headquartered at **11760 US Highway 1, Suite 600, North Palm Beach, FL 33408**. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require **AT&T WIRELESS** to disclose to the government copies of the information further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review the information to locate items described in Section II of Attachment B.

2. I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for, offenses in violation of Title 18 and Title 21,

United States Code.

3. Specifically, I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since February 2013. I am currently assigned to the Richmond Division of the FBI, Charlottesville Resident Agency. I am presently and have been previously assigned to investigate a variety of criminal matters, to include violent criminal acts, gangs, and crimes against children, and domestic terrorism matters. Further, I have experience and training in a variety of investigative and legal matters, including the topics of lawful arrests, the drafting of search warrant affidavits, and probable cause.

4. The facts in this affidavit come from my personal observations, my training and experience, social media accounts obtained pursuant to federal search warrants, and information obtained from other law enforcement officers. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, § 2101 (Riots), have been committed by **RACHEL MICHELLE MYLES (MYLES), KYLE WRIGHT (WRIGHT), and DANIEL NGUYEN (NGUYEN)**. There is also probable cause to search the information described in Attachment A for evidence of these crimes further described in Attachment B.

**RELEVANT STATUTE**

6. *Riots*, Title 18, United States Code, Section 2101, provides that, “Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent to

incite a riot; or to organize, promote, encourage, participate in, or carry on a riot; or to commit any act of violence in furtherance of a riot; or to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot; and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph” shall be guilty of a federal offense.

### **JURISDICTION**

7. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offenses being investigated.” 18 U.S.C. § 2711(3) (A)(i).

### **BACKGROUND & PROBABLE CAUSE**

8. The FBI is conducting an investigation into possible violations of federal criminal law committed by WRIGHT, an individual who by his own admission, is a member of the anti-fascist group, Antifa. The investigation was initiated following receipt of information that MYLES, WRIGHT, and NGUYEN, attended the August 12, 2017 “Unite the Right” Rally in Charlottesville, VA. MYLES conducted two separate attacks upon protestors, with WRIGHT and NGUYEN providing protection for MYLES while the violent encounters occurred.

9. The below screenshot is a Facebook post made on August 24, 2017. The Facebook user “Kyle Mean-Manlett Wright”, is known to law enforcement as being utilized by WRIGHT. The following screenshot of WRIGHT’s Facebook page is captioned, “Not only did Nazis get me, they did some free promotion for my band! Thanks ya’ll!” Of note is a reply post by Phillip IGYARTO (IGYARTO), who will be discussed later in this affidavit, wherein




IGYARTO comments, "Yo send me the link lmao" on August 24 at 1:44 p.m.

 **Kyle Mean-Manlett Wright** updated his profile picture August 24 at 12:52pm

Not only did Nazis get me, they did some free promotion for my band!  
Thanks ya'll!



 Share

   00


View 12 more comments



**Daniel Mun** Why were they lookin for you?

August 24 at 1:20pm



 Kyle Mean-Manlett Wright replied · 1 Reply



**Phillip Igyarto** Yo send me the link lmao

August 24 at 1:44pm



**Sam Jacobson** Sick album cover bro


 2 · August 24 at 2:41pm



**Jack Pitman** Why did they circle the freckle on your face?

August 24 at 4:24pm



 Kyle Mean-Manlett Wright replied · 1 Reply



10. The following series of screenshots related to these assaults are taken from a video uploaded to YouTube on October 16, 2017 entitled, "The Movie 2.0: Alt-Right vs Antifa in Charlottesville - DeAndre Harris, Corey Long, Harold Crews". As seen in the two screenshots below, MYLES takes hold of Victim 1's (wearing khaki pants in middle of photo) flagpole:





11. In the next two screenshots, MYLES (dressed in all black to the right of Victim 1) is seen kicking Victim 1. NGUYEN is wearing the light green and black backpack and is pictured to the left of Victim 1.





12. MYLES then throws Victim 1 to the ground after a second kick, this time to Victim 1's knee, while WRIGHT, seen in the far right of the frame, provides protection and cover.



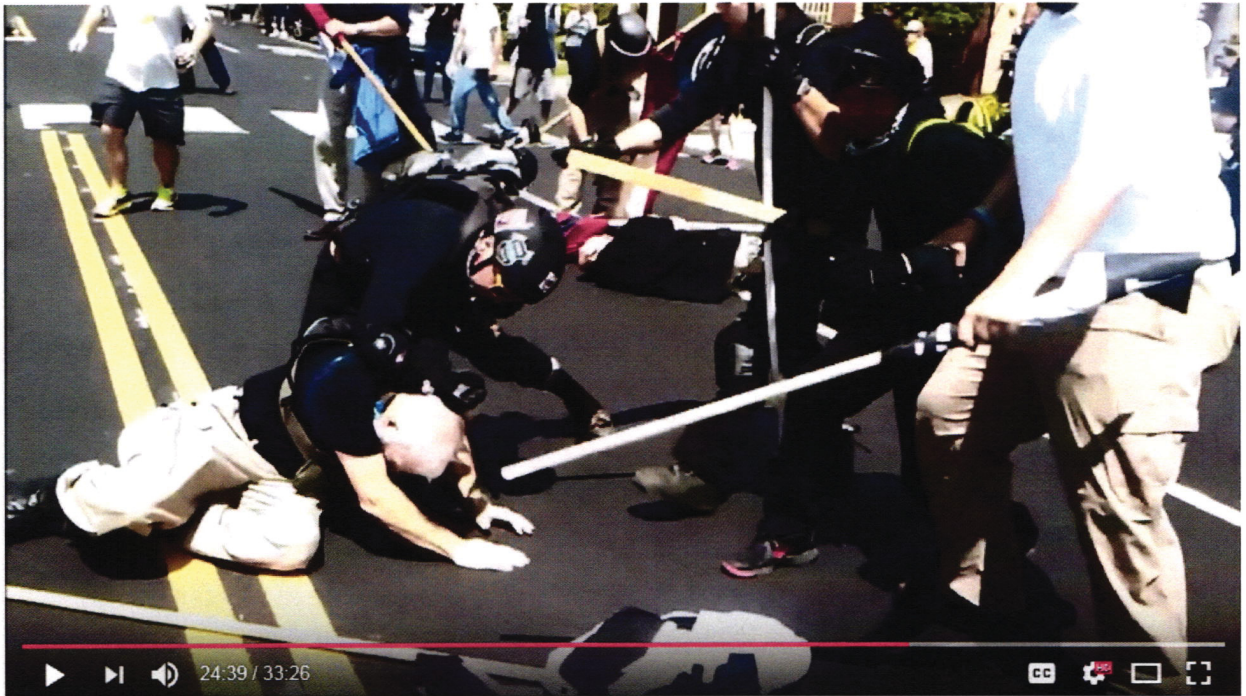


13. MYLES strikes Victim 1 in the right temple several times:





14. NGUYEN is seen below trying to keep an individual away who appears to be trying to assist Victim 1.



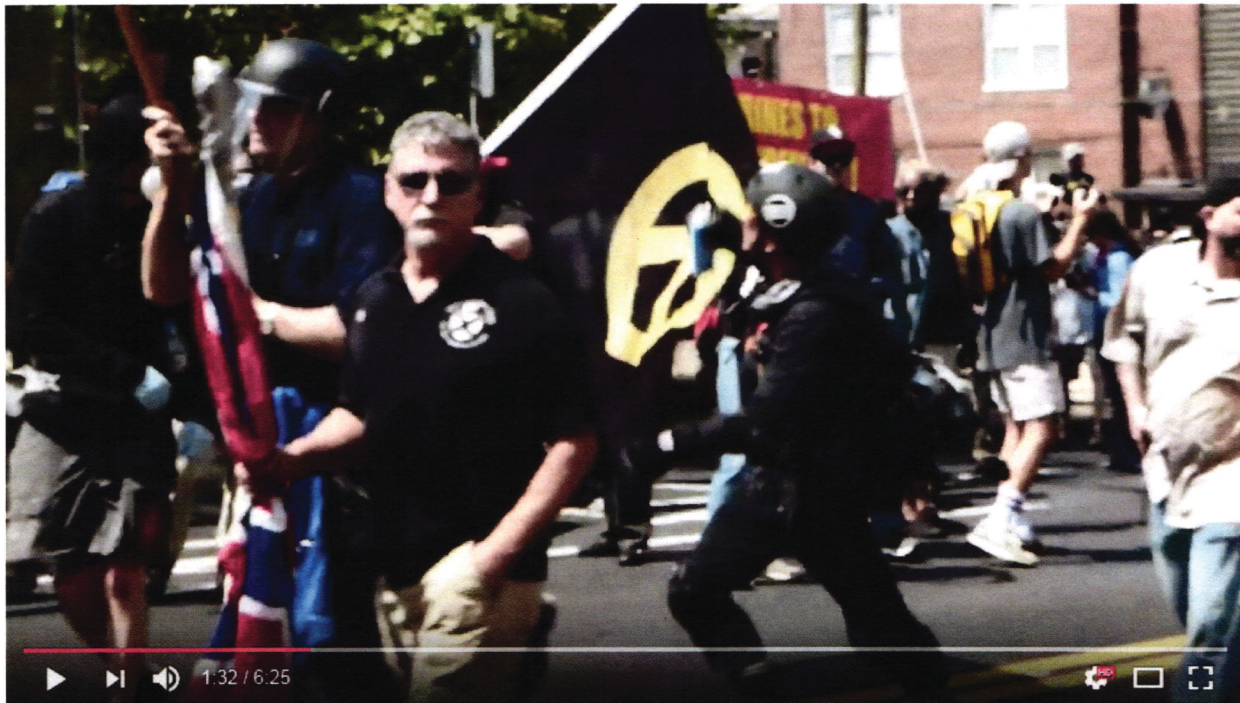
15. The second confrontation that MYLES was engaged in is seen in the below screenshots with Victim 2, which were taken from a Youtube video uploaded on August 12, 2017, entitled, "Charlottesville Unite The Right Rally Charlottesville VA August 12 2017". MYLES is observed approaching (Victim 2) and engaging Victim 2 as he pushes MYLES away. Seen in MYLES hand is a blue spray canister, which is depicted in the following screenshots:





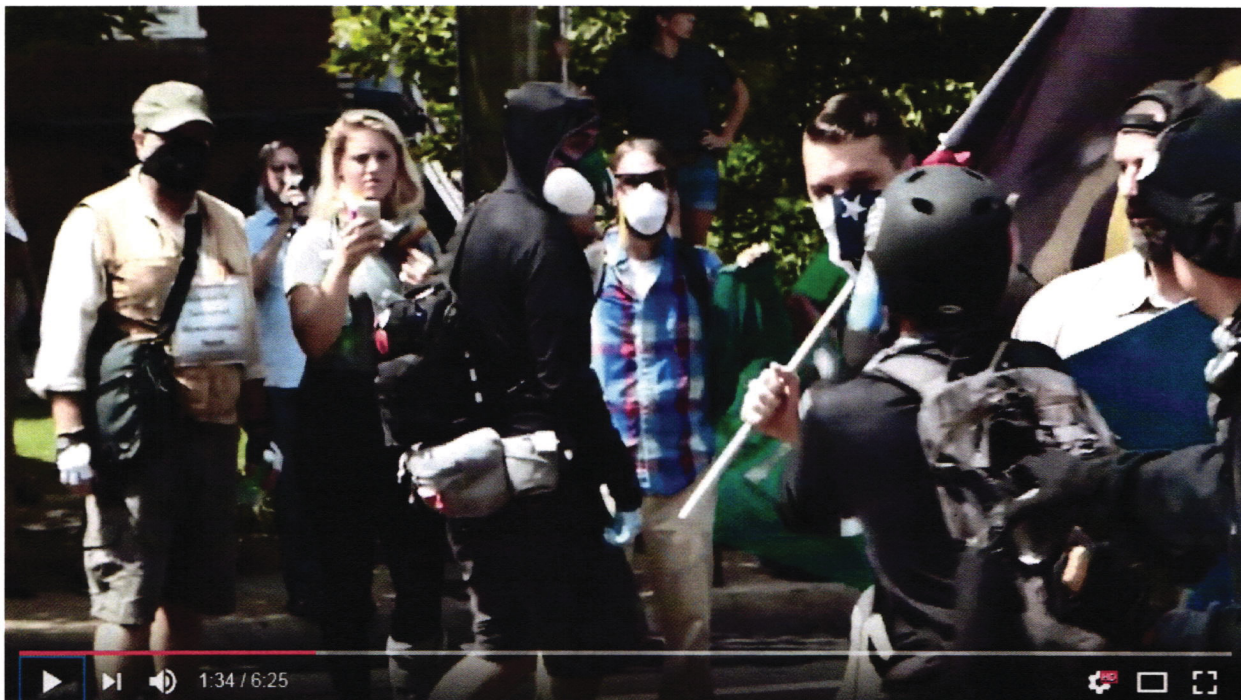


16. MYLES continues to follow Victim 2 as he is walking down E. Market Street, when she aims the spray canister. Victim 2 is pushed into MYLES by another unidentified individual wearing all black clothing:



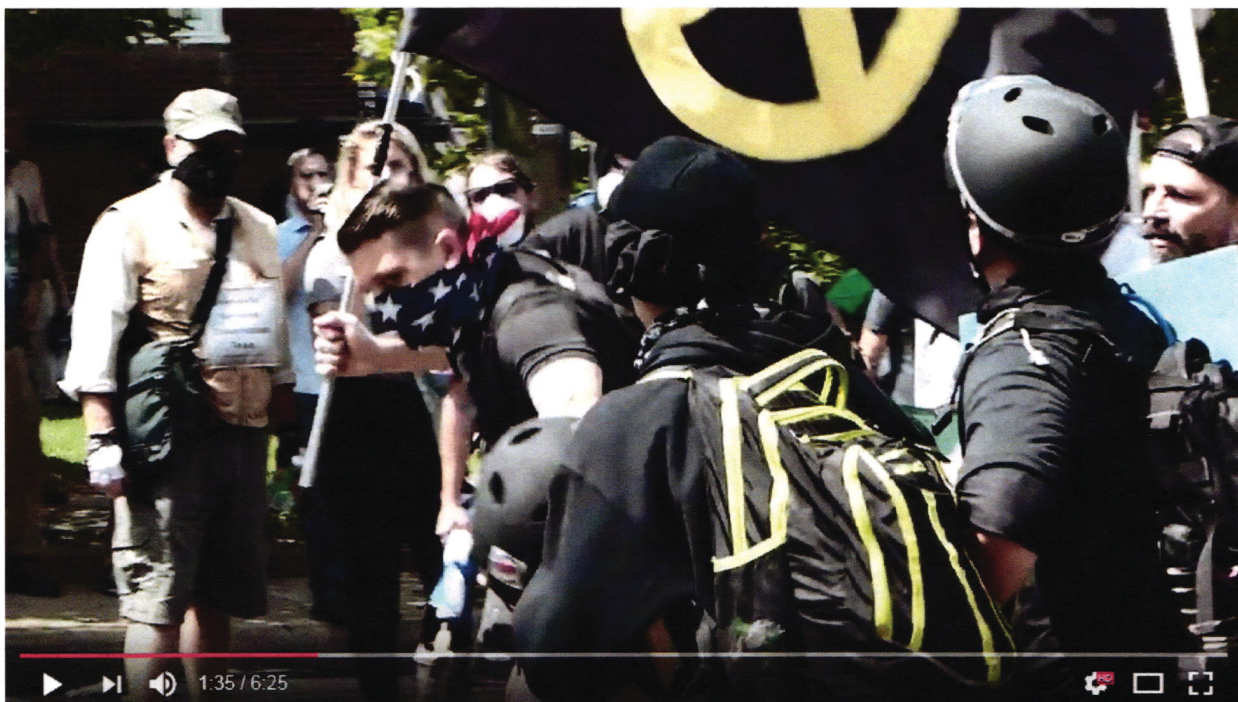


17. MYLES is then seen taking the spray canister and lifting it in front of Victim 2's face, while NGUYEN is seen following MYLES close behind:





18. Victim 2 tries to get away from MYLES and pushes her away, at which time MYLES throws the blue canister at Victim 2:







19. MYLES then chases Victim 2 and tries to stomp his knee:





20. WRIGHT and NGUYEN are seen trailing MYLES to protect her, and WRIGHT is seen using the wooden board (with a metal door handle attached) to keep others away:



21. In a Facebook Search Warrant return on **SALOMONSHREDERM1**, known to be utilized by WRIGHT, investigators identified the following communication between WRIGHT and IGYARTO on July 24, 2017, approximately two weeks before the Charlottesville August 12, 2017 rally, referencing needing to “gather the goons”:

- a. WRIGHT: “yo, let’s meet up this week and talk. there’s and action coming up in a few weeks that we should coordinate on and get others involved in. Also, because of the nature of the action (I’ll fill you in in person) any and all details need to stay out of cyber space. Word of mouth only”
- b. IGYARTO: “okay, you wanna gather the goons?”
- c. WRIGHT: “At least Dylan. Anyone you can trust.”

22. On August 11, 2017, one day before the August 12<sup>th</sup> rally in Charlottesville, WRIGHT initiated another Facebook message with IGYARTO, wherein WRIGHT states “we need the goon squad”:

- a. WRIGHT: “what are you doing”
- b. IGYARTO: “Hanging out with work comrades”
- c. WRIGHT: “we need the goon squad”
- d. IGYARTO: “For kwhat?”
- e. WRIGHT: “Cville”
- f. IGYARTO: “My boss just said I can go”
- g. WRIGHT: “to cville?”
- h. IGYARTO: “Yeah Wanna grab Dylan?”
- i. WRIGHT: “Yeah what’s your email, I got stuff to send you”
- j. IGYARTO: [phillip.igyarto@gmail.com](mailto:phillip.igyarto@gmail.com)
- k. WRIGHT: “key is goonskwad”

23. A search conducted through law enforcement records revealed that WRIGHT, known to utilize phone number **703-220-5862** had telephonic contact at approximately 1:39 p.m and again at 2:08 p.m. Eastern Standard Time with SUBJECT PHONE on August 12, 2017 and once again on August 25, 2017. Therefore, it would be important to the investigation to obtain the records described in Attachment B for cellular phone **(301) 250-0340**. The records may help corroborate or disprove information learned in the investigation and could identify information pertaining to NGUYEN’s planning and route during the violent activity observed by MYLES on August 12, 2017.



**BACKGROUND CONCERNING CELLULAR PHONES**

24. In my training and experience, I have learned that **AT&T WIRELESS** is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including cell-site data, also known as “tower/face information” or “cell tower/sector records.” Cell-site data identifies the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device (“GPS”) data.

25. Based on my training and experience, I know that **AT&T WIRELESS** can collect cell-site data about the SUBJECT PHONE. I also know that wireless providers such as **AT&T WIRELESS** typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes. **AT&T WIRELESS** preserves records, particularly cell-site information as identified in Attachment B.

26. Based on my training and experience, I know that wireless providers such as **AT&T WIRELESS** typically collect and retain information about their subscribers in their normal course of business. This information can include basic personal information about the



subscriber, such as name and address, and the method(s) of payment (such as credit card account number) provided by the subscriber to pay for wireless telephone service. I also know that wireless providers such as **AT&T WIRELESS** typically collect and retain information about their subscribers' use of the wireless service, such as records about calls or other communications sent or received by a particular phone and other transactional records, in their normal course of business. In my training and experience, this information may constitute evidence of the crimes under investigation because the information can be used to identify the SUBJECT PHONE'S user or users and may assist in the identification of co-conspirators and/or victims.

#### **AUTHORIZATION REQUEST**

27. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

28. I further request that the Court direct **AT&T WIRELESS** to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on **AT&T WIRELESS**, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

29. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation.



30. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation, including by giving targets an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, and flee from prosecution.

**OATH**

The information in this affidavit is true to the best of my knowledge and belief.

Respectfully submitted,

*s/Dave Wolf*  
Dave Wolf, Special Agent  
Federal Bureau of Investigation

Received by reliable electronic means and sworn and attested to by telephone on  
this 21<sup>st</sup> day of March 2019.

  
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JOEL C. HOPPE  
UNITED STATES MAGISTRATE JUDGE