

STATEMENT OF FACTS

Your Affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”) and a law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7). I have been in this position since December 2022. I am assigned to investigate Domestic Terrorism and support the Joint Terrorism Task Force of the FBI’s [REDACTED]. My duties involve the investigation of violations of federal law involving threats to life, acts of domestic terrorism, and investigations of cyber and computer related domestic terrorism activities. In my current capacity, I have assisted in the execution of arrest and search warrants; interviewed subjects, victims, and cooperating individuals; and applied historical cell site analytical techniques. I have received formal training and have gained experience in interview and interrogation techniques, arrest procedures, search warrant applications, and various other criminal laws and procedures, including the execution of search warrants involving electronic devices, email accounts, computers, and cellular telephones. Prior to transferring to the [REDACTED], I served as an Intelligence Analyst for the FBI’s [REDACTED] where I supported foreign threat country counterintelligence investigations. I also served as an Electronics Operations Technician for the FBI’s [REDACTED] where I supported FBI [REDACTED] operations in the acquisition and storage of the digital evidence contents of wire, oral, and electronic recordings. I have over seven collective years of experience between supporting and conducting law enforcement investigations. 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, S.E., 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 LEADING TO BALMASEDA'S ACTIVITIES AT THE CAPITOL

Based on my review of the FBI's casefiles and of public court filings, I am familiar with an individual named Gabriel Garcia of Miami, Florida. Garcia's phone was seized on January 19, 2021, pursuant to a search warrant signed by the Honorable Edwin G. Torres. *In the Matter of a Search of a Residence*, No. 21-mj-2092-Torres. Garcia was later indicted in connection with his role in the breach of the U.S. Capitol on January 6, and subsequently convicted in a stipulated bench trial of violating 18 U.S.C. § 1512(c)(2) and 18 U.S.C. § 231(a)(3). *See United States v. Garcia*, 21-cr-129 (ABJ). Among other things, the facts proven at trial describe his arrival and entry into the Capitol building, and includes various still images that depict his movements. *Id.* at ECF No. 142.

As part of my investigation, I reviewed images sent in text and chat messages to Garcia's phone, from a contact saved as "Barbarita Balmaseda" in Garcia's phone with the phone number XXX-XXX-4534 (the "4534 Number"). In one text message thread, Garcia and "Barbarita Balmaseda" exchanged hundreds of texts and images from August 2020 through January 2021. In one message from the thread that was sent on November 23, 2020, "Barbarita Balmaseda" sent the following three pictures:



Images 1A – 1C

In a separate text thread on Garcia’s phone, a WhatsApp user with the 4534 Number and saved in Garcia’s phone as “Barbarita Balmaseda” sent Garcia a WhatsApp message that said, “My name is Barbara Balmaseda and I’m involved in local politics I’d love to stay informed on the D116 race can you add me to the group chat?” In the same WhatsApp message string, on December 12, 2020, “Barbarita Balmaseda” sent Garcia a selfie-style picture that shows Garcia on the left and the same female on the right.



Image 2

Barbara BALMASEDA (“BALMASEDA”) is a 23-year old resident of Miami Lakes, Florida. I have compared Images 1A-1C and 2 above with the 2017 Florida driver’s license of BALMASEDA, and the images appear to show the same person. I have also reviewed a media appearance from July 19, 2021, in which an individual identified as “Barbara Balmaseda” was interviewed, and the images appear to show the same person in Images 1A – 1C and 2.



Image 3: Screen shot from open source video

Based on records lawfully obtained from AT&T, the subscriber of the 4534 Number is an individual who shares BALMASEDA's last name, who, according to open-source records, is BALMASEDA's mother. In addition, an Experian report from 2019 indicates that BALMASEDA's phone number is the 4534 Number.

According to records lawfully obtained from AT&T, on January 6, 2021, in and around the time of the breach of the Capitol building, the cellphone associated with the 4534 Number was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol Building. As described in more detail below, the FBI has identified videos and photographs that depict BALMASEDA inside the U.S. Capitol on January 6, 2021. Among other things, and as described in more detail below, BALMASEDA entered the Capitol building with Garcia.

TRAVEL TO WASHINGTON, D.C.

Based on communications between BALMASEDA (using the 4534 Number) and Garcia in Garcia's phone, BALMASEDA and Garcia exchanged electronic messages to coordinate their travel to Washington, D.C. to participate in the events of January 6, 2021. For example, on January 2, 2021, BALMASEDA sent Garcia the following screenshot, which reflects a flight booking for BALMASEDA and Garcia (i.e., "Barbara Yazmin Balmaseda" and "Gabriel Agustin Garcia") for flights from Fort Lauderdale, Florida to Philadelphia, Pennsylvania on January 5, 2021, with a return on January 7, 2021.

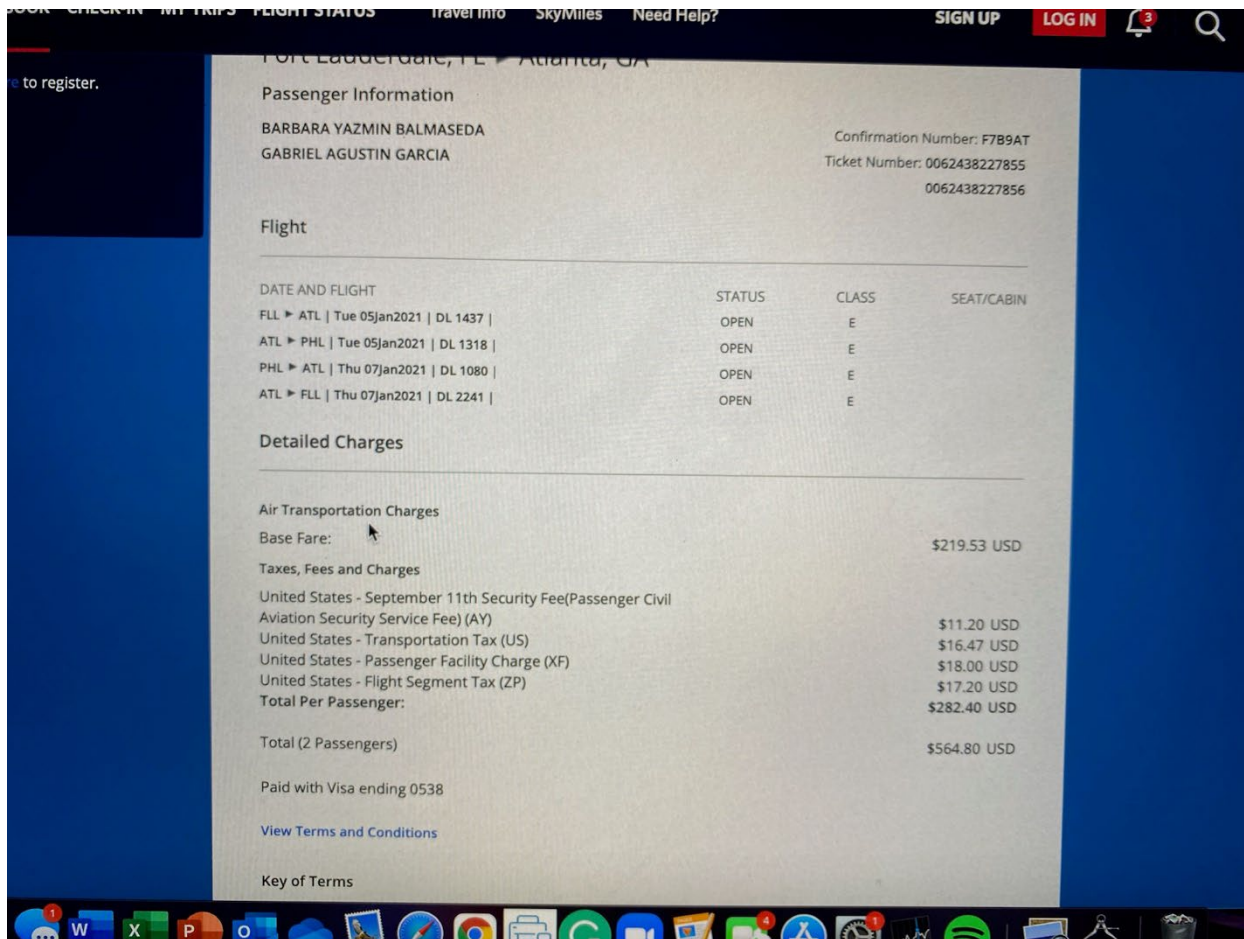


Image 4: Screenshot sent from the phone number ending in 4534 to Gabriel Garcia

BALMASEDA and Garcia continued to exchange messages on January 5 and 6, 2021, including pictures of one or both of them. For example, at approximately 12:19 a.m. on January 6, 2021, BALMASEDA sent pictures of Garcia and BALMASEDA with a third individual in Washington, D.C. BALMASEDA can be seen wearing a baseball hat with a flag in a color that appears to be pink and, in the photograph on the right, a pink and black neck gaiter.



Images 5A - B: BALMASEDA and Garcia in Washington, D.C.

A close up of BALMASEDA from Image 5B (on right) above, is provided below.



The picture below, which was recovered from the phone of Garcia, shows Garcia (left) and BALMASEDA (right) on the steps of the Capitol building after they exited the Capitol on January 6. BALMASEDA can be seen wearing the same hat and facemask as shown in Image 5B, above. BALMASEDA can also be seen wearing a black leather-style jacket with shearling collar.



Image 6: Image showing Garcia, left, man in Rugershirt, center, and BALMASEDA, right

BALMASEDA COMMUNICATIONS PRIOR TO JANUARY 6

Prior to BALMASEDA's arrival in Washington, D.C. on January 5, 2021, BALMASEDA exchanged messages with Garcia and other associates in which BALMASEDA participated in communications reflecting her belief that the 2020 Presidential Election had been stolen and her knowledge about the Certification process scheduled to take place on January 6, 2021.

As part of my investigation, I reviewed an encrypted, Telegram group chat that was recovered on Garcia's phone and also recovered from the phone of another participant in the group chat. BALMASEDA created and participated in the Telegram group chat. Specifically, the group chat was created by BALMASEDA on November 4, 2020, and BALMASEDA named the group chat "Barby's Security :)" (the "Group Chat"). She eventually renamed the Group Chat "Barby's

Security Detail.” The Group Chat had at least ten other participants, including Garcia and other members of the Proud Boys organization based in and around Miami, Florida.

BALMASEDA sent approximately 900 messages to the group between November 2020 and January 2021, some of which are described herein.

On November 6, 2020, BALMASEDA posted a message in the Group Chat that read, “Y’all think Biden’s gonna steal this election?”

On November 7, 2020, BALMASEDA posted a message in the Group Chat that said “Joe Biden just got called!?” Garcia posted a message a few minutes later that read, “Fuck it going to take pain killers and sleep to Monday call me when people grab there fucking balls.” A few minutes later, BALMASEDA posted a message that read, “I’m not accepting anything until it’s done in the courts.”

On November 9, 2020, a participant in the Group Chat sent a link to an article about President Trump’s plan to raise legal challenges to the election. In the next message in the thread, less than two hours later, Garcia posted a message that read, “We are in La Carreta ready to fuck shit up again.” BALMASEDA responded approximately ten minutes later with a message that read, “I’ll get the popcorn ready to watch y’all fuck shit up 😂🍿”

On November 10, 2020, in the Group Chat, Garcia circulated a PDF copy of a complaint filed in the Middle District of Pennsylvania to stop the state from certifying the results of the Presidential Election for Joseph Biden in Pennsylvania. BALMASEDA responded within three minutes and said, in part, “Damn that’s a lot of reading. Idk if I wanna be a lawyer 😂 jk jk.”

On November 28, 2020, BALMASEDA posted a message in the Group Chat that contained a link to an article that reported that the state of Ohio had certified its votes for President Trump.

On December 28, 2020, BALMASEDA posted a message in the Group Chat about the Joint Session of Congress planned for January 6, which read: “Gaetz said he plans to challenge electoral college votes when they are counted during a Joint Session of Congress on Jan. 6. ‘So on January 6, I’m joining with the fighters in the Congress and we are going to object to electors from states that didn’t run clean election.’”

On December 31, 2020, when another member of the Group Chat asked her about going to D.C., BALMASEDA responded, “Debating it! I got offered to go with tpusa but it’d be to watch trump speak on the south lawn of the WH. So I wouldn’t really have autonomy to do what I want.”

On January 3, 2021, BALMASEDA posted a message in the Group Chat that contained a link to a New York Times article that discussed former Vice President Mike Pence’s support for a group of senators who planned to object to the certification of the election. The first sentence of the article referred to the effort as a “bid to overturn the election in Congress next week.” Approximately three hours later, in the same thread, Garcia posted a response that read, “1776 Flag flying over the White House last night. Interesting!”

On January 3, 2021, one of the participants in the Group Chat wrote, “Let’s do this!!! We might need to take the capital by storm.” BALMASEDA replied 11 seconds later with “Omg what did I miss 😊”

On January 5, 2021, Garcia posted a message in the Group Chat that contained a link in to Vice President Pence’s speech on January 4, 2021. Former Vice President Pence states in the speech “I promise you, come this Wednesday, we will have our day in Congress.”

BALMASEDA’S ACTIONS ON JANUARY 6

On the morning of January 6, 2021, BALMASEDA and Garcia were photographed in Black Lives Matter Plaza in downtown Washington, D.C.. BALMASEDA was photographed wearing a black leather jacket with a shearling collar, a red hat, black pants, and peanut-colored boots.



Image 7: BALMASEDA, left, and Garcia, middle, in Washington, D.C. on January 6, 2021

On January 6, 2021, at approximately 12:10 p.m., BALMASEDA sent two pictures of Garcia in Black Lives Matter Plaza to Garcia. One of those images is shown below.



Image 8

Before sending to Garcia, at approximately 11:56 a.m., BALMASEDA sent this photograph to the encrypted group chat of Garcia and posted a message that read, “nothing like coffee in BLM plaza.”

Around 1 p.m., Garcia received a message that said, “Storming the capital building right now!!” and “Get there[.]” At approximately 1:21 p.m., Garcia sent a message to a close associate and asked him to provide his “current location.” Garcia then posted, “I am by the White House.” At 1:32 p.m., the associate responded with a message that read, “We are in front of the Capitol.” At 1:35 p.m., the associate further messaged, “We are here and we got maze and hit with paint balls.”

Garcia recorded an approximately three-minute long video that showed a large crowd walking toward the Capitol in the distance. As he walked and filmed, Garcia said, “Alright, going to the Capitol. You can’t stop all this, look at this. No way.” A still image from the video with the Capitol in the distance is shown below. BALMASEDA is circled in the image below. BALMASEDA is still wearing a black jacket with shearling collar and black pants. BALMASEDA is now wearing a black hat.



Image 9: BALMASEDA, yellow circle, walking towards Capitol building

As BALMASEDA approached the Capitol shortly after 2 p.m., BALMASEDA was in position to see members of the crowd climbing the scaffolding on the west side of the Capitol. Plumes of smoke billowed into the air and flash bangs ignited. By this time, rioters had overwhelmed officers on the west front, bypassed the officer lines and gained access to the Northwest Stairs. Around 2:09 p.m., rioters pushed past officers on the middle landing of the stairs and surged towards the Capitol building, as shown in the still image below.



Image 10

As these events took place, BALMASEDA was on Capitol grounds and towards the front of the mob of rioters on the west front. She and Garcia climbed on equipment that had been staged in preparation for the Presidential Inauguration to gain closer access to the Northwest Stairs.



Image 11: Screenshot of open source footage showing BALMASEDA, yellow circle, and Garcia, red circle, climbing on government equipment to make her way towards the Northwest Stairs

Once they reached the Northwest Stairs, BALMASEDA and Garcia climbed on top of the concrete stairs and climbed up the balustrade toward the Upper West Terrace and the Capitol building. BALMASEDA (in front) and Garcia (behind) are circled in yellow below.



Image 12: Screenshot of open source footage shows BALMASEDA and Garcia, yellow circle, climbed up balustrade

U.S. Capitol Police closed circuit television footage (CCTV) shows BALMASEDA (circled in yellow) and Garcia (circled in red) entering the Capitol building through the Senate Wing Door at 2:16 p.m., just four minutes after rioters initially breached the building at this entrance. When BALMASEDA entered the building, broken glass was scattered on the ground and an alarm blared near the doorway.



Image 13: Screenshot of CCTV footage showing BALMASEDA, yellow circle, and Garcia, red circle, entering the Capitol building with a flag in one hand and cell phone in the other hand

After entering the Capitol, BALMASEDA first turned left (to the right as shown below) and then reversed course and walked with Garcia toward an area known as the Crypt.

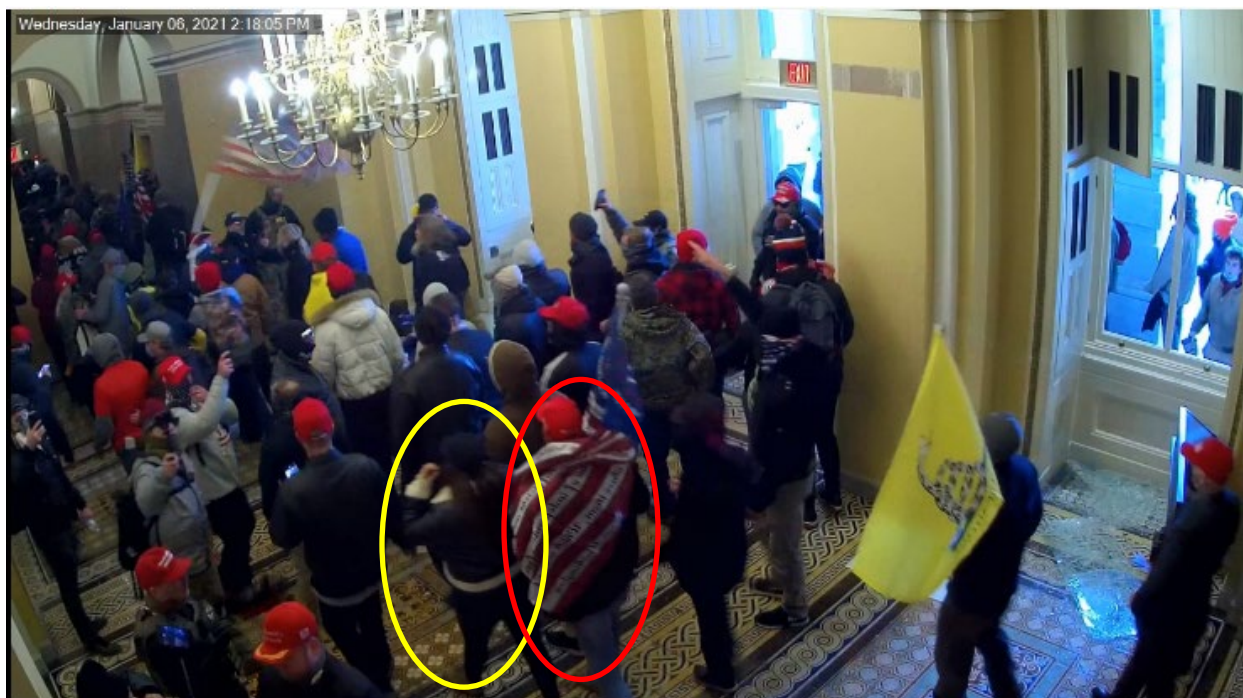


Image 14: Screenshot of CCTV footage showing BALMASEDA, yellow circle, and Garcia, red circle

At 2:19 p.m., BALMASEDA entered the Crypt as police officers held a line and attempted to keep rioters from advancing farther into the building.



Image 15: Screenshot of CCTV footage showing BALMASEDA, yellow circle, and Garcia, red circle

Garcia recorded a video on his phone showing the chaos in the Crypt. As Garcia began recording, the crowd was chanting “Our House!” Within seconds, Garcia turned the camera toward himself and stated, “We just went ahead and stormed the Capitol!” As reflected in the still image from the video, BALMASEDA was near Garcia as he recorded the video. As Garcia’s video shows, Garcia and BALMASEDA pushed their way towards the front of the rioters. In Garcia’s video, members of the crowd can be heard yelling at the officers as the crowd continued to chant, “Our House!” and “USA!”

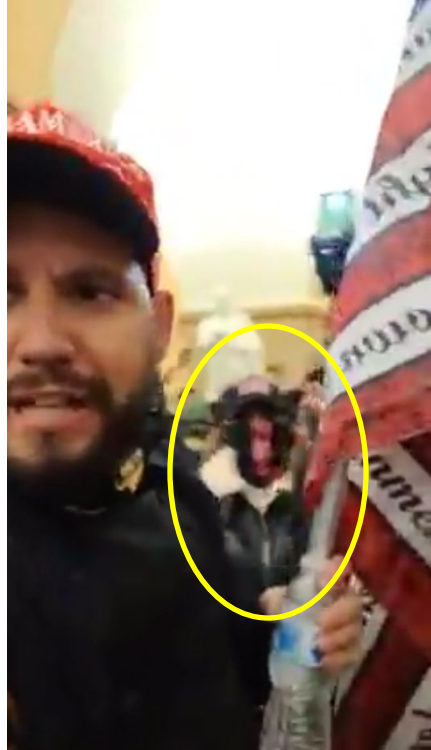


Image 16: Screenshot from Garcia's recorded video showing BALMASEDA, yellow circle

Open source and CCTV footage from the Crypt shows that the mob eventually overran the police line in the Crypt, and BALMASEDA moved forward with the crowd. BALMASEDA joined a crowd of rioters and moved towards an area known as the "OAP Corridor" where another line of officers initially blocked a hallway. The officers eventually backed away and the rioters, BALMASEDA and Garcia included, continued to move forward. After reaching the end of the hallway, BALMASEDA turned around and made her way back towards the Crypt.

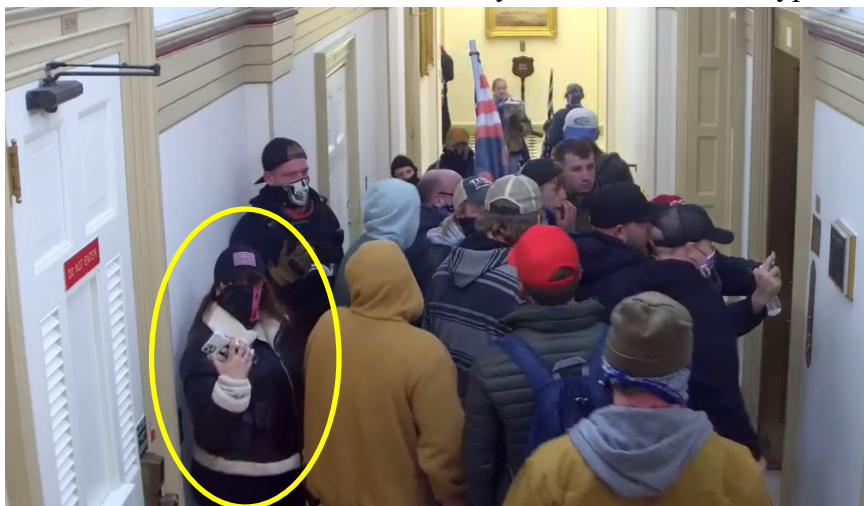


Image 17: Screenshot of CCTV footage showing BALMASEDA, yellow circle, marching back down hall, towards the Crypt

BALMASEDA ascended a staircase to the second floor and eventually entered the area of the Capitol known as the Rotunda at approximately 2:39 p.m. BALMASEDA remained in the Rotunda for about eleven minutes. While in the Rotunda, around 2:47 p.m., BALMASEDA took a photo of Gabriel Garcia standing on a statue of former President Ronald Reagan.



Image 18: Screenshot of open source footage showing BALMASEDA, yellow circle, in the Rotunda taking a picture of Garcia standing on a statue



Image 19

BALMASEDA exited the Rotunda at approximately 2:53 p.m.. About five minutes later, she returned to the Rotunda carrying a white rectangular object in her left hand.



Image 20: Screenshot of CCTV Footage showing BALMASEDA, yellow circle, re-entering the Rotunda with a white rectangular object in hand

At approximately 2:59 p.m., after posing for a photo with the rectangular object, BALMASEDA stood nearby in the Rotunda as a group of rioters attempted to push through an officer line.



Images 21A-B: Screenshots of open source footage showing BALMASEDA, yellow circle, in the Rotunda as rioters fought police officers

At approximately 3:11 p.m., law enforcement officers received additional support in the Rotunda and were able to corral rioters, BALMASEDA included, towards the nearest exit, the Rotunda doors.

BALMASEDA exited the Capitol building at 3:12 p.m., still holding the white rectangular object.

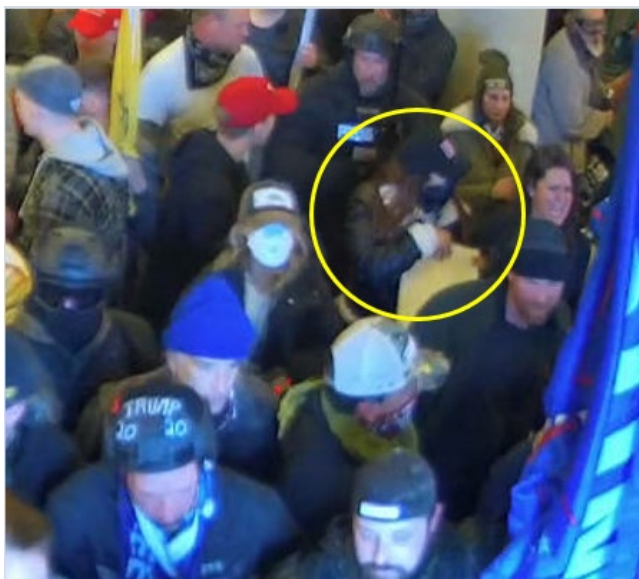


Image 22: Screenshot of CCTV Footage showing BALMASEDA leaving the Capitol building with white rectangular object in her hands

Once outside, BALMASEDA remained on Capitol grounds and took photographs, including a selfie-style photograph of herself and Garcia, as shown above at Image 6.

At 10:18 p.m. later that night, BALMASEDA sent the picture below to Garcia by text message. The message was recovered from Garcia's phone.



Image 23

On January 6, 2021, at 10:43 p.m., BALMASEDA sent a text message to Garcia by text of a link to a post by Representative Matt Gaetz in which Gaetz discussed his objection to the votes from Arizona on the floor of the House of Representatives, including the statement “We came today to debate, to follow regular order, to offer an objection, and to follow a process that is expressly contemplated in our Constitution.”

On January 6, 2021, at approximately 11:42 p.m., after Congress had resumed the Joint Session, BALMASEDA sent a text message to Garcia of a meme that appeared to show former Vice President Pence tearing the U.S. Constitution in half:



Fleccas 
@fleccas



MIKE PENCE TODAY:



9:45 PM · Jan 6, 2021

Image 24

On January 7, 2021, at 12:34 a.m., BALMASEDA sent a text message to Garcia with the image below.

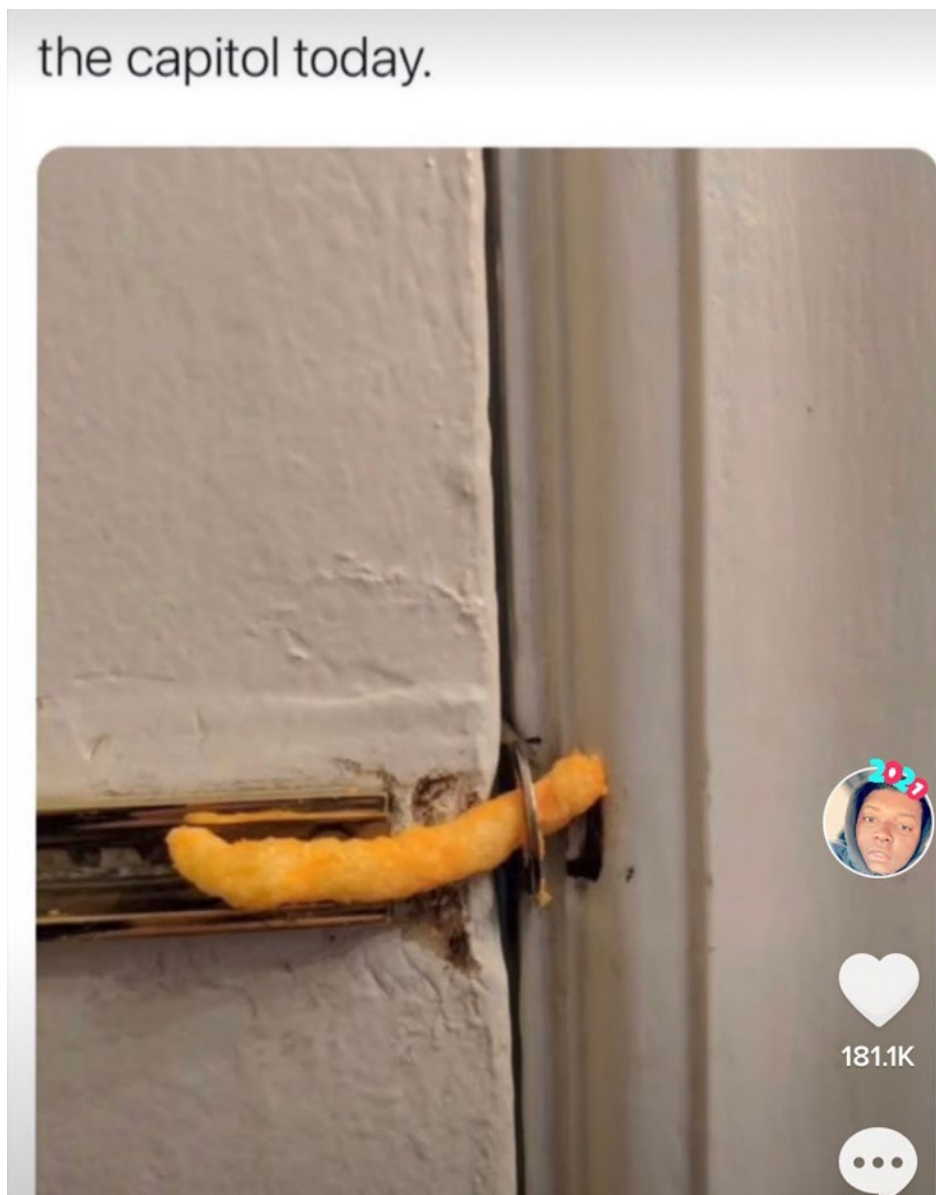


Image 25

On January 8, 2021, BALMASEDA posted a message in the Group Chat that read: “So Marco Rubio Voted “Nay” on both the votes to exclude Pennsylvania’s and Arizona’s electoral college votes. Rick Scott voted “Nay” on Arizona and “Yea” on Pennsylvania. Why vote yes on one and not the other??”


On January 8, 2021, BALMASEDA sent a text message to Garcia stating, “Hey good morning! You left a hat and a gas mask in Adolfo’s car, I also have your sunglasses in my purse and you have my taser.”

PROBABLE CAUSE OF VIOLATIONS OF LAW

Your affiant submits there is probable cause to believe that BALMASEDA violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant also submits that there is probable cause to believe that BALMASEDA 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.

Finally, your affiant submits that there is probable cause to believe that BALMASEDA 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.



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 13TH day of December 2023.

HONORABLE ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE