

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”) [REDACTED]. I have been a Special Agent since January 2021. In my duties as a Special Agent, I handle initial threat information, criminal complaints, events and suspicious activities. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. Prior to my employment with the FBI, I was employed with the [REDACTED] for [REDACTED]. 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.

Background of Events 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 Nhi Ngoc Mai Le

On January 11, 2021, an anonymous tipster reported to the FBI National Threat Operations Center that a woman named “Mai Nhi” was present at the U.S. Capitol on January 6, 2021. Specifically, the tipster said that on January 6, 2021, “Mai Nhi” posted several pictures to her Facebook account of herself at a rally in Washington, D.C. and inside the U.S. Capitol building. The tipster sent the FBI a link to the Facebook account in question, whose user claimed to reside in Lake in the Hills, Illinois. The account was associated with user ID 100002889355577, and included the images below posted on January 6, 2021:



Image 1



Image 2

Through Accurant and Clear database checks, the FBI identified Facebook user “Mai Nhi” as Nhi Ngoc Mai Le (“LE”) of Lake in the Hills, Illinois. Additionally, through legal process served on Facebook, I confirmed that LE is the subscriber of Facebook account “Mai Nhi” (user ID: 100002889355577) (the “Mai Nhi” account) as of January 1, 2021, and the account remains active today.

On April 14, 2021, FBI agents interviewed LE at her place of employment in Johnsburg, Illinois. During the interview, LE said that she flew to Washington, D.C. on January 6, 2021, to attend a rally. She denied entering the U.S. Capitol building on that day.

On February 2, 2022, while investigating another January 6 suspect, FBI agents reviewed that subject’s Facebook account returns, which included a group chat in which the Mai Nhi account was a participant.

I reviewed the Facebook returns and identified several relevant messages that LE sent on the evening of January 6, 2021 (converting from UTC to EST). In those messages, LE told her friends that she climbed a wall to reach the Capitol building, that she was pepper-sprayed, and that another individual was “shot dead” while she was inside the building:

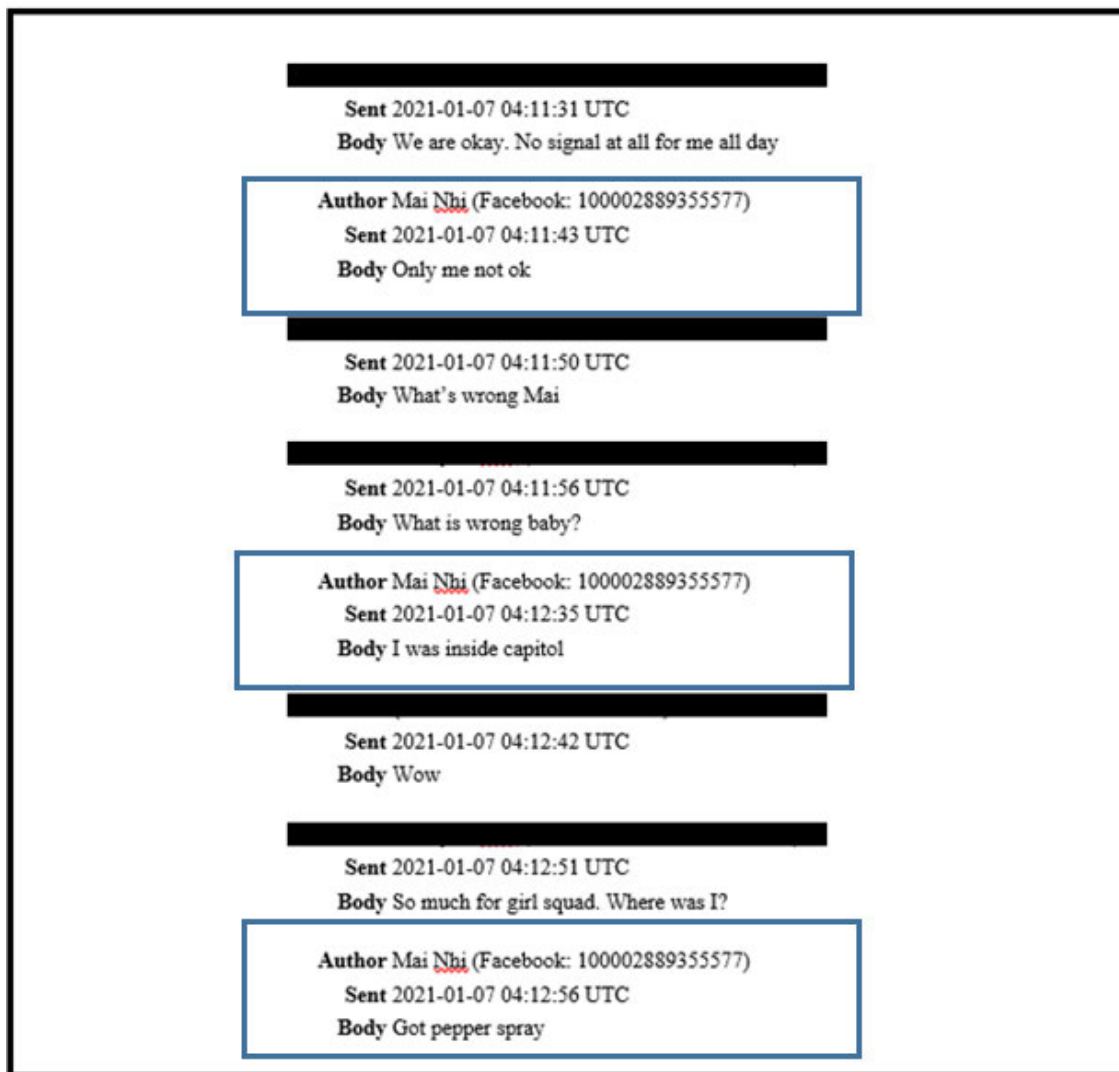


Image 3

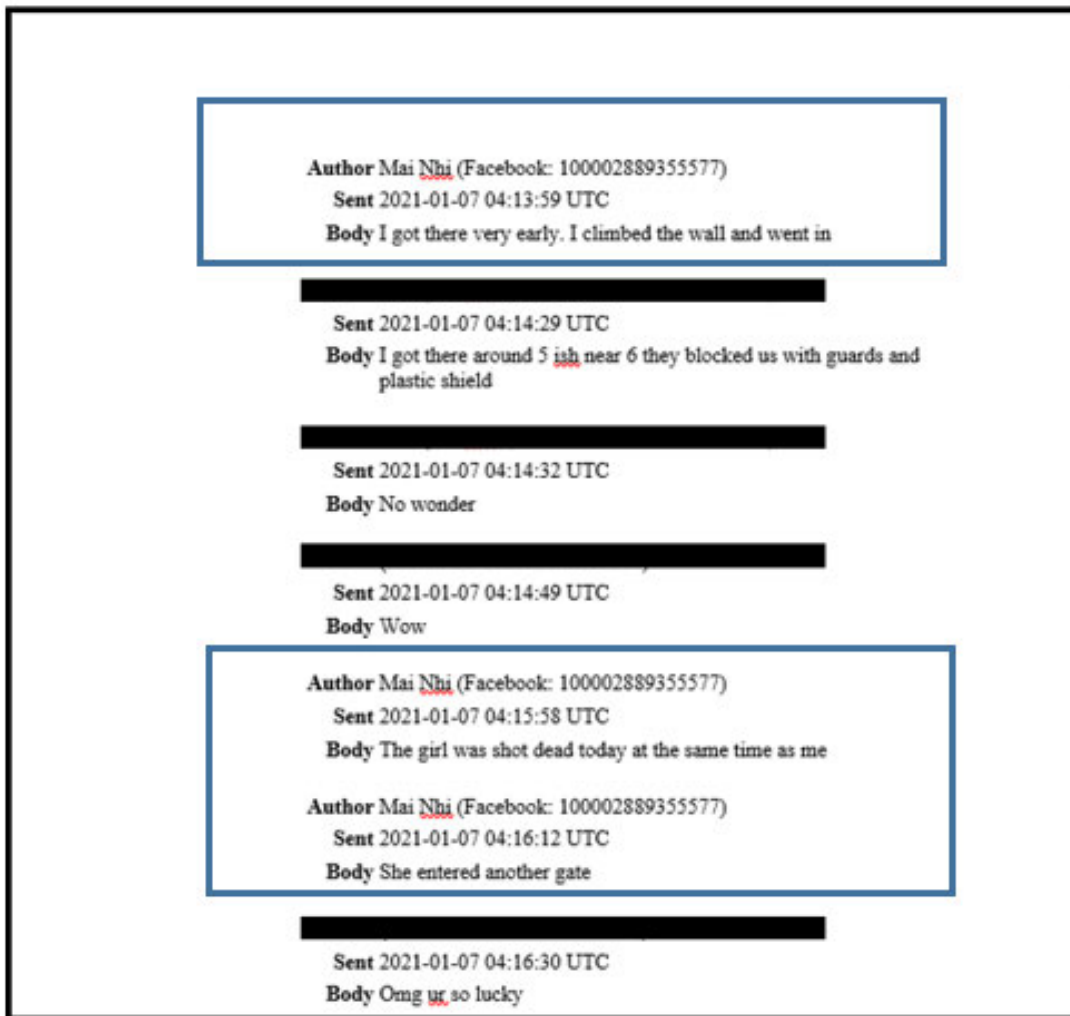


Image 4

LE also posted several short videos in the group chat: a video of herself (identifiable by her hair and jacket) next to the damaged Parliamentarian Door before it was breached (Image 5); a video taken inside the office to the left of the Parliamentarian Door in which she captures herself in a mirror (Image 6); and a video inside a Brumidi Corridor (Image 7).



Image 5

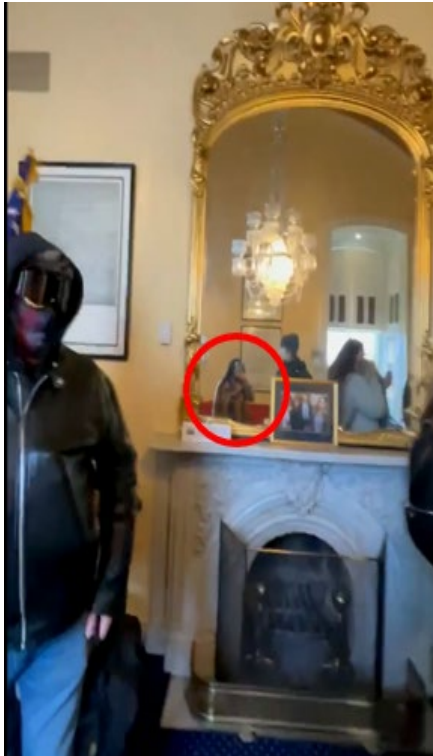


Image 6



Image 7

On February 23, 2022, FBI agents interviewed LE for a second time—this time at her residence. During the interview, LE said that she traveled to from Chicago to Atlanta to attend a rally with the former President on January 4, 2021. On January 5, 2021, she traveled to Washington, D.C. On January 6, 2021, attended the “Stop the Steal” rally, walked to the U.S. Capitol, and then went inside the Capitol building. Following the interview, she sent the agents her flight details, hotel confirmations, and itinerary for her trip to Washington, D.C from a Gmail account.

Further review of LE’s public Facebook profile revealed that, on January 4, 2021, LE posted the following (translated from Vietnamese to English):

A few years ago in Saigon, people took to the streets to protest against the special zone and protect the Hoang Sa Truong Sa. At that time, no one in the Vietnamese press dared to report even though millions of people poured into the streets. Patriots are beaten. I was surprised but thinking about it, it’s a very normal thing in a communist country. But now the same thing is happening in the United States of America, my second home and paradise. A free country is under attack by underground forces. Now I’m only contributing a small part, doing the least I can to save America. Money can be earned back, but moments like these only come once in a lifetime. Fight to the end- free or die. As much as you love the country, you hate the communists. See you all in Washington, D.C. 01/06. Now I’m going to see Georgia and see President Trump.



Image 8

On January 5, 2021, LE posted a picture of herself and another individual with a caption that reads: “D.C. We are coming... Fight for Trump . . . Save America.”



Image 9

On January 6, 2021, LE posted a video to her Facebook with the caption (translated from Vietnamese to English): “Remember this day forever.” The video, which I believe was filmed by LE, shows the individual filming walking on the western grounds of the Capitol, up the northwest steps, around the Upper West Terrace, and next to the Parliamentary Door. Towards the end of the video, the person filming watches the start of initial breach of the Senate Wing Doors.

Later that day, LE posted Image 1 with the following caption (translated from Vietnamese to English): “Proud to be a Trump Supporter, remember today’s historic event January 6th 😊 It was a pleasure to meet so many very enthusiastic brothers from all over the United States.”

I also reviewed available open-source media and U.S. Capitol closed-circuit television (“CCV”) footage from January 6, 2021. Prior to the breach of the Parliamentary Door, LE can be seen sitting on the railing, watching the crowd:



Image 10

After the Parliamentarian Door were breached, LE can be seen just outside of the door, seemingly encouraging the other rioters to go into the Capitol:



Image 11

At approximately 2:45 p.m., LE entered the U.S. Capitol through the Parliamentarian Door and went inside the Senate office on the left side of the entrance:



Image 12

At approximately 2:48 p.m., LE exited the Senate office:

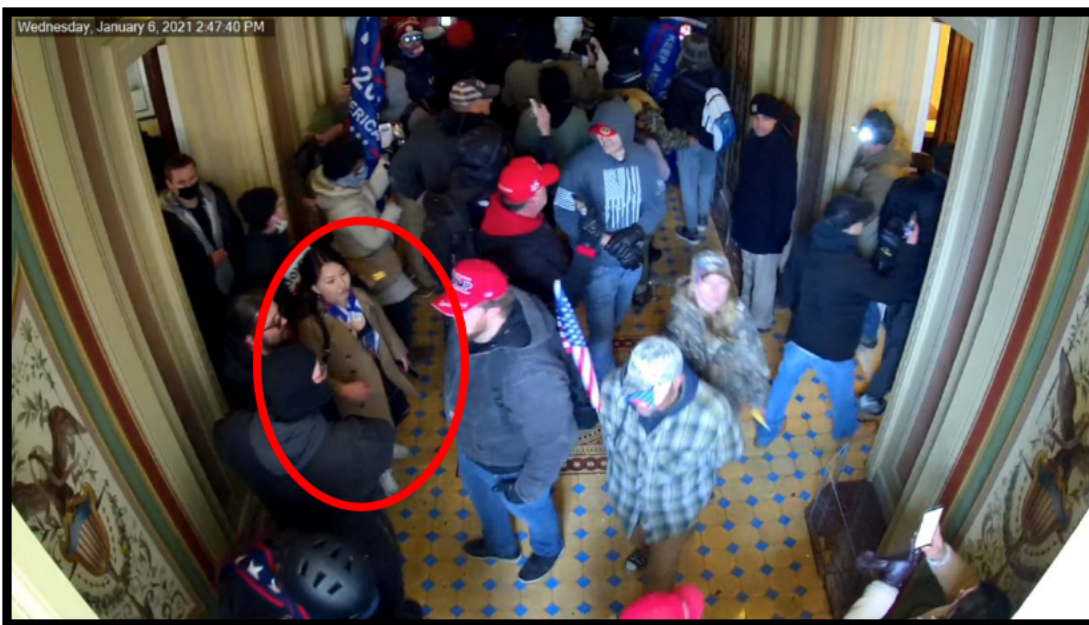


Image 13

At approximately 2:50 p.m., LE exited the U.S. Capitol through the Parliamentarian Door:

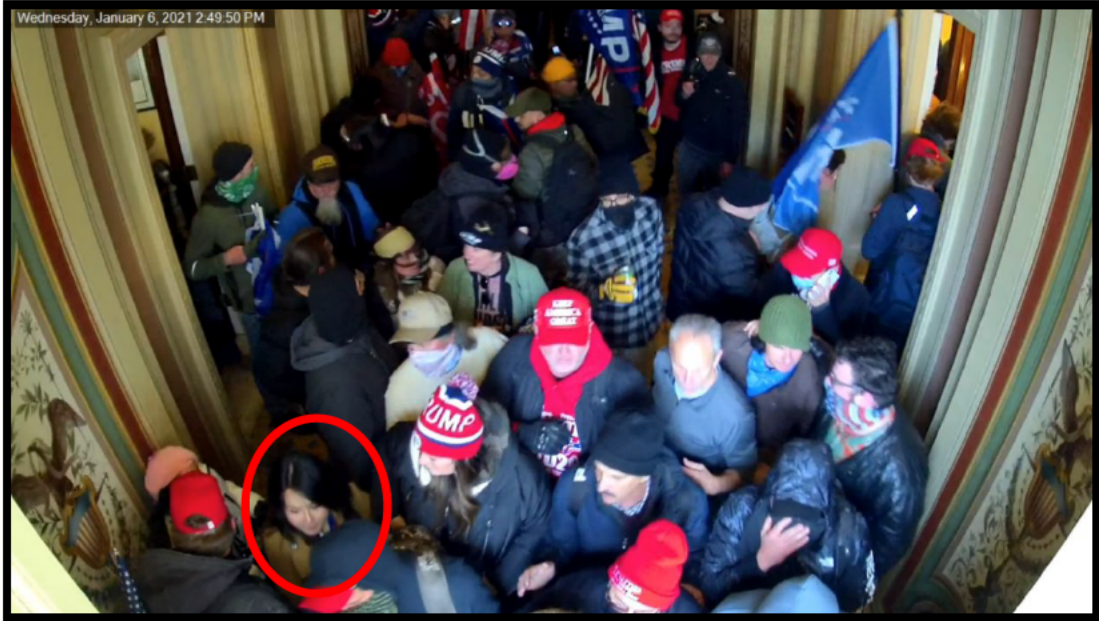


Image 14

I showed an individual familiar with LE (“Witness 1”) several images of LE on January 6, 2021, including Image 1 above and Images 15 and 16 below. Witness 1 identified the person in the photos as LE.



Image 15

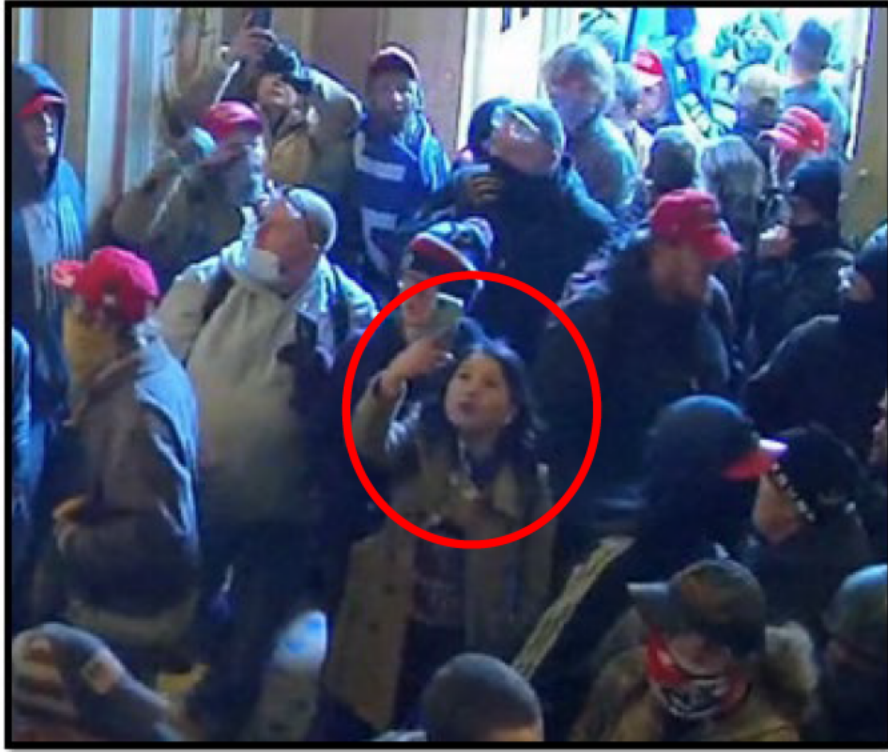


Image 16

Conclusion

Based on the foregoing, I submit there is probable cause to believe that NHI NGOC MAI LE 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.

I also submit there is probable cause to believe that NHI NGOC MAI LE violated 40 U.S.C. § 5104(e)(2)(D & 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6th day of September 2023.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE