

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”) Los Angeles Field Office. In my duties as a Special Agent, I have investigated allegations associated with domestic terrorism. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. 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. EST. Shortly thereafter, by approximately 1:30 p.m. EST, 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. EST 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. EST. 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.

Identification of Donald Pin WANG

According to records obtained through a search warrant served on Google, a mobile device associated with s#####@gmail.com (“the WANG Gmail account”, redacted) was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time.

In this case, Google records showed that the mobile device associated with the WANG Gmail account was present at the locations illustrated in the map below (Image 1). The mobile device was within the U.S. Capitol at locations reflected by each darker blue circle in Image 1, with the “maps display radius” reflected by each lighter blue ring around each darker blue circle. The map’s listed locations encompass areas that are at least partially within the U.S. Capitol Building—and consequently within the restricted areas of U.S. Capitol grounds—between approximately 2:10 p.m. EST and 4:14 p.m. EST on January 6, 2021.

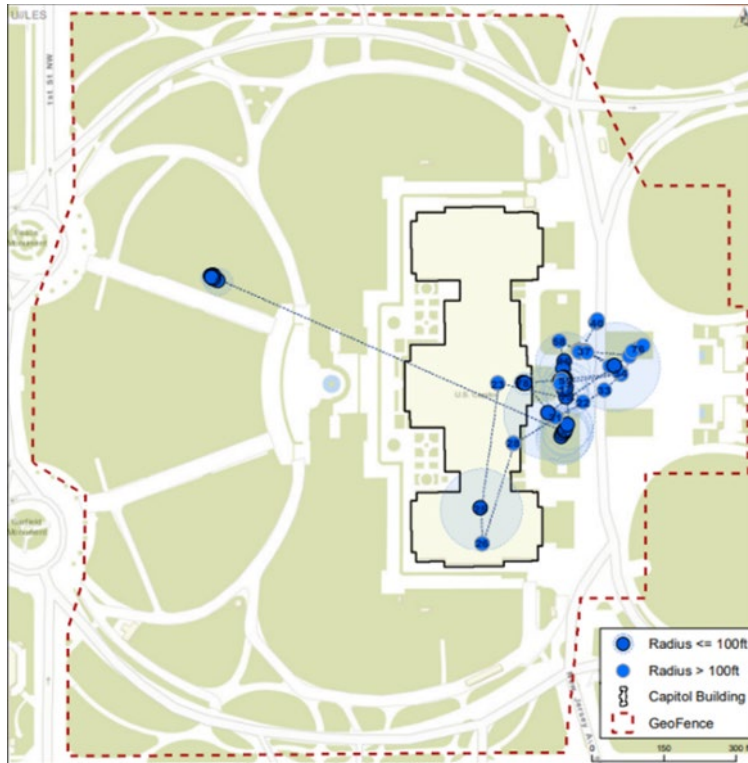


Image 1

Data obtained from additional legal process indicate that the mobile device and Google account associated with the WANG Gmail account was also associated with the name “Don W,” the telephone number XXX-XXX-5553, and additional email addresses s#####@live.com, and s#####@aol.com (redacted). Billing information showed customer name “Donald P Wang,” of Los Angeles, CA.

Records obtained from T-Mobile indicate that the 5553 phone number is associated with a provider account in the name of a Los Angeles, California resident named Donald WANG.

Flight records indicate that WANG traveled from Los Angeles International Airport (LAX) to Baltimore/Washington International Thurgood Marshall Airport (BWI) on January 4, 2021, with a return flight from BWI to LAX on January 8, 2021. The phone number ending in 5553 was associated with the travel records.

According to hotel records, WANG stayed at the Duo Nomad Hostel, located at 1010 Pennsylvania Ave, SE Washington, DC 20003, from January 5, 2021, to January 8, 2021. The telephone number ending in 5553, and email address sXXXXXXXX@live.com were used to book the reservation.

Your affiant compared WANG’s California driver’s license photograph to images of an individual believed to be WANG at the U.S. Capitol building on Jan. 6, 2021 (Images 2 and 3, below), and they appeared to be the same individual.



Image 2



Image 3

On May 30, 2023, a spot check was conducted by an FBI Task Force Officer (“TFO”) at a Los Angeles, CA address identified in California’s Department of Motor Vehicle (“DMV”) records as being associated with WANG. At approximately 11:00 a.m. PST the TFO observed a vehicle associated with WANG parked directly in front of the listed address apartment building. The TFO observed an older male sitting in the driver seat who he positively identified as WANG based on prior viewed photographs, which included Images 2-3.

WANG’s activity at the U.S. Capitol on Jan. 6, 2021

The affiant reviewed closed-caption video (“CCV”) from the U.S. Capitol Police (“USCP”), and other images/video taken by individuals in the crowd that capture WANG at several different locations within the U.S. Capitol building and grounds on January 6, 2021. In this video footage, WANG is seen wearing a blue medical mask, large reddish framed glasses, a blue zip up jacket with a dark hooded sweatshirt underneath, dark pants, and carrying an orange bag.

At approximately 2:22 p.m. EST, just nine minutes after the first breach of the U.S. Capitol, WANG entered the building through the Senate Wing Door (Images 4-5, below). Once inside, he walked southward and in the direction toward an area inside the U.S. Capitol building known as the Crypt.

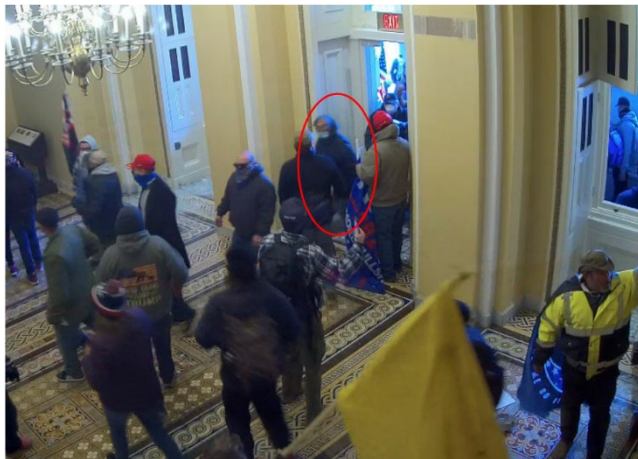


Image 4

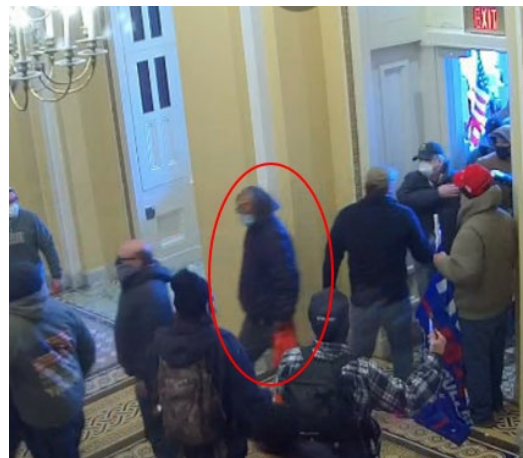


Image 5

At approximately 2:29 p.m. EST, WANG entered the Crypt via the north entrance (Image 6). He walked toward the southeast area of the Crypt and entered the Crypt Lobby to the east (Image 7).



Image 6

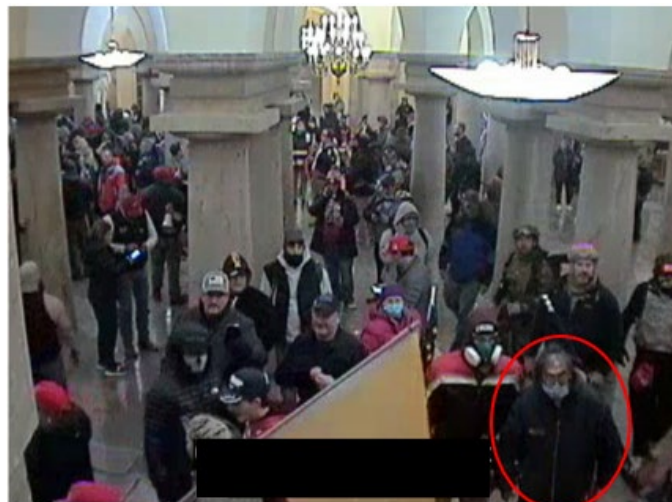


Image 7

WANG then joined a crowd that drove law enforcement back in the Crypt Lobby and eventually forced them to go down the stairs/escalators to the lower level, the Capitol Visitors Center Orientation Lobby. Other rioters in this crowd threw chairs, trashcans, and various items at the officers.

Approximately 2:30 p.m. EST, WANG walked down the escalator to the Orientation Lobby and stood near the base of the stairs for a few minutes (Image 8, below). WANG and other members of the crowd walked south until they were pushed back to the steps by Capitol Police at approximately 2:39 p.m. EST.



Image 8

At approximately 2:43 p.m. EST, WANG re-entered the Crypt (Image 9). He walked southbound toward the Memorial Door (Image 10).



Image 9



Image 10

At approximately 2:44 p.m. EST, WANG walked by the Memorial Door. Capitol Police Officers then directed him to the House Wing Door hallway (Image 11, below).



Image 11

At approximately 2:44 p.m. EST, WANG walked through the House Wing Door hallway toward the South Door (Image 12).

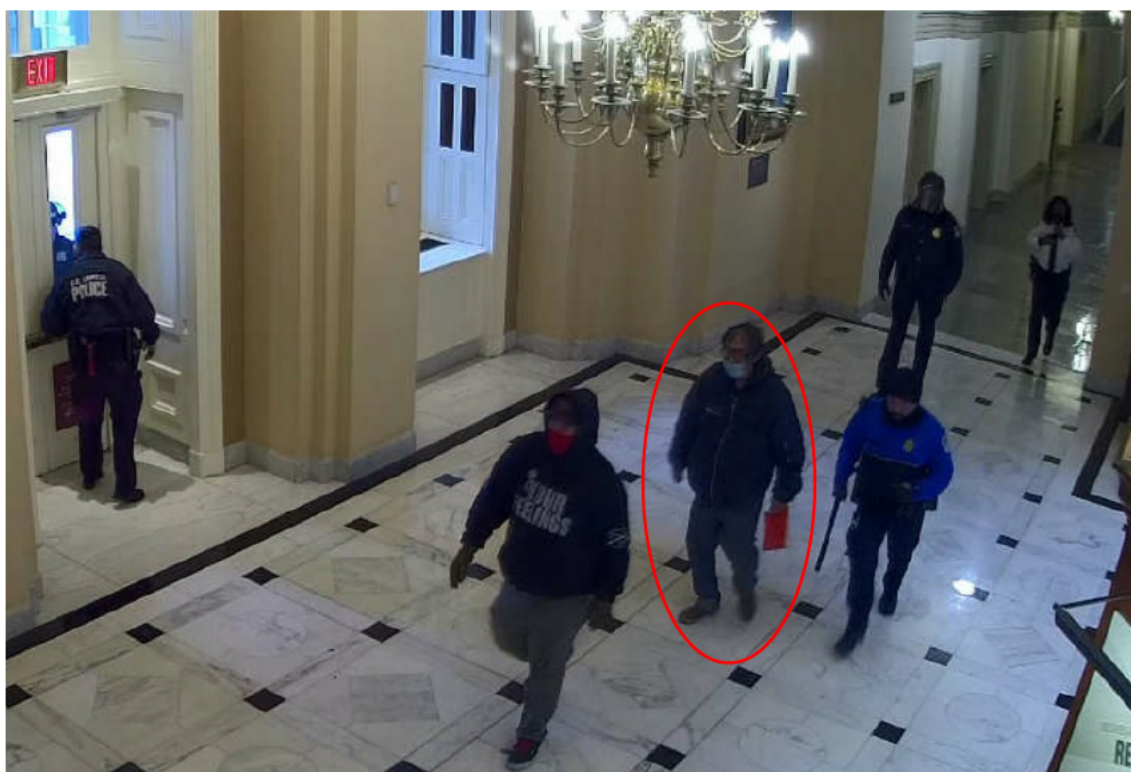


Image 12

At approximately 2:45 p.m. EST, WANG exited the U.S. Capitol building via the South Door and remained on the East steps of the U.S. Capitol building (Images 13-17, below).

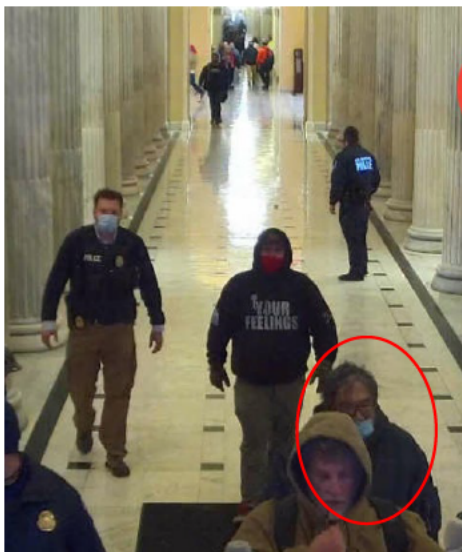


Image 13



Image 14



Image 15



Image 16

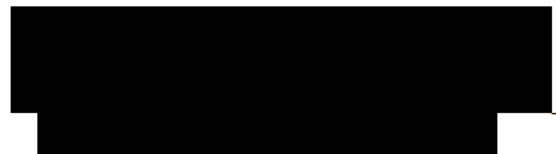


Image 17

The Google geolocation data indicates that WANG spent over an hour after leaving the Capitol Building within the restricted area.

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



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 29th day of April 2024.

HONORABLE MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE