

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation. In my duties as a Special Agent, I am currently assigned to the Joint Terrorism Task Force, specifically specializing in domestic terrorism matters. 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 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.

KAYLA REIFSCHNEIDER

On April 21, 2021, through a consensual screen capture on another individual's phone, the FBI recorded the contents of a group registered to Telegram Messenger ("Telegram"), a messaging app that offers end-to-end encryption of chats and messages. The Telegram group, titled "PATRIOTS⁴⁵ MAGA Gang" ("Patriots 45"), was organized and administered by other individuals—specifically Person 1 and Person 2—and existed at least as early as October 24, 2020. The group was organized to support then-President Donald Trump and to discuss what its members claimed they viewed as fraudulent election results. On December 17, 2020, an individual with the username "Kaylee Schneider" joined the Patriots 45 group. On the basis of information discussed below, the FBI has identified this individual as Kayla REIFSCHNEIDER.

On December 19, 2020, then-President Trump shared a Tweet with the following message: "Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump <https://t.co/D8KrMHnFdK>. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!" The Patriots 45 group discussed the call to attend a "wild" protest in Washington, D.C. on January 6, 2021. On December 21, 2020, another individual in the Patriots 45 group posted a link to an article titled, "Patriots Storming Oregon State Capitol Building Demand Voter Integrity—Met With Police Violence." REIFSCHNEIDER responded, "That vid of patriots in Oregon is what we need to be doing. Enough with the bs."¹ Person 1 responded, "Yeah I'm down." REIFSCHNEIDER replied, "We need a lot of people." Person 1 responded, "We're going to be in DC. Trump has called for us all. We'll have our chance."

On December 23, 2020, when Person 1 asked in the Patriots 45 group, "Who's going to DC[?]" REIFSCHNEIDER responded, "Me" and identified other individuals she planned to travel with. She added, "We are flying. But. We should[d] all meet up. At some point." Person 1 responded, "Some of us want to take things not great on airplanes." REIFSCHNEIDER responded, "Lmao. Love to hear it." She added, "Ima need a knife."

On December 24, 2020, in the Patriots 45 group, Person 1 wrote, "Wtf war is here. We end it soon. Stop getting it twisted everyone. We are at war now. Alex Jones already declared this." REIFSCHNEIDER responded, "Let's go." Person 1 added, "This group is behind in many ways if we are to participate. This shit gets me so pissed off. Fuck!" REIFSCHNEIDER responded, "Ill be there." REIFSCHNEIDER then shared a screenshot of a news article reading, "Supreme Court Fails to Immediately Act on Trump Campaign's Request to Expedite Pennsylvania Appeal."

¹ Typographical errors are retained from the original messages or alterations are indicated by brackets, except that, for ease of reference, periods have been added between individual messages sent consecutively even where they do not appear in the original.

On December 25, 2020, in the Patriots 45 group, REIFSCHNEIDER wrote, “Hey [Person 1] can you do me a favor.” She added, “Can I give you a stun gun if you are driving to dc? And then when we get out there I can get it back lol.”

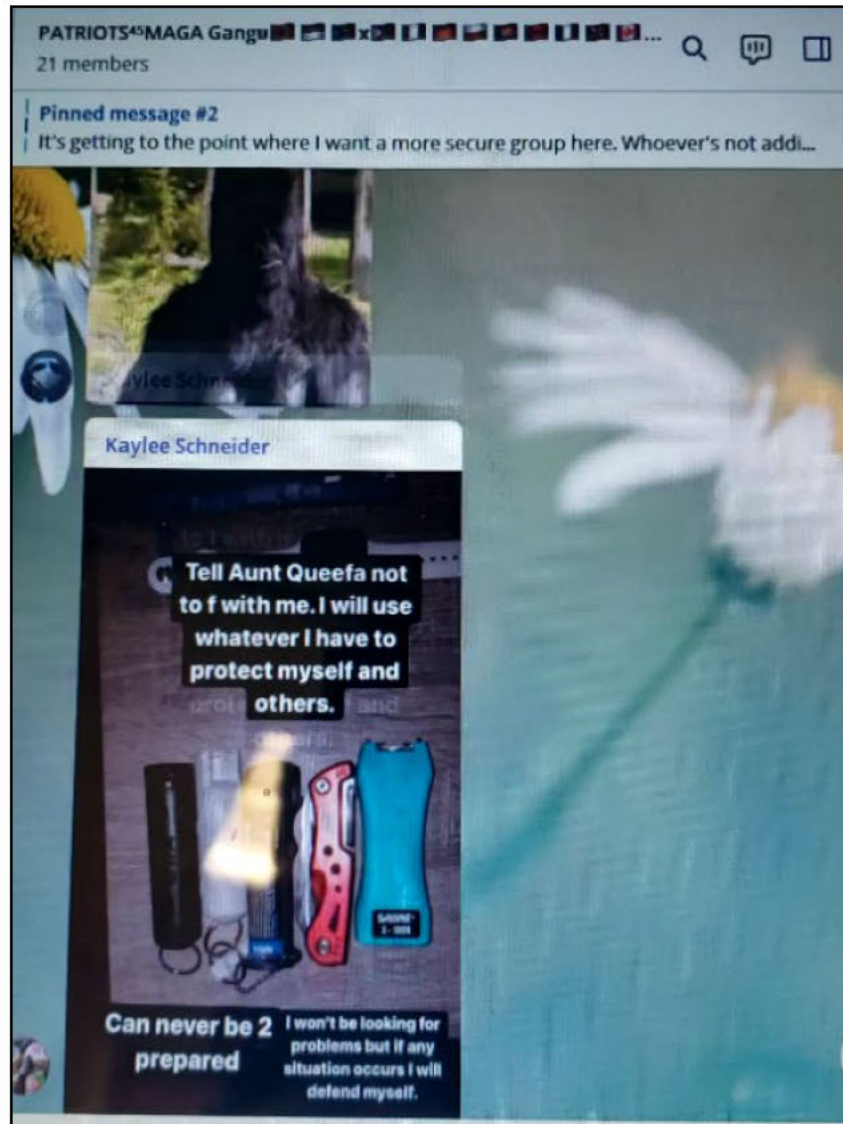
On December 28, 2020, in the Patriots 45 group, REIFSCHNEIDER shared a screenshot of a Tweet from then-President Trump, which read, “Breaking News: In Pennsylvania there were 205,000 more votes than there were voters. This alone flips the state to President Trump.” Within the screenshot, the Tweet was flagged with the following: “Election officials have certified Joe Biden as the winner of the U.S. Presidential election.” Person 1 responded, “Election officials lol. We the people are the officials. Trump is not going anywhere.” REIFSCHNEIDER responded with two fingers crossed emojis.

On December 30, 2020, in the Patriots 45 group, REIFSCHNEIDER wrote, “Can u drive my stun gun?” Person 2 responded, “yes.” REIFSCHNEIDER replied, “I doubt I can pack it for flying.” Later that same day, REIFSCHNEIDER shared a screenshot of Tweet from Senator Josh Hawley, which read, “Millions of voters concerns about election integrity deserve to be heard. I will object on January 6 on their behalf.”

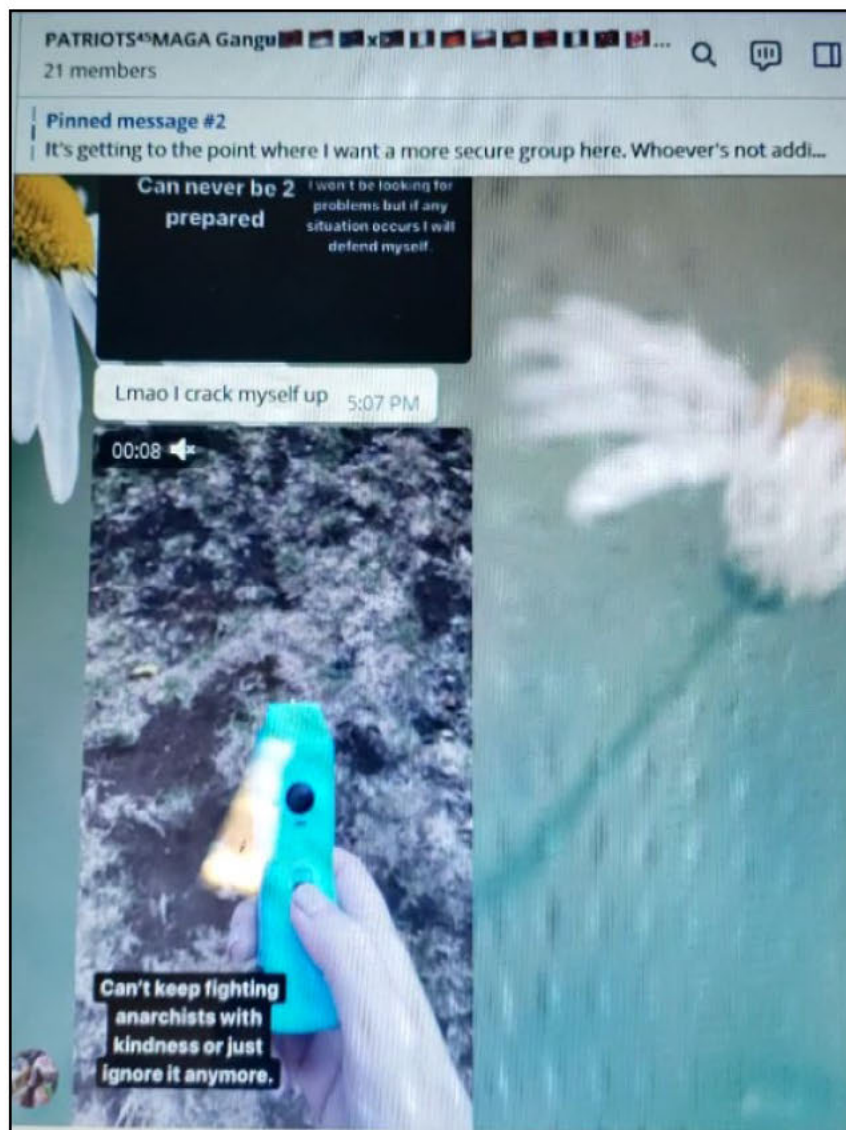
On December 31, 2020, in the Patriots 45 group, REIFSCHNEIDER wrote, “I leave Tuesday at 8:25am from LAX. but I need to give you guys my pepper spray.”

On January 1, 2021, in the Patriots 45 group, REIFSCHNEIDER wrote, “Im getting my stun gun in on monday.” Person 1 responded, “? We taking it with us for you? We leave Sunday at noon to start our trip.” REIFSCHNEIDER responded, “Oh shit I mean im getting it tmrwr. I can bring it to you guys tomorrow if thats okay.” Person 1 responded, “Give it to [Person 2]. He’s in Pasadena for the rose parade rally thing if you can.” REIFSCHNEIDER replied, “Okay sounds good!” Later that same day, REIFSCHNEIDER wrote, “Im bringing a knife and three pepper sprays and a stun gun.”

On January 2, 2021, in the Patriots 45 group, REIFSCHNEIDER posted an image of a stun gun, swiss-army-style knife, and pepper sprays, and captioned the photograph, “Tell Aunt Queefa not to f with me. I will use whatever I have to protect myself and others.” She added, in a smaller font, “I won’t be looking for problems but if any situations occurs I will defend myself.”



Immediately thereafter, she posted a video of her stun gun captioned, "Can't keep fighting anarchists with kindness or just ignore it anymore."



Thereafter, REIFSCHNEIDER shared a screenshot of a Tweet from another individual, which read, "If you're in DC on January 6th, STAY HOME! The domestic terrorists (Boogaloos, Prod Boys, etc.) are planning to break into federal buildings, cause violence against law enforcement, burn down buildings, and even try to shoot up federal employees and lawmakers. STAY HOME!!!!!!!!!" After sharing that screenshot, REIFSCHNEIDER wrote, "Lmfao. What a l[os]er." Person 2 responded, "real Trump supporters are looking to arrest traitors like Nancy and Mitch and Biden etc. not attack buildings lol." REIFSCHNEIDER replied, "Exactly. We aren't antifa and blm. We have an actual mission."

On January 5, 2021, in the Patriots 45 group, REIFSCHNEIDER wrote, "We just landed." Later that day, she wrote, "[Person 1], [Person 2] how should I get my pepper spray lol."

On January 6, 2021, members of the Patriots 45 group discussed the events surrounding the certification of the Electoral College vote and the riot at the U.S. Capitol in real time. For example:

- At 1:57 PM ET, another individual in the group wrote, “Guys, have you heard that apparently Pence said he won’t throw out the votes?” REIFSCHNEIDER responded one minute later, “Yes” and shared a Tweet, which read, “BREAKING NEWS: Mike Pence rejects Trump’s call to overturn Biden election.” Included in that Tweet were two images, reflecting a statement from then-Vice President Mike Pence regarding his role in the certification proceedings. In that letter, then-Vice President wrote, “It is my considered judgment that my oath to support and defend the Constitution constraints me from claiming unilateral authority to determine which electoral votes should be counted and which should not.” REIFSCHNEIDER continued with two additional screenshots, containing the content of this letter. An individual responded, “The establishment has won.” At 2:01 PM ET, REIFSCHNEIDER replied, “We allowed them.” She continued, “We need to give them hell.” An individual responded, “Apparently they are trying to storm the capital.” REIFSCHNEIDER responded, at 2:04 PM ET, “Yeah they did a little while ago but it didn’t work out.” Another individual replied, “It did work out.” and continued “They’re literally on the capitol building rn.” REIFSCHNEIDER replied at 2:07 PM ET, “Oh ya they are at the steps. But not in.”
- At 2:32 PM ET, another individual shared an image of a Tweet, which read, “ALERT: Both Chambers are now in recess. Vice President Pence has been evacuated. The US Capitol is under siege.” REIFSCHNEIDER replied, “Hopefully arested.”
- At 4:48 PM ET, another individual wrote, “Antifa stormed the capital building to control the narrative against Patriots it was all planned.” REIFSCHNEIDER replied one minute later, “I can tell u that it isn’t antifa.”
- At 5:20 PM ET, another individual wrote, “So what happens now?” REIFSCHNEIDER replied, “We lost. Thats it.” She then shared a video and wrote, “Brok[e] my foot I think.” When someone asked, “How?” REIFSCHNEIDER replied, “Kicked a cnn camera.”
- At 11:20PM ET, another individual forwarded a message that included a news update quoting a statement made by then-Senator Kelly Loeffler in the resumed certification proceedings: “When I arrived in Washington this morning, I fully intended to object to the certification of the electoral votes. However, the events that have transpired today have forced me to reconsider and I cannot now, in good conscience, object.” The individual added, “I’m so glad this bitch lost.” REIFSCHNEIDER replied, “You are going against the constitution knowingly and you changed your mind because you are upset.” She added, “If you were rejecting the election because you believe there was fraud...then change your mind over unrest...what does that say about your morals.”

By early January 7, 2021, REIFSCHNEIDER was aware that individuals at the U.S. Capitol building were being arrested. In the Patriots 45 group, at 12:26 AM ET, she shared a screenshot of a phone and circled a news update, which read: “D.C. update. Police: 52 arrested,

15 officers hurt; 4 people died – 3 from medical emergencies and 1 in shooting.” On January 15, 2021, in the Patriots 45 group, REIFSCHNEIDER wrote, “You guys need to delete this chat. I feel like telegram isnt like legit ya know. Lots of disinformation.” She added three emojis of pairs of eyes looking to the left. In the weeks following January 6, 2021, members of the Patriots 45 group frequently discussed the public identification of certain members of the group as being present at the U.S. Capitol. On January 16, 2021, in the Patriots 45 group, REIFSCHNEIDER wrote, “Whoever is a rat in this chat is going to get fucking fucked up.” She added, “They are posting our pics from dc onto Twitter.” Shortly later, REIFSCHNEIDER removed three members from the group, and wrote, “They haven’t been active since like November.” Later that day, REIFSCHNEIDER speculated that a particular individual was “a rat.” Three days later, on January 19, 2021, REIFSCHNEIDER left the Patriots 45 group.

On March 31, 2021, REIFSCHNEIDER was voluntarily interviewed by the FBI. In this interview, REIFSCHNEIDER admitted that she traveled to Washington, D.C. with others, arriving on January 5, 2021, and that she stayed a hotel with a friend, and departed on January 7, 2021. She stated that she attended the speech by then-President Trump at the Ellipse on the morning of January 6, 2021. While in the area of the Ellipse, but before then-President Trump was speaking, REIFSCHNEIDER stated that a man walked by and said, “We’re going to storm the Capitol at 1 PM.” As the speeches concluded, REIFSCHNEIDER said she left the area of the Ellipse and went to eat. As she was leaving, REIFSCHNEIDER said she looked on her phone and saw that people were storming the Capitol. Later that afternoon, REIFSCHNEIDER went to the U.S. Capitol building herself. At the U.S. Capitol building, REIFSCHNEIDER stated that she stood on scaffolding outside of the building and saw rioters breaking glass. She stated that she went from the scaffolding to another area where she observed a “scrimmage line” between police and rioters, and, when she observed that, she left the area.

After she left that area, REIFSCHNEIDER stated that she saw members of the media and joined others in yelling at them. REIFSCHNEIDER stated that she had a confrontation with a member of the media, in which she was pushed. She stated that other individuals saw this and responded by throwing and jumping over metal barricades and “going after all the media stuff, the media people.” REIFSCHNEIDER said there was a pile of media equipment, and she “kicked one of the cameras that was already on the ground.” REIFSCHNEIDER added, “I hurt my foot. It was probably messed up for like a month.” When asked, “Did you, like, soccer kick it or stomp it?” REIFSCHNEIDER responded, “Soccer kick, I think.”

REIFSCHNEIDER acknowledged being in a Telegram group with Person 1 and Person 2. REIFSCHNEIDER admitted that, prior to leaving California, she gave a stun gun and pepper spray to Person 2, to bring to Washington, D.C. She stated she never received those items back. REIFSCHNEIDER noted that she said she was going to bring a knife, but she did not in fact bring it. Following the events at the Capitol, on the evening of January 6, 2021, REIFSCHNEIDER stated that she went to an Airbnb where Person 1 and Person 2 were staying.

Records provided by United Airlines confirmed that REIFSCHNEIDER flew to Washington, D.C. from Los Angeles, CA on January 5, 2021 and returned back to Los Angeles on January 7, 2021. The Hamilton Hotel, located at 1001 14th Street NW, Washington, D.C. 20005,

confirmed that REIFSCHNEIDER stayed at the hotel with another individual from January 5, 2021 to January 7, 2021.

A review of open-source video footage revealed that REIFSCHNEIDER did attend then-President Trump's speech at the Ellipse on the morning of January 6, 2021. REIFSCHNEIDER is circled in red in the below image, which is a still from an open-source video of the area when then-President Trump spoke that morning. She appears wearing a brown jacket over a red jacket and a white hat.



Later that afternoon, at the U.S. Capitol building, open-source video footage depicts REIFSCHNEIDER on the Upper West Terrace, near a police line. REIFSCHNEIDER is heard to yell, "You fucking pieces of shit!" She continues, "You should fucking do it now." She then takes off her brown and red coats and yells, "Does anyone have a fucking badge? I'll fucking do it!" After removing her jackets, she is seen wearing a white sweatshirt with a thin-blue-line American flag emblem, a dark-colored winter hat, and goggles. The below image is a still from this open-source video.



In another open-source video from the Upper West Terrace, another rioter is depicted speaking into a megaphone and holding up an envelope labeled “Speaker of the House.” In the video, he tells the crowd he left a note for then-Speaker of the House Nancy Pelosi, in which he called her a “bitch.” REIFSCHNEIDER walks by and cheers. The below image is a still from this open-source video, in which REIFSCHNEIDER is indicated in red.



In another open-source video from the Upper West Terrace, taken at approximately 4:22 PM ET, REIFSCHNEIDER stands and holds out her phone toward a group of rioters assaulting

law enforcement trying to clear the Upper West Terrace. The below image is a still from this open-source video, in which REIFSCHNEIDER is circled in red.



In another open-source video, after rioters had been cleared from the Upper West Terrace, REIFSCHNEIDER stands opposite a police line, while holding out her phone, and yells “Mother fucker!” toward the police line. The below image is a still from this open-source video, in which REIFSCHNEIDER is circled in red.



After leaving the Upper West Terrace, REIFSCHNEIDER joined a group of rioters in an area on the East side of the Capitol where members of the media had set up. The members of the media were behind bike racks, which initially separated the members of the media from the crowd. In an open-source video at this location, REIFSCHNEIDER and other rioters yelled at members of the media, and other rioters knocked over and remove bike racks. The below still images are from this open-source video. REIFSCHNEIDER is circled in red in the second image.



After the bike racks were moved, another open-source video depicts REIFSCHNEIDER climbing over the small wall that had separated the media from the rioters. As members of the media are forced to flee and media equipment is being destroyed, REIFSCHNEIDER cheers and yells, “Get rid of it, bitch. That’s right, we’re throwing your fucking shit.” The below image is a still from this open-source video.



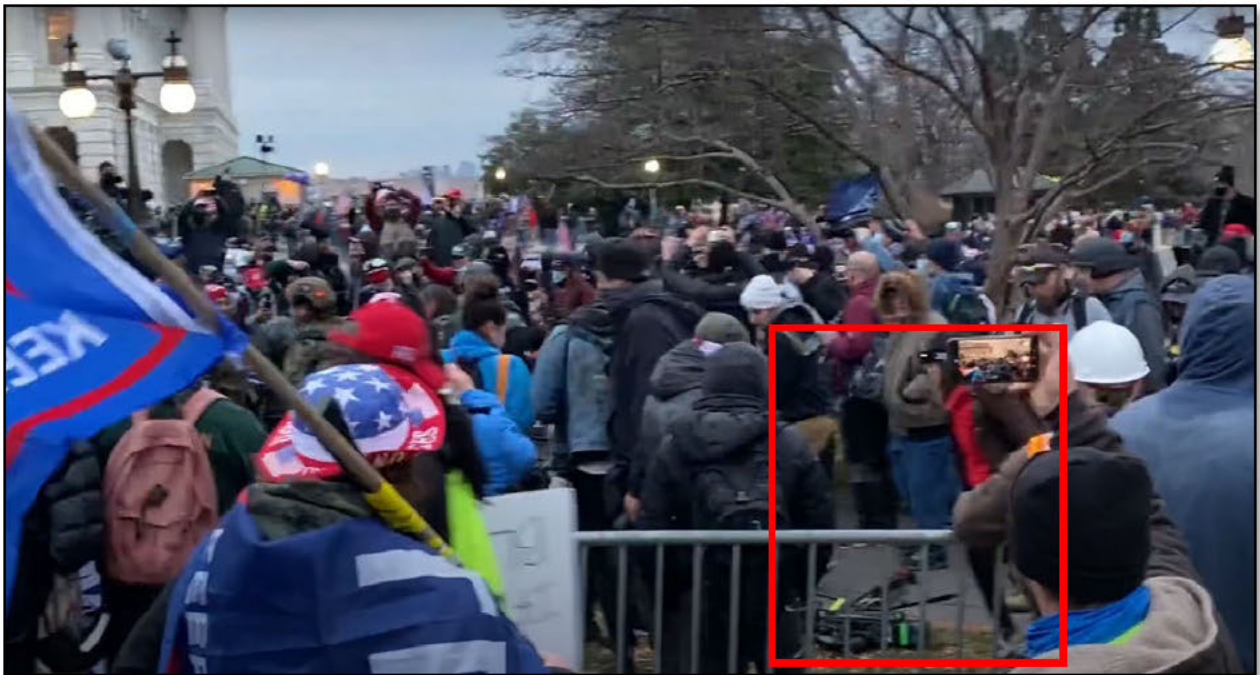
In another open-source video capturing some of the same moments, REIFSCHNEIDER is heard to yell toward the media, “Four years of fucking shit!” and “Now we’re fucking pissed!” She then spit in the direction of the media and yelled, “Mother fucker! Fuck you! That’s spit, bitch! Get fucking COVID!” As rioters smash camera equipment, REIFSCHNEIDER yells, “Get fucking rid of it, bitch!” REIFSCHNEIDER then approaches and lifts a helmet off the ground and throws it on the ground, in the direction of another individual. The below are two still images from this open-source video: in the first, REIFSCHNEIDER and the helmet are circled in red; in the second, the helmet is circled in red.

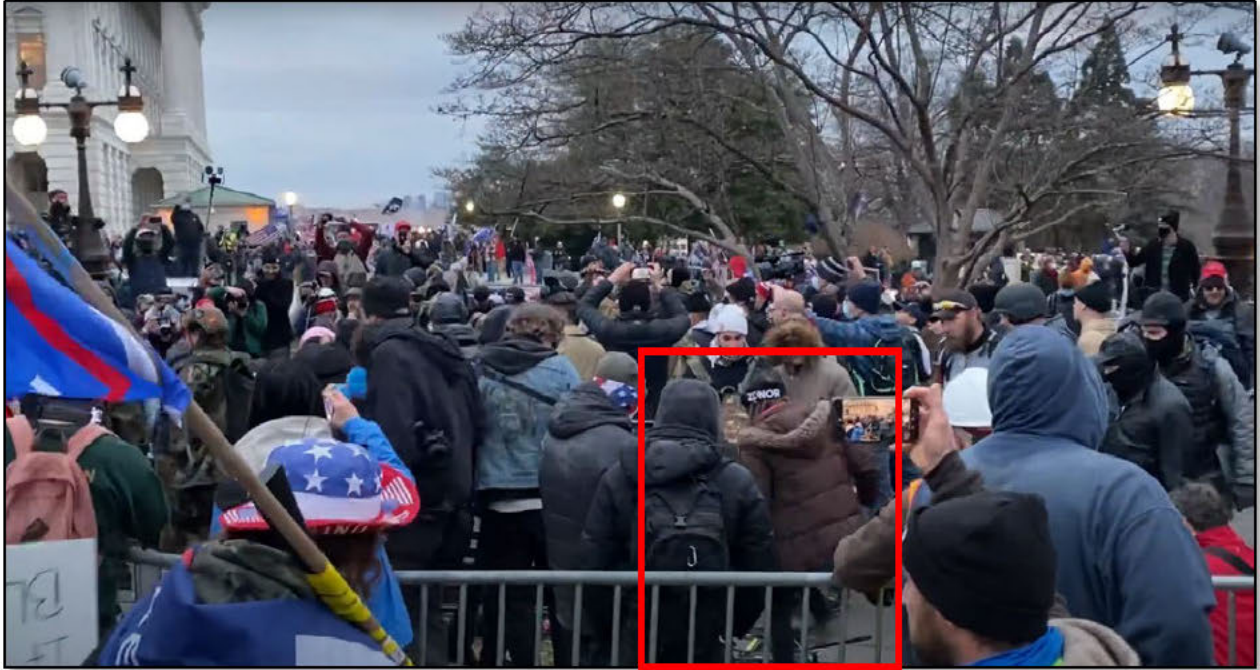


Another open-source video depicts the same moment, in which REIFSCHNEIDER throws the helmet. The below image is a still from this open-source video, in which REIFSCHNEIDER and the helmet are indicated in red.

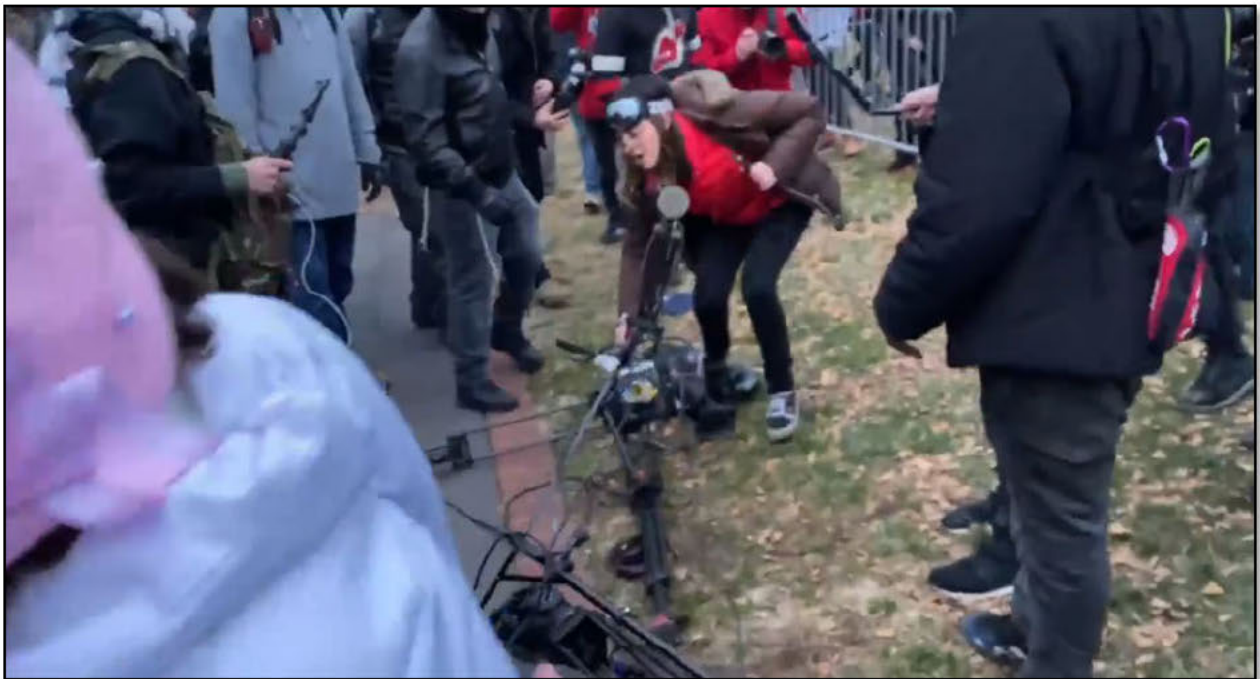


Moments later, in that same open-source video, REIFSCHNEIDER approaches a camera on the ground and steps on it with her foot. She then leans down toward the camera. The below are two still images from this open-source video, and in each REIFSCHNEIDER is indicated in red.





Another open-source video captures the moments after REIFSCHNEIDER steps on the camera. REIFSCHNEIDER leans down and lifts the camera up and throws it back to the ground. She yells, “It shows my fucking anger!” Then she yells, “Fuck you!” The below image is a still from this open-source video.



In another open-source video, capturing the following moments, REIFSCHNEIDER celebrates. She raises a middle finger and yells, “Fuck you! It’s been four years I’ve been wanting to do this!” The below image is a still from this open-source video.



I was present for the March 31, 2021 interview of REIFSCHNEIDER, and I can confirm the individual that I identify in this Statement of Facts as REIFSCHNEIDER is, in fact, REIFSCHNEIDER. I can further confirm that the voice I have identified in this Statement of Facts as REIFSCHNEIDER is, in fact, REIFSCHNEIDER.

Content posted on REIFSCHNEIDER’s Instagram account confirms REIFSCHNEIDER’s presence in Washington, D.C. on January 6, 2021. In a series of Instagram stories, REIFSCHNEIDER posted the following on or about January 6, 2021:

- A photograph of then-President Trump with the caption, “Good morning and Trump is still your president.”

- As shown below, a photograph of herself wearing a red jacket and red hat, which read, "Trump 2020 Keep America Great."



- As shown below, a post from another individual, to which she added the caption, “THIS IS HOW YOU TAKE YOUR COUNTRY. GO TO GOVT BUILDINGS. MAKE A STATEMENT. I HAVE BEEN SAYING THIS.”



- A video of a pile of media equipment, over which REIFSCHNEIDER states, “Bye bye media stuff.” She added, “I absolutely broke my foot or fractured it kicking one of those cameras, but it was fucking worth it. It was fucking worth it. I’m pissed.”



- A video of a police line trying to remove rioters from the Upper West Terrace, over which REIFSCHNEIDER coughs and states, “Pepper spraying everying.”



- A video of a window at the U.S. Capitol building, over which REIFSCHNEIDER yells, “Yeah! Fuck yeah! Woo! Fuck the establishment, mother fuckers!” She captioned the video, “FUCK THE ESTABLISHMENT!!! I BEEN SAYING IT FOR MONTHS!!!”



- A video taken from scaffolding of the northwest side of the U.S. Capitol building.



Pursuant to a search warrant issue for REIFSCHNEIDER's cellular phone, I have reviewed relevant records from her phone. Among other information, text messages were identified in

which REIFSCHNEIDER discussed what was coming on January 6, 2021. On January 4, 2021, she wrote, to another individual, “[P]eople wonder how their countries are so fucked up...Gee I wonder... And everyone is letting it happen...There needs to be massive protests...Im talking burning govt building ls...And corporate stores...Not mom and pop shops and innocent peoples cars and shit... People are so afraid of covid theres a lot of those that wont protest...The govt is using covid purposely to instill fear on the people so they wont go take action...This is allowing them to getaway with what they are soing.” The following day, January 5, 2021, she wrote to the same person, “It’ll be a full on war tomorrow though.” To another individual, also on January 5, 2021, REIFSCHNEIDER wrote, “The police here such ass.” She added, “I wanna literally punch them.”

On January 6, 2021, REIFSCHNEIDER texted with another individual, “About to go to the capital rn.” Later, she wrote to that same person, “Curfew at 6” and added, “WE WILL NOT COMPLY.” She continued, “I’m in the hotel rn” and said she was “[a]bout to head over to the capital.” She added, “Time to show them who they are fcukinf with.” Later, she wrote to that same individual, “Cops...Im going to lose my shit on the police...I took my back the blue swetaer off stomped on it and threw it at them.” Later that evening, she wrote, “Straight out war... We went fucking hard... Those asshats think theu are so tough... I never seen anything in my life like what I saw today.”

On January 6, 2021, REIFSCHNEIDER texted another individual, “Time to show them who they should be afraid of. Curfew at 6. We will not comply.” That individual wrote back on the morning of January 7, 2021, “So they beat the crap out of the police?” REIFSCHNEIDER responded, “I definitely saw one getting help. Limping. We fucked them up worse than antifa and blm. Lmao.”

Based on the foregoing, your affiant submits there is probable cause to believe that REIFSCHNEIDER violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or impede an official proceeding, and to attempt to do so. A proceeding before Congress is an “official proceeding” for purposes of 18 U.S.C. § 1512(c)(2), as defined in 18 U.S.C. § 1515(a)(1)(B).

Your affiant submits that there is also probable cause to believe that REIFSCHNEIDER 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 so; 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.

Your affiant further submits that there is also probable cause to believe that REIFSCHNEIDER violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to engage in an act of physical violence in the United States Capitol Grounds or any of the Capitol Buildings.



SPECIAL AGENT [REDACTED]
FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 5th day of March 2024.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE