

STATEMENT OF FACTS

Your affiant, Braden Ballantyne, is a Special Agent with the Federal Bureau of Investigation (FBI), and has been so employed since January 2021. I am currently assigned to the Los Angeles Field Office's Long Beach Resident Agency Joint Terrorism Task Force (JTTF). My duties at the JTTF include investigating violations of the laws of the United States, specifically investigations related to domestic and foreign terrorism.

Currently, I am tasked with investigating criminal activity in and around the United States Capitol grounds 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 violations of Federal criminal law.

The United States Capitol is secured twenty-four hours a day by United States Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the Capitol, which is located at First Street, SE, in Washington, D.C. 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 Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, 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 Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary barricades and permanent barricades were in place around the exterior of the Capitol. USCP were present and attempting to keep the crowd away from the Capitol building as the proceedings were underway inside.

At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and to keep the crowd from entering the Capitol. However, around 2:00 p.m., individuals in the crowd forced entry into the Capitol. Some members of the crowd gained access and entry to the Capitol by breaking windows and assaulting members of the USCP. Others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and Senate, including the President of the Senate, Vice President 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 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 that appeared to be captured on mobile devices of people present on the scene depicted evidence of violations of local and federal law, including many people inside the U.S. Capitol building without authority to be there. As set forth below, DANEAN KIMBERLY MACANDREW was one of the people inside the Capitol building without authority on January 6, 2021.

The FBI received via legal process cell tower data indicating that certain cellular devices were in and around the Capitol building during the riot of January 6, 2021. FBI Los Angeles Field Intelligence Group conducted a review of all phone numbers in that dataset with area codes resolving to Orange County (714, 949, and 562). The data indicated that a device that was assigned the phone number [REDACTED] was in the vicinity of the Capitol building during the riot of January 6, 2021.

According to records later obtained via search warrant served on AT&T, the cellular phone assigned phone number [REDACTED] was identified as having used a cell site consistent with providing service to a geographic area that included the interior of the Capitol building during the riot of January 6, 2021. According to information from AT&T, the device assigned phone number [REDACTED] was present in the vicinity of the Capitol building between 2:38 p.m. and 3:17 p.m. on January 6, 2021. The records obtained from AT&T revealed the phone number [REDACTED] was assigned to a Samsung Galaxy S10+ device, IMEI 3526891050704134, IMSI 932724049.

Open source and social media information identified DANEAN KIMBERLY MACANDREW of Mission Viejo, California, as the person associated with phone number [REDACTED]. In addition, law enforcement database checks revealed the number [REDACTED] resolves to DANEAN KIMBERLY MACANDREW, with an address of [REDACTED].

I and another FBI agent interviewed MACANDREW at that address (her home) on September 28, 2021. During that interview, MACANDREW stated that a good contact number for her was [REDACTED].

The defendant further stated she went to Washington, D.C., to hear former President Trump speak on January 6, 2021. She said she marched to the Capitol after the speech. She claimed Capitol police were letting people into the Capitol building and that she thought it was okay to go inside the building. MACANDREW stated that she walked around inside the Capitol building for a few minutes and then exited when Capitol police told people they had to leave.

During the interview, MACANDREW confirmed she had an account on the social media platform Gab, with an account identifier of “@D_Restored” and a screen name of “Danean.”

(Open source database checks corroborate that fact). When shown the following screenshot of a Gab post from that account of a picture of a person in a gas mask, MACANDREW confirmed that she posted the picture using that account.

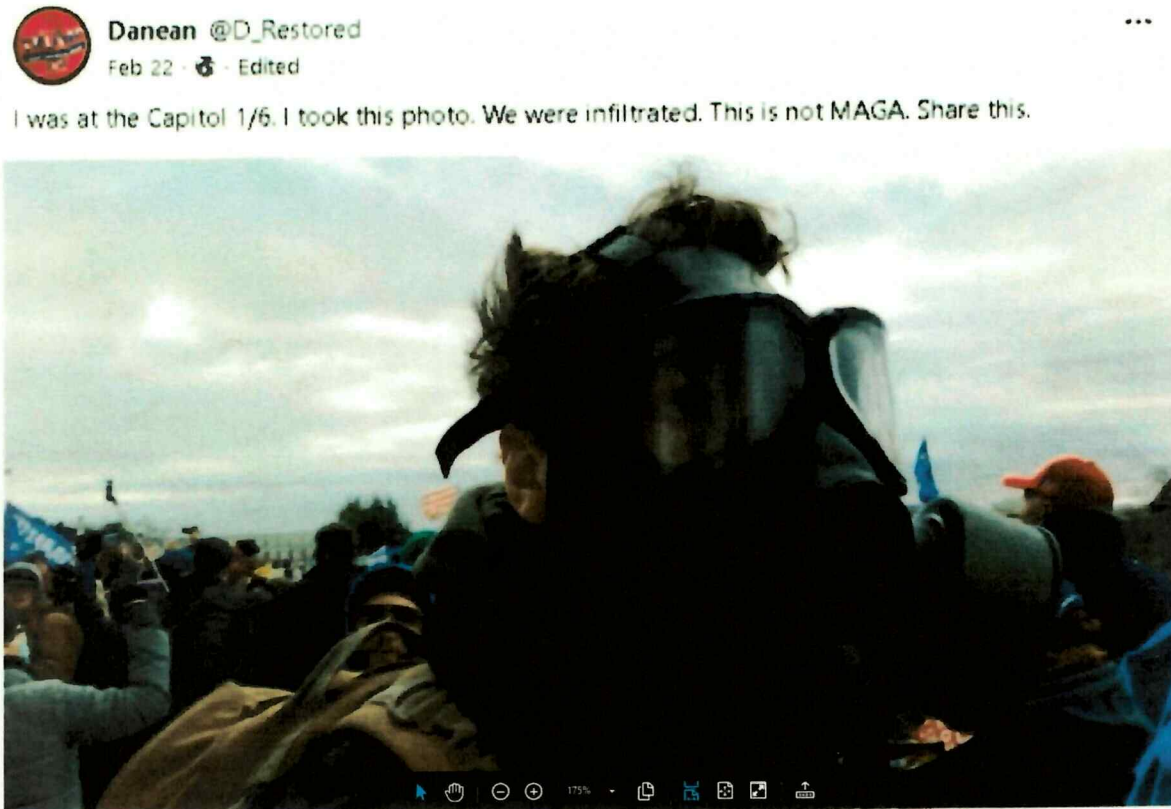
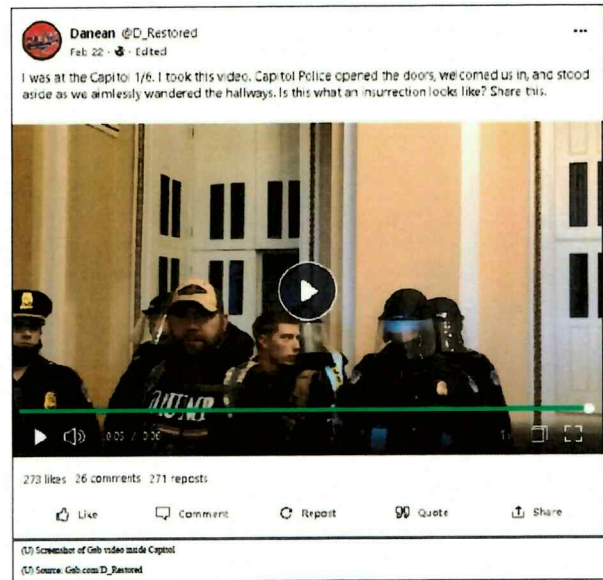
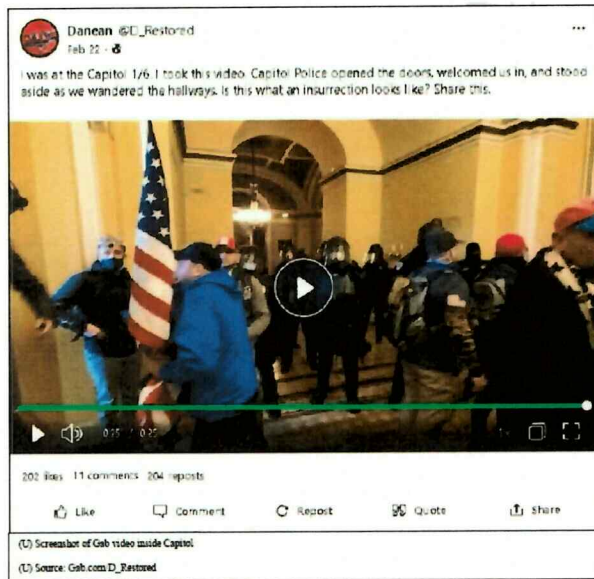


IMAGE 1: Screenshot of a post to MACANDREW's Gab account @D_Restored that included the statement "I was at the Capitol 1/6. I took this photo."

MACANDREW also confirmed the screenshots below were from her Gab account. On February 22, 2021, the following post on MACANDREW's Gab account included a statement that "I was at the Capitol 1/6. I took this video. Capitol Police opened the doors, welcomed us in, and stood aside as we wandered the hallways. Is this what an insurrection looks like? Share this."



IMAGES 2A , 2B: Screenshots of a post to MACANDREW’s Gab account @D_Restored that included the statement “I was at the Capitol 1/6. I took this video . . . ” (The screenshots are of a single post. The screenshot in image 2B bears the label “Edited,” and it appears the word “aimlessly” was inserted in the statement introducing the video.)

In the comments section to that video, “Danean @D_Restored” explained the delay in posting the video by stating “I know. I am expecting it. I was scared of it for weeks, so I didn’t post my videos. I finally stood up for truth. When I did, I wasn’t scared anymore.” This comment was in response to a comment that agents are going to “surround your house and take you to jail like they did that other guy.”



IMAGE 3: A screenshot from comments on a video posted to MACANDREW’s Gab account @D_Restored that included the statement “I was at the Capitol 1/6. I took this video . . . ”

On April 19, 2021, agents compared footage from the Capitol's closed-circuit television (CCTV) surveillance video system with the videos MACANDREW posted to her Gab account. Agents located CCTV footage that showed what appear to be the same people and actions shown in the videos MACANDREW posted to her Gab account. For example, a video posted on MACANDREW's Gab account "@D_Restored" shows a man in a dark, hooded sweatshirt, dark Under Armor beanie, and light-blue bandana (circled in blue below) who appears to be fist-bumping with Capitol Police officers. That man is standing next to a woman who is wearing a brown jacket and a red, white, and blue cap (also in the blue circle below), and is near a man who is wearing a royal blue sweatshirt and dark baseball cap and holding a U.S. flag (circled in green below). The following image is a screenshot from that video on MACANDREW's Gab account:

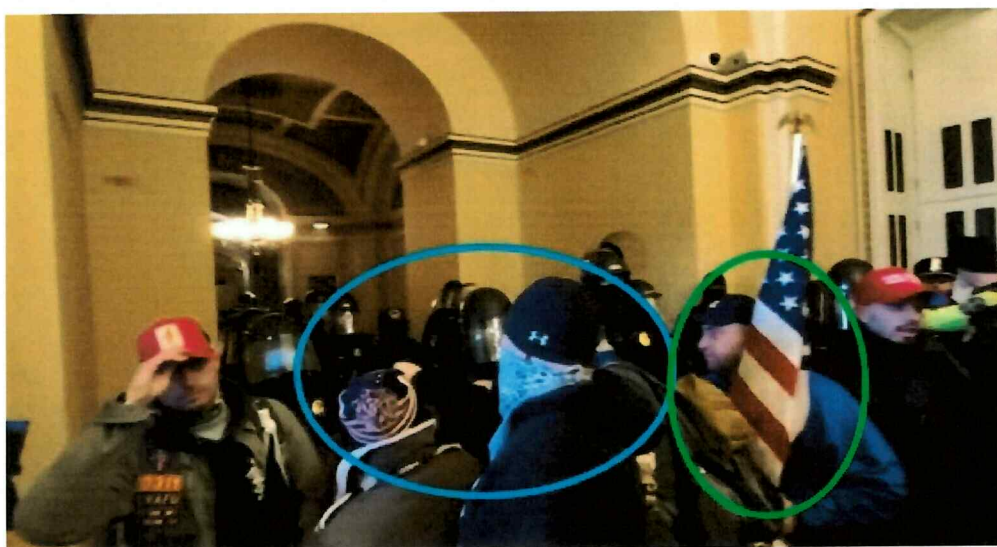


IMAGE 4: Screenshot from a video posted to MACANDREW's Gab account

CCTV footage taken from inside the Capitol also showed these three people and showed the man in the light-blue bandana appear to fist-bump with Capitol Police. The CCTV footage (a screenshot of which is show below) also captured a person who appears to be using a mobile phone to take the video that was posted on MACANDREW's Gab account. The person shown inside the Capitol in the screenshot below (circled in red), who is wearing a red baseball cap, thick black jacket, and red scarf, appears to be recording the video (screenshotted above) that was posted on MACANDREW's Gab account, based on the proximity and angle of the person holding the phone relative to the people circled in blue and green in the screenshot above.

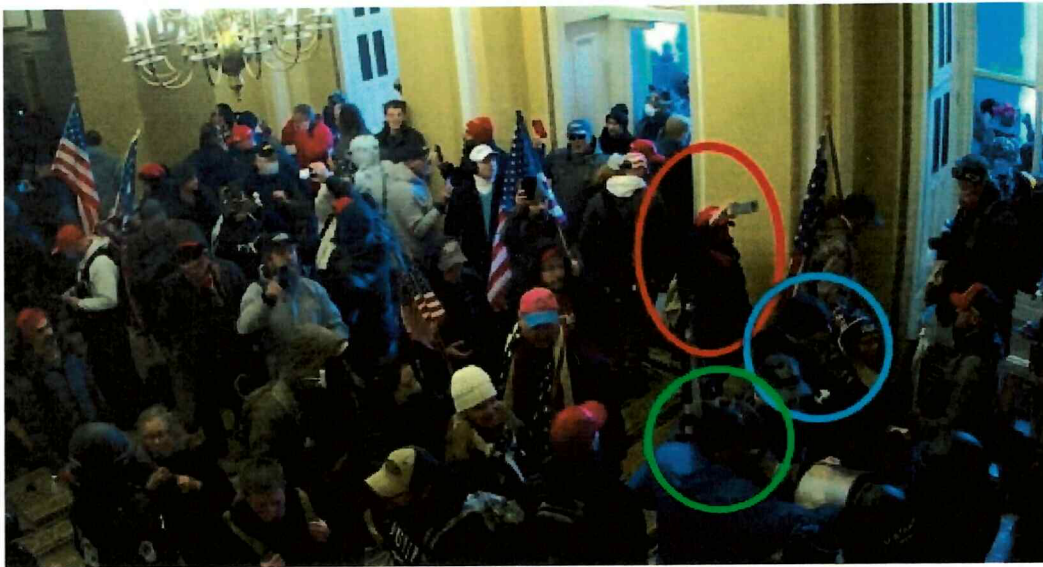


IMAGE 5: Screenshot from CCTV footage.

The person circled in red above, who appears to be filming the people circled in blue and green, has a stature and appearance consistent with MACANDREW's, based on my familiarity with MACANDREW's stature and appearance from the interview conducted at her residence on September 28, 2021.

Also, the mobile phone held by the person believed to be MACANDREW (circled in red) in Image 5 above closely resembles the following image of a Samsung Galaxy S10+ depicted at <https://www.samsung.com/global/galaxy/galaxy-s10/>:



As stated above, records obtained from AT&T revealed the phone number [REDACTED] (which MACANDREW told me was a good contact number for her) was assigned to a Samsung Galaxy S10+ device.

In addition, agents used MACANDREW's driver's license photo to search for videos of people at the Capitol on January 6, 2021, using facial-recognition software. The following images of a person at the Capitol on January 6, 2021 (who is wearing a red cap and red scarf like

the person (circled in red in Image 5 above) who appears to be recording the video that was posted on MACANDREW's Gab account) closely resemble the person in MACANDREW's driver's license photo, based on my comparison of those images:



IMAGE 6A, 6B, 6C: Images of a person at the Capitol on January 6, 2021 closely resembling MACANDREW's driver's license photo.

Finally, during the interview on September 28, 2021, MACANDREW showed me on a map of the Capitol building and grounds where she believed she entered the Capitol building. MACANDREW said she believed she entered the building near where Capitol police were lined up outside.

Based on the foregoing, I respectfully submit that there is probable cause to believe that DANEAN KIMBERLY MACANDREW 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; 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, including the Vice President, 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.

There is also probable cause to believe that DANEAN KIMBERLY MACANDREW violated 40 U.S.C. § 5104(e)(2)(D) & (G), which makes it a crime to willfully and knowingly 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 to parade, demonstrate, or picket in any of the Capitol Buildings.


Special Agent Braden Ballantyne
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1.
by telephone, this 12th day of November 2021.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE