

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”), Washington Field Office (“WFO”), Joint Terrorism Task Force (“JTTF”). I have been a Special Agent with the FBI since January 2021. I have been employed by the FBI since April 2016 and supported public corruption cases in a professional staff role from April 2016 to January 2021. On the JTTF, I have investigated crimes committed by racially motivated violent extremists and other domestic terrorism related matters. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. I have personally participated in procuring and executing search warrants involving the search and seizure of multiple types of evidence, including electronic communications, digital devices, social media accounts, cell site data, geolocation data, premises, and vehicles. 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 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.

Since January 6, 2021, the FBI has been investigating and identifying those who were at the United States Capitol without authority and disrupted the proceedings. During that investigation, the FBI identified multiple videos showing a woman wearing a pink beret, a white jacket, and a black Dolce and Gabbana bag. The videos showed the woman both on the U.S. Capitol building grounds as well as within the U.S. Capitol building itself.

On or about April 27, 2023, the FBI released five photographs of the woman with a request for information on the FBI website. The photographs were labeled Photograph #537 A, B, C, D, and E. Subsequently, on or about April 27, 2023, FBI Washington Field Office tweeted images of Photograph #537 B and D requesting for information.

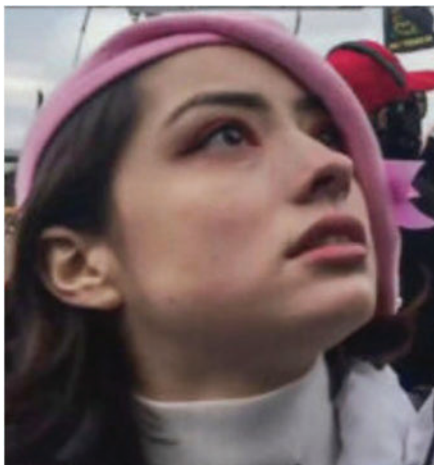


Image 1: Photograph #537 A released by the FBI on or about April 27, 2023.

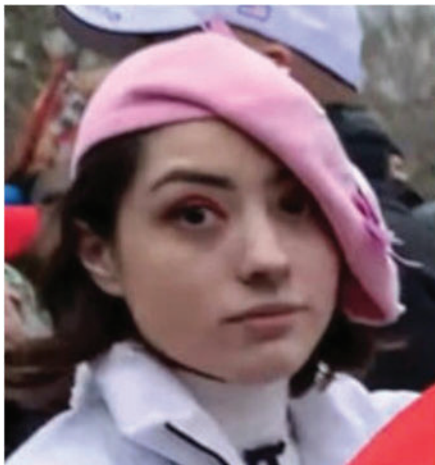


Image 2: Photograph #537 B released by the FBI and FBI Washington Field Office on or about April 27, 2023.



Image 3: Photograph #537 C released by the FBI on or about April 27, 2023.



Image 4: Photograph #537 D released by the FBI and FBI Washington Field Office on or about April 27, 2023.

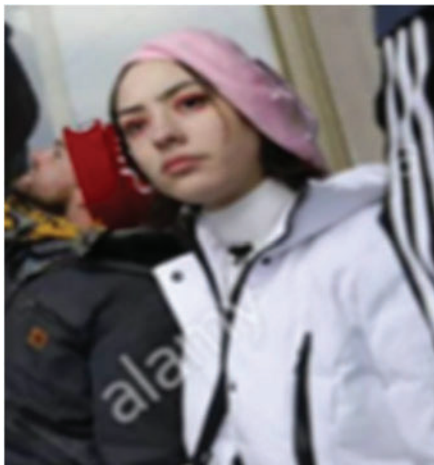


Image 5: Photograph #537 E released by the FBI on or about April 27, 2023.

Shortly thereafter, investigators received information from a tipster in response to “photo 537” posted to the FBI website. Your affiant and other FBI investigators contacted the tipster, whose name is known to me and is hereafter referred to as “CW-1,” via telephone on or about May 1, 2023. CW-1 provided information regarding a Twitter post by an individual who referenced the FBI Washington Field Office tweet with Images 2 and 4. In this individual’s tweet, the individual claimed to have previously dated the woman depicted in Images 2 and 4. This individual also posted two additional images of the woman depicted in Images 1 through 5 along with a photograph of a black Dolce and Gabbana bag consistent in appearance with the bag worn in Image 4.



Image 6: Twitter posting identifying woman in Images 2 and 4.

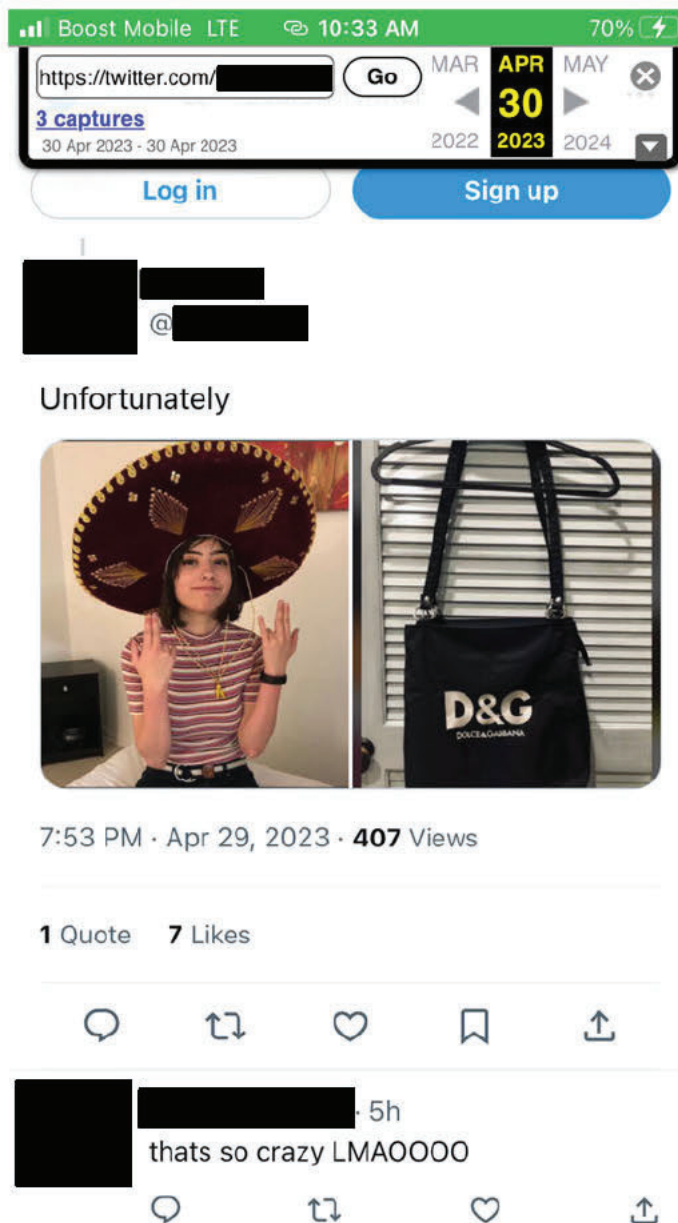


Image 7: Twitter posting identifying woman in Images 2 and 4 and bag in Image 4.

Investigators subsequently identified an Instagram account associated with the Twitter posts. Upon reviewing that Instagram account, investigators located the same image posted in Image 6.



Image 8: Posted image matching that shown in Image 6.

Someone posting under the Instagram handle “productivityofeconomics” wrote “Ah cool thanks for posting me lol.” Image 8 was posted on April 28, 2019. Investigators reviewed the Instagram page associated with “productivityofeconomics” and located the following image dated August 16, 2021:

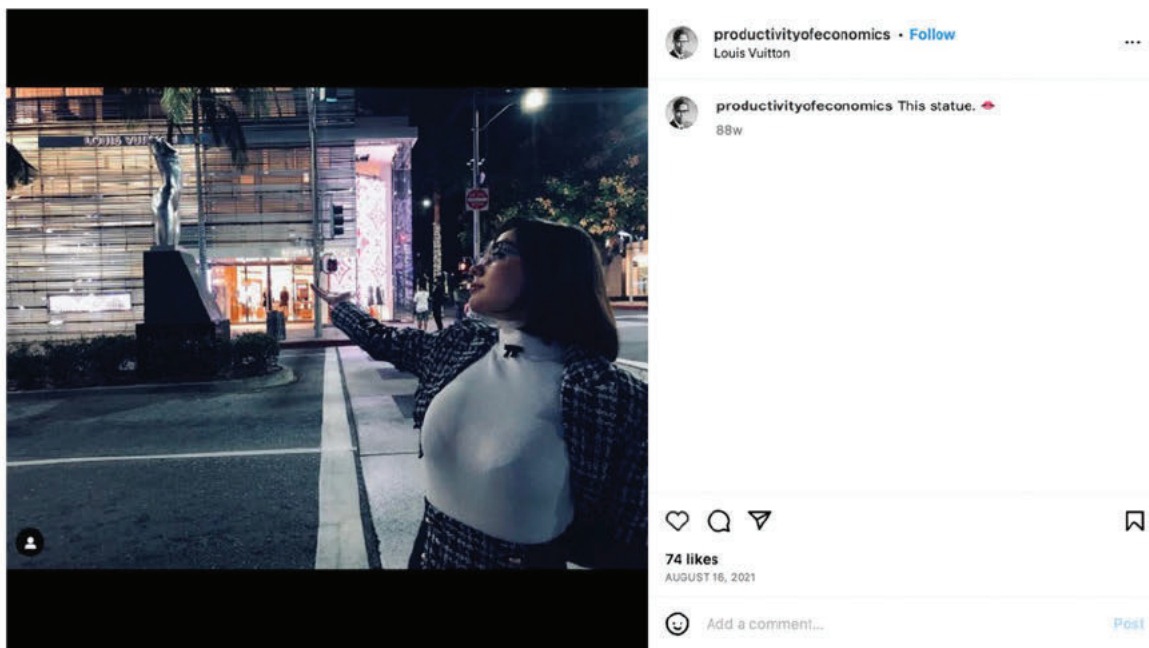


Image 9: Image posted on “productivityofeconomics” dated August 16, 2021.

Based on my review of Images 1 through 5, along with other video footage of the same person captured on January 6, 2021, the woman in Image 9 appears to be the same woman and the shirt she is wearing appears to be the same.

The FBI also received information from a tipster in response to Photographs #537 A through E, or Images 1 through 5, posted to the FBI website. The tipster, whose name is known to me and is hereafter referred to as “CW-2,” identified the woman in the photographs as Jennifer Inzunza VARGAS GELLER (“VARGAS GELLER”), and provided her age, a telephone number, and a home address, along with additional information. CW-2 also indicated that they previously dated VARGAS GELLER approximately four years earlier, and that VARGAS GELLER currently uses an Instagram account called, “@pleasuresofcensorship.”

The home address provided by CW-2 is identical to an address that is associated with VARGAS GELLER according to law enforcement database records.

FBI investigators identified the Instagram account for “pleasuresofcensorship,” and took a screenshot of the image associated with the account.



Image 10: Screenshot of image associated with “pleasuresofcensorship” May 2, 2023.

Your affiant and other FBI investigators contacted CW-2 via telephone on or about May 1, 2023. CW-2 provided additional information about VARGAS GELLER, and emailed investigators a screenshot containing Instagram direct messages that CW-2 claimed to have exchanged with VARGAS GELLER shortly after the January 6 insurrection.

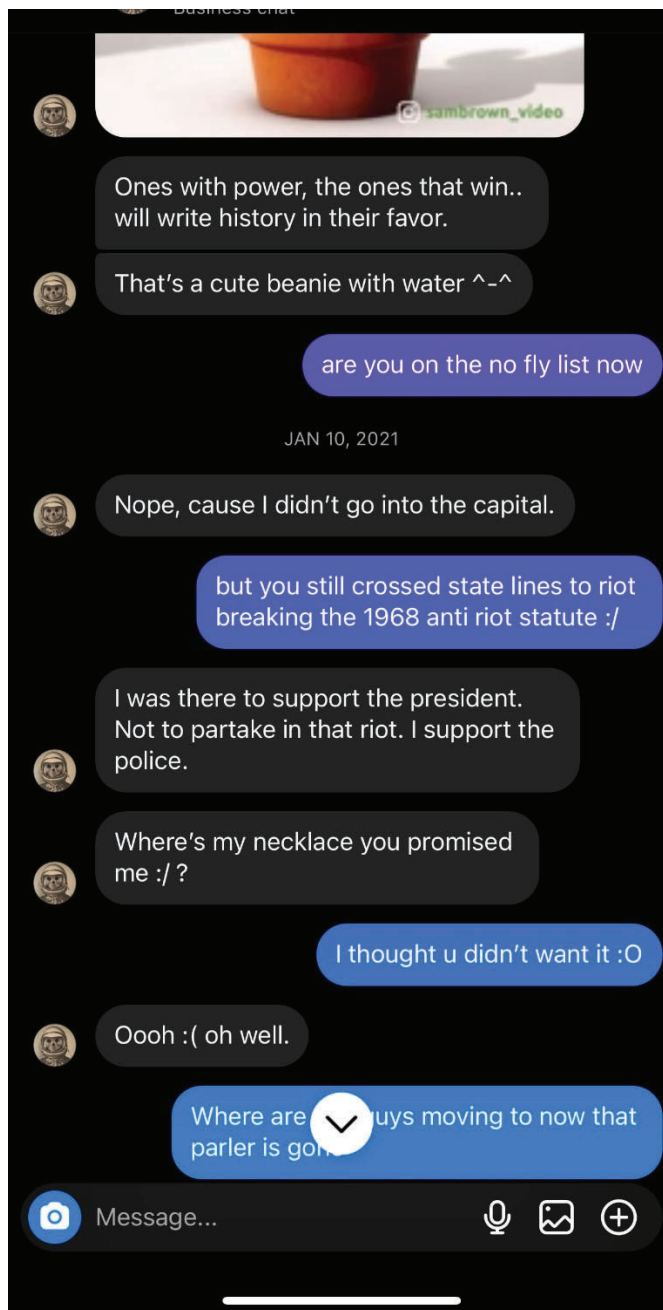


Image 11: Screenshot of Instagram direct messages between CW-2 and VARGAS GELLER.

Based on my review of that screenshot, it appears that CW-2 wrote “are you on the no fly list now.” On January 10, 2021, someone using the same image associated with the “pleasuresofcensorship” Instagram account wrote, “Nope, cause I didn’t go into the capital [sic]” and “I was there to support the president. Not to partake in that riot. I support the police.”

Investigators searched for telephone numbers believed to be associated with VARGAS GELLER, including the telephone number provided to investigators by CW-2, among devices determined to have been present, near, or inside the U.S. Capitol building on January 6, 2021, with negative results.

Your affiant obtained the California driver's license photograph for VARGAS GELLER, which was taken in May 2019, and the individual in that photograph appears to be the same person as the individual depicted in the following images from in and around the U.S. Capitol on January 6, 2021.

The FBI reviewed numerous videos from January 6, 2021, including closed-circuit television from the U.S. Capitol ("CCTV"), law enforcement body-worn cameras ("BWC"), and open-source videos. An individual bearing a strong resemblance to VARGAS GELLER is observed throughout the various videos. The clothing worn by this individual, a pink beret, a white puffy jacket with black zippers, a black Dolce and Gabbana bag, an orange skirt with black stockings, was consistent throughout the various images obtained.

Based on CCTV, it appears that VARGAS GELLER was inside the U.S. Capitol building from approximately 2:24 p.m. to 2:43 p.m., and again from 2:48 p.m. to 2:52 p.m. In particular, CCTV footage shows VARGAS GELLER entering the building through the Senate Wing Doors on the northwest side of the U.S. Capitol at approximately 2:24 p.m.

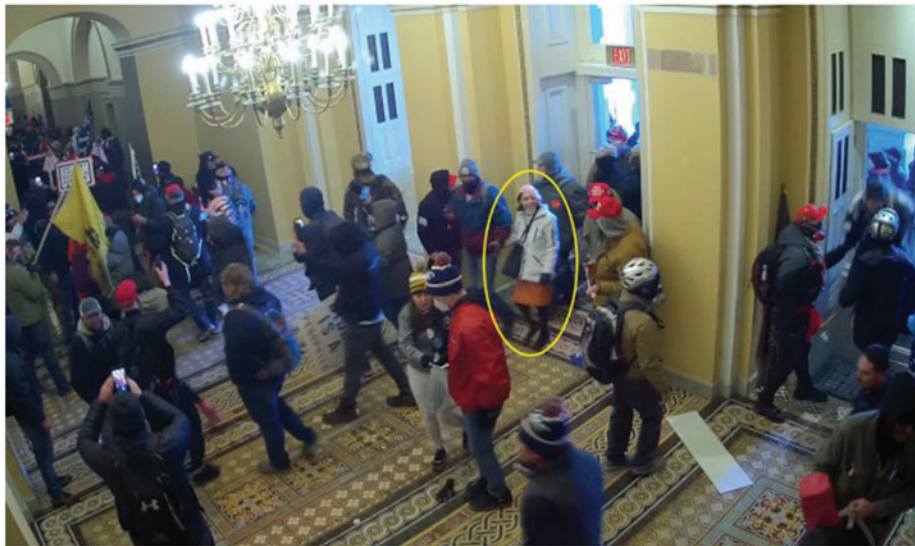


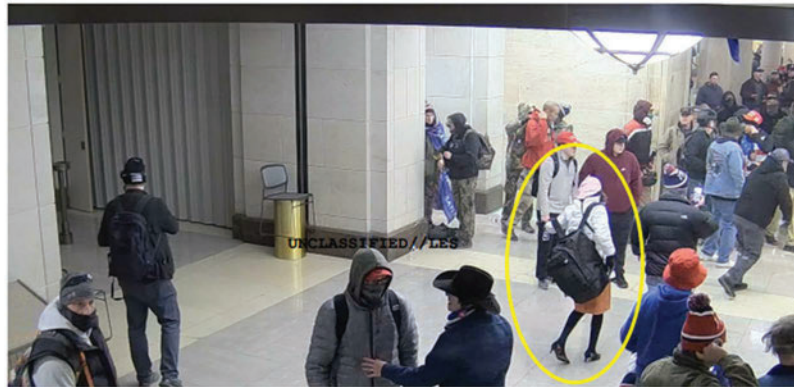
Image 12: Image obtained from CCTV showing the defendant entering the U.S. Capitol Building and circled in yellow.

At approximately 2:25 p.m., VARGAS GELLER walked towards the direction of the "Crypt."



Image 13: Image obtained from CCTV showing the defendant in the U.S. Capitol Building walking towards the direction of the Crypt and circled in yellow.

Roughly seven minutes later, at approximately 2:32 p.m., VARGAS GELLER had made her way to the lobby east of the Crypt. Surveillance footage shows that she is holding something in her hand and had a backpack on her back. From approximately 2:32 p.m. to 2:38 p.m., VARGAS GELLER walked back and forth between the Crypt and the lobby east of the Crypt.



Images 14-16: Images obtained from CCTV showing the defendant entering in the lobby east of the Crypt and circled in yellow.

At approximately 2:40 p.m., CCTV video shows VARGAS GELLER running past the elevator lobby near the U.S. Capitol Visitor's Center. In the video, she has removed her pink beret and is carrying it in her hand.



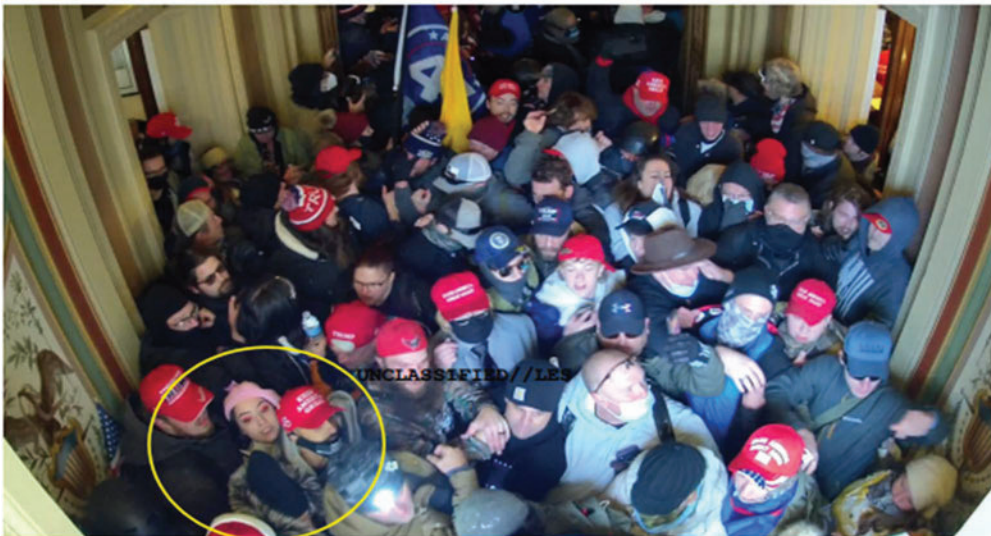
Image 17: Image obtained from CCTV showing the defendant near the Capitol Visitor's Center and circled in yellow.

Several minutes later, VARGAS GELLER returned to the vicinity of the Senate Wing Doors and at approximately 2:43 p.m., exited the U.S. Capitol building through one of the windows.



Image 18: Image obtained from CCTV showing the defendant preparing to exit through the window near the Senate Wing Doors and circled in yellow.

Five minutes later, at approximately 2:48 p.m., VARGAS GELLER re-entered the U.S. Capitol building through a different entrance near the Parliamentarian's Office.



Images 19-20: Images obtained from CCTV showing the defendant in the hallway near the Parliamentarian's office and circled in yellow.

VARGAS GELLER remained in the U.S. Capitol for another four minutes, exiting through the same door near the Parliamentarian's Office at approximately 2:52 p.m.

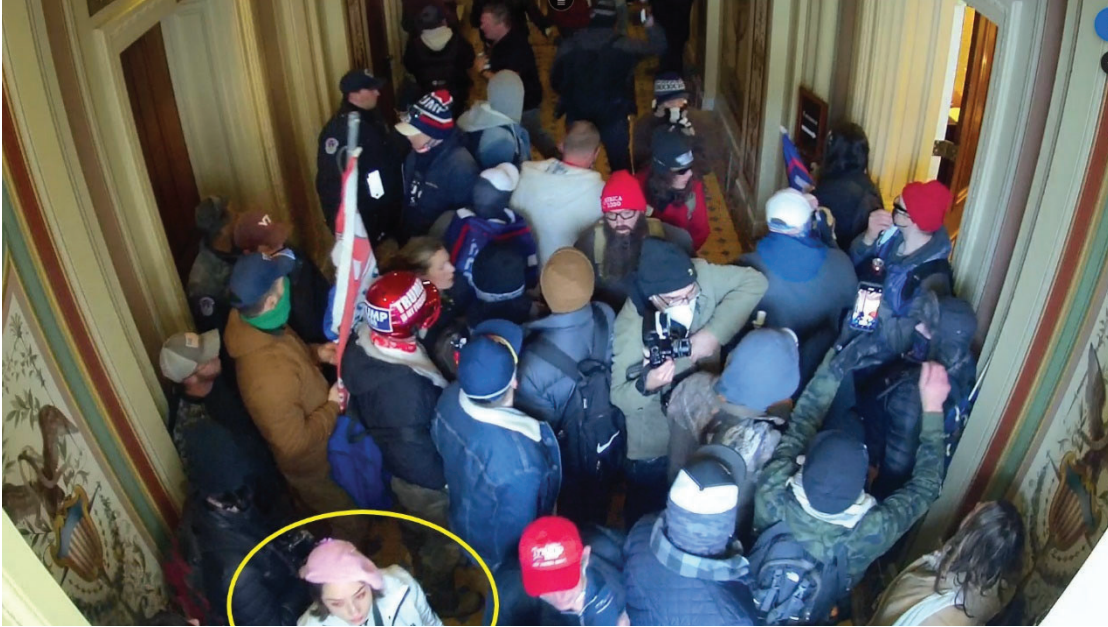


Image 21: Image obtained from CCTV showing the defendant exiting from the hallway near the Parliamentarian's office and circled in yellow.

According to open source videos that captured the events in and around the Capitol on January 6, 2021, VARGAS GELLER is seen holding what appears to be a bike rack. It appears individuals near VARGAS GELLER begin destroying the bike rack. VARGAS GELLER steps back from the bike rack and appears to cheer. Shortly thereafter, police officers disperse the individuals who destroyed the bike rack. During this incident, pepper spray and smoke or gas appear to be deployed in the background. Additionally, VARGAS GELLER appears to be next to the scaffolding at the Capitol.





Image 22-23: Images obtained from open source videos showing the defendant near a bike rack when it is destroyed and circled in yellow

According to open source videos that captured the events in and around the Capitol, at some point during the riots VARGAS GELLER appears to usher people into the Capitol through the entrance near the Parliamentarian's Office.





Image 24-25: Images obtained from open source videos showing the defendant near the entrance near the Parliamentarian's office and circled in yellow.

According to open source videos that captured the events in and around the Capitol on January 6, 2021, at some point during the riots VARGAS GELLER was near a pile of media equipment that was being destroyed by bystanders. At one point, VARGAS GELLER helps a bystander pick up and collapse a camera tripod stand. Shortly thereafter, the bystander walks away with the camera tripod stand. Additionally, VARGAS GELLER appears to pick up a black bag near the pile of media equipment and gives it to an individual identified as Tucker Weston, an individual charged in connection with activities at the U.S. Capitol on January 6, who walks away with the black bag.





Image 26 - 27: Images obtained from open source videos showing the defendant near the destruction of media equipment and circled in yellow.

Based on the foregoing, your affiant submits that there is probable cause to believe that VARGAS GELLER 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.

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Your affiant submits there is also probable cause to believe that VARGAS GELLER violated 40 U.S.C. § 5104(e)(2)(D) and § 5104(e)(2)(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.

[REDACTED]

[REDACTED]
FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 5th day of May 2023.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE