

STATEMENT OF FACTS

I, [REDACTED], am a Federal Bureau of Investigation (“FBI”) Special Agent assigned to the Washington Field Office Joint Terrorism Task Force (“JTTF”). In my duties as a Special Agent on the JTTF, I investigate crimes committed by racially-motivated violent extremists and other domestic terrorism related matters. I have personally participated in procuring and executing arrest warrants of persons committing federal violations and search warrants involving the search and seizure of multiple types of evidence, to include electronic communications, digital devices, social media accounts, cell site data, and geolocation data. 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 violations 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.

Since January 6, 2021, the FBI has been investigating and identifying those who were at the United States Capitol without authority and disrupted the proceedings. During that investigation, the FBI identified multiple videos showing a woman wearing a pink beret, a white jacket, and a black Dolce and Gabbana bag. The videos showed the woman both on the U.S. Capitol building grounds as well as within the U.S. Capitol building itself.

On or about April 27, 2023, the FBI released five photographs of a woman with a request for information on the FBI website. The photographs were labeled Photograph #537 A, B, C, D, and E and can be seen below. Subsequently, on or about April 27, 2023, FBI Washington Field Office tweeted images of Photograph #537 B and D requesting for information (also seen below).



Image 1: Photograph #537 A released by the FBI on or about April 27, 2023.



Image 2: Photograph #537 B released by the FBI and FBI Washington Field Office on or about April 27, 2023.



Image 3: Photograph #537 C released by the FBI on or about April 27, 2023.



Image 4: Photograph #537 D released by the FBI and FBI Washington Field Office on or about April 27, 2023.



Image 5: Photograph #537 E released by the FBI on or about April 27, 2023.

Shortly thereafter, investigators received information from a tipster in response to “photo 537” posted to the FBI website. Your affiant and other FBI investigators contacted the tipster, whose name is known to me and is hereafter referred to as “CW-1,” via telephone on or about May 1, 2023. CW-1 provided information found regarding a Twitter post posted by an individual who referenced the FBI Washington Field Office tweet with Images 2 and 4. In this individual’s tweet CW-1 found, the individual claimed to have previously dated the woman depicted in Images 2 and 4. This individual also posted two additional images of the woman depicted in Images 1 through 5 along with a photograph of a black Dolce and Gabbana bag consistent in appearance with the bag worn in Image 4.



Image 6: Twitter posting identifying woman in Images 2 and 4.



Image 7: Twitter posting identifying woman in Images 2 and 4 and bag in Image 4.

Investigators subsequently identified an Instagram account associated with the Twitter posts. Upon reviewing that Instagram account, investigators located the same image posted in Image 6.



Image 8: Posted image matching that shown in Image 6.

Someone posting under the Instagram handle “productivityofeconomics” wrote “Ah cool thanks for posting me lol.” Image 8 was posted on April 28, 2019. Investigators reviewed the Instagram page associated with “productivityofeconomics” and located the following image dated August 16, 2021:



Image 9: Image posted on “productivityofeconomics” dated August 16, 2021.

Based on my review of Images 1 through 5, along with other video footage of the same person captured on January 6, 2021, the woman in Image 9 appears to be the same woman and the shirt she is wearing appears to be the same shirt.

The FBI also received information from a tipster in response to Photographs #537 A through E, or Images 1 through 5, posted to the FBI website. The tipster, whose name is known to me and is hereafter referred to as “CW-2,” identified the woman in the photographs as Jennifer Inzunza VARGAS GELLER (“VARGAS GELLER”), and provided her age, a telephone number, and a home address, along with additional information. CW-2 indicated that they previously dated VARGAS GELLER in 2019, and that VARGAS GELLER currently uses an Instagram account called, “@pleasuresofcensorship.”

FBI investigators identified the Instagram account for “pleasuresofcensorship,” and took a screenshot of the image associated with the account.



Image 10: Screenshot of image associated with “pleasuresofcensorship” May 2, 2023.

Your affiant and other FBI investigators contacted CW-2 via telephone on or about May 1, 2023. CW-2 provided additional information about VARGAS GELLER, and emailed investigators a screenshot containing Instagram direct messages that CW-2 claimed to have exchanged with VARGAS GELLER shortly after the January 6 insurrection.

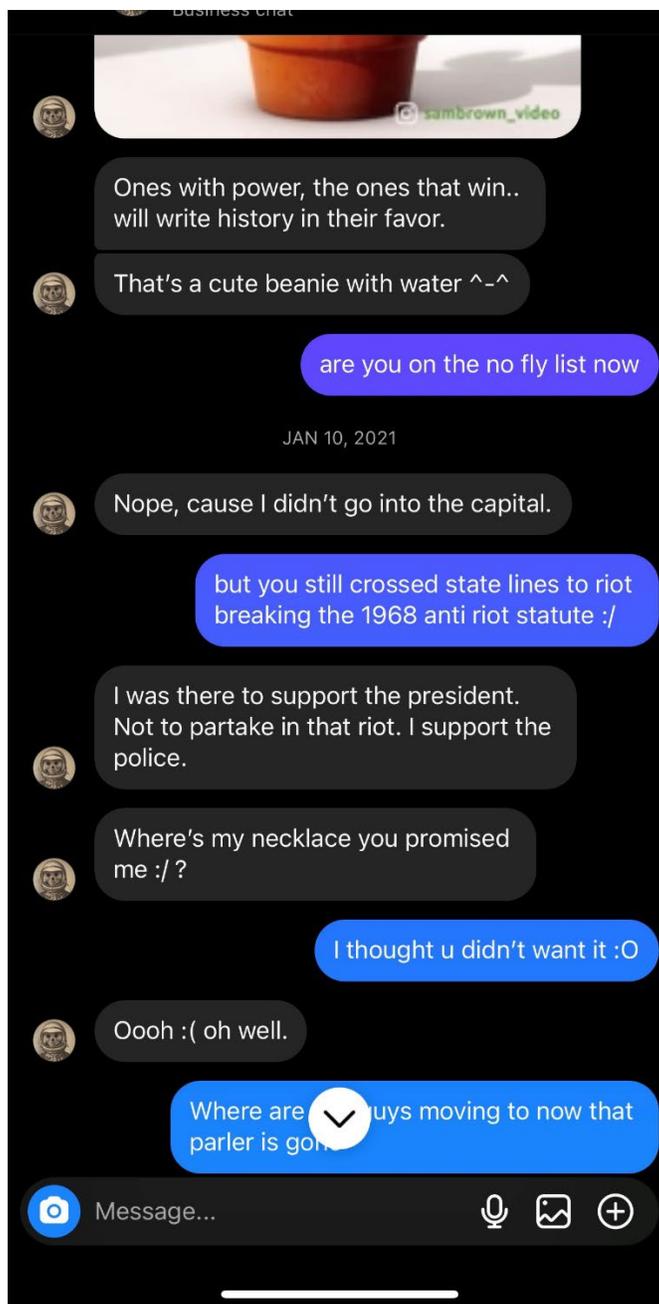


Image 11: Screenshot of Instagram direct messages between CW-2 and VARGAS GELLER.

Based on my review of that screenshot, it appears that CW-2 wrote “are you on the no-fly list now.” On January 10, 2021, someone using the same image associated with the “pleasuresofcensorship” Instagram account wrote, “Nope, cause I didn’t go into the capital [sic]” and “I was there to support the president. Not to partake in that riot. I support the police.”

FBI investigators obtained the California driver’s license photograph for VARGAS GELLER, which was taken in May 2019, and the individual in that photograph appears to be the

same person as the individual depicted in the above social media photos, as well as the following images from in and around the U.S. Capitol on January 6, 2021.

The FBI reviewed numerous videos from January 6, 2021, including closed-circuit television from the U.S. Capitol (“CCTV”), law enforcement body-worn cameras (“BWC”), and open-source videos. An individual bearing a strong resemblance to VARGAS GELLER is observed throughout the various videos. The clothing worn by this individual, a pink beret, a white puffy jacket with black zippers, a black Dolce and Gabbana bag, an orange skirt with black stockings, was consistent throughout the various images obtained.

Based on CCTV, it appears that VARGAS GELLER was inside the U.S. Capitol building from approximately 2:24 p.m. to 2:43 p.m., and again from 2:48 p.m. to 2:52 p.m. In particular, CCTV footage shows VARGAS GELLER entering the building through the Senate Wing Doors on the northwest side of the U.S. Capitol at approximately 2:24 p.m.

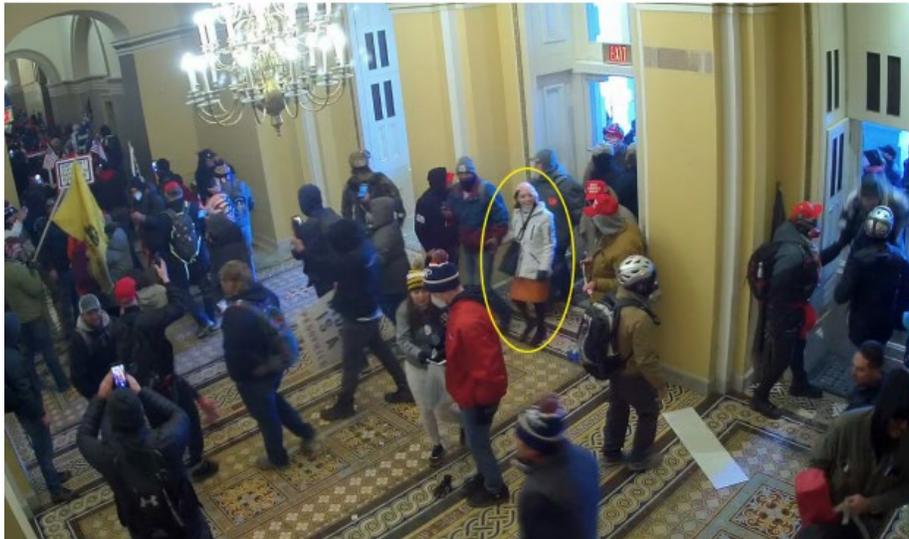


Image 12: Image obtained from CCTV showing VARGAS GELLER entering the U.S. Capitol Building and circled in yellow.

During the same aforementioned telephonic interview of CW-2, information regarding SPENCER GELLER was obtained. According to CW-2, VARGAS GELLER became friends with a “Spencer Geller” around the year of 2019 and stated that CW-2 would occasionally drop VARGAS GELLER off at “Spencer Geller’s” residence. CW-2 believed that the two are now married and may be traveling to Japan. Investigators subsequently conducted open-source research and database checks on SPENCER GELLER.

Your affiant also determined that VARGAS GELLER was photographed with a certain unidentified individual (previously identified with the hashtag #Caligreat) numerous times on January 6, 2021. The clothing worn by #Caligreat includes a red hat, a black puffy jacket, blue jeans, and was consistent throughout multiple photographs and videos taken on January 6. He was also photographed carrying a large blue flag that day.



Image 13: Image obtained from open source showing VARGAS GELLER and #Caligreat together on January 6, 2021. #Caligreat is circled in yellow

Your affiant obtained and reviewed the current passport photograph for SPENCER GELLER, and the individual in that passport photograph appears to be the same person as the individual depicted in image 13 above (#Caligreat).

Likewise, an individual who appears to be SPENCER GELLER is seen in the following photos from January 6, 2021. These photos are screen shots taken from open-source videos. In the video where the following screen shots were taken from, SPENCER GELLER can be seen pushing bike racks into a line of officers during the time of the initial breach on the West side of the U.S. Capitol.



Image 14: SPENCER GELLER, circled in yellow, is seen close to bike racks during initial breach near Peace Circle.



Image 15: SPENCER GELLER, circled in yellow, is seen pushing bike racks during initial breach near Peace Circle.



Image 16: SPENCER GELLER, circled in yellow, is seen pushed past the bike racks and the police line, heading up the stairs towards the U.S. Capitol Building.

After SPENCER GELLER took part in the initial breach of the restricted perimeter, he can be seen at various other points within the restricted area of the U.S. Capitol. The images below document some of SPENCER GELLER's movements throughout the day at the U.S. Capitol Building grounds.



Image 17: SPENCER GELLER, circled in green, is seen running towards the West Plaza. He was one of the first individuals to arrive at the West Plaza.



Image 17: SPENCER GELLER, circled in green, is seen near the front of the crowd at the West Plaza confronting a line of law enforcement officers.



Image 18: SPENCER GELLER, circled in green, is seen near the front of the crowd at the West Plaza, as shown in a still from video taken on January 6, 2021.



Image 19: SPENCER GELLER, as shown in a still from video taken on January 6 and circled in yellow, is seen on the West Plaza near the vicinity of a confrontation with law enforcement officers during which officers deployed pepper spray in an effort to disperse the riotous mob .



Image 20: SPENCER GELLER, circled in green, is seen near the entrance of Lower West Tunnel.



Image 21: SPENCER GELLER, circled in green, is seen outside the entrance of Lower West Tunnel

After a review of the footage, your affiant and other FBI investigators contacted another tipster, whose name is known to me and is hereafter referred to as "CW-3," via telephone on or about May 16, 2023. CW-3 knew SPENCER GELLER personally. CW-3 indicated that they believed that VARGAS GELLER and SPENCER GELLER were in a dating relationship and that on January 6, 2021, they attended the political demonstration in Washington D.C. However, CW-3 did not know VARGAS GELLER's name, and was unaware that VARGAS GELLER and SPENCER GELLER went from the demonstration to the riots at the U.S. Capitol on January 6, 2021. CW-3 told investigators that another individual, who knew SPENCER GELLER and knew who VARGAS GELLER was, informed CW-3 that there were photographs of VARGAS GELLER online, which had been released by the FBI, and that SPENCER GELLER and VARGAS GELLER went to the riots on January 6, 2021. CW-3 then told investigators that they reviewed several online photographs of VARGAS GELLER and SPENCER GELLER from January 6, 2021.

On or about June 5, 2023, your affiant and other FBI investigators re-contacted CW-3 and requested their assistance in identifying SPENCER GELLER in a photo. CW-3 was sent the image below and confirmed that the individual in the photo looked like SPENCER GELLER.



Image 22: Photo sent to CW-3 confirming the identity of SPENCER GELLER

A review of SPENCER GELLER's public social media posts did not return anything indicative of his presence on the U.S. Capitol grounds on January 6. Likewise, geolocation information for devices known to be associated with SPENCER GELLER did not return any results for January 6 and (to date) investigators have not identified photographic or video footage showing SPENCER GELLER inside of the U.S. Capitol Building on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that SPENCER GELLER violated 18 U.S.C. 231(a)(3), which makes it unlawful 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 in 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. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof.

Your affiant submits there is also probable cause to believe that SPENCER GELLER 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; 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.

Finally, your affiant submits there is also probable cause to believe that SPENCER GELLER violated 40 U.S.C. § 5104(e)(2)(D) and § 5104(e)(2)(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 13th day of July 2023.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE