

## STATEMENT OF FACTS

Your affiant, [REDACTED], is an FBI Special Agent assigned to the FBI Minneapolis Field Office. In my duties as a special agent, I investigate violations of federal law, including international and domestic terrorism, violent crimes, firearm offenses, white collar crimes, and crimes in Indian country. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an 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

On January 8, 2021, a South Dakota resident called the FBI National Threat Operations Center to report overhearing AMY REBEKAH WILLIS (“WILLIS”) bragging about being inside the U.S. Capitol Building on January 6, 2021. On March 9, 2022, this complainant was located, interviewed, and confirmed the conversation. The conversation took place inside of the small business WILLIS owned and operated at the time.

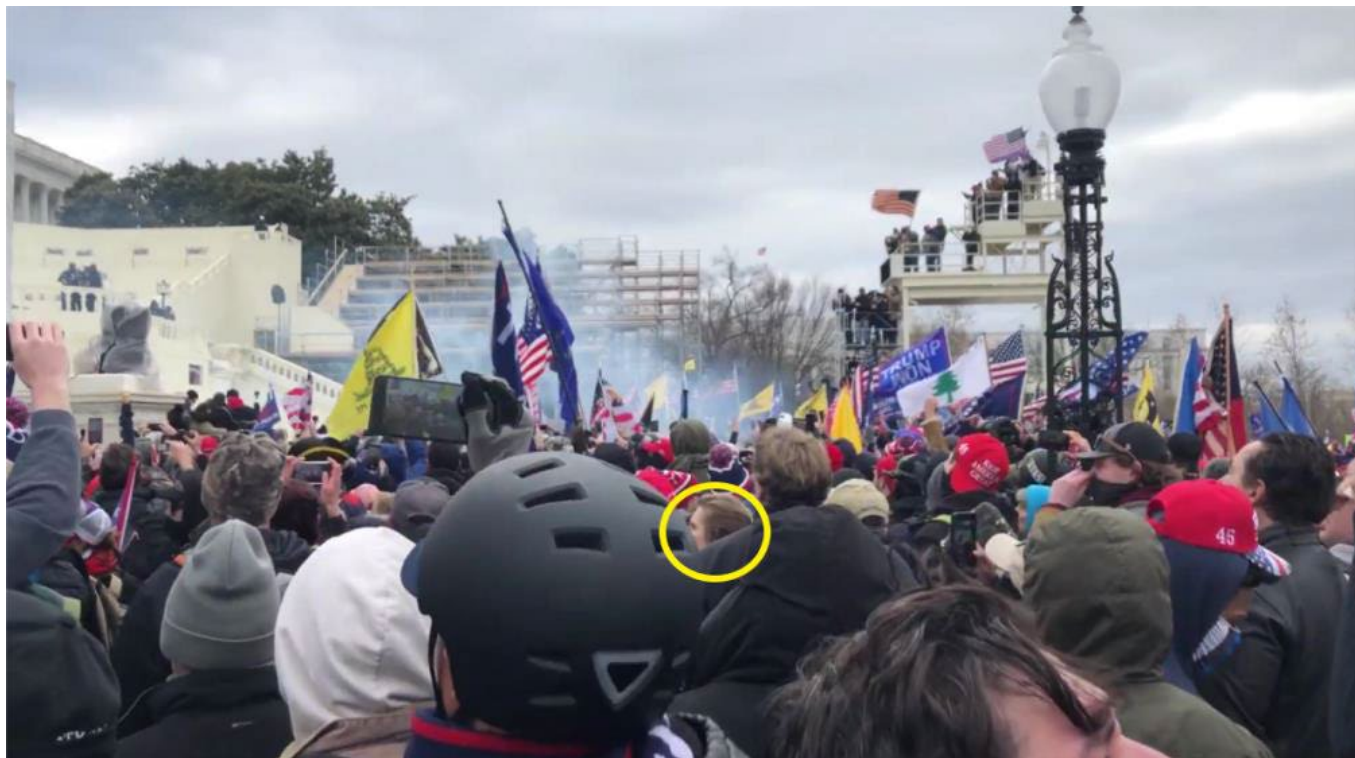
On February 15, 2022, a confidential human source ("CHS") provided FBI Washington Field Office with images and links to videos of an individual believed to be WILLIS outside of and entering the U.S. Capitol Building on January 6, 2021.

I have reviewed videos provided by the CHS as well as additional publicly-available video taken by individuals in the crowd on January 6 and U.S. Capitol Police CCTV footage showing the same events. My review of the video showed the following. WILLIS arrived at the National Mall early on the morning of January 6<sup>th</sup> and walked down Constitution Avenue. See Figure 1 below.



Figure 1: Open-source video [2021 01 6 March to Capitol 2X](#); Dan Noakes; Free Download, Borrow, and Streaming; [Internet Archive](#) at timestamp 00:08.

WILLIS entered the restricted area of the Capitol Grounds from the West and was amongst the rioters gathered on the Lower West Terrace. See Figure 2 below.



*Figure 2: Open-source video screenshot - YouTube - Southcoast Reality TV (UCFtStM5x27APovTtb25G0Tw) Arrival to Washington DC Capitol 1/6/2020 See for yourself how I saw it. Undermanned Police Attack <https://www.youtube.com/watch?v=jARgzIkTxTc&t=332> Timecode: 5:32*

Next, WILLIS made her way across the Lower West Terrace to the Northwest Steps. See Figure 3 below.



Figure 3: YouTube - 0% Liberal (UCrUn7AgqNQ3Dkga5E9IR1fg) cops with paintball guns on ledge [https://www.youtube.com/watch?v=WXg\\_yBL46Zw&t=38](https://www.youtube.com/watch?v=WXg_yBL46Zw&t=38) Timecode: 0:37

WILLIS walked across the Upper West Terrace and the Northwest Courtyard before the rioters first breached the Capitol Building. See Figure 4 below.



Figure 4: WILLIS (circled in yellow) approaching the Senate Wing Door

U.S. Capitol Police (USCP) images and surveillance footage show that U.S. Capitol building was first breached via the Senate Wing Door at approximately 2:13 pm. Just one minute later, WILLIS entered the US Capitol via the Senate Wing door at approximately 2:14 PM (ET). See Figure 5 below.

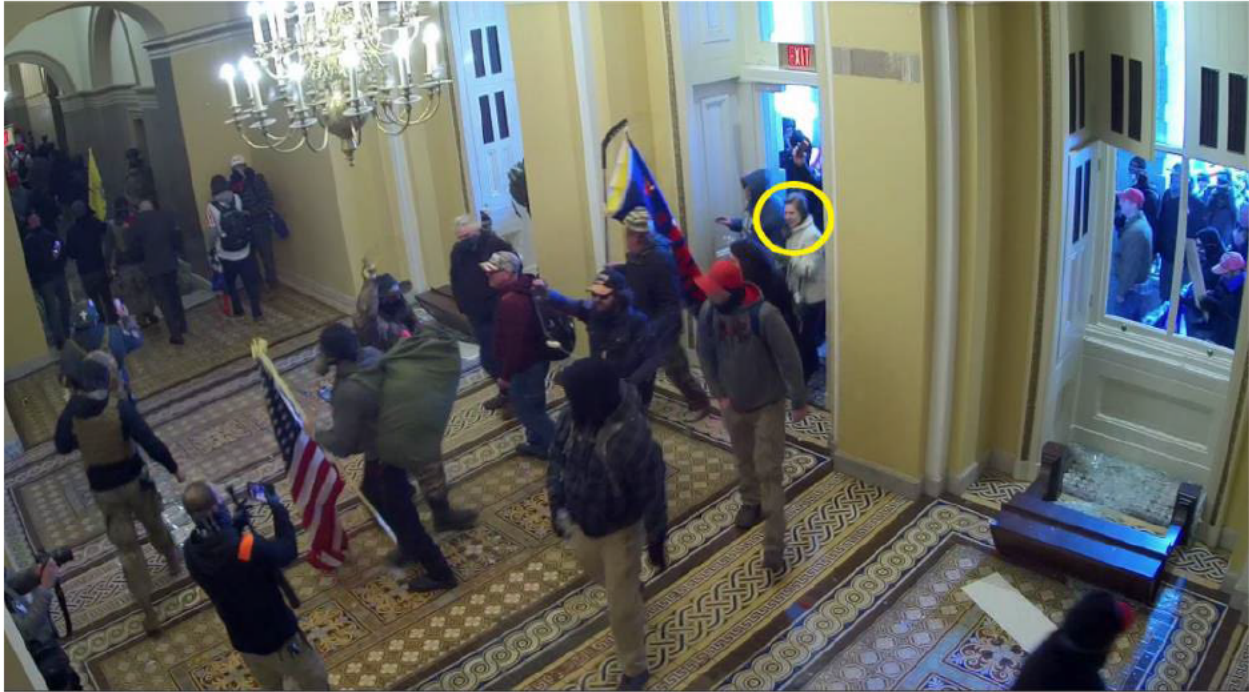


Figure 5: USCP CCTV shows WILLIS (circled in yellow) entering the Senate Wing Door at 2:14 pm

WILLIS turned to the left towards the Senate after entering the Capitol building. By 2:16 pm, WILLIS came back towards the Senate Wing Door area while appearing to film with her cellphone as rioters continued to pour in through the door and windows. See Figure 6 below.

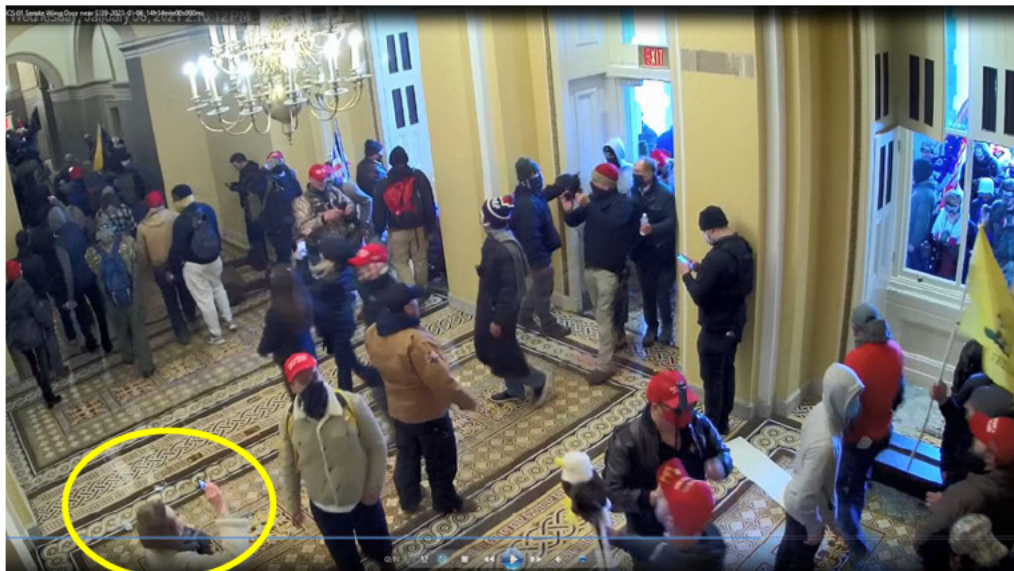


Figure 6: USCP CCTV Senate Wing Door at 2:16 pm

WILLIS proceeded through the Crypt. WILLIS entered the Crypt at 2:17 pm. USCP had formed an impromptu police line to prevent the rioters from progressing further in entering the restricted Capitol building. As she did in the Senate Wing Door alcove, WILLIS appeared to use her mobile phone to film the rioters in the Crypt. See Figure 7 below.



Figure 7: USCP CCTV Crypt North at 2:19 pm

Starting at 2:25 pm, WILLIS and the other rioters in the Crypt surged forward breaching the USCP police line and forcing the officers to retreat. See Figure 8 below.



Figure 8: USCP CCTV Crypt South at timestamp 2:25 pm

WILLIS continued forward in the direction of the House chamber to the Small House Rotunda located just off the Crypt. See Figure 9 below. At this point, USCP officers were physically resisting and pushing back the crowd of rioters in an effort to stop their forward advancement. WILLIS waited until she was able to walk through the area without hinderance.



Figure 9: USCP CCTV Memorial Door at timestamp 2:29 pm

Next, WILLIS moved towards the Memorial Door. WILLIS took the stairs near the Memorial Door to the second floor and at 2:33 pm went through Statuary Hall towards the House Chamber. See Figure 10 below.



Figure 10: USCP CCTV Statuary Hall West at timestamp 2:32 pm.

WILLIS lingered near the House Chamber main door before proceeding down the stairwell, and re-emerging on the first floor. WILLIS then went to the Hall of Columns, where she encountered a uniformed USCP officer. USCP officer S.T. appeared to attempt to remove her. WILLIS physically resisted removal by pulling away from USCP officer S.T. on two separate occasions. WILLIS was eventually removed through the South Door Vestibule of the House of Representatives Chamber at 3:50 pm, approximately 35 minutes after initial entry. *See* Figures 11 through 14 below.

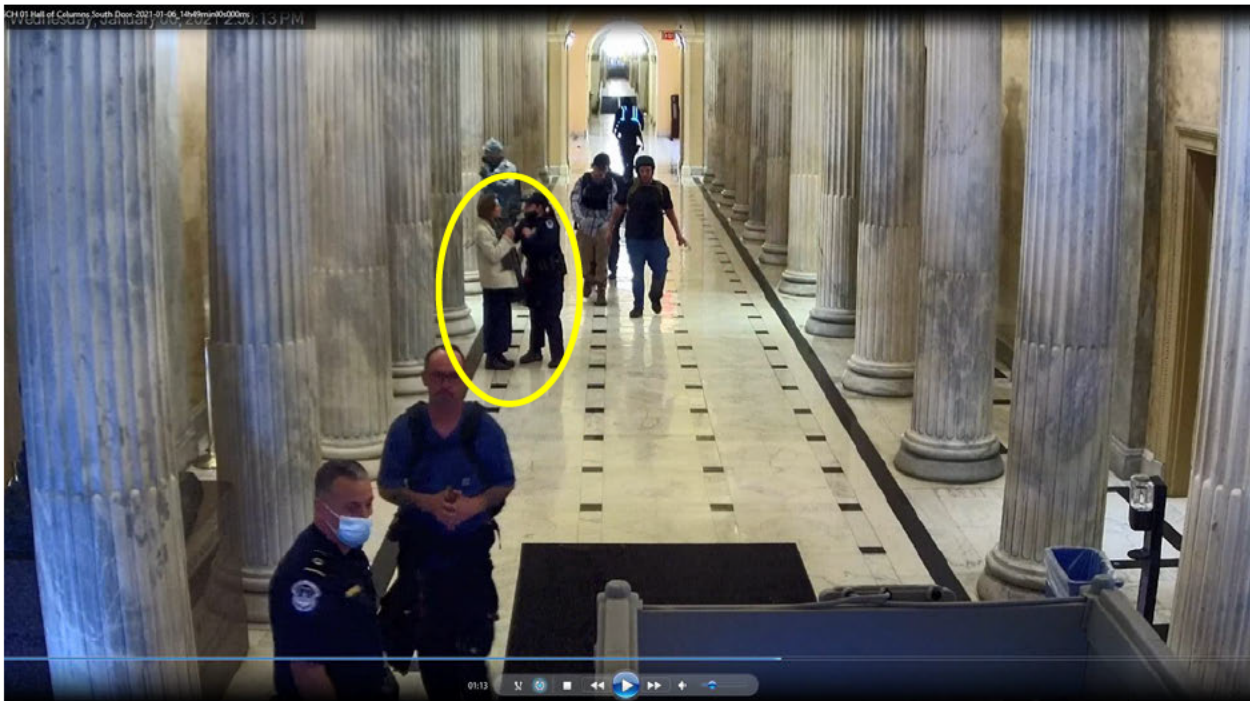


Figure 11: USCP CCTV Hall of Columns South Door at timestamp 2:50 pm.



Figure 12: USCP CCTV Hall of Columns South Door at timestamp 2:50 pm.



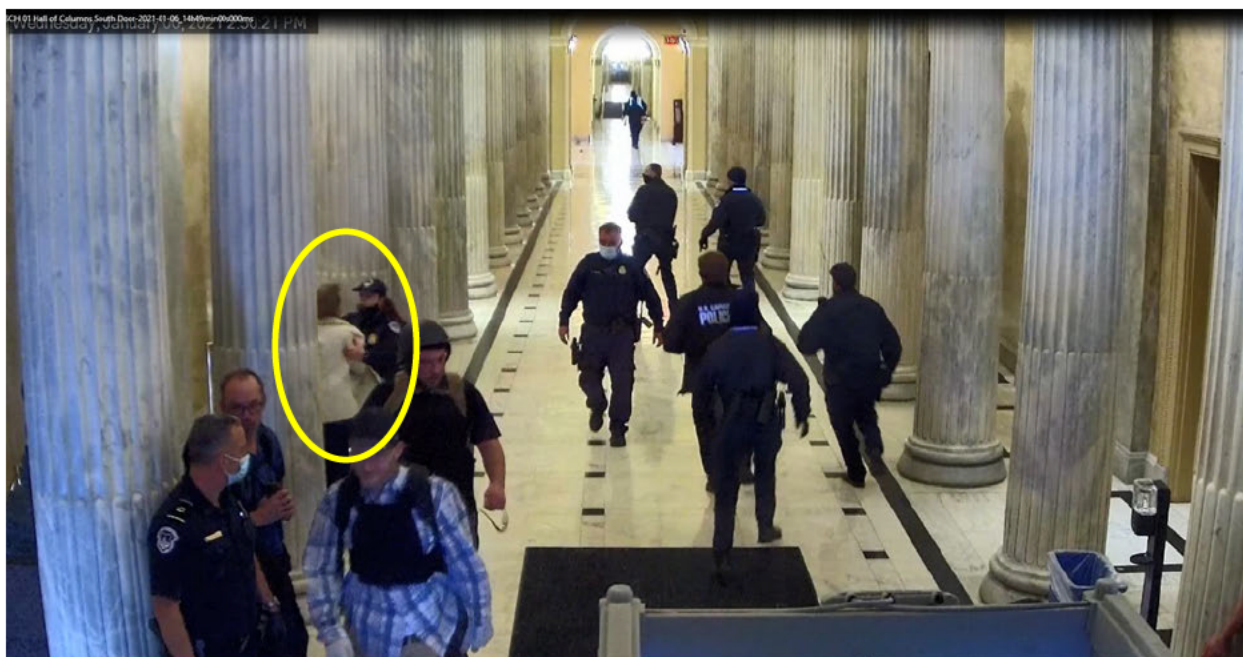


Figure 13: USCP CCTV Hall of Columns South Door at timestamp 2:50 pm.

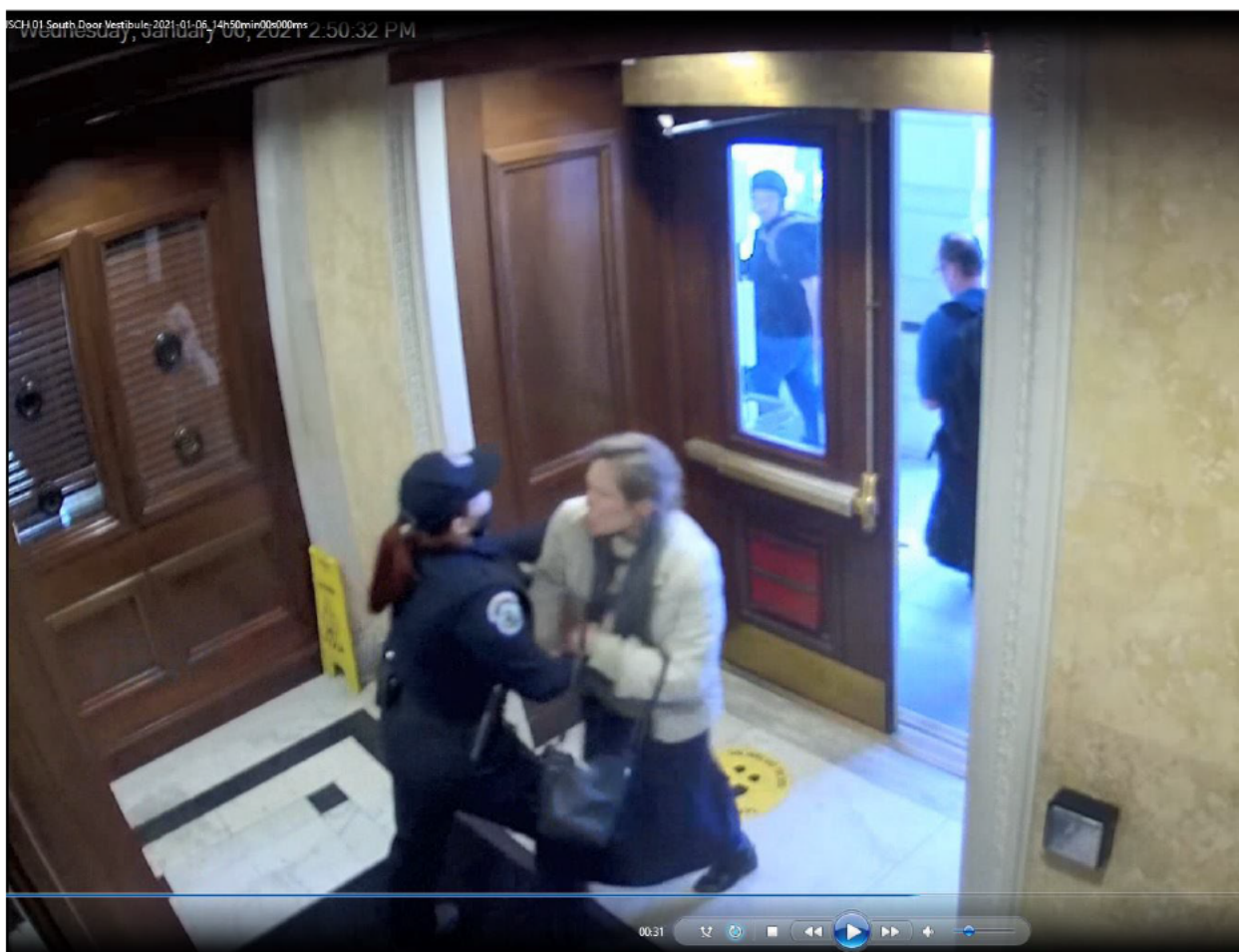


Figure 14: USCP CCTV South Door Vestibule at timestamp at 2:50 pm.

WILLIS is the owner and founder of a herbalist retail sales company based in Sioux Falls, South Dakota since approximately 2011 according to her business website. In a posting to her company website dated January 5, 2021 and captioned “Public Welfare”, WILLIS stated “those in the ‘know’ are warning us. I hope we are listening....Our Freedoms should not so easily be given away. Did not many of our soldiers give up their lives to secure our Freedoms?” In the “March to Washington” section of this same posting, WILLIS went on to say “a few of us are going to Washington, DC for the 5th and 6th. President Trump has asked us Citizens of the United States to stand up against this massive Voter Fraud and to show support. That is why we are going.”

Two days after the riot on January 8, 2021, WILLIS posted on her Facebook page, “We need to wake up. Our country is being stolen from us right under our nose. If our votes don’t count, then the powers that be control us.” WILLIS posted this comment in conjunction with an article she shared suggesting that Senators “never intended to expose the massive voter fraud in the presidential election when they vowed to certify the Electoral College vote.” See Figure 15 below.



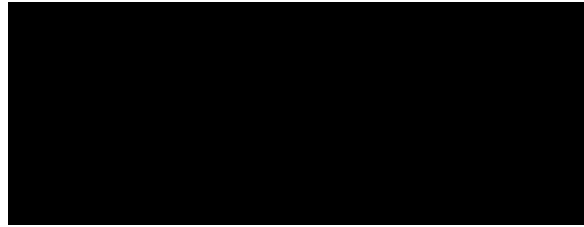
Figure 15: WILLIS Facebook posting from January 8, 2021

On March 16, 2022 and May 16, 2024, the FBI located WILLIS and interviewed her at her residence. According to the interviewing agents, WILLIS is the same person shown in the video footage described above. That is, WILLIS’s identification was confirmed via the in-person interaction with WILLIS.

Based on the foregoing, your affiant submits that there is probable cause to believe that AMY REBEKAH WILLIS 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 AMY REBEKAH WILLIS 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; 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 11th day of July 2024.

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HON. MOXILA A. UPADHYAYA  
United States Magistrate Judge