

STATEMENT OF FACTS

1. Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Maine Safe Streets Task Force. In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.
2. The facts in this statement come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished in this statement between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This statement is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

BACKGROUND

3. 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.
4. 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.
5. 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.
6. 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,

shortly 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.

7. 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.
8. 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.

IDENTIFICATION OF KIMBERLY SYLVESTER

9. According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the events described in paragraphs 4-7, the cellphone associated with (207) XXX-1939 (the "1939 number") was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. On January 6, 2021, Kimberly Sylvester was the subscriber of the 1939 number.
10. On December 21, 2021, FBI agents interviewed Sylvester and, among other things, Sylvester stated the following information. Sylvester admitted to being inside the U.S. Capitol Building on January 6, 2021. According to Sylvester, she entered a door that was already opened and had no one around it. Upon reviewing a photograph of the Senate Door at the U.S. Capitol Building, Sylvester confirmed that was the door she used to enter the U.S. Capitol Building. Sylvester indicated she entered the building after other individuals and she walked through various rooms. Sylvester observed a group of individuals pushing and shoving on a door. According to Sylvester, that was when she realized she should not be in the U.S. Capitol Building. She found a U.S. Capitol Police Officer and stated she wanted to get out. The officer helped her out through a staircase that led out of the building. Sylvester was unsure of the exact timing of her movement or actions inside the Capitol Building and stated that she was not involved in any rioting, theft, or destruction of any kind. Sylvester stated she worked as a registered nurse and also told U.S. Capitol Police officers inside the Capitol that she could help as needed.
11. On January 10, 2021, an FBI agent texted an image of a woman inside the U.S. Capitol on January 6, 2021 (**Image 1**) to Sylvester at the 1939 phone number. The agent asked Sylvester (via text message) to confirm or deny if the woman in the photo was her. Responding from the same 1939 phone number, Sylvester stated she was the individual depicted in the photo.

Image 1



KIMBERLY SYLVESTER'S CONDUCT ON JANUARY 6, 2021

12. I have reviewed both open-source media and CCV footage from the U.S. Capitol on January 6, 2021.
13. Sylvester can be seen in the below referenced still frames from U.S. Capitol CCV (**Images 2-16**). She is wearing a red, white and blue knit hat, purple winter jacket and jeans.
14. At approximately 2:13 p.m., the Senate Wing Door on the Northwest side was breached by rioters breaking an adjacent window and climbing through before opening the Senate Wing Door – it was the first breach of the US Capitol Building. The Senate Wing Door was an emergency exit door and when opened, set off a high pitched alarm. Based on my review of open source footage and other trial testimony related to the same area, I have learned that the alarm was going off at 2:16 p.m. and still sounding at 2:25 p.m. At approximately 2:22 p.m., Sylvester can be seen entering the interior of the U.S. Capitol building through the Senate Wing Door while the alarm is blaring, with rioters still climbing through the broken window immediately to her left (**Images 2, 3**).

Image 2

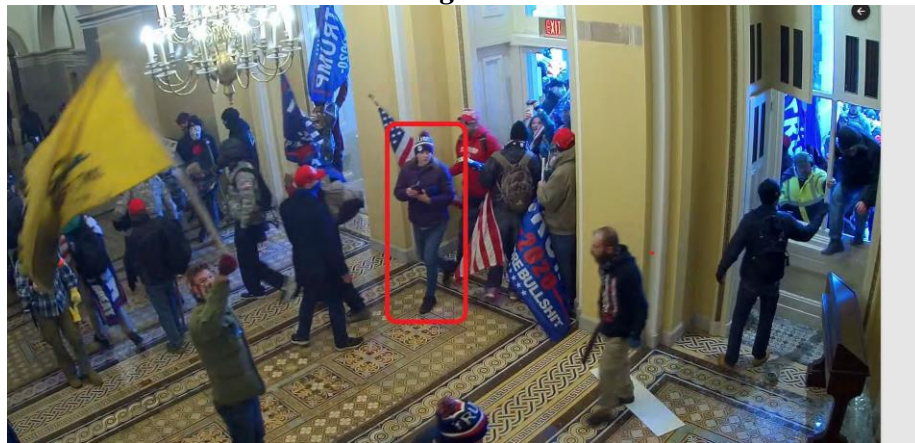


Image 3



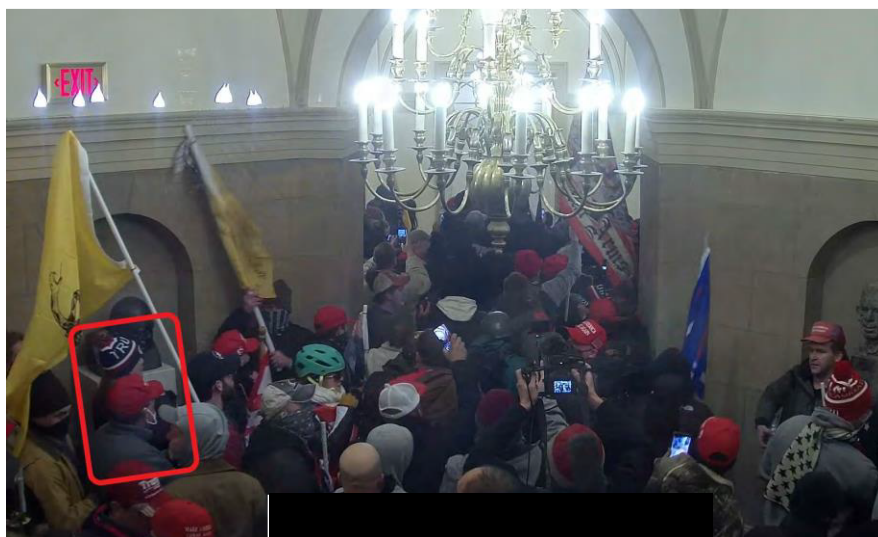
15. Sylvester can be seen inside the U.S. Capitol North Crypt Lobby at approximately 2:23:59 p.m. (**Image 4**).

Image 4



16. Sylvester can be seen inside the U. S. Capitol Memorial Door at approximately 2:29:38 p.m. (Image 5).

Image 5



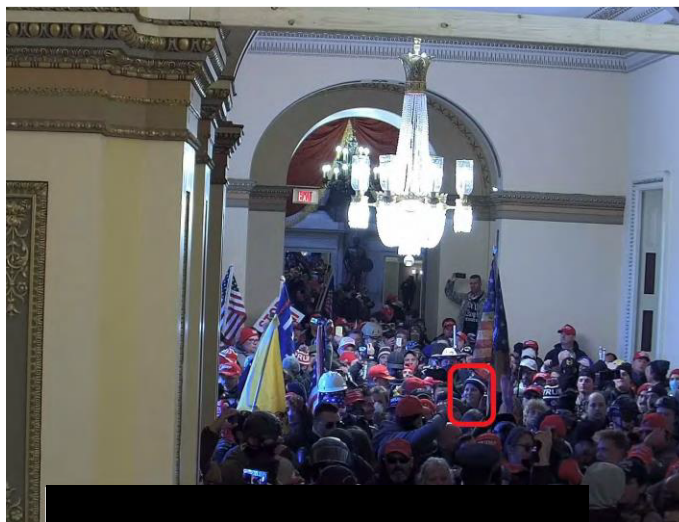
17. Sylvester can be seen inside the U.S. Capitol Statuary Hall at approximately 2:32:10 p.m. (**Image 6**).

Image 6



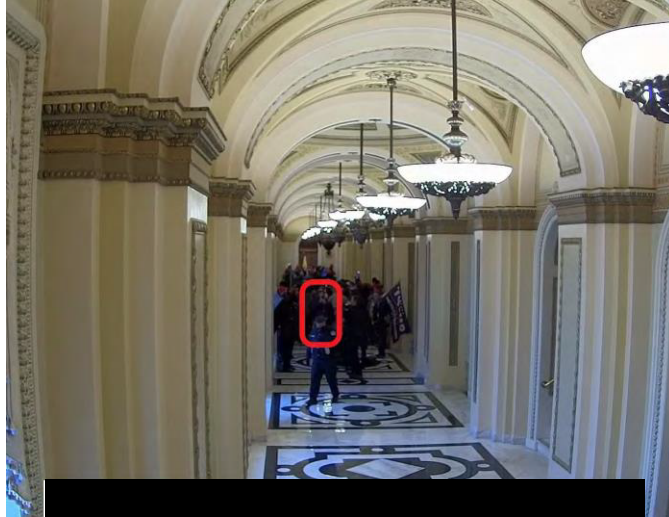
18. Sylvester can be seen inside the U.S. Capitol Statuary Hall Connector at approximately 2:35:20 p.m. (**Image 7**).

Image 7



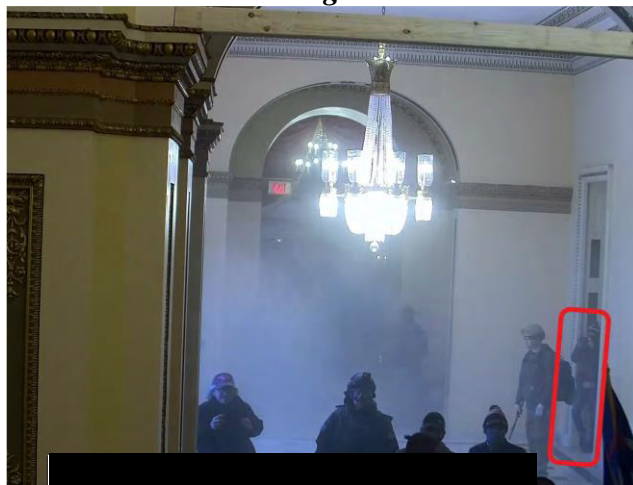
19. Sylvester can be seen in inside the U.S. Capitol Main Door Hall at approximately 2:43:27 p.m. (**Image 8**).

Image 8



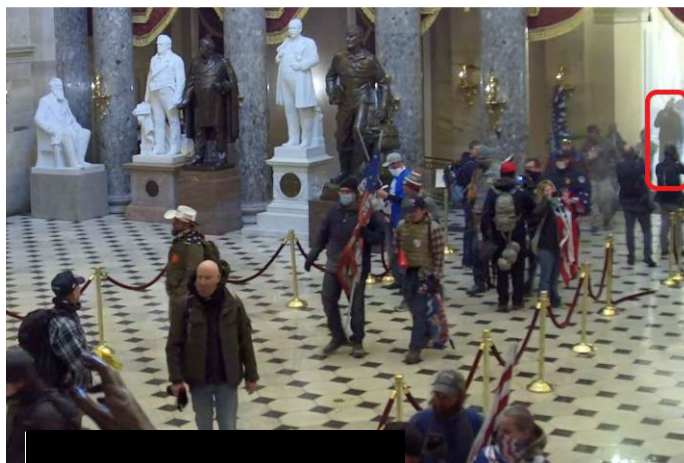
20. Sylvester can be seen inside the U.S. Capitol Statuary Hall Connector at approximately 2:47:24 p.m. (**Image 9**).

Image 9



21. Sylvester can be seen inside the U.S. Capitol Statuary Hall at approximately 2:48:13 p.m. (**Image 10**).

Image 10



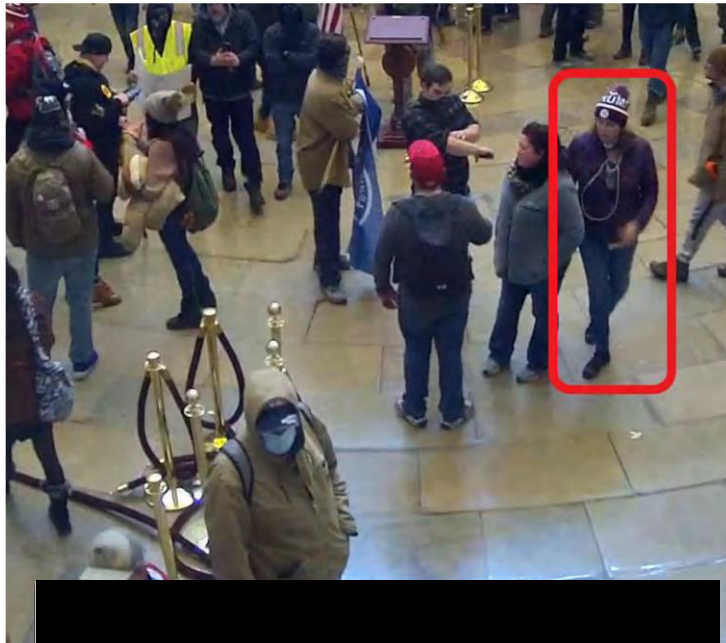
22. Sylvester can be seen inside the U.S. Capitol Statuary Hall at approximately 2:48:42 p.m.)
(Image 11).

Image 11



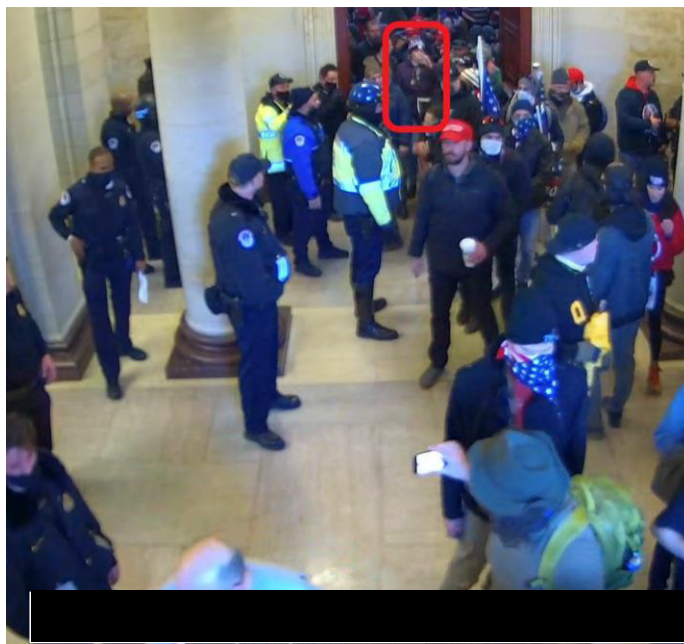
23. Sylvester can be seen inside the U.S. Capitol Rotunda at approximately 2:55:41 p.m. **(Image 12).**

Image 12



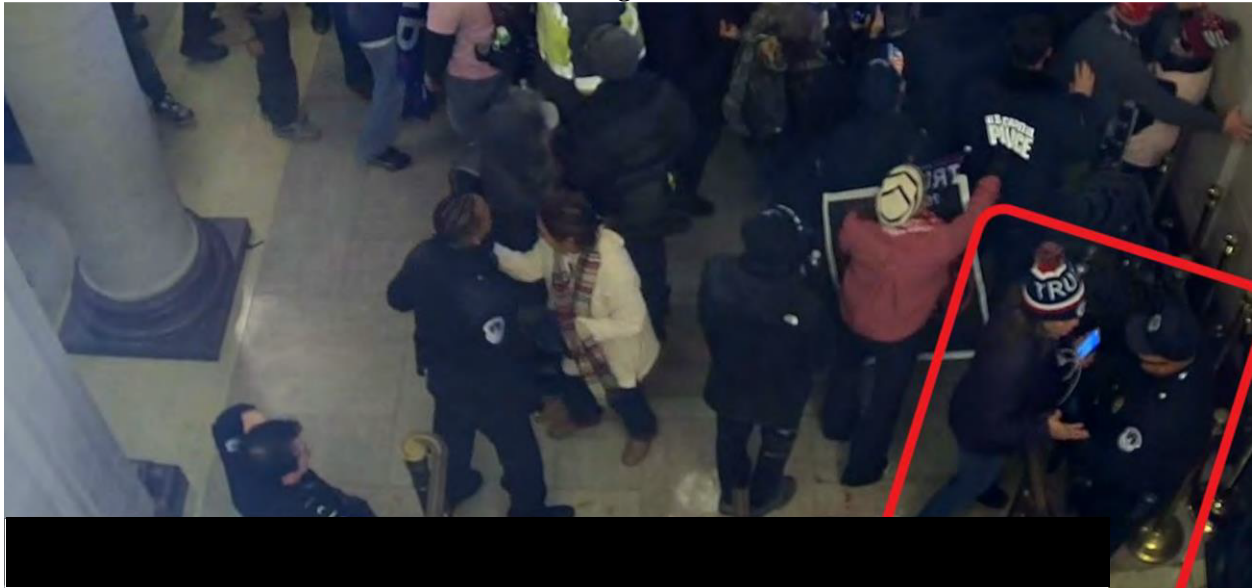
24. Sylvester can be seen inside the U.S. Capitol Rotunda Interior Door at approximately 3:06:40 p.m. (**Image 13**).

Image 13



25. Sylvester can be seen inside the U.S Capitol Rotunda Lobby East Stairs at approximately 3:09:13 p.m. (**Image 14**).

Image 14



26. Sylvester can be seen inside the U.S. Capitol Crypt at approximately 3:17:24 p.m. (**Image 15**).

Image 15



27. Sylvester can be seen inside the U.S. Capitol - Senate Wing Door at approximately 3:19 p.m. (**Image 16**).

Image 16

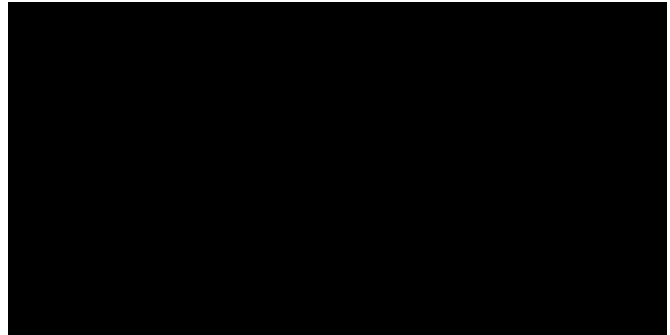


28. Sylvester can be seen at the Senate Wing Door at approximately 3:21 p.m., exiting the interior of the U.S. Capitol Building (**Image 17**).

Image 17



29. Based on the foregoing, your affiant submits that there is probable cause to believe that Kimberly Sylvester 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. 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.
30. Your affiant submits there is also probable cause to believe that Sylvester 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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 11th day of December, 2023.

U.S. MAGISTRATE JUDGE