

Case: 1:23-mj-00080
Assigned To : Upadhyaya, Moxila A.
Assign. Date : 4/11/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Oklahoma City Division of the Federal Bureau of Investigation. In my duties as a Special Agent, I have investigated numerous criminal and national security violations falling within the FBI's jurisdiction. 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, detection, 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 United States Congress convened at the United States 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 United States 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, around 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 United States House of Representatives and United States 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 United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States 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.

FACTS SPECIFIC TO TRICIA LACOUNT

I have studied video footage and still photographs of the January 6, 2021, incursion of the U.S. Capitol, and I have identified an individual there as TRICIA LACOUNT (**LACOUNT**), of Tulsa, Oklahoma, for the reasons described herein. As also described herein, the images and video footage that I have reviewed, as well as the other facts gathered in this investigation, establish that **LACOUNT** did unlawfully enter the U.S. Capitol on January 6, 2021.

On or about January 8, 2021, Witness 1 submitted an online tip to the FBI regarding **LACOUNT** and others. Witness 1 has known **LACOUNT** for approximately 15 years. Although Witness 1 has met **LACOUNT** in person, Witness 1 reported that their relationship is mostly being Facebook friends. Witness 1 submitted Image 1 below and indicated it was taken from **LACOUNT**'s Facebook.



Image 1

Image 1 shows that Facebook user Tricia LaCount recorded a live video which was posted on the user's Facebook account. The user also posted they are "Walking to the Ellipse for the rally!" **LACOUNT** appears to be the person recording the video and does not appear in Image 1. Image 1 also shows that user "Tricia LaCount" tagged Facebook User "[REDACTED]" in the

post. "[REDACTED]" is known to the FBI to be a Facebook alias for [REDACTED] who was arrested on May 19, 2021, for violations of Title 18, United States Code (U.S.C), Section 1752(a)(1) and (2) (Unlawful Entry on Restricted Buildings or Grounds), and Title 40, U.S.C. Section 5104(e)(2)(D) and (G) (Violent Entry and Disorderly Conduct on Capitol Grounds).

On February 9, 2022, I interviewed Witness 2, a former neighbor of LACOUNT. Witness 2 stated that they had daily interactions with LACOUNT for approximately two years. Prior to the Capitol Riot on January 6, 2021, LACOUNT informed Witness 2 she would be traveling to Washington, D.C., to attend a rally for President Trump. Witness 2 believes LACOUNT left Tulsa, Oklahoma, driving to Washington, D.C., approximately two days before the rally. Upon her return, LACOUNT informed Witness 2 she was in Washington, D.C., on January 6, 2021. LACOUNT did not tell Witness 2 that she had gone inside the Capitol.

After establishing the existence of a close and consistent relationship between Witness 2 and LACOUNT, I requested Witness 2 review images of an individual believed to be LACOUNT inside the U.S. Capitol on January 6, 2021. Without informing Witness 2 that LACOUNT was believed to be depicted in the images, each image was shown to Witness 2 individually. I instructed Witness 2 to identify anyone in the images that they recognized. I also instructed Witness 2 not to identify anyone if they did not recognize anyone in the images.

Witness 2 identified an individual they believed to be LACOUNT in Image 2 below. I instructed Witness 2 to circle the individual they identified, label who they believed it was and initial next to it. Witness 2 circled the woman on the left as LACOUNT. Image 2 has been redacted to remove Witness 2's initials.



Image 2

Open-source research showed a phone number ending in 2909 to be a likely phone number associated with Telegram user Tricia LaCount. 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 that number 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.

According to the aforementioned search warrant returns, that phone number ending in 2909 made an outgoing phone call at 19:37:00 UTC, or 2:37 p.m. Washington D.C. time.

Law enforcement officers reviewed surveillance video from cameras mounted within the U.S. Capitol building and observed **LACOUNT** in the U.S. Capitol Building. At approximately 19:37:05 UTC on January 6, 2021, surveillance video shows **LACOUNT** entering the Rotunda of the U.S. Capitol holding what appears to be a cellular telephone to her right ear. Image 3 below is a screenshot from that surveillance footage.



Image 3

On January 18, 2023, legal process was served to Meta Platforms, Inc., for records pertaining to Facebook user Tricia LaCount (ID ending in [REDACTED]). Records provided by Meta Platforms, Inc., revealed a conversation between user Tricia LaCount and other Facebook users during which user Tricia LaCount sent a video appearing to have been taken inside the U.S. Capitol on January 6, 2021. A member of the conversation responded by asking, "You got in the Capitol?!" Facebook user Tricia LaCount then responds, "Absolutely!" and proceeded to send a second video appearing to have been taken inside the U.S. Capitol on January 6, 2021.

In the same conversation thread, user Tricia LaCount stated “Pelosi’s office is so gaudy.... massive chandelier, beautiful fireplace... MSNBC live was on every laptop.” I assess user Tricia LaCount to be referring to former Speaker of the House Nancy Pelosi.

Video footage obtained by the FBI shows **LACOUNT** inside of the office for the Speaker of the House Nancy Pelosi as shown in Image 4 below.



Image 4

Closed circuit surveillance video from cameras mounted within the U.S. Capitol building shows **LACOUNT** leaving the office of the Speaker of the House at approximately 2:34 p.m., as shown in Image 5 below.

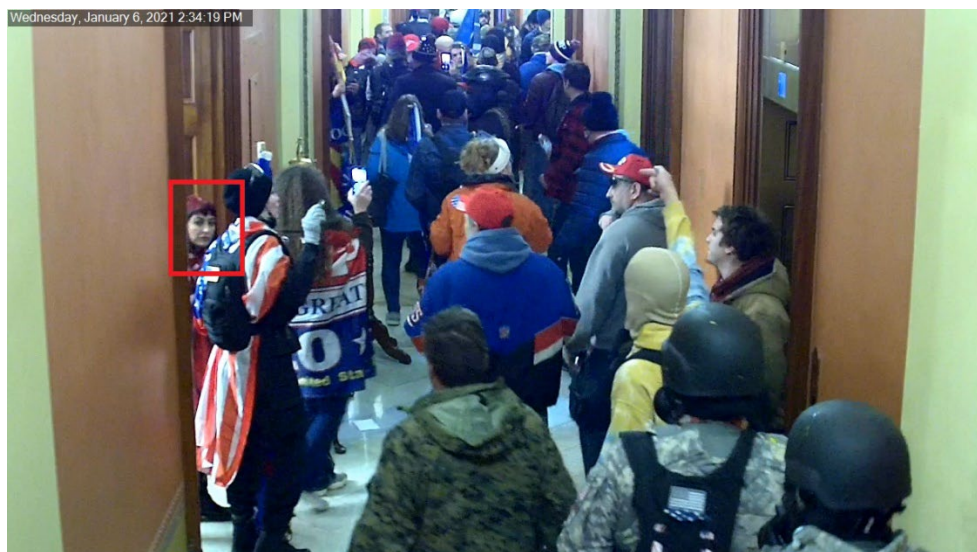


Image 5

In total, closed circuit surveillance video depicts **LACOUNT** inside the Capitol for approximately an hour and 15 minutes. Video depicts **LACOUNT** entering the Capitol through the Senate Wing Door at approximately 2:16 p.m., as shown below in Image 6. This entry was approximately three minutes after the initial breach of that door.

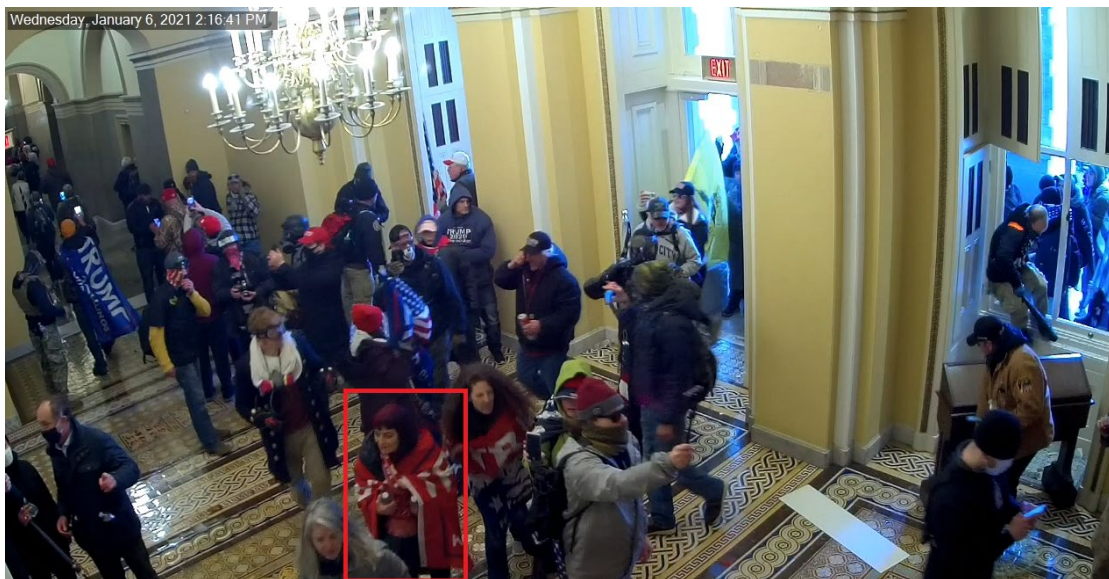


Image 6

In addition to the Office of the Speaker, video shows **LACOUNT** traveled to the Crypt, Rotunda, and Statuary Hall before exiting the Capitol at approximately 3:30 p.m.

Based on the foregoing, I submit that there is probable cause to believe that **TRICIA LACOUNT** 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.

I submit there is also probable cause to believe that **TRICIA LACOUNT** 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.



Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of April 2023.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE