

STATEMENT OF FACTS

Your affiant, [REDACTED], is a [REDACTED]. 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 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.

Identificaiton of the Defendant

According to records lawfully obtained from Google, a mobile device associated with Todd Bills (“BILLS”) 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(s) 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 location data showed that two accounts with the username Todd Bills were within the U.S. Capitol from about 2:20 to 2:37 p.m. on January 6. Several location datapoints possessed a “maps display radius” of less than 100 feet, and which encompassed an area that is entirely within the U.S. Capitol Building.

The Google warrant results further linked these accounts to telephone number ending in - 0772. A grand jury subpoena served on Verizon, Inc. indicated that the number was registered to BILLS on January 6, 2021. A further search warrant seeking the contents of BILLS’ Google account returned photos of the U.S. Capitol from January 6, 2021.

The FBI also reviewed video footage of the events that took place both inside and outside the U.S. Capitol on January 6, 2021 from a variety of sources, including security footage from the U.S. Capitol Police and publicly available video. One such publicly available video showed a person who appeared to be BILLS on U.S. Capitol Grounds. On November 8, 2022, the FBI interviewed an individual who knew Bills and showed the individual a screen grab of this video. The individual identified the screen grab as depicting BILLS (see Image 1).



Image 1: Photo of individual (Right) identified as Bills at U.S. Capitol on January 6

Defendant's Conduct on January 6

Video evidence from January 6, 2021 showed BILLS' movement through both the restricted grounds around the U.S. Capitol and within the Capitol building itself.

After arriving on Capitol Grounds that day, BILLS climbed the "media tower," a set of scaffolding that had been erected in front of the Lower West Terrace of the Capitol to facilitate the filming of the upcoming inauguration. BILLS wore gray pants, a black jacket, and a black bicycle helmet, which he continued to wear throughout his time on Capitol Grounds. He also carried with him a Blue Trump flag and wore a patterned neck gaiter below his chin, which he later pulled over his face (see Images 2 & 3). From this vantage, BILLS was able to observe a line of armed police officers, dressed in full riot gear, fighting to keep a growing crowd away from the Capitol Building, even as members of that crowd began pushing and tackling the police officers.



Image 2: Public video of Bills on media tower



Image 3: Public video of Bills on media tower

Despite witnessing the confrontations between the crowd and the police, BILLS descended the media tower and advanced closer to the Capitol Building. Police continued to try and deter the crowd from advancing by deploying flashbang grenades into the crowd, at least one of which detonated directly in front of BILLS. In response, BILLS pulled his neck gaiter over his face, but continued to move forward towards the Capitol (see Images 4 & 5).



Image 4: Public video of flashbang grenade detonating in front of Bills



Image 5: Public photo of Bills (with his gaiter over his face) advancing past flash bang grenade

Specifically, BILLS followed others in the crowd who had breached a line of police officers guarding the Northwest stairs, which led to the Upper West Terrace of the Capitol. The stairs were covered in scaffolding and thick tarp, intended for use in the upcoming inauguration, and BILLS had to climb underneath the scaffolding in order to ascend the stairs and reach the Upper West Terrace. Upon reaching the top of the stairs, BILLS waved his flag (See Images 6 & 7).

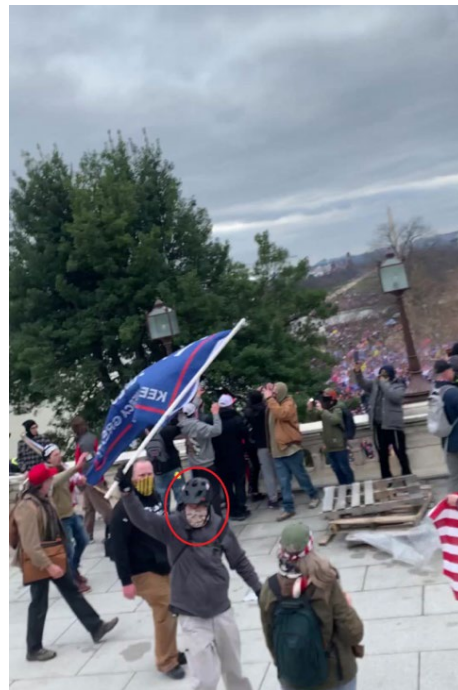
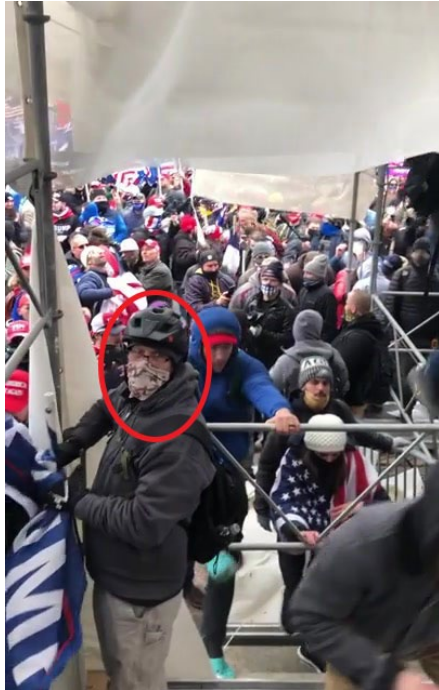


Image 6: Public video of Bills climbing Northwest stairs despite scaffolding and tarp
Image 7: Public video of Bills waving Trump flag after ascending Northwest stairs

BILLS approached the Senate Wing Doors, the initial breach point where rioters forced entry into the Capitol Building. Some members of the crowd chanted, “USA,” and, “1776,” while an alarm sounded. At approximately 2:23 p.m., within ten minutes of that initial breach, BILLS entered the Capitol through the doors. As he did so, other rioters next to him entered through smashed out windows (see Image 8).



Image 8: Capitol security footage of Bills entering Capitol via Senate Wing Door

Once inside, BILLS turned right and joined other rioters who had gathered in the Capitol's Crypt, the room located directly under the Capitol Rotunda, with access points to many other parts of the Capitol. Here, a line of police officers again tried to hold the crowd back as they chanted, "USA," and, "push." However, that crowd, including BILLS, pushed through that police line and deeper into the Crypt (see Image 9).



Image 9: Capitol security footage of Bills in the Crypt

BILLS ultimately turned around and headed back across the Crypt towards the Senate Wing Door. At the direction of U.S. Capitol Police officers who had arrived in the area and sealed off the doorway, BILLS exited the Capitol through a broken window next to the Senate Wing Door at approximately 2:35 p.m.

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



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of September 2024.

THE HONORABLE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE