



PRESS RELEASE

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

Friday, February 16, 2024

For Immediate Release

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

WASHINGTON — A Michigan 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.

Barry Allen Toth, 35, of Standish, Michigan, is charged in a criminal complaint filed in the District of Columbia with a felony offense of obstruction of an official proceeding. In addition to the felony, Toth is charged with several misdemeanor offenses, including entering and remaining in a restricted building or grounds, disorderly and disruptive conduct in a restricted building or grounds, disorderly conduct in a Capitol building, and parading, demonstrating, or picketing in a Capitol building.

Toth was arrested in Standish and will make his initial appearance in the Eastern District of Michigan.

According to allegations in court documents, Toth is identified in U.S. Capitol building closed-circuit television (CCTV) footage entering the building at approximately 2:21 p.m. on Jan. 6, 2021, by climbing through a broken window next to the Senate Wing Door. Toth entered the

building only eight minutes after the initial breach. In an open-source video taken from inside the Capitol, in the hallway just inside the Senate Wing Door, Toth can be seen walking south towards the Crypt, saying, “I just stormed the f — Capitol.”

Toth then made his way to the Rotunda and joined a crowd of rioters in a part of the Capitol known as the Statuary Hall Connector, situated between the Rotunda and the House Chamber. Here, members of the crowd confronted a line of U.S. Capitol Police officers who were preventing the mob from advancing toward the House Chamber. At approximately 2:36 p.m., the crowd pushed through the line of officers and approached the House Chamber Door, where members of Congress were sheltering inside. Several of the officers were caught in the crowd and trapped in the small vestibule just outside of the House Chamber Door.

Video footage from another rioter shows the crowd making room while the trapped officers leave. However, Toth remains. As the crowd chants, “Break it down,” one individual begins to smash the glass panes of the House Chamber Door. Toth pushes to the front of the group with a fire extinguisher and stands just outside of the door. Observing, through the smashed-out glass, that the officers inside had drawn and pointed their service weapons at the door, Toth puts his hands up, steps away from the door, and tells the crowd, “They have guns.”

Additional video footage from another rioter shows Toth remaining with the crowd near the door as other rioters berate the officers through the broken glass panes of the door and direct threats at Members of Congress. At approximately 2:45 p.m., police used tear gas to clear the rioters away from the House Chamber Door. Toth exited the area and walked North into the Rotunda. From there, he entered the East Foyer, from which CCTV depicts Toth exiting the Capitol via the Rotunda Doors, at approximately 2:51 p.m., 30 minutes after he had first entered.

After exiting the Capitol, standing just outside the Rotunda Doors, Toth climbed onto a column and used a red bullhorn to talk to the crowd. In an open-source video, Toth can be heard saying: “Everybody, I just stormed the f — capitol building and helped kick down the chamber door. I got a gun pointed at my head, I’ve been tear-gassed, and I am [unintelligible] up, and I have the biggest f — hard-on in my g — life. I am proud of each and every single one of you. We showed these people this our [unintelligible]. Everybody, they’ve stopped the vote.”

The U.S. Attorney's Office for the District of Columbia and the Department of Justice National Security Division's Counterterrorism Section are prosecuting this case. The U.S. Attorney's Office for the Eastern District of Michigan provided valuable assistance.

The FBI's Detroit and Washington Field Offices are investigating this case. The U.S. Capitol Police and the Metropolitan Police Department provided valuable assistance.

In the 37 months since Jan. 6, 2021, more than 1,313 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 469

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 February 16, 2024

Attachment

[toth_sof.pdf](#) [PDF, 669 KB]

Topic

VIOLENT CRIME

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