

## STATEMENT OF FACTS

Your affiant, Britany Perkins, is a Special Agent assigned to Richmond Division, Winchester Resident Agency. In my duties as a special agent, I investigate, among other things, criminal cases relating to domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol (hereinafter "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 Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the 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 Capitol. On January 6, 2021, the exterior plaza of the 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 Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the 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 Capitol were locked or otherwise secured. Members of the 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 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 Capitol building without authority to be there.

In December 2021, the FBI received photos and videos, including the image below, that appeared to depict Tony Lee Gill (hereinafter “GILL”) of Front Royal, Virginia within the restricted perimeter of the Capitol and unlawfully enter the Capitol on January 6, 2021.



Thereafter, a subpoena to Truist Bank for an account associated with GILL showed a \$4.60 parking transaction in Washington D.C. on January 6, 2021. This transaction corresponded to two hours of parking based on the citywide rate of \$2.30/hour for passenger vehicles in Washington D.C. on January 6, 2021. A subsequent subpoena to the District of Columbia Department of Transportation revealed this parking transaction occurred at 4:17 p.m. EST near 500 New Jersey Avenue NW, Washington D.C., approximately 0.7 miles, or a 15-minute walk, from the Capitol.

Approximately six minutes after this transaction, Capitol CCTV footage captured GILL walking towards the Capitol along New Jersey Ave N.W. The still image below captured GILL near the intersection of New Jersey Ave. N.W. and Louisiana Ave. N.W, approximately one block from the Capitol at 4:23 p.m.



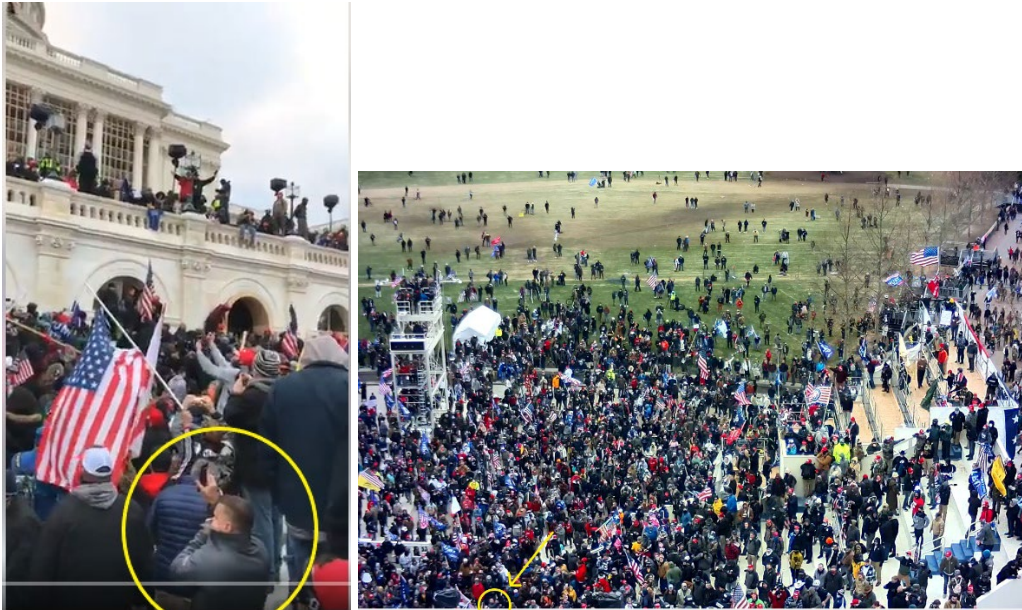
Another Capitol CCTV camera captured GILL approximately two minutes later at 4:25 p.m. adjacent to the Capitol’s north grounds at the intersection of New Jersey Ave. N.W. and Constitution Ave. N.W.



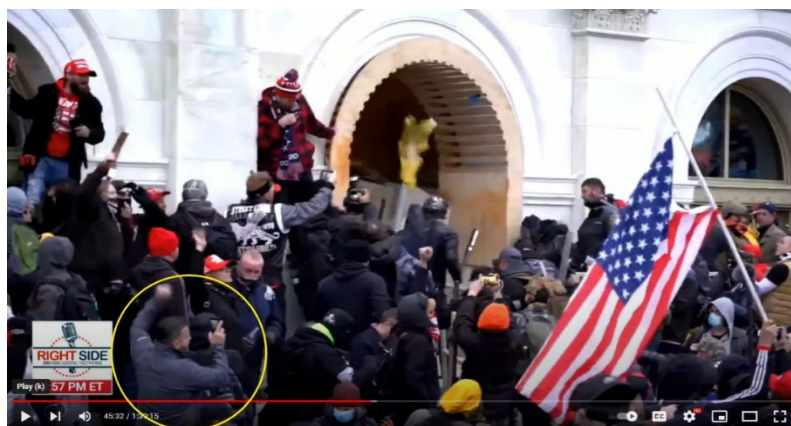
From here, GILL walked along the north and northwest side of the Capitol towards the Capitol's West Plaza. He eventually proceeded up the stairs adjacent to the Upper West Plaza onto the north side of the Lower West Terrace. CCTV footage initially captured GILL entering the Lower West Terrace at approximately 4:34 p.m. as depicted below.



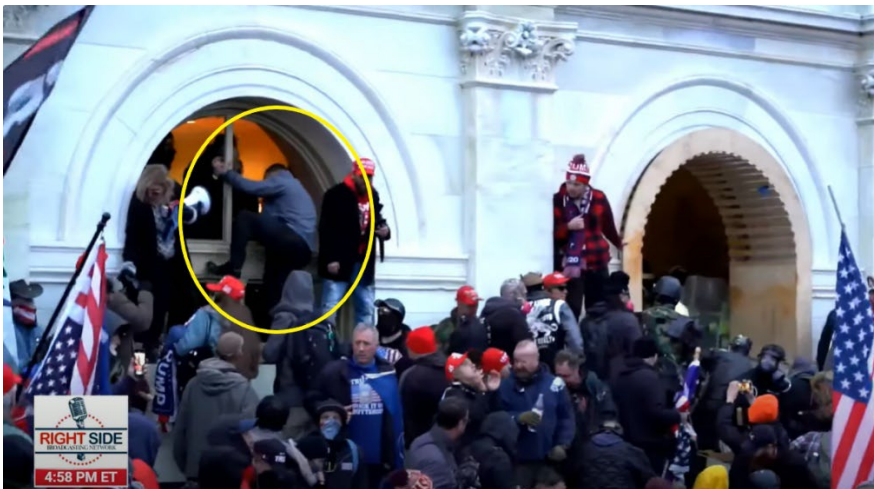
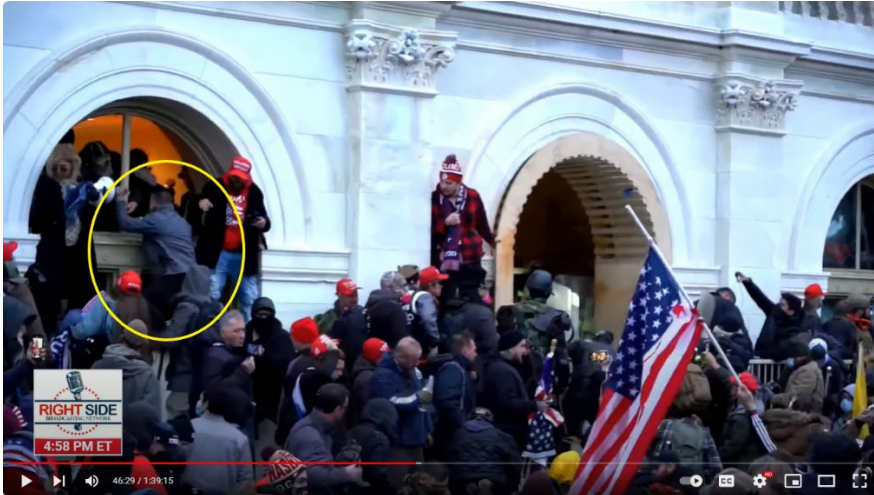
Thereafter, open-source and CCTV footage captured GILL among a large crowd of rioters on the Lower West Terrace where he appeared to record and/or take photos of the riot around him.



Open-source footage captured GILL on the Lower West Terrace for approximately 20 minutes, slowly making his way through the crowd towards a broken window near the Inauguration Tunnel Entrance (“Tunnel”). Rioters shattered this window at approximately 4:30 p.m. to enter the Capitol interior. As GILL approached the broken window and Tunnel, he participated in several chants with other rioters.

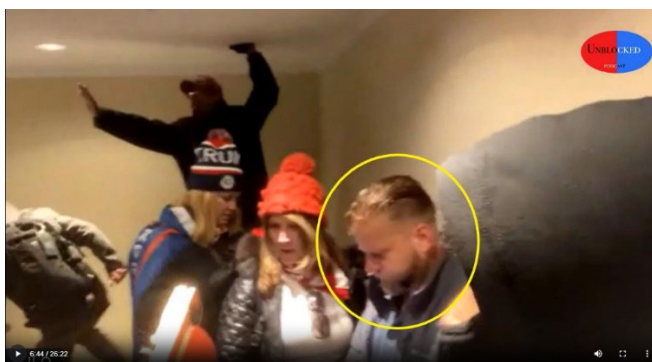


Just before 5 p.m., GILL reached the broken window adjacent to the Tunnel, where some of the most intense fighting occurred on January 6, 2021. At this point, he climbed through the window and into the Capitol interior with the assistance of other rioters as depicted below.

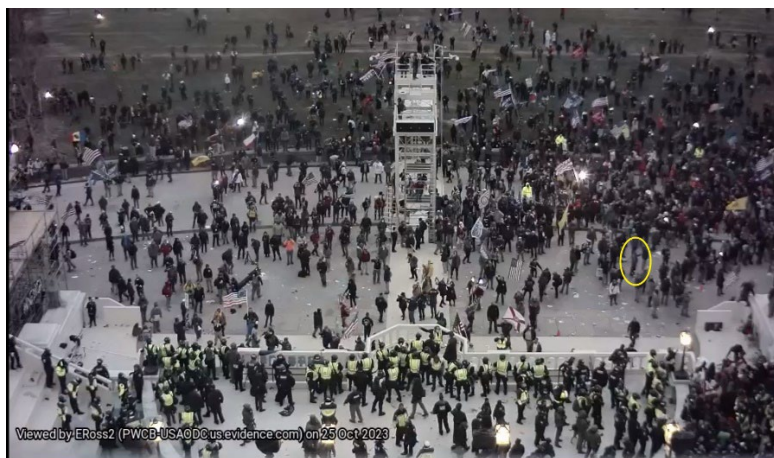


After GILL climbed through the window and entered the building, open-source footage captured GILL in a room inside the Capitol. In this footage, other rioters in GILL's vicinity were destroying property. While GILL is not observed on this footage destroying property, he remained inside the Capitol with these rioters.





Several minutes after GILL entered the Capitol, police began to use flashbangs and tear gas at 5:04 p.m. to disperse the crowd near the Tunnel and Lower West Terrace. After entering the Capitol, GILL next appeared in open-source and CCTV footage on the Upper West Plaza at approximately 5:09 p.m., nearly 10 minutes after his initial entrance into the Capitol. The two images below simultaneously captured GILL on open-source and CCTV footage on the Upper West Plaza at approximately 5:13 p.m.



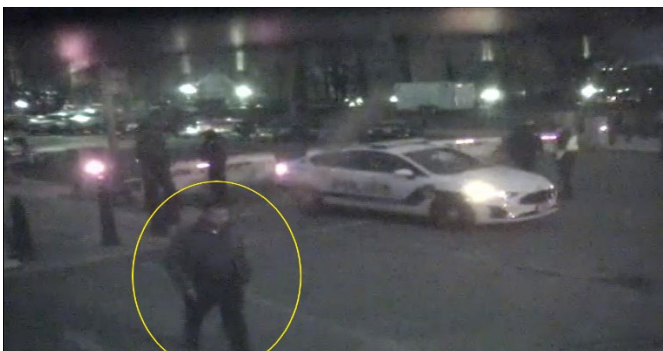
During this time, open-source footage also captured GILL in front of a police line on the West Plaza, where rioters heckled and assaulted law enforcement.



After retreating to the West Plaza, GILL departed Capitol grounds along the north and northwest side of the Capitol. CCTV footage captured GILL at 5:23 p.m. on the north side of the Capitol at the intersection of New Jersey Ave. N.W. and Constitution Ave. N.W.



CCTV footage also captured GILL at 5:25 p.m. walking to his vehicle along New Jersey Ave. NW as depicted below.



A review of GILL's DMV photo appeared to match the individual identified in the images and videos provided to the FBI. In an interview on October 5, 2023, an acquaintance of GILL identified GILL in images at the Capitol on January 6, 2021. Additionally, the FBI interviewed an officer with the Clarke County Sheriff's Office who stopped GILL in September 2021 for speeding. After reviewing body camera footage from this traffic stop and an additional traffic stop involving GILL, the officer believed GILL was the individual depicted in a photograph at the

Capitol on January 6, 2021. The officer also observed that the wedding band worn by GILL during one of the traffic stops appeared to match the wedding band in photos of GILL at the Capitol on January 6, 2021.

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



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Britany Perkins  
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 6th day of December, 2023.

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HONORABLE G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE