



PRESS RELEASE

Maryland Man Arrested on Felony and Misdemeanor Charges for Actions During Jan. 6 Capitol Breach

Tuesday, January 9, 2024

For Immediate Release

U.S. Attorney's Office, District of
Columbia

WASHINGTON — A Maryland man has been arrested on felony and misdemeanor charges related to his conduct during the breach of the U.S. Capitol on Jan. 6, 2021. His actions and the actions of others disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the 2020 presidential election.

Carlos Ayala, 52, of Salisbury, Maryland, is charged in a criminal complaint filed in the District of Columbia with civil disorder, a felony. Ayala is also charged with related misdemeanor offenses.

Ayala was arrested today by the FBI in Maryland and will make his initial appearance in the District of Columbia.

According to allegations contained in court documents, Ayala was identified as among a group of rioters illegally gathered on restricted Capitol grounds near the scaffolding erected for the upcoming Inauguration. Ayala wore a sweatshirt hood cinched tightly around his head, a grey 3M-style painter's mask with large filters on each cheek, and, at times, carried a distinctive black and white flag affixed to a PVC pipe flagpole bearing the words "We the People" and "DEFEND." Featured prominently on the flag was an image of an M-16-style rifle.

Ayala is seen on video footage climbing over police barricades and making his way to the Upper West Terrace of the Capitol as rioters overran the police lines on the stairs adjacent to the scaffolding. Ayala then moved toward the front of the crowd gathered outside the Senate Wing door of the Capitol. Closed Circuit Television (CCTV) footage from inside the U.S. Capitol, near the Senate Wing Door, depicts Ayala waving his flag inside one of the windows next to the Senate Wing Door. A U.S. Capitol Police ("USCP") officer then motioned Ayala away from the window.

Ayala then moved toward the Senate Wing door, which had been previously breached by rioters and where USCP officers had erected a makeshift barricade. At approximately 2:41 p.m., CCTV footage taken from inside the Capitol building shows a rioter positioned to the right side of the Senate Wing Door, the same area where Ayala was present, jabbing a flag and flagpole at a USCP officer. The USCP officer then grabbed the flagpole and pulled the flag into the building to prevent the rioter from knocking the officer's shield away or injuring other officers. Court documents state that the flag matched the description of Ayala's flag, which he was holding moments before. Ayala was not visible on CCTV through the window between when he moved away from the window adjacent to the Senate Wing Door and when the altercation at the Senate Wing door occurred.

Court documents state that less than 30 seconds after the altercation during which the USCP officer pulled Ayala's flag into the building, the Senate Wing door was breached by rioters and pulled open. Within seconds of rioters opening the door, a PVC pipe with no flag attached was thrown through the open door, striking at least one officer. Ayala appeared to depart the area immediately outside the Senate Wing Door at approximately 2:45 p.m.

Body-worn camera footage, from approximately 2:51 p.m., shows that Ayala paced in front of officers who had assembled on the Upper West Terrace to clear rioters from the area. Ayala walked the length of the police line, gestured at the officers, and said, "Join us!"

This case is being prosecuted by the U.S. Attorney's Office for the District of Columbia and the Department of Justice National Security Division's Counterterrorism Section. Valuable assistance was provided by the U.S. Attorney's Office for the District of Maryland.

This case is being investigated by the FBI's Baltimore and Washington Field Offices. Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 36 months since Jan. 6, 2021, more than 1,265 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 440 individuals charged with assaulting or impeding law enforcement, a felony. The investigation remains ongoing.

Anyone with tips can call 1-800-CALL-FBI (800-225-5324) or visit tips.fbi.gov.

A complaint is merely an allegation, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Updated January 9, 2024

Attachment

[ayala_sof.pdf](#) [PDF, 2 MB]

Topic

VIOLENT CRIME

Components

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**District of Columbia**

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