

STATEMENT OF FACTS

Your affiant, Darcie B. Busse, is a Special Agent assigned to the Federal Bureau of Investigation's ("FBI") Washington Field Office (WFO). Specifically, I am assigned to the WFO Joint Terrorism Task Force. Among other duties, I am currently investigating criminal activity that occurred in and around the U.S. Capitol 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, detention, investigation, or prosecution of a violation of Federal criminal laws.

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 U.S. Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the U.S. House of Representatives and the U.S. Senate were meeting in separate chambers of the U.S. 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, shortly after 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 U.S. House of Representatives and U.S. 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 U.S. Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the U.S. 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. Photographs and videos of several of these persons were disseminated via social media and other open source online platforms. These persons included: (1) a female, wearing a “TRUMP 2020” beanie hat, black jacket, black gloves, and black leggings, believed to be Savannah McDonald (“MCDONALD”); and (2) a male, wearing a MAGA hat, a red sweatshirt, and a black jacket with a yellow and red stripe, believed to be Nolan Kidd (“KIDD”).

Both MCDONALD and KIDD are known to reside in Georgia. As described below, your affiant believes that MCDONALD and KIDD traveled together to Washington, D.C. on January 5, 2021, and are in many photographs together. The images below, highlighted with a red box, depict the person whom law enforcement has probable cause to believe is MCDONALD:



¹ <https://www.businessinsider.com/q-shaman-qanon-influencer-capitol-siege-washington-dc-protest-riot-2021-1>



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The images below, highlighted with a red box, depict the person whom law enforcement has probable cause to believe is KIDD:



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² <https://www.insider.com/judge-orders-dc-jail-qanon-shaman-organic-food-jacob-chansley-2021-2>

³ <https://www.businessinsider.com/q-shaman-qanon-influencer-capitol-siege-washington-dc-protest-riot-2021-1>



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On or about January 14, 2021, FBI received a tip indicating that MCDONALD had been inside of the U.S. Capitol on January 6, 2021. The tip included a photograph of the person believed to be MCDONALD inside of the U.S. Capitol:

⁴ <https://www.nbcnews.com/news/us-news/capitol-rioter-horned-hat-gloats-feds-work-identify-suspects-n1253392>

⁵ <https://www.washingtonpost.com/nation/2021/01/15/qanon-shaman-trump-kill-pardon/>



On or about January 11, 2021, FBI received a tip indicating that KIDD had been inside of the U.S. Capitol on January 6, 2021. The tip included a screenshot of a Facebook account, believed to belong to KIDD, in which the Facebook user uploaded an album of pictures and the caption “Just made it home, I have tons of photos and videos to share with you guys.” The individual in the Facebook images is wearing a red hat and a black jacket with a red and yellow line.



On January 14, 2021, FBI agents interviewed MCDONALD in Elberton, Georgia. MCDONALD agreed to speak to the agents. When MCDONALD was shown the below picture, MCDONALD confirmed that the person circled was her.

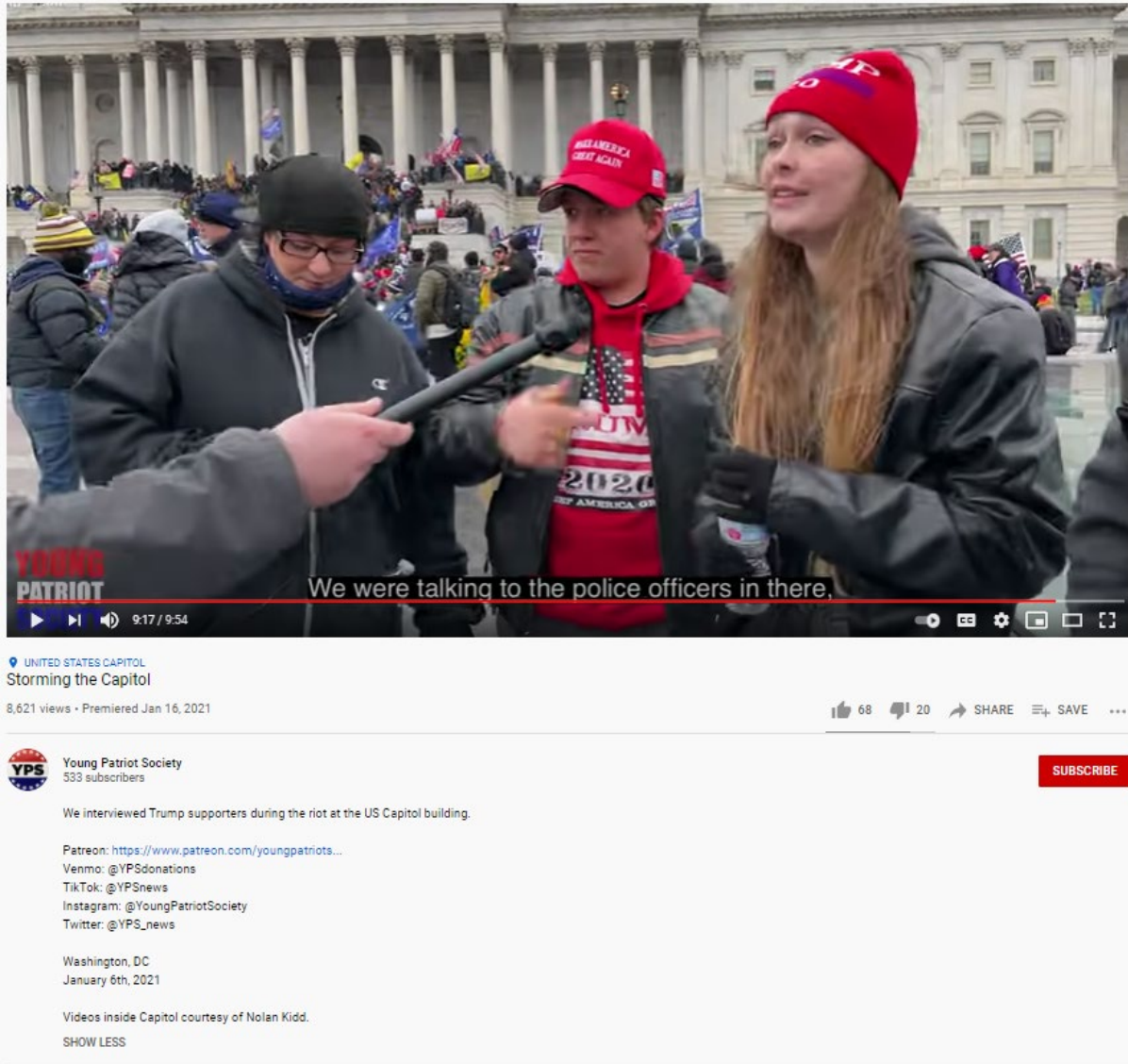


MCDONALD stated that she and KIDD marched to the U.S. Capitol, and when they reached the U.S. Capitol, there were uniformed police officers near the doors telling them to come inside and showing them where to go.

On January 15, 2021, FBI agents separately interviewed KIDD in Athens, Georgia. KIDD agreed to speak to the agents. KIDD told the agents that the doors to the U.S. Capitol were wide open.

On January 16, 2021, as depicted below, the Young Patriot Society uploaded a video onto YouTube titled "Storming the Capitol."⁶ The video is approximately 9 minutes and 54 seconds long. The description of the video is, "We interviewed Trump supporters during the riot at the US Capitol Building." Further down, the description states, "Videos inside Capitol courtesy of Nolan Kidd."

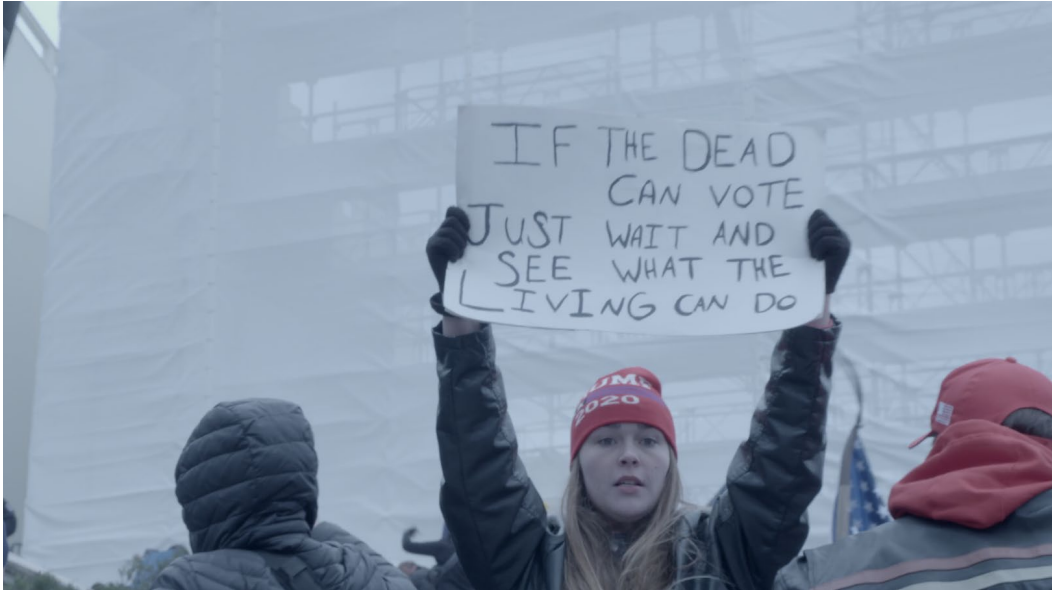
⁶ <https://www.youtube.com/watch?v=LeRYX4LOzYw>



Beginning at 7:07 in the footage, the reporter interviewed four people and two of them are MCDONALD and KIDD. During the interview, MCDONALD confirmed they were part of the first 100 people to enter the Capitol. KIDD states, “We got in from the back.” At 7:28, the video cut to video footage taken from inside of the Capitol. A man is behind the camera yelling, “We broke in. We own this building. This is our house.” At 7:35, the man stated, “They’ve tear gassed the inside too.”

At 7:48, the video returned to the interview of MCDONALD and KIDD. KIDD stated that he entered the elevators with MCDONALD, went to the basement, and then rode the elevator “all the way up to the top floor.” At 8:26, the video cut again to video footage from inside of the U.S. Capitol. At 8:49, the video footage depicted MCDONALD taking a video of herself stating, “I’ve been tear-gassed three times today. Three times.” A man behind the camera responds, “Me too. But we broke—we broke through.” At 9:42, MCDONALD can be heard stating, “We did not break in.”

On March 8, 2021, your affiant viewed a video approximately 1 minute and 23 seconds in length of the northwest stairs, which connect the lower and upper terrace, prior to the breach of the U.S. Capitol. As depicted below, at 0:42 and 0:48, MCDONALD and KIDD are seen on the video:



At 0:55, a police officer, dressed in uniform, can be observed preparing to pepper spray individuals moving up the stairs toward the police perimeter and the Upper West Terrace.



Your affiant then reviewed another video of events which took place after the above events. In this video, rioters can be observed pushing the law enforcement perimeter on the northwest stairs:



Approximately four minutes after the breach of the perimeter, highlighted in the red box below, MCDONALD and KIDD moved up the stairs:



As depicted below, highlighted in a red box, MCDONALD and KIDD then climbed onto the Upper Terrace West:



MCDONALD and KIDD entered the U.S. Capitol through a Senate Fire Door approximately 14 seconds after it was breached from the inside by unauthorized individuals. The Senate Fire Door is marked in the above photo by an arrow.

On March 8, 2021, the Honorable Zia M. Faruqui, U.S. Magistrate Judge for the District of Columbia, issued a search warrant for the Facebook account of “Nolan Harold Kidd.” Your

affiant reviewed the Facebook return and confirmed that the phone number associated with the account is the phone number KIDD provided to FBI on January 15, 2021.

According to the return, on January 7, 2021, in a private message, an individual asked KIDD, “Why did you remove your pics,” to which KIDD responded, “The FBI are trying to identify anyone that inside and press charges.” KIDD then privately sent the individual the following pictures:



On March 8, 2021, the Honorable Zia M. Faruqui issued a search warrant for the Snapchat account MCDONALD provided as her own to FBI on January 14, 2021. Your affiant reviewed the return, which includes photographs, videos, user-to-user chats, and group chats.

According to the return, on January 6, 2021, at 10:54 pm, an individual with username “nolie1174,” believed to be KIDD, posted a video in a group chat with MCDONALD. In the video KIDD and MCDONALD are inside the U.S. Capitol, and MCDONALD states “I’m the only girl that made it into the Senate.”



On January 6, 2021, “nolie1174” and MCDONALD participated in a group chat titled “Rally Squad.” At 8:37 pm, “nolie1174” told the group, “We weren’t just there we went farther than almost anyone into the building . . . [m]aybe about top 15 people.” After another participant responded “Helllll yeaaaaa,” “nolie1174” stated, “Me and Savannah are FUCKING STORMTROOPERS.” On January 7, 2021 at 1:08 pm, MCDONALD told the group “My chest hurts . . . [b]ut we did the right thing.”

Based on the foregoing, your affiant submits that there is probable cause to believe that MCDONALD and KIDD 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.

Your affiant submits there is also probable cause to believe that MCDONALD and KIDD 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.

A handwritten signature in blue ink that reads "Darcie B. Busse". The signature is written in a cursive style with a horizontal line underneath.

Darcie B. Busse
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 20th day of May 2021.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE