

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent of 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 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.

CHRISTINA KELSO

On January 27, 2021, through a search warrant execution on another individual's phone, agents discovered a group registered to Telegram Messenger ("Telegram"), a messaging app that offers end-to-end encryption of chats and messages. The search warrant identified multiple Telegram groups that contained discussion of travel to Washington D.C. in November 2020 and January 2021. One of the groups was named "The California Patriots- DC Brigade" ("DC Brigade"). The "About" section of the Telegram group stated: "This group will serve as the Comms for able bodied individuals that are going to DC on Jan 6. Many of us have not met before and we are all ready and willing to be engaged in this fight. We will come together for this moment that we are all called upon." An individual with the username "Christina Kelso," who as described below I have identified as CHRISTINA KATHERINE KELSO ("KELSO"), was a member of the DC Brigade Telegram group. On January 1, 2021, the owner of the DC Brigade Telegram group, R.T., posted, "As you join, please provide the following. 1. Previous Law enforcement/military? What branch and specialty-. 2. Special skills relevant to our endeavors-. 3. Picture of yourself and name (if you are ok) so we can familiarize ourselves. 4. Date and time of arrival-." On January 2, 2021, KELSO responded and wrote, "Trained in self-defense, Iyengar Yoga, and Modern Buddhism (New Kadampa). Also devout Christian. Arriving Monday midday. Special skills: knife throwing but also, Peace Pilgrim. I see the light in everyone. I wouldn't call myself a diplomat but I have the power to diffuse anger... Modern Buddhism AND Christian faith have given me eyes to see. I'm also great at herbalist First Aid. And I was a Girl Scout. 'Be prepared:' always. Peace."

On or about March 17, 2021, KELSO was voluntarily interviewed by the FBI. In this interview, KELSO claimed that she traveled to Washington, D.C. for January 6, 2021, to support the group organized by R.T. and A.H. KELSO said that she rented an SUV from a local Enterprise Rent-A-Car and drove to Washington, D.C. by herself, arriving on the morning of January 5, 2021. KELSO attempted to check in to the hotel where she had booked a room, but was denied her reservation because she refused to wear a mask. KELSO then got a reservation at the Kimpton George Hotel, where she knew R.T. and A.H. were also staying. KELSO stated that, on the morning of January 6, 2021, she met with R.T. and A.H. at the Kimpton George Hotel. Eventually, KELSO said that she was separated from R.T. and A.H. KELSO stated that she walked toward the U.S. Capitol building with a crowd. When she arrived at the Capitol, KELSO advised she was at the front of the crowd near a skirmish line where she and the other protesters were pushing back against the police. As they began pushing against the police, KELSO advised that was when she was pepper sprayed, which was effective in getting her to stop pushing. KELSO stated that she saw individuals entering the Capitol, but the closest she got was the bottom of the outside stairs. KELSO stated that she was near the Capitol for three to four hours. She stated that everyone she saw, including herself, was peacefully protesting. KELSO stated that she departed Washington, D.C. On January 7, 2021, and returned to California either January 13 or 14, 2021. KELSO stated that, prior to January 6, 2021, she had been listening to podcasts that called for a "peaceful occupation" of the Capitol. KELSO stated that she had been prepared to take part in such an occupation, but after being pepper sprayed, she changed her mind.

Records provided by Enterprise Rent-A-Car confirmed that KELSO rented a 2020 Chevy Equinox on December 31, 2020 from an Enterprise location in Indio, California and returned it back to the same location on January 15, 2021.

As part of its investigation, the FBI identified a Facebook account associated with KELSO. KELSO's Facebook account included her status as Facebook friends with R.T. and A.H., both leaders of the DC Brigade Telegram group. Content posted on KELSO's Facebook page confirms KELSO's presence in Washington, D.C. on January 5, 2021 through January 6, 2021. For example, on January 7, 2021, KELSO posted the below photograph of herself in the area of the Washington Monument.



On January 6, 2021, KELSO posted the below photograph of herself in the area of the Washington Monument.



On January 5, 2021, a review of open-source videos reveals that KELSO attended a rally outside the U.S. Supreme Court. Both R.T. and A.H. spoke at this rally. At that event, A.H. addressed the crowd regarding the 2020 election and the certification proceeding that would take place in Congress the next day. A.H. said, "That's who beat Donald Trump. Dominion and all the fakes and frauds, led by these vipers behind you in the people's house. They're gonna hear our voice tomorrow. They're gonna hear us loud and clear. We are at war in this country! We are at war." He continued, "Our voices tomorrow are going to put the fear of God in the cowards and the traitors, the RINOs and the communists of the Democrat Party, They need to know we as a people, 100 million strong, are coming for them if they do the wrong thing!" A.H. concluded, "I will see you all tomorrow at the front lines. We are taking our country back!" R.T. also addressed the crowd. R.T. stated, "in these streets, we will fight and we will bleed," and "we will not return to our peaceful way of life until this election is made right." The below image is a post

from KELSO's Facebook account, taken from the area of that rally. In this image, KELSO is indicated in red.



A photograph recovered through a search warrant execution on another individual's phone revealed that KELSO did meet with a group of other individuals, including A.H., and R.T., on the

morning of January 6, 2021 at the Kimpton George Hotel. KELSO is identified in red in the below photograph.



A review of open-source video footage revealed that KELSO did attend then-President Trump's speech at the Ellipse on the morning of January 6, 2021. KELSO is center in the below image, which is a still from an open-source video of the area of the Washington Monument, in the area where then-President Trump spoke that morning. KELSO appears wearing a light blue and red jacket, a black and white vest, a red sweatshirt, and a grey hat.



In this open-source video, the individual recording asks KELSO, “If Congress does certify the election of Biden . . . would you accept that?” KELSO responded, “No, I wouldn’t. I would not accept it. But because that’s just fake news, so I don’t think it’s gonna happen because there’s too many of us who know, like, just the depth of the fraud.” She added, “if we’re gonna die anyway, I’ll die for my freedom, 100%.” When she was asked for her name, KELSO responded, “Christina. Christina Kelso.”

Later that afternoon, at the U.S. Capitol building, open-source video footage depicts KELSO on the lower portion of the Lower West Terrace, near a police line. As police were establishing and holding a police line in this area, KELSO rushed toward the police. KELSO is wearing a light blue and red jacket with the words “SAN MARCOS” visible on the back. The below images are stills from this open-source video, in which KELSO is indicated in red.



After rushing the police line, an officer pushed KELSO away from the police line to get her to retreat. KELSO would not retreat. Instead, KELSO advanced on the police line again. Police again needed to force her back. The below image is a still from the same open-source video, in which KELSO is indicated in red.



Police again pushed KELSO back and deployed pepper spray, in further efforts to get her to retreat. KELSO did not retreat. KELSO again moved toward the police line. The below image is a still from the same open-source video, in which KELSO is indicated in red.



Police, again, pushed KELSO away from the police line and deployed pepper spray. Once more, KELSO would not retreat, and returned again to the police line. Again, the police deployed pepper spray. KELSO held on to the bike rack against the police line, and ultimately crouched down, refusing to move. The below images are stills from the same open-source video, in which KELSO is indicated in red.



Another open-source video from the Lower West Terrace captures the same moments. The below image is a still from this open-source video, in which KELSO is indicated in red, as she first approaches the police line and is pushed back.



Another open-source video from the Lower West Terrace captures the same moments. In this video, police can be heard repeatedly instructing KELSO and the crowd to “back up.” In defiance of these commands, KELSO continued to clutch the bike rack at the front of the police line. The below image is a still from this open-source video, in which KELSO is indicated in red.



Body-worn camera footage from the United States Capitol Police also documents KELSO's push against the police in these moments. According to this footage, the incident took place at approximately 2:05PM ET. The below images are stills from this body-worn camera footage, in which KELSO is in the foreground as she charges at the police line. As in open-source video footage, the police can be heard repeating shouting for KELSO and other rioters to "back up." In this body-worn camera footage, as an officer directs KELSO to "back up" and pushes her away, KELSO responds, "No."







As depicted in the body-worn camera footage, after being pepper sprayed, and as she clung to the bike rack, police repeatedly offered KELSO medical attention, which she repeatedly refused.

In Facebook messages with A.H.—a leader of the DC Brigade Telegram group—Kelso discussed her experience on January 6, 2021. On January 10, 2021, discussing the possibility of the FBI reaching out to her, KELSO wrote, “So FBI couldn’t solve the murder of Biggie Smalls but they definitely have the Capitol figured out. I was on the line. I got pepper sprayed pretty good. I couldn’t see for 20, 30 minutes. But of course I was never violent. Peaceful, pissed off Patriots.” She added, “Are we thinking inauguration?” The next day, KELSO wrote to A.H., “I made some new friends along the way and I’ve half a mind to return later this month.” She added, “Thank you for the good advice re FBI. My friend was definitely spooked and it cut short my visit slightly but I’m keen to get home. I did nothing wrong so I’m not afraid.”

I have spoken with special agents present for the March 17, 2021 interview of KELSO. Those agents have reviewed relevant open-source and body-worn camera footage and have concluded that the person featured in the screenshots above, who I identify in this Statement of Facts as KELSO, is, in fact, KELSO.

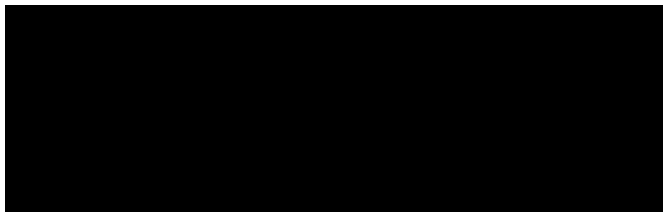
Based on the foregoing, your affiant submits there is probable cause to believe that KELSO violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or impede an official proceeding, and to attempt to do so. A proceeding before Congress is an “official proceeding” for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

Your affiant submits there is also probable cause to believe that KELSO violated 18 U.S.C. § 231(a)(3), which makes it a crime to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful

performance of his official duties incident to and during the commission of a civil disorder which is any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function.

Your affiant submits that there is also probable cause to believe that KELSO 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 submits there is also probable cause to believe that KELSO violated 40 U.S.C. § 5104(e)(2)(D), 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.



FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of May 2024.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE