

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to Federal Bureau of Investigation (“FBI”) New Albany (Indiana) Resident Agency. In my duties as a special agent, I am responsible for investigating a variety of federal criminal and national security matters, including domestic terrorism and threats of violence to high-risk and/or sensitive targets. Through training and investigative experience, I have knowledge of a variety of investigative techniques and legal matters, including Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. 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 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.

Open-source video and U.S. Capitol security cameras captured images of an individual identified as AMY GORDON (“GORDON”) of Greenville, IN, as described below, participating in the riot at the U.S. Capitol on January 6, 2021.

IMAGE 1, a screenshot from CNN’s coverage of the events on January 6, shows GORDON wearing a pink hat, green scarf, and black puffer jacket while carrying an American Flag with an eagle on top. This image comes from the west side of the Capitol inside the restricted area on January 6, 2021. Throughout her time in the Capitol, GORDON is seen with an unidentified male dressed in a red jacket, black hat, and black gaiter. The affiant interviewed an associate of GORDON’s from her town, who indicated that GORDON and the unknown male traveled to Washington D.C. together as part of a group called the Southern Indiana Patriots.



IMAGE 1 – GORDON and unidentified male on the west side of the Capitol inside the restricted area.

Security video surveillance from inside the U.S. Capitol shows GORDON and the male entered the U.S. Capitol and remained for approximately nine minutes, they entered through the Senate Wing Door at approximately 3:22 pm as captured in IMAGE 2.



IMAGE 2 – GORDON and the unidentified male enter the U.S. Capitol through the Senate Wing Door.

Once inside, GORDON followed the unidentified male to a corner of the atrium as captured in **IMAGE 3**.



IMAGE 3 – GORDON and the male stand in the corner of the Senate Wing Door atrium.

As captured in **IMAGE 4**, GORDON received a phone call while inside the building.

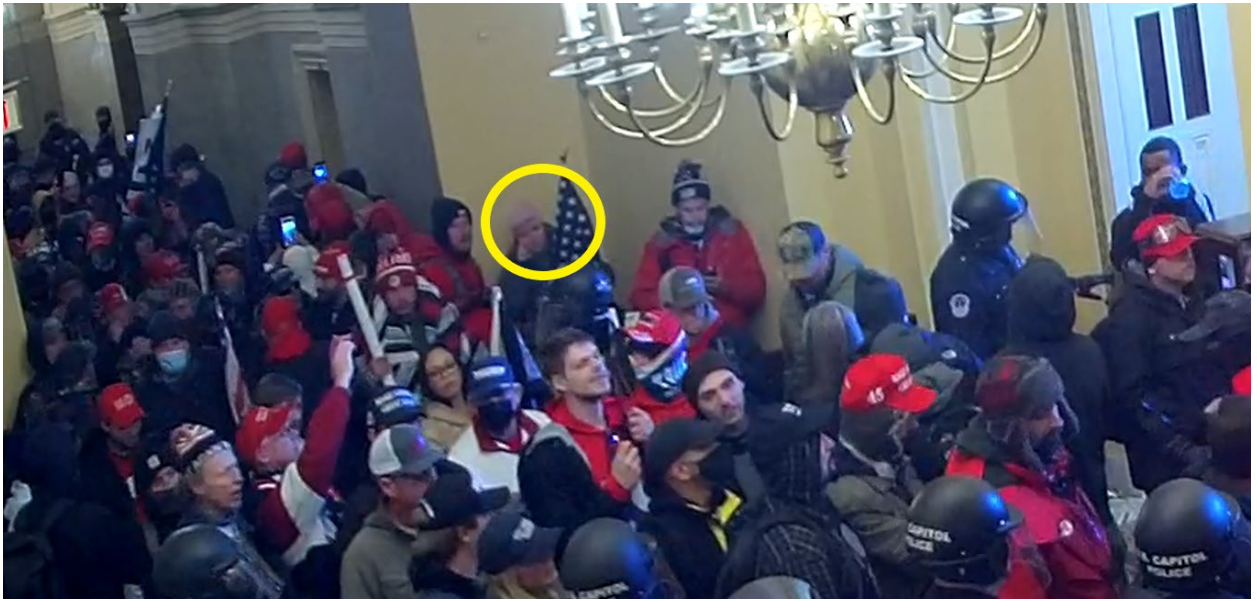


IMAGE 4 – GORDON on the phone inside the Capitol.

GORDON appeared to speak to police officers before leaving the Capitol building as captured in **IMAGE 5**.



IMAGE 5 – GORDON appeared to speak to police officers as she makes her way outside.

As GORDON continued down the line of police officers, her backpack that is decorated with an American flag star was visible as captured in **IMAGE 6**.



IMAGE 6 – GORDON’S backpack with an American Flag star attached.

GORDON and the unidentified male then exited through the Senate Wing doors as seen in **IMAGE 7** around 3:31pm.



IMAGE 7 – GORDON and the unidentified male leave the Capitol building.

On August 23, 2023, agents from the FBI interviewed GORDON at her residence in Greenville, Indiana. GORDON agreed to speak with agents. During the interview, GORDON described that after the “Stop the Steal” rally, she walked with a group to the U.S. Capitol. Her group made their way around the “porch,” where several members of her group turned around.

GORDON conveyed that she walked inside with another individual. Once inside, she reported that she received a call from her mother, who told her to leave. GORDON advised that she thanked the police officers inside as she left the building.

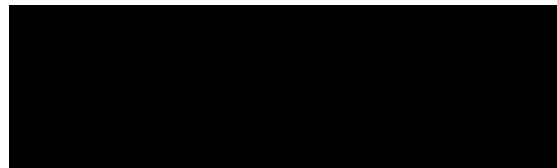
Your affiant, who was present for the interview, confirmed that GORDON was the person pictured in IMAGE 1 and IMAGE 2. Your affiant reviewed images of the individual wearing the pink hat, green scarf, and black jacket that was carrying an American flag and, after meeting GORDON in person, was able to determine that the person was GORDON.

Law enforcement officers from the FBI spoke with another person familiar with GORDON in September 2023, who identified GORDON in IMAGE 1 and IMAGE 2 as the person in the pink hat.

On January 6, 2021, GORDON was not authorized to be in any of the restricted areas on U.S. Capitol grounds, including the Capitol building.

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



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of November 2023.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE