

Case: 1:23-mj-00230
Assigned To : Harvey, G. Michael
Assign. Date : 8/25/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Todd Beard, is a Special Agent with the United States Department of Homeland Security (DHS), Homeland Security Investigations (HSI), currently assigned to the Federal of Bureau of Investigation (FBI), Inland Northwest-Joint Terrorism Task Force (JTTF), where I am responsible for investigating crimes regarding domestic terrorism, national security, and other crimes. I have been a Special Agent since December 2002. 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.

Investigation of ELLIOT WILLIAMS

The FBI received tips to the Federal Bureau of Investigation National Threats Operations Center (NTOC) from members of the public regarding the subject, ELLIOT WILLIAMS. On February 23, 2021, a tipster submitted information to the NTOC that he/she had seen WILLIAMS on a CBS News broadcast, and in that footage, the tipster saw WILLIAMS walking through the U.S. Capitol during the riots on January 6, 2021. In an interview conducted on May 3, 2021, the tipster indicated that he/she personally knew WILLIAMS from their social interactions in the Spokane, Washington area, and that he/she was positive that WILLIAMS was depicted in the CBS News footage.

The FBI conducted facial recognition research of the footage provided by the tipster, and compared it with other images, including WILLIAMS' Washington State driver's license, and determined that all of the images of WILLIAMS were extremely similar.

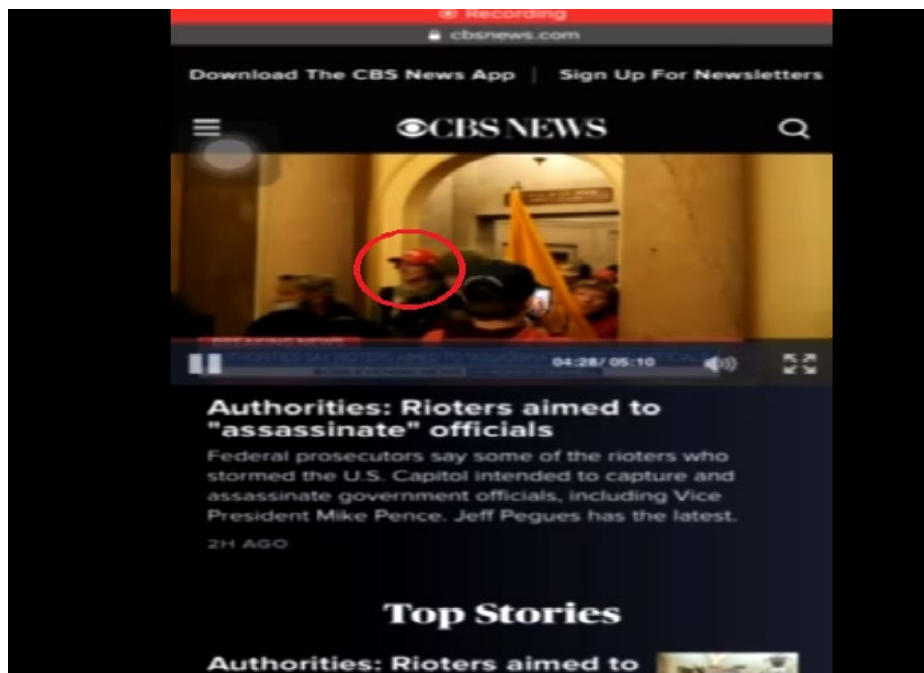


Image 1: WILLIAMS as he appears in a CBS newsclip walking through the U.S. Capitol on January 6, 2021

On September 15, 2022, WILLIAMS agreed to participate in a voluntary interview with FBI. During that interview, WILLIAMS stated that on January 5, 2021, he made the decision to fly to Washington, D.C. in order to participate in the "Stop the Steal" Trump rally that was to be held the next day. He purchased an airline ticket and flew to Washington, D.C. in the early morning

on January 6, 2021. After landing near Washington, D.C., WILLIAMS shared a rideshare with other individuals who were also heading to the rally.

WILLIAMS also stated that after attending former President Trump's speech, he followed the crowd to the U.S. Capitol building. Before entering the U.S. Capitol building, WILLIAMS observed police taking crowd dispersal measures, including using pepper spray, and he saw one individual in the crowd get hit by a small object being shot from law enforcement. WILLIAMS stated that he first entered the U.S. Capitol building behind lots of other people. He recounted seeing a woman carried out on a stretcher who appeared to have been shot inside the U.S. Capitol. He also explained that he attempted to open a closed cabinet inside the U.S. Capitol to find tissues to deal with the effects of pepper spray in the air. WILLIAMS admitted to leaving and then re-entering the U.S. Capitol in order to find less crowded access points.

WILLIAMS stated that his cellphone battery had died before he entered the U.S. Capitol building, but he exchanged texts with others later that evening who had also been at the rally. Through legal process in a different Capitol Riots investigation involving Nicolas Moncada,¹ the FBI learned that Moncada had texted his contact information to telephone number 509-217-xxxx on January 6, 2021. In MONCADA'S cellphone, the contact for the 509-telephone number was listed as "DC Elliot." Through a subpoena issued to Verizon, the FBI learned that WILLIAMS is the authorized user of the 509-271-xxxx phone number.

WILLIAMS' Movement in the U.S. Capitol on January 6, 2021

The affiant reviewed U.S. Capitol Police (USCP) closed-circuit video (CCV) footage from in and around the U.S. Capitol on January 6, 2021. WILLIAMS first entered the U.S. Capitol through the Senate Wing Door entrance at approximately 2:26 p.m. WILLIAMS was observed wearing a red baseball cap, black and grey jacket, and grey t-shirt, while carrying a black backpack.

¹ See *United States v. Nicolas Moncada*, 22 Cr. 366 (CRC).

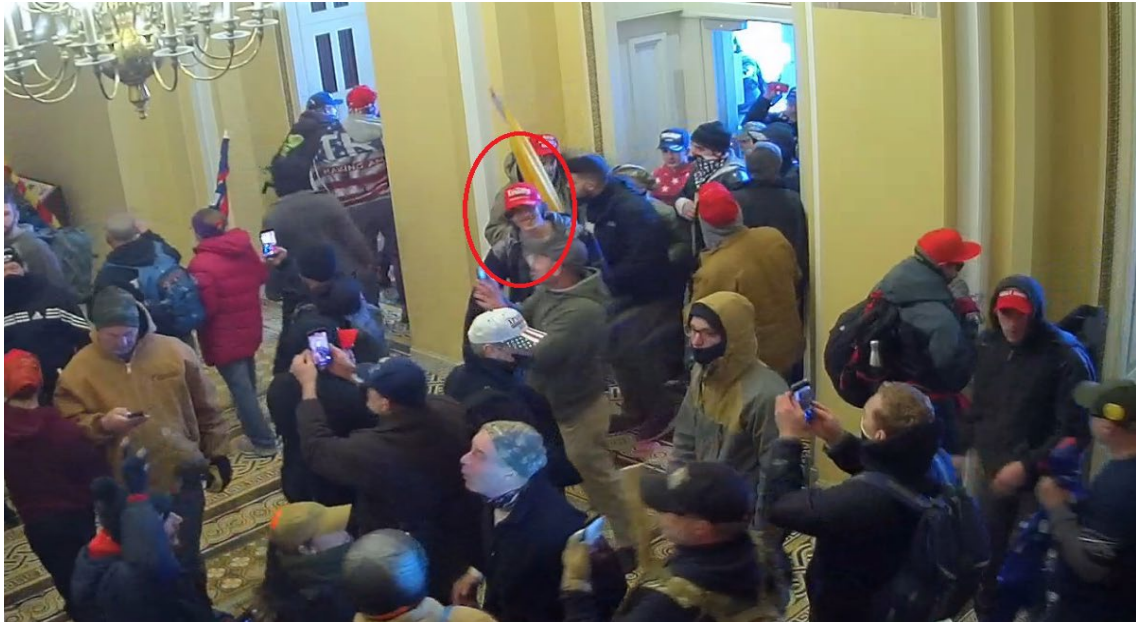


Image 2: WILLIAMS entry through the Senate Wing Door.

After entering the U.S. Capitol Building through the Senate Wing Door, WILLIAMS entered the Crypt on the first floor. He then walked up a staircase to the second floor. It is at this location at the top of the stairs where WILLIAMS was captured in the CBS News footage, close to a sign that read “Speaker of the House Nany Pelosi.” WILLIAMS entered the Rotunda at approximately 2:35 p.m. After exiting the Rotunda, WILLIAMS is captured in CCV footage walking in the East Front Corridor, a hallway with private office space.

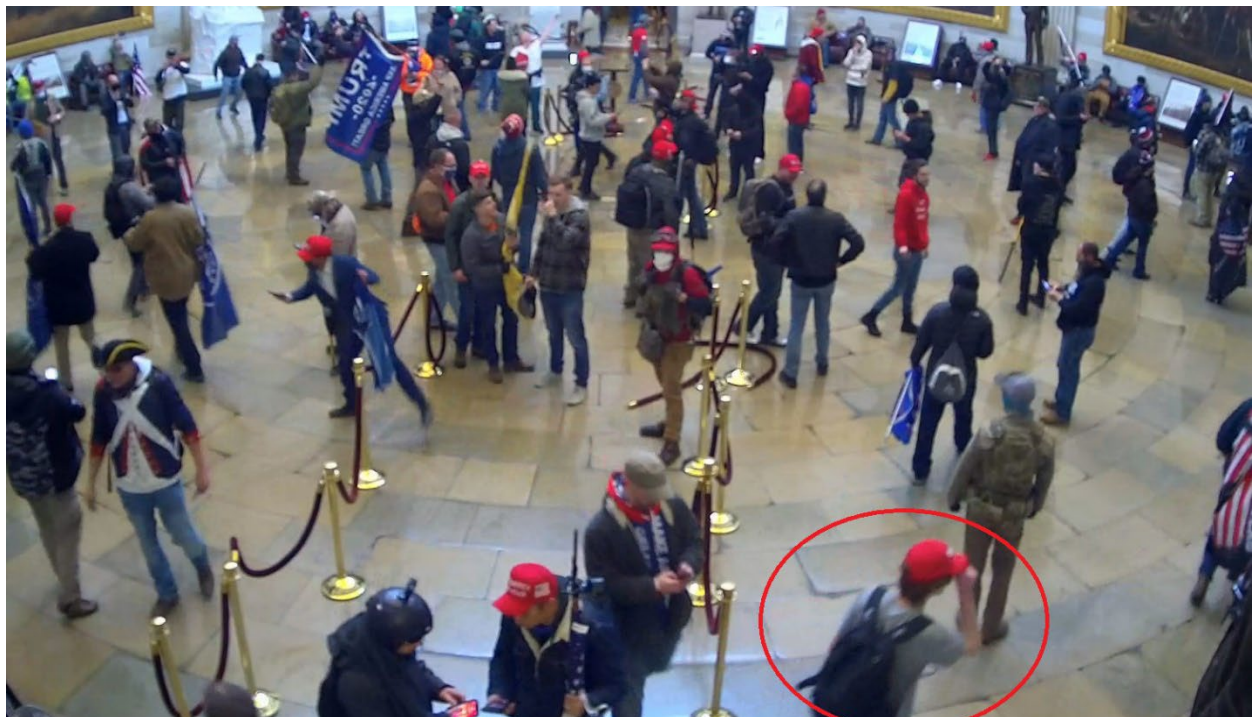


Image 3: WILLIAMS in the Rotunda



Image 4: WILLIAMS walking in the East Front Corridor.

WILLIAMS is captured on CCV walking through the Ohio Clock Corridor. He exited the U.S. Capitol through the Senate Carriage Door at approximately 3:49 p.m. *See Image 5.* Approximately 24 minutes after exiting, WILLIAMS re-entered the U.S. Capitol a second time by an entrance at Rotunda. *See Image 6.* Upon his re-entry, WILLIAMS was part of a large mob that attempted to move further inside the Capitol building, but police were able to move the mob to the western threshold of the Rotunda, where they were eventually pushed out. WILLIAMS was one of the last rioters to be pushed out of the Rotunda. *See Image 7* WILLIAMS exited the U.S. Capitol a second time at approximately 4:27 p.m. *See Image 8.*

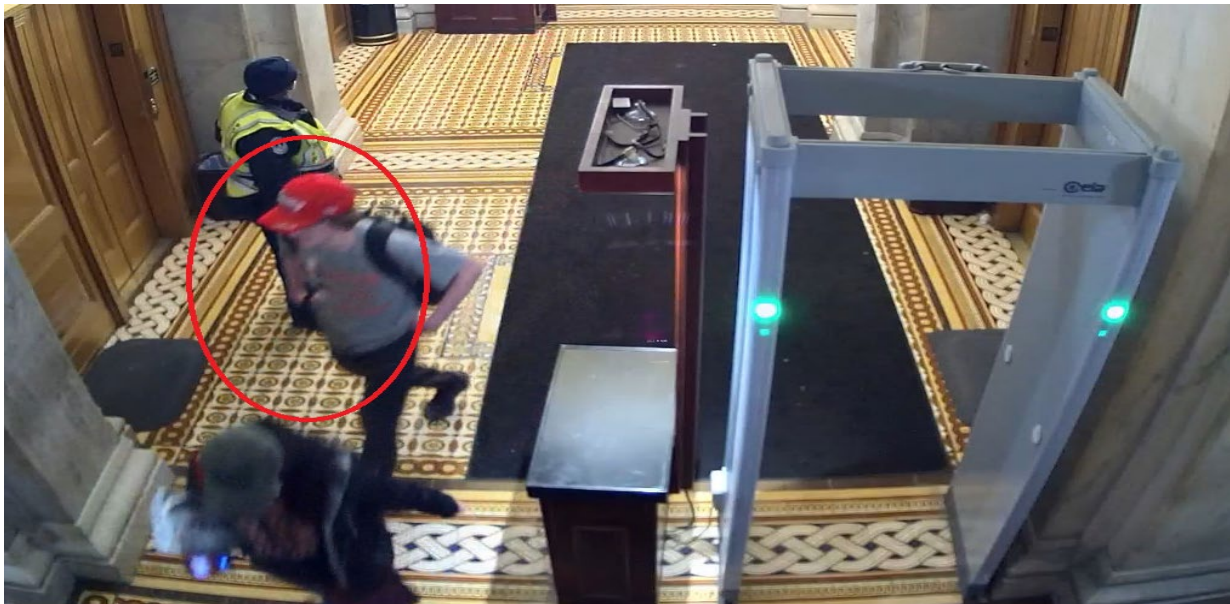


Image 5: WILLIAMS' first exit from the U.S. Capitol

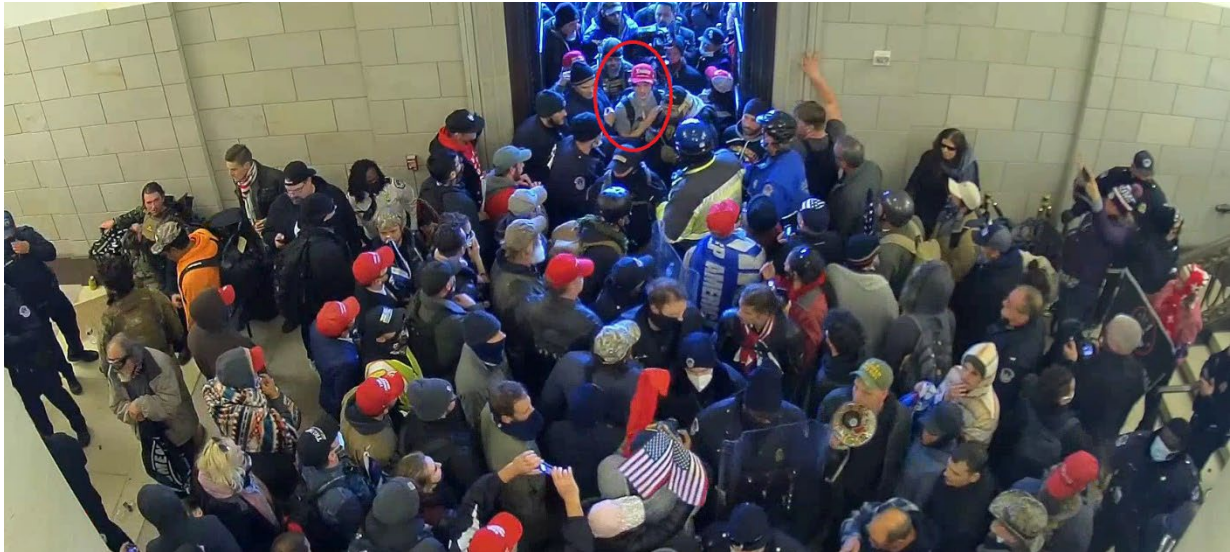


Image 6: WILLIAMS re-entering the U.S. Capitol at east side of U.S. Capitol

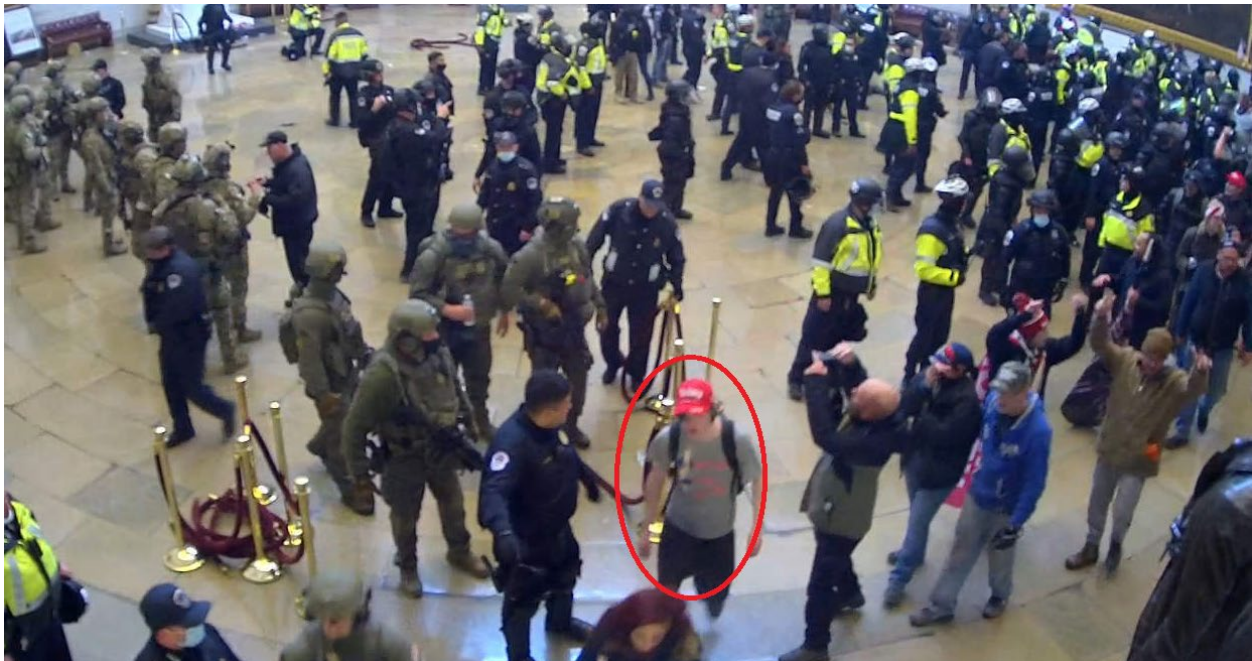


Image 7: WILLIAMS was one of the last rioters removed from the Rotunda by police



Image 8: WILLIAMS' second exit through the Memorial Door

Based on the foregoing, your affiant submits that there is probable cause to believe that WILLIAMS 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 WILLIAMS violated Title 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.



Todd Beard
Special Agent
DHS/ Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 25th day of August 2023.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE