

Case: 1:23-mj-00197

Assigned To : Upadhyaya, Moxila A.

Assign. Date : 8/7/2023

Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Timothy O'Brien, is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to Atlanta Division since April 2023. In my duties as a special agent, I investigate criminal violations of federal drug laws and related offenses. Prior to this assignment, your affiant served as a police officer with the Arlington County Police Department in Arlington, VA. 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 facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as "on or about".

Background: Events at the U.S. Capitol on January 6, 2021

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 Tonya Webb

According to records obtained through lawful legal process, a mobile device associated with Google account 282639044200 was on the grounds of the U.S. Capitol on January 6, 2021 between 1:48 P.M. and 4:43 P.M., and inside or adjacent to the U.S. Capitol 2:31 P.M. and 3:46 P.M. The Google records and subscriber information associated the mobile device with Elizabeth Webb and phone number 678-374-0328.

Subscriber and billing information obtained from T-Mobile for phone number 678-374-0328 linked the phone account to Tonya Webb at 4051 Jodeco Road, Stockbridge, Georgia, 30281. The T-Mobile account was associated to Tonya Webb (aka Tonya Keel) between March 31, 2006 and March 3, 2021.

Open source internet search of Tonya Webb produced a link to business website, www.lizziwebb.com, which lists the business phone number as 678-374-0328. Archival website screenshots of www.lizziwebb.com display this phone number on the website as early as March 24, 2017. In the “About Me” section of lizziwebb.com, Agents observed a photograph of a woman that matches the driver’s license photo for Tonya Webb (Figure 1).

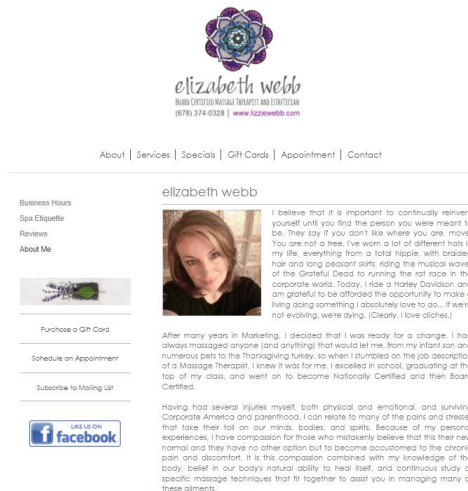


Figure 1: Screen capture of www.lizwebb.com showing www.lizwebb.com with photograph of WEBB and listed phone number 678-374-0328.

Video surveillance footage obtained from the Capitol Police shows Tonya Webb, wearing a green jacket and black hat with white “TRUMP” lettering, entering the U.S. Capitol Building through the Parliamentarian’s Door at approximately 2:44 P.M. and remaining inside for seven minutes.

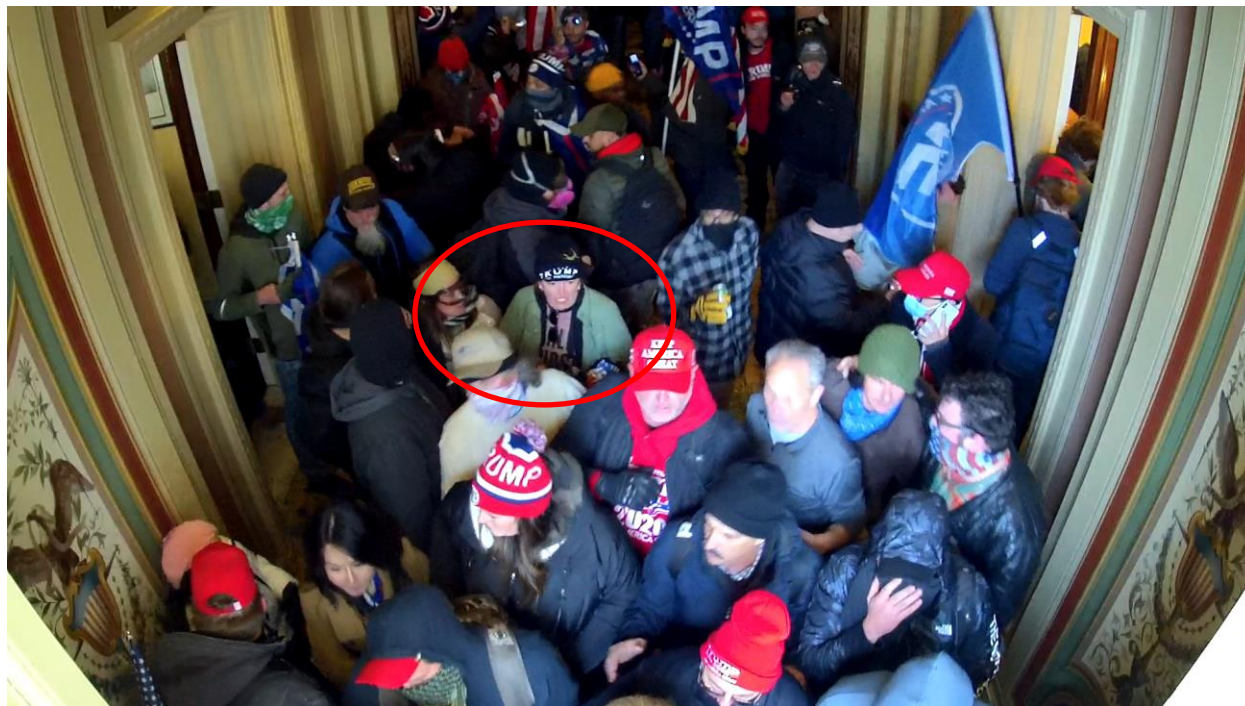


Figure 2: Screen capture of video surveillance showing WEBB inside the U.S. Capitol on January 6, 2021.

Approximately six minutes after exiting back out the Parliamentarian’s Door, Tonya Webb walks to the threshold of the Senate Wing Doors of the U.S. Capitol where, at approximately 2:57

P.M. she throws a flag into the U.S. Capitol. Two minutes later, at approximately 2:59 P.M., Webb re-enters the U.S. Capitol through the Senate Wing Doors while taking video on her cellphone. Webb then ventures further into the U.S. Capitol and to the Crypt before exiting back through the Senate Wing Doors at approximately 3:28 P.M., after remaining inside the U.S. Capitol for thirty minutes on her second entry.

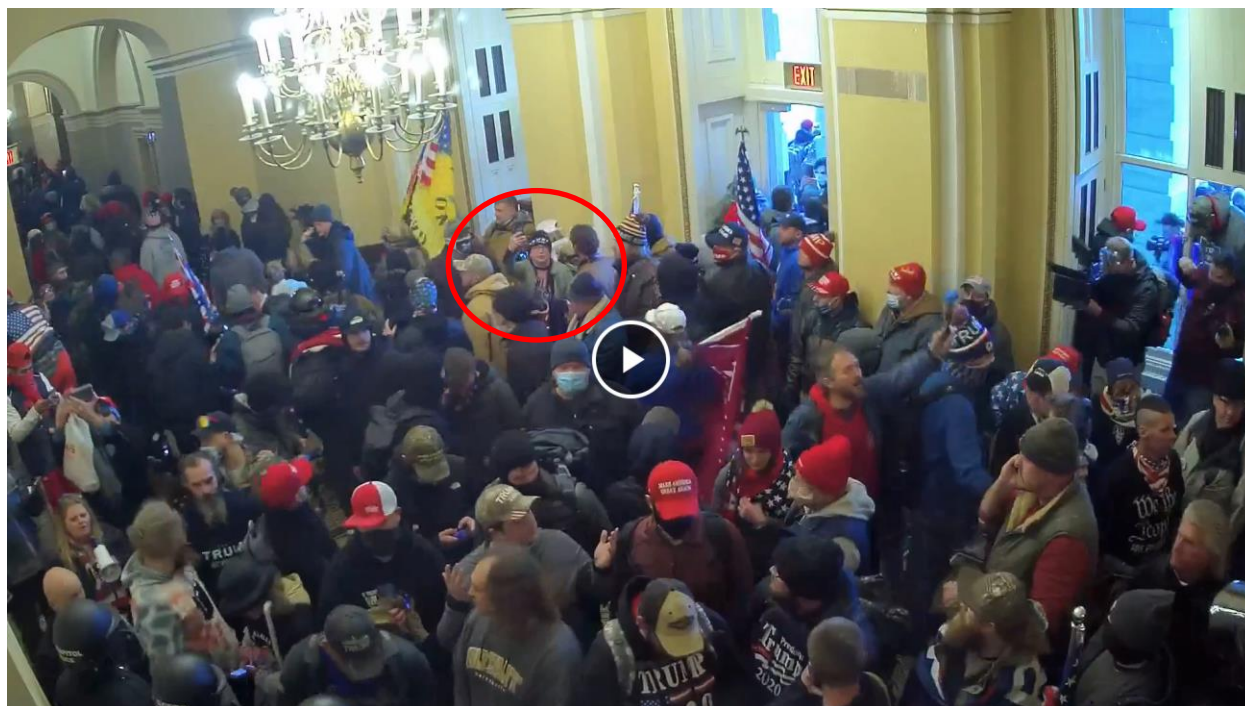


Figure 3: Screen capture of video surveillance showing WEBB inside the U.S. Capitol on a second occasion on January 6, 2021.

The following does not represent an exhaustive analysis of all available surveillance footage, but rather a summary WEBB's movement through the Capitol.

Open source searches produced multiple photos and videos of Tonya Webb both near and inside the U.S. Capitol building on January 6, 2021, as seen in the still shots below:



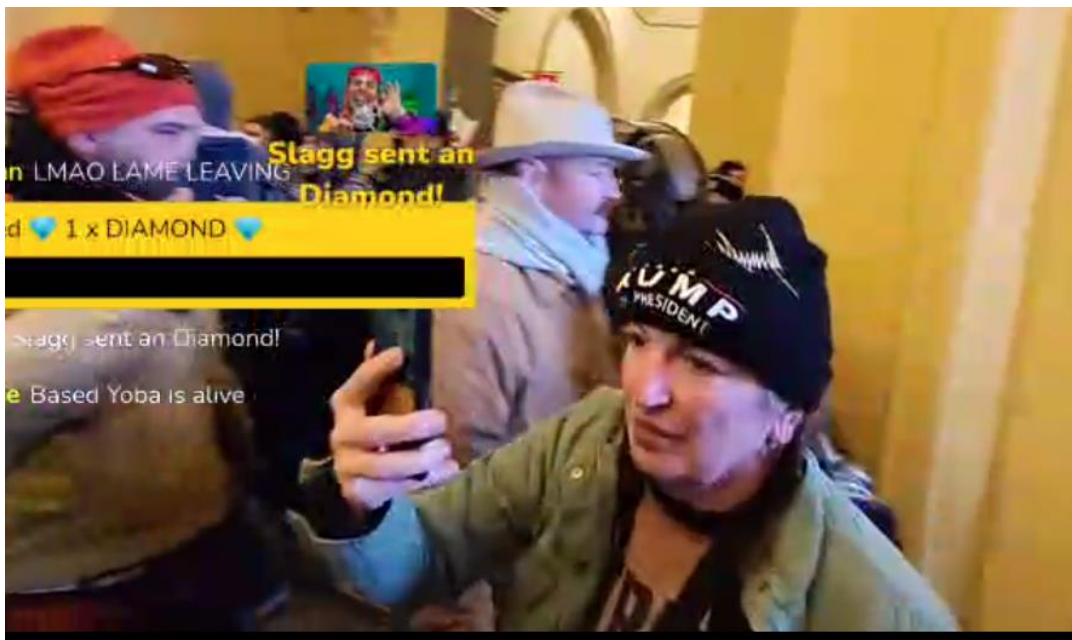
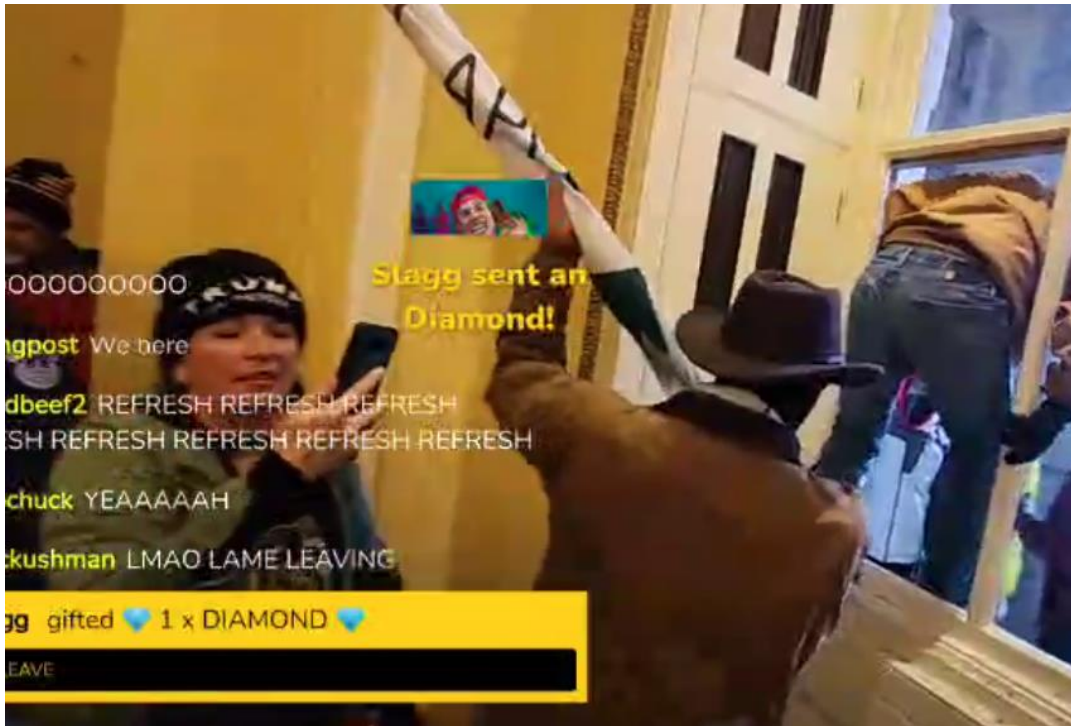
Figure 4: open-source media of WEBB outside the U.S. Capitol Building on January 6, 2021.



Figure 5: open-source media of WEBB outside the U.S. Capitol Building on January 6, 2021



Figures 6 and 7: open-source media of WEBB inside the U.S. Capitol Building on January 6, 2021.



Figures 8 and 9: Screen captures from social media feed showing WEBB inside the U.S. Capitol building near a broken window on January 6, 2021.

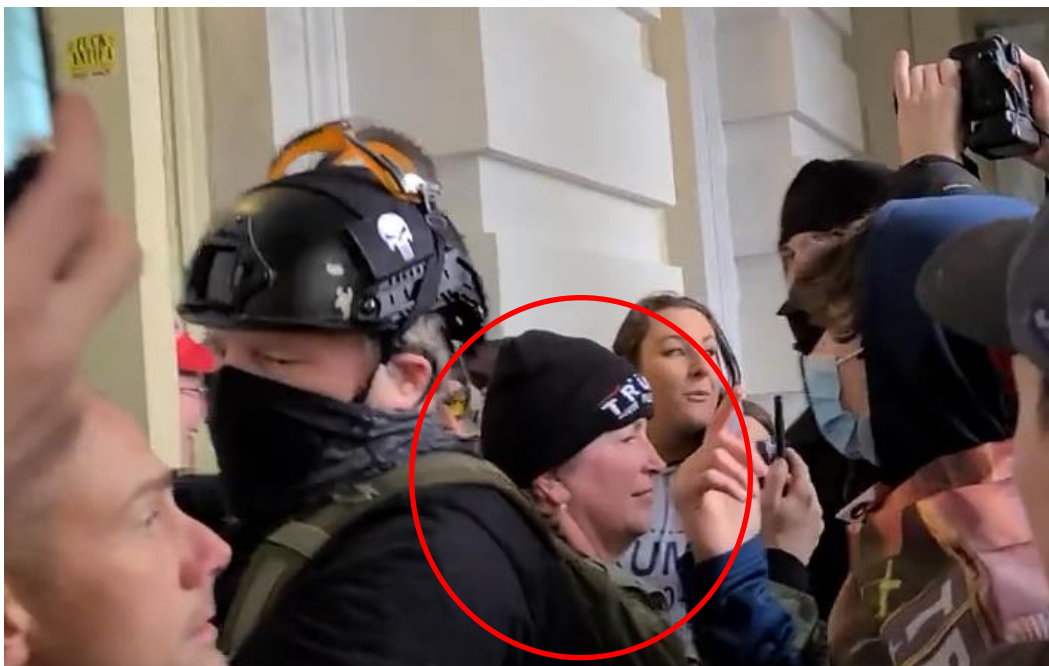


Figure 10: Screen capture from video of WEBB exiting the Capitol building.

On December 10, 2021, Agents interviewed a neighbor of Tonya Webb (W-1) who had spoken with her on multiple occasions. W-1 stated that Webb operated a massage therapy business at her residence, 4051 Jodeco Road, Stockbridge, Georgia. W-1 correctly identified Webb in two separate photo lineups, including identifying Webb as the woman in the green jacket in Figure 4.

Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that Tonya Webb 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 attempt or conspire 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 Tonya Webb 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.

Handwritten signature of Timothy O'Brien in black ink, consisting of the letters 'T.O.B.' followed by a flourish.

Timothy O'Brien
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 8th day of August, 2023.

U.S. MAGISTRATE JUDGE