

STATEMENT OF FACTS

Your affiant, Braden Ballantyne is a Special Agent (SA) 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. As a Special Agent, I have received both formal and informal training from the FBI regarding domestic terrorism investigations. Through my training and experience with the FBI, I am familiar with the methods of operation that individuals associated with domestic extremist organizations employ – including their use of social media and online platforms such as Facebook, Instagram, and YouTube – to communicate with associates regarding their ideology, to organize actions on behalf of their organizations, and to bring attention to their political and social agendas. As an FBI Special Agent, I have also participated in the execution of multiple search warrants, including search warrants executed at physical residences in cases involving domestic terrorism.

Currently, I am tasked with investigating criminal activity in and around the 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 U.S. Capitol is secured twenty-four hours a day by U.S. 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 PM. Shortly thereafter, by approximately 1:30 PM, 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 PM, 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 PM, 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 PM. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

Facts Specific to Michelle Estey

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 Capitol without authority to be there. One of the individuals who was inside the Capitol without authority to be there has been identified as MICHELLE ESTEY (ESTEY).

According to records obtained through a search warrant which was served on ATT, on January 6, 2021, in and around the time of the incident, the cellphone associated with XXX-XXX-0424, an Apple iPhone 8 with IMEI XXXXXXXXXXXXX0931, was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

On May 24, 2022, through legal process I learned that phone number XXX-XXX-0424 is associated with Mike Estey with billing address XX Lucerne, Newport Beach, CA 92660. According to California DMV records ESTEY's address is XX Lucerne, Newport Beach, CA 92660. According to public source database checks Mike Estey is the spouse of ESTEY.

On May 24, 2022, through legal process I learned that phone number XXX-XXX-0424 is associated with Amazon account registered to ESTEY. Address XX Lucerne, Newport Beach, CA 92660 is registered with the payment methods listed on the account.

On June 14, 2021, FBI received a tip via tips.fbi.gov that stated, in relevant part, "During a dinner with friends, . . . they revealed that their friend, Michelle Estey, was amongst the people that stormed and entered the Capitol Building on Jan 6th of this year. . . . Michelle Estey is married to Jim Estey, they live in Newport Beach, CA and her Facebook page is as follows: <https://www.facebook.com/michelle.estey.9>."

On December 7, 2021, I reviewed the YouTube video entitled "D.C. Burning – Jan. 6th DC Riots". As part of the FBI investigation into the January 6, 2021 riots, this video was

discovered which was filmed inside room ST2M of the Capitol. At around 16 minutes and 15 seconds into the video a woman with blonde hair, a red, white, and blue Trump beanie with '45' on the bill, a black coat, holding a gray purse, and looking at a phone appears in the video being captured inside the US Capitol in room ST2M on January 6, 2021. On September 10, 2021, I attempted to interview ESTEY in person. ESTEY declined to speak without an attorney present. It appeared that the individual described above in the YouTube video closely resembled ESTEY.



On December 29, 2021, I interviewed a longtime family friend of ESTEY. The picture below was presented. The family friend identified ESTEY as the individual with blonde hair and the Trump beanie in the picture.



In order to access Capitol Building room ST2M on January 6, 2021, ESTEY had to climb through a broken window. ESTEY was inside room ST2M for several minutes with other rioters while furniture was being destroyed, desks and drawers rummaged and files ransacked and searched. ESTEY eventually exited the room by crawling out the broken window.

Facts Specific to Melanie Belger

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 Capitol without authority to be there. One of the individuals who was inside the Capitol without authority to be there has been identified as MELANIE BELGER (BELGER).

According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with XXX-XXX-3066, an Apple iPhone 11 with IMEI XXXXXXXXXXX9586, was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

On June 9, 2022, through legal process, I learned that phone number XXX-XXX-3066 is an Apple iPhone 11 with IMEI XXXXXXXXXXX9586 and is registered to Melanie Belger address XXXXX Gray Pl., Tustin, CA 92782.

After the January 6, 2021 Capitol Siege, the FBI received tips and complaints identifying BELGER as a possible participant in the Siege, citing social media postings made by a Facebook account used by BELGER.

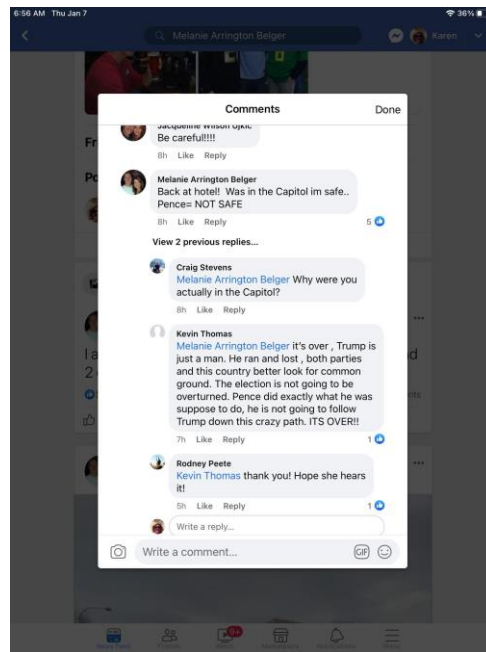
On July 1, 2022, through legal process, I learned that Facebook account with UID 1592710084 and username melanie.a.belger is associated with email address melaniebelger@cox.net and phone number XXX-XXX-3066.

On January 7, 2021, the FBI received a public tip submitted through <http://www.fbi.gov/USCapitol> that stated the below image was “From facebook posting of Melanie Belger 2 of 2”. A Facebook account used by BELGER posted “I am at the Capitol doors been roped sprayed. Round 2 coming”. See image below.



On January 7, 2021, the FBI received a public tip submitted through <http://www.fbi.gov/USCapitol> that stated the below image was “From Facebook posting of Melanie Belger – file 1 of 2.” A Facebook account used by BELGER posted: “Back at hotel!

Was in the Capitol im safe.. Pence=NOT SAFE.” The submitted screenshot appeared to be taken on Thursday, January 7, 2021. See image below.



On December 7, 2021, I reviewed the YouTube video entitled “D.C. Burning – Jan. 6th DC Riots.” As part of the FBI investigation into the January 6, 2021 riots, this video was discovered which was filmed inside room ST2M of the Capitol. At around 16 minutes and 15 seconds into the video, a woman with brown hair, sunglasses on her head, a black puff jacket, an American flag bandana around her neck, a white shirt, and holding what appears to be a red beanie and an empty bottle of Captain Morgan Rum appears in the video being captured inside the U.S. Capitol in room ST2M on January 6, 2021. On December 23, 2021, SA Ballantyne attempted to interview BELGER in person. BELGER declined to speak without an attorney present. It appeared to your affiant that the individual described above in the YouTube video closely resembled BELGER.



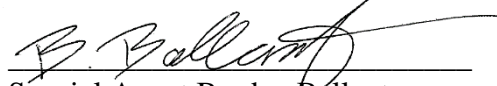
On December 13, 2021, Special Agent Braden Ballantyne interviewed a former work associate of BELGER at Raj Capitol Investments. The picture below was presented. The former work associate identified BELGER as the individual with sunglasses on her head, black jacket, and white shirt.



In order to access Capitol Building room ST2M on January 6, 2021, BELGER had to climb through a broken window. BELGER was inside room ST2M for several minutes with other rioters while furniture was being destroyed, desks and drawers searched and files ransacked and searched. BELGER eventually exited the room by crawling out the broken window.

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

Your affiant submits there is also probable cause to believe that ESTEY and BELGER 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 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 on 09/16/2022.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE