

UNITED STATES DISTRICT COURT

for the
District of Columbia

REDACTED VERSION
Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

United States of America
v.
Rebecca Irene Marshburn [REDACTED]
Kelsie Marie Watkins [REDACTED]

)
) **Case: 1:24-mj-00297**
) **Assigned To Judge G. Michael Harvey**
) **Assign. Date : 9/20/2024**
) **Description: COMPLAINT W/ARREST WARRANT**
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

- 18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds
- 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating or Picketing in the Capitol Buildings.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Complainant's signature

Jason K. Smith, Officer

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 09/20/2024



Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Officer [REDACTED], is a task force officer assigned to the Charlotte Division of the Federal Bureau of Investigation (FBI). In my duties as a Task Force Officer, I investigate, among other things, criminal cases relating to domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

Following the events of January 6, 2021, the FBI received information that Rebecca Irene Marshburn (“MARSHBURN”) and her daughter Kelsie Marie Watkins (“WATKINS”) participated in the riot at the U.S. Capitol. In response, the FBI initiated an investigation into MARSHBURN and WATKINS’s activities at the Capitol on January 6, 2021.

According to MARSHBURN and WATKINS during interviews conducted during this investigation, on the evening of January 5, 2021, MARSHBURN and WATKINS drove together from their homes near Wilmington, North Carolina to Washington, D.C. to attend events protesting the 2020 presidential election. After arriving in D.C. the following morning, the two traveled to the former president’s “stop the steal” rally, arriving at approximately 9 a.m. MARSHBURN and WATKINS acknowledged attending the rally and listening to the various speeches, including the former President. MARSHBURN recalled hearing the former president direct rallygoers to the Capitol during his speech.

Following the speech, on the afternoon of January 6, 2021, MARSHBURN – carrying a pink “Women for Trump” flag – and WATKINS – wearing a camouflage “Trump 2020” hat and draping a blue “Trump 2020” flag over her shoulders – walked with a crowd to the Capitol. *Image 1, 2, and 3*, excerpts from open-source footage in Washington D.C. on January 6, 2021, captured MARSHBURN with WATKINS in a crowd traveling to the Capitol following the former president’s rally on the National Mall. According to WATKINS, while walking to the Capitol, WATKINS hoped the former vice-president would decertify the election and recalled hearing other rioters discuss former vice-president Mike Pence’s role in the certification process. Photos and video footage from CCTV and open-source materials I have reviewed indicates that MARSHBURN and WATKINS remained with each other throughout the day.



Image 1: MARSHBURN, holding a pink “Women for Trump” flag, in route to the Capitol.



Image 2 and 3: MARSHBURN and WATKINS near the Capitol on January 6, 2021.

As she approached the Capitol, WATKINS observed “knocked over” barricades. Sometime around 2:00 p.m., video footage showed MARSHBURN and WATKINS join the developing riot near the Capitol’s West Front. Once on Capitol grounds, the two moved through the mob and approached scaffolding assembled for the upcoming inauguration. WATKINS stated the two, “hung around and watched the scene” and described the loud noises and chaos, including flashbangs and tear gas, on Capitol grounds. They loitered at this location until approximately 2:25 p.m. At approximately 2:27 p.m., MARSHBURN and WATKINS climbed the West Stairs to the Upper West Terrace as a police line on the West Front, assembled to preempt further movement by the mob on the Capitol, collapsed. *Image 4*, an excerpt from United States Capitol Police Surveillance cameras or “CCTV,” captured MARSHBURN and WAKINS ascending the West Stairs at this time.



Image 4: MARSHBURN and WATKINS, circled in yellow, on the West Stairs at approximately 2:28 p.m.

Thereafter, over the next twenty minutes, the two transited the Upper West Terrace, observing and participating in the chaos around them. In her interview, MARSHBURN recalled observing other rioters breaking into the building and she described the scene as “chaos and craziness.” At approximately 2:49 p.m., MARSHBURN and WATKINS arrived at the Senate Wing Door. At this time, an onslaught of rioters pushed against police officers attempting to stop rioters from entering the Capitol through these doors. (*Image 5*). These efforts failed as the mob quickly overwhelmed officers at this entryway. CCTV captured MARSHBURN and WATKINS take advantage of this opening and join the flood of rioters entering the Capitol at approximately 2:49 p.m. (*Image 6*).



Image 5: Police attempting to stop rioters from entering the Capitol shortly before 2:49 p.m.



Image 6: MARSHBURN and WATKINS inside the Capitol approximately 30 seconds later.

Following their entry, the two moved in unison south through the Senate Wing toward the Capitol Crypt. At approximately 3:00 p.m., approximately one minute after the two entered the Capitol, CCTV footage captured MARSHBURN and WATKINS moving through the Crypt toward the House Wing of the Capitol. *Image 7*, an excerpt from CCTV, captured MARSHBURN and WATKINS at this time and location.



Image 7: MARSHBURN and WATKINS walking through the Crypt at 3:00 p.m.

Immediately thereafter, the two moved through the House Wing toward the Hall of Columns. (*Image 8*). At approximately 3:02 p.m., MARSHBURN and WATKINS reached the Hall of Columns where CCTV captured the two appearing to heckle and taunt police officers lining

the corridor. (Image 9). In her interview, WATKINS stated, “we were all talking crap” and recalled calling the officers “traitors” inside the Capitol. She also acknowledged hearing others advocate for violence while inside the Capitol.

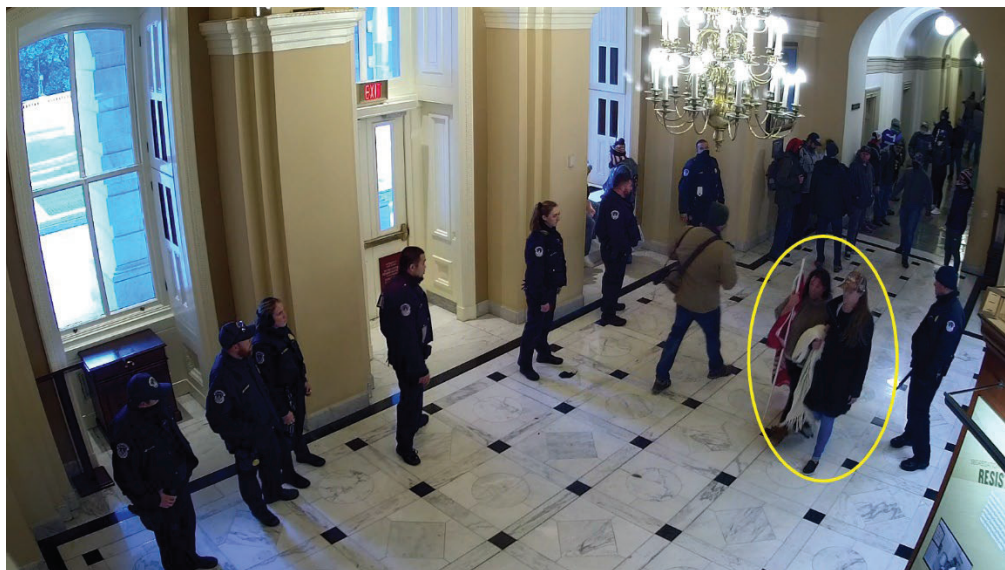


Image 8: MARSHBURN and WATKINS walking in the House Wing at approximately 3:01 p.m.

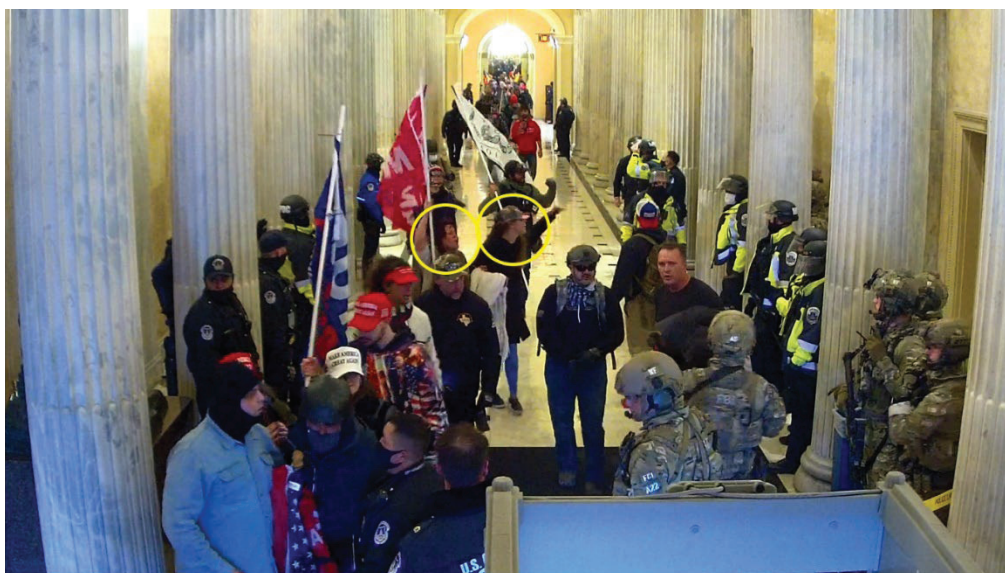


Image 9: MARSHBURN and WATKINS appearing to heckle police officers after reaching the Hall of Columns at approximately 3:02 p.m.

After reaching the end of this corridor, MARSHBURN and WATKINS turned around and returned to the Crypt at approximately 3:05 p.m. They remained in the Crypt for the next 30 minutes. During this time, CCTV footage captured MARSHBURN and WATKINS protesting, parading, and celebrating their activities as they waived their respective flags for the mob and cheered with other rioters in the Capitol on January 6, 2021. Image 10, 11, 12, and 13, excerpts from CCTV and open-source media, captured MARSHBURN and WATKINS’s actions in the Crypt during this time.



Image 10: MARSHBURN and WATKINS in the center of the Crypt at 3:07 p.m.



Image 11: MARSHBURN and WATKINS in the Crypt at approximately 3:10 p.m.



Image 12: MARSHBURN and WATKINS in the center of the Crypt at approximately 3:13 p.m.



Image 13: MARSHBURN and WATKINS parading around the Crypt at approximately 3:25 p.m.

Around 3:32 p.m. additional police reinforcements arrived in the Crypt to clear rioters from the area. *Image 14*, another excerpt from CCTV, captured officers removing MARSHBURN and WATKINS from this location.



Image 14: MARSHBURN and WATKINS leaving the Crypt at approximately 3:33 p.m.

CCTV shows officers continued to funnel rioters, including MARSHBURN and WATKINS, through a hallway adjacent to the crypt toward the exit. (*Image 15*).



Image 15: MARSHBURN and WATKINS outside the crypt at approximately 3:33 p.m.

Shortly thereafter, police officers successfully removed MARSHBURN and WATKINS from the Capitol interior through the Lower East Door and onto the Southeast Courtyard,

immediately adjacent to the Capitol's East Steps. *Image 16* and *17*, excerpted from CCTV and open-source footage, captured MARSHBURN and WATKINS exiting the Lower East Door as MARSHBURN triumphantly waived her flag and greeted additional rioters on the Southeast Courtyard. MARSHBURN also described seeing smoke as she left the Capitol.



Image 16: MARSHBURN and WATKINS exiting the Capitol at approximately 3:34 p.m., where rioters had previously inscribed "Murder the Media" on the Lower East Door.



Image 17: MARSHBURN and WATKINS on the Southeast Courtyard waving a flag following their exit from the Capitol around 3:35 p.m.

However, MARSHBURN and WATKINS did not leave Capitol grounds after officers removed them from the building. Instead, the two accounted for, and rearranged, their personal items on the Southeast Courtyard before walking a short distance to the East Steps. On the East

Steps, they continued to loiter and protest with other rioters for a significant period. CCTV captured MARSHBURN and WATKINS on the East Steps continue to waive their flags, cheer, and encourage other rioters for approximately the next hour.



Image 18: MARSHBURN and WATKINS on the East Steps at approximately 4:02 p.m.

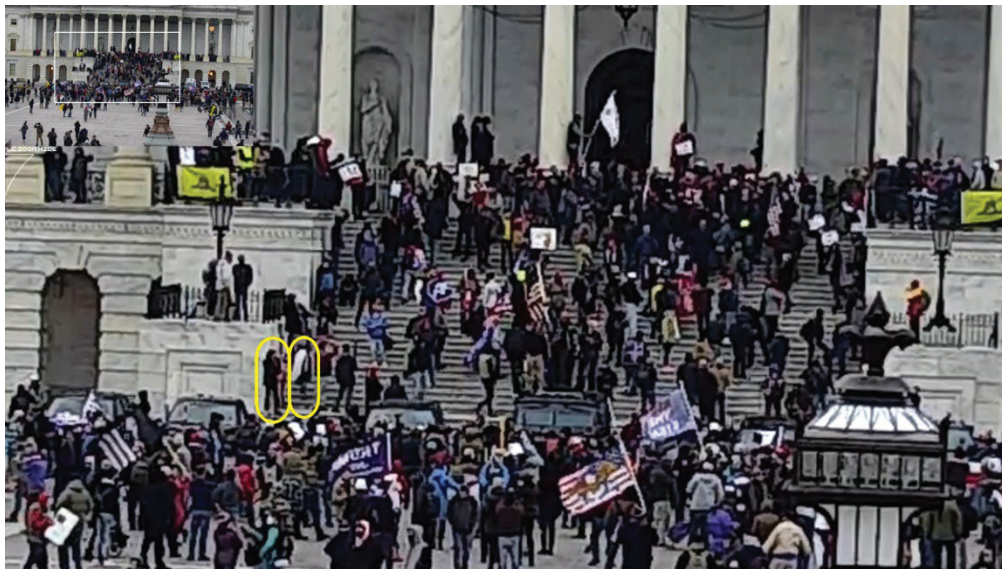


Image 19: MARSHBURN and WATKINS twenty minutes later at approximately 4:24 p.m.

Several minutes later, at approximately 4:30 p.m. CCTV captured MARSHBURN and WATKINS depart Capitol grounds, nearly two hours after their initial arrival. Thereafter, MARSHBURN and WATKINS traveled back to their hotel in Virginia.



Image 20: MARSHBURN and WATKINS leaving the Capitol at approximately 4:30 p.m.

During their interviews, WATKINS and MARSHBURN both acknowledged entering the Capitol illegally on January 6, 2021. MARSHBURN acknowledged she “knew it was wrong” and WATKINS advised she “should have retreated” prior to entering the building. WATKINS advised the FBI she loitered in the Capitol for approximately one hour. MARSHBURN advised that FBI she loitered in the Capitol for approximately 15 minutes. According to WATKINS, she was, at least initially, proud of her actions at the Capitol and shared photos of herself at the Capitol with friends. Additionally, WATKINS and MARSHBURN identified themselves in images at the Capitol, specifically images 3, 11, and 16.

Based on the foregoing, your affiant submits that there is probable cause to believe that Rebecca Irene MASHBURN and Kelsie Marie WATKINS 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 also submits there is also probable cause to believe that Rebecca Irene Mashburn and Kelsie Marie Watkins 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 20th day of September 2024.



A handwritten signature in black ink, appearing to read "G. Michael Harvey".

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE