

STATEMENT OF FACTS

Your affiant, [REDACTED] Special Agent of the Federal Bureau of Investigation (“FBI”), assigned to [REDACTED]. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to international and domestic terrorism and other threats to national security and public safety. Currently, I am tasked with investigating, among other things, criminal activity in and around the Capitol grounds on January 6, 2021. As a FBI 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.

Facts Specific to this Case

Two individuals subsequently identified as Kennedy Lindsey (“LINDSEY”) and Danielle Lacy (“LACY”) traveled from Southern California to Washington D.C. and attended the “Stop the Steal Rally” at the Ellipse on January 6, 2021. Information obtained by the FBI related to their travel and presence in Washington D.C. at this time includes, among other things, the following: on December 19, 2020, then-President Donald Trump issued a message on Twitter that stated, among other things, “Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!” On or about that same day, according to evidence obtained from a cellular phone seized from LINDSEY pursuant to legal process, LINDSEY purchased plane tickets for her and LACY to travel to Washington, D.C. from Los Angeles, CA. On or about December 25, 2020, an individual sent a message to LINDSEY’s account on the encrypted platform Telegram in which he wrote, “are you driving to DC with us?” On or about December 31, 2020, LINDSEY replied, “I’m flying in.” LINDSEY also sent a message on Twitter on or about December 31, 2020, in which she wrote “boss man called for us to be there so that’s why I’m going on the 6th.” Location data from a cellular phone seized by the FBI pursuant to legal process shows that a phone used by LINDSEY was in Washington D.C. on January 6, 2021.

Photos found on LINDSEY’s phone show that on January 6, 2021, LINDSEY and LACY attended the speeches at the Ellipse and then proceeded to the United States Capitol. As LINDSEY and LACY approached the Capitol Building, LINDSEY recorded a series of videos, in which she stated, among other things, “the Capitol Building is being stormed as we speak. We’re on our way there. . . God Bless America motherfuckers, let’s go.” A publicly available video obtained by the FBI shows that LINDSEY and LACY approached the Capitol while riding in the back of a golf cart, as shown in Image 1, below.

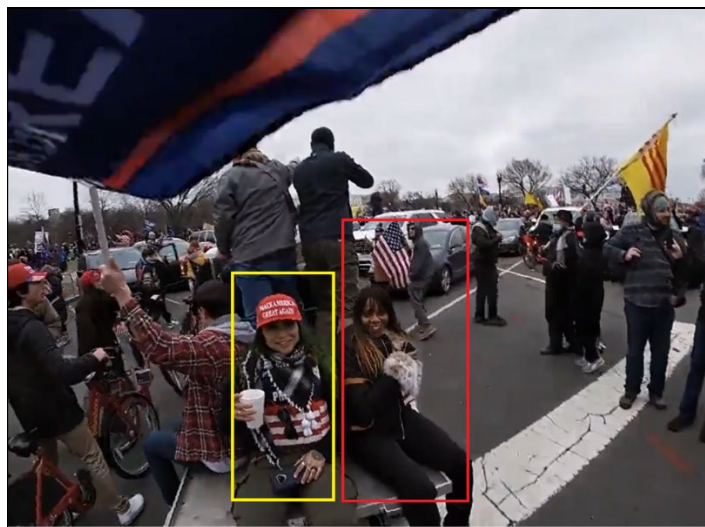


Image 1 (LINDSEY identified by yellow rectangle and LACY identified by red rectangle)

A man standing on the golf cart next to LINDSEY and LACY pointed at the Capitol and said, “Let’s go, they’re inside, breach the Capitol.” Sirens could be heard as the golf carts moved through the crowd and advanced on the Capitol. LINDSEY filmed a video while riding on the golf cart toward the Capitol, in which she stated, “Everyone is storming the building, folks . . . We must do this as Patriots. It says so in the Constitution.” In the video, LINDSEY is shown wearing, among other things, a red “Make America Great Again” hat, a black and white scarf, and a red, white, and blue plate carrier vest. I know from my training and experience that tactical vests, such as the vest worn by LINDSEY, can be used to wear bulletproof steel plates.

LINDSEY and LACY advanced to the Inaugural Stage on the West Front of the Capitol Building. At that time, the Inaugural Stage had been overtaken by rioters as police attempted to defend the Capitol Building, which had been breached by rioters.

In a video recorded at approximately 2:52 p.m., LINDSEY stated, “they tear gassed this area so I’m sneezing.” LACY is visible in the video within a few feet of LINDSEY, as shown in Image 2, below.

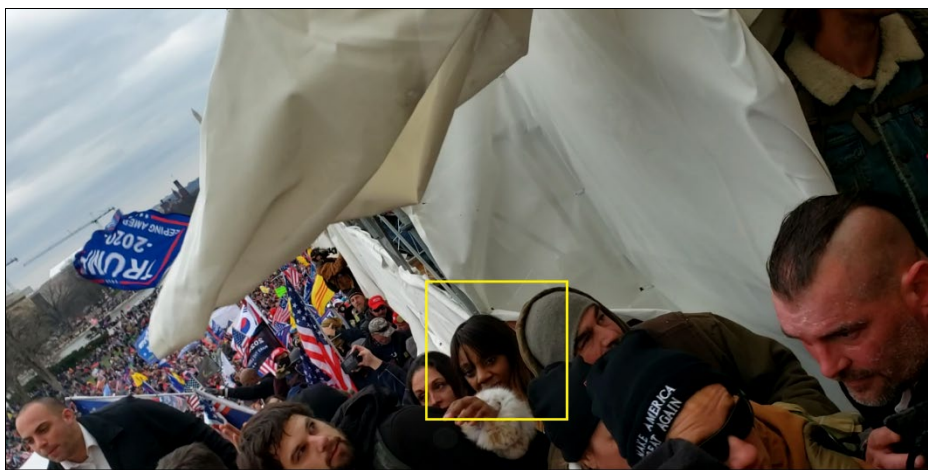


Image 2 (LACY on Inaugural Stage as filmed by LINDSEY)

In a video recorded at approximately 3:10 p.m., LINDSEY filmed a rioter in a gray hooded sweatshirt directly in front of her as the rioter attempted to break a window to the Capitol Building using a pole, as shown in Image 3, below.

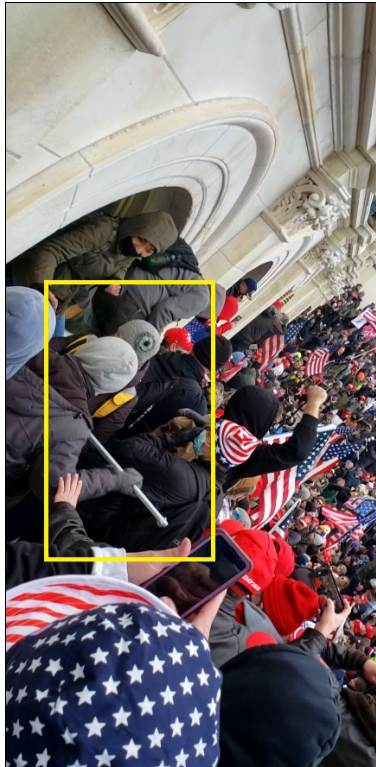


Image 3 (rioter filmed by LINDSEY attempting to break a Capitol Building window with a pole)

In the video, LINDSEY stated, “It’s we the people who rule, not them,” and “I should have brought that gas mask.” LACY can be seen in the video standing next to the camera, as shown in Image 4, below.

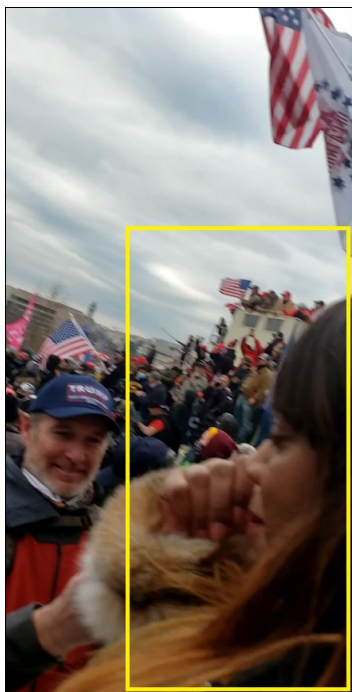


Image 4 (LACY on the Inaugural Stage in video recorded by LINDSEY)

In another video recorded by LINDSEY while still on the Inaugural Stage at approximately 3:12 p.m., LACY can be seen next to LINDSEY, as shown in Image 5, below. As shown in this video, LACY was also wearing a red, white, and blue plate carrier on her chest.

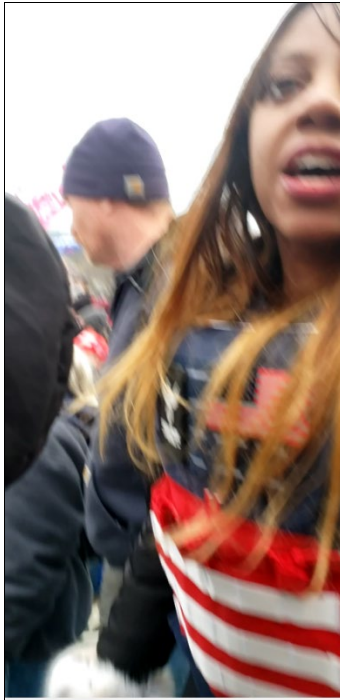


Image 5 (LACY on the inaugural stage in a video recorded by LINDSEY)

As shown in this video, rioters in the vicinity of LINDSEY and LACY stated, among other things, “We’re going,” “They broke in, let’s go,” “Our house,” “We got in, we’re going,” and “The gas is really thick in there.” LINDSEY walked up a set of stairs behind LACY. LINDSEY stated, “We’re going up, we’re taking it back, motherfucker.”

As shown in a video recorded at approximately 3:30 pm, LINDSEY approached the door to the Capitol Building known as the Senate Wing Door. In the video, a loud alarm can be heard blaring, and rioters can be seen exiting the Capitol Building through a broken window. LACY can be seen standing in front of the Senate Wing Door, as shown in Image 6, below. LINDSEY stated, “This is the Capitol Building, our fucking building.”

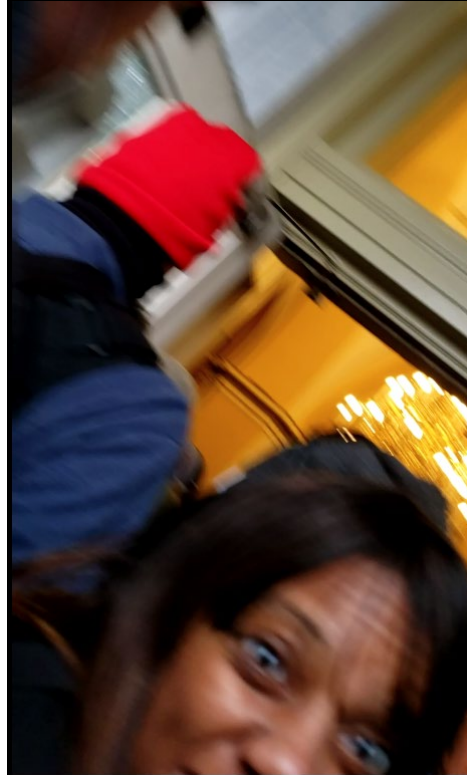


Image 6 (LACY in front of the Senate Wing Door to the Capitol Building)

At approximately 3:31 p.m., surveillance video captured LINDSEY entering the Capitol Building by jumping through a broken window, as shown in Image 7, below.

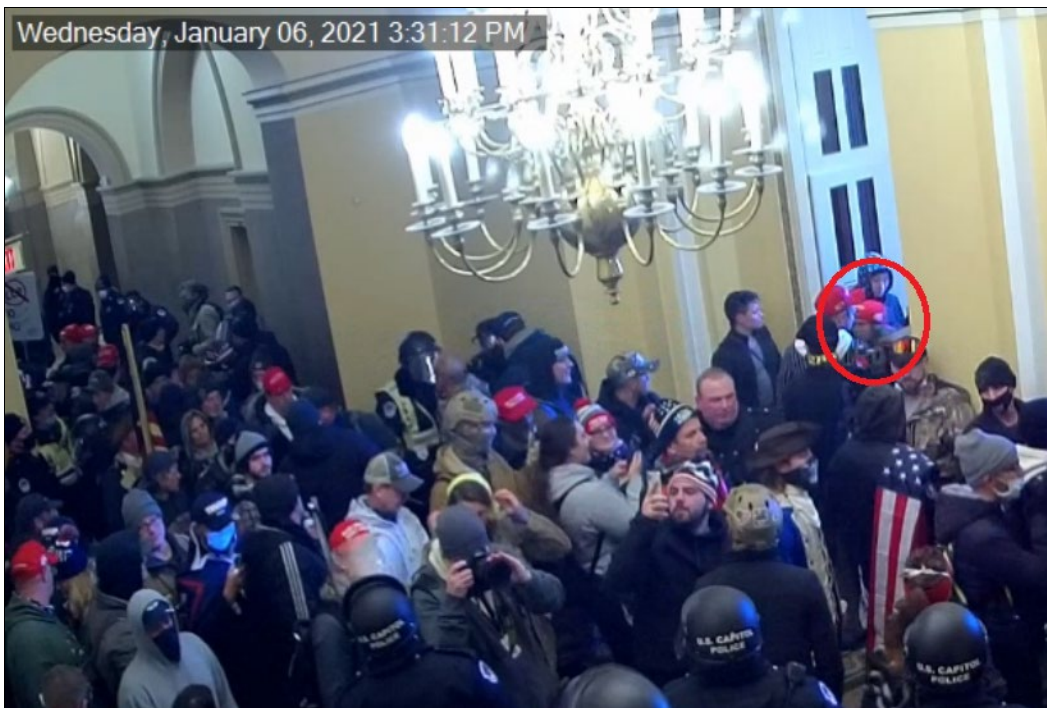


Image 7 (LINDSEY jumping into the Capitol Building as shown on surveillance video)

At approximately 3:31 p.m., surveillance video captured LACY as she entered the Capitol Building through the Senate Wing Door, as shown in Image 8, below.



Image 8 (LACY, behind American flag, entering the Capitol Building as shown on surveillance video)

Surveillance video shows that LINDSEY carried her cell phone and wore a backwards, red “Make America Great Again” baseball hat, a red, white, and blue plate carrier vest, and camouflaged backpack while inside the Capitol Building, as shown in Images 9 and 10, below.



Image 9 (LINDSEY in the Capitol Building; backpack circled in blue)



Image 10 (LINDSEY, wearing backpack, in the Capitol Building)

At approximately 3:31 p.m., LINDSEY filmed a video from inside the Capitol Building. She stated, "We're inside the Capitol Building. I'm inside the Capitol Building. Smells a lot like pepper spray." Police in riot gear stood directly in front of her, as shown in Image 11, below.



Image 11 (LINDSEY recording police in riot gear in the Capitol Building)

At one point in the video, while still inside the Capitol Building, LINDSEY looked at LACY, and stated, “I’m right here.”



Image 12 (LACY in the Capitol Building as shown on a video recorded by LINDSEY)

LINDSEY and LACY exited the Capitol through the Senate Wing Door at approximately 3:36 p.m. Lindsey recorded as she exited the Capitol, pointing the camera at the floor and describing “broken glass.”

At approximately 4:27 p.m., while the riot was still ongoing, LINDSEY recorded a video from outside the Capitol Building. She stated, “People are getting shot with tear gas, a girl died . . . The tree of liberty is fed with what, people? Blood.”

At approximately 5:25 p.m., a United States Secret Service Officer (“USSS Officer 1”) observed LINDSEY engaged in what USSS Officer 1 believed to be suspicious behavior involving a large metal pole. LINDSEY was wearing the red, white, and blue plate carrier, the backwards red “Make America Great Again” hat, and a backpack. The incident occurred in the vicinity of the Presidential Transition Office, which was being guarded by the Secret Service.

USSS Officer 1 approached LINDSEY and observed a weapon strapped to LINDSEY’s leg that LINDSEY described to the officer as a “short sword.” LINDSEY, in sum and substance, informed USSS Officer 1 that she was carrying other weapons as well. USSS Officer 1 searched LINDSEY’s backpack and identified and seized various weapons, including: a short sword (Image 13, below), a steel tactical whip (Image 14, below), and a collapsible baton (Image 15, below).



Image 13 (Short sword seized by U.S. Secret Service from LINDSEY on January 6, 2021)

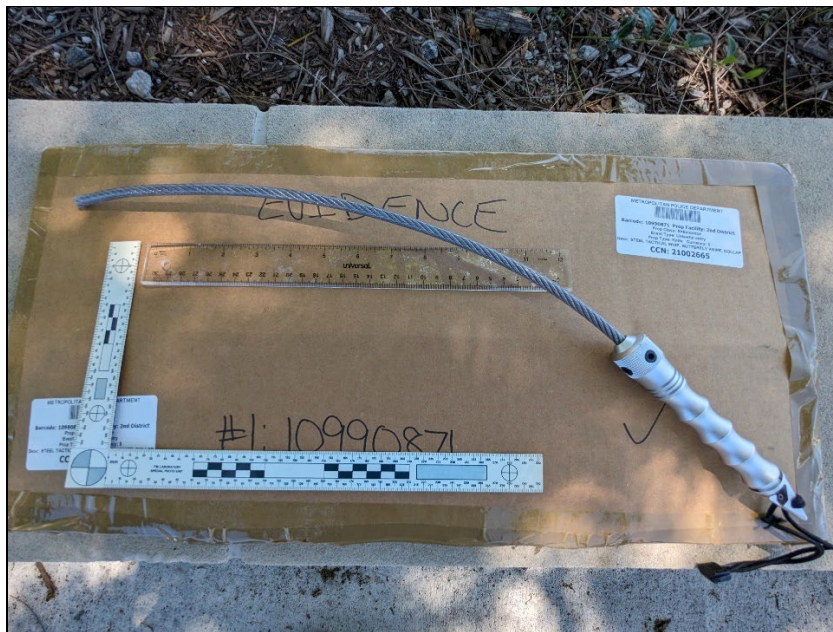


Image 14 (Steel tactical whip seized by U.S. Secret Service from LINDSEY on January 6, 2021)

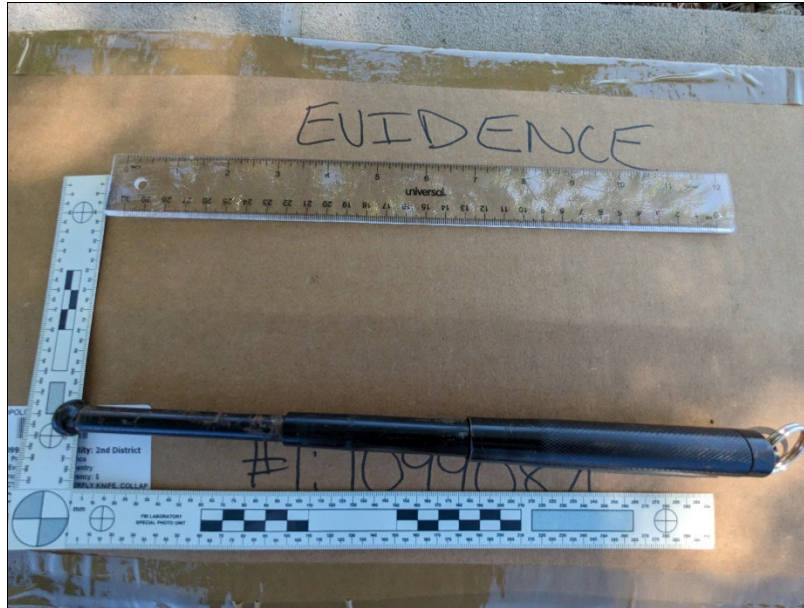


Image 15 (Collapsible baton seized by U.S. Secret Service from LINDSEY on January 6, 2021)

USSS Officer 1 also found pepper spray, a butterfly knife, and a flashlight taser in LINDSEY's backpack and/or on her person. Following LINDSEY's interactions with USSS Officer 1 and other officers, and the seizure of some of her weapons, LINDSEY recorded a video on TikTok in which she stated, "I was just detained, and they confiscated my shit." A screenshot of the TikTok video is shown at Image 16, below.



Image 16 (TikTok video recorded by LINDSEY on January 6, 2021)

On or about March 31, 2021, the FBI conducted a voluntary interview of LINDSEY in which she stated, among other things, and in sum and substance, that she decided to go to Washington D.C. following the tweet by then President Trump; that she flew to Washington D.C. before January 6; that she attended the speeches at the Ellipse; that she went to her hotel to get her backpack after the speeches and before going to the Capitol because she could not have her backpack with her during the speeches; that the air at the Capitol was spicy; that she entered the Capitol Building; and that she saw broken glass inside the Capitol Building and entered through a broken window. LINDSEY also stated during this interview that she did not have her weapons, which she described as “tools,” in her backpack when she went into the Capitol Building.

On or about March 31, 2021, the FBI also conducted a voluntary interview of LACY in which she stated, among other things, and in sum and substance, that she was present on Capitol Grounds during the riot on January 6, 2021, but that she did not enter the Capitol Building.

On or about August 6, 2021, the FBI conducted a second voluntary interview of LINDSEY in which she admitted, in sum and substance, that when she entered the Capitol Building, she was carrying in her backpack the weapons that were seized by the U.S. Secret Service later that day.

Your affiant, based on my observations of LINDSEY during the above-mentioned interviews, affirms that LINDSEY appears to be the individual described as LINDSEY in the images cited in this Statement of Facts, including images 1 and 16.

An FBI agent who interviewed LACY during the above-mentioned interview has also affirmed to me that LACY appears to be the individual described as LACY in the images cited in this Statement of Facts, including images 2 and 12.

Based on the foregoing, your affiant submits that there is probable cause to believe that KENNEDY LINDSEY violated 18 U.S.C. §§ 1752(a)(1) and (b)(1)(A), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so, and to use or carry a deadly or dangerous weapon or firearm in relation to that offense. I also submit that there is probable cause to believe that LINDSEY violated 18 U.S.C. §§ 1752(a)(2) and (b)(1)(A), which makes it a crime to 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, and to use or carry a deadly or dangerous weapon or firearm in relation to that offense.

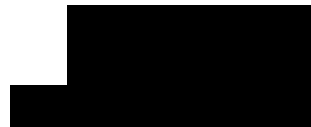
Your affiant submits there is also probable cause to believe that KENNEDY LINDSEY violated 40 U.S.C. § 5104(e)(1)(A)(i), which makes it a crime for an individual or group of individuals to carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device.

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

Based on the foregoing, your affiant submits that there is probable cause to believe that DANIELLE LACY violated 18 U.S.C. §§ 1752(a)(1), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so. I also submit that there is probable cause to believe that LACY violated 18 U.S.C. §§ 1752(a)(2), which makes it a crime to 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.

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


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 2nd day of July 2024.

THE HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE