

## **STATEMENT OF FACTS**

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI). As a Special Agent, I am authorized by law or by a government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. Currently, I am tasked with investigating criminal activity in and around the United States Capitol (the Capitol) grounds on January 6, 2021.

The Capitol is secured twenty-four hours a day by the United States Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the 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 House Chamber of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, 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 Michael R. 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 Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary barricades and permanent barricades were in place around the exterior of the Capitol. USCP 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 Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and to keep the crowd from entering the Capitol. However, around 2:00 p.m., individuals in the crowd forced entry into the Capitol. Some members of the crowd gained access and entry to the Capitol by breaking windows and assaulting members of the USCP. Others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and Senate, including the President of the Senate, Vice President 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 Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the 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 Capitol without authority to be there. One such individual is the defendant, AGNIESZKA CHWIESIUK.

## **IDENTIFICATION OF AGNIESZKA (AKA AGNES) CHWIESIUK<sup>1</sup>**

On June 11, 2021, FBI agents went to the Chwiesiuk family home in Chicago, Illinois, to execute an arrest warrant issued for Agnieszka's brother—Karol<sup>2</sup> J. Chwiesiuk (21-CR-536 (CKK)<sup>3</sup>)—for his participation in the Capitol breach on January 6, 2021. While agents were arresting Karol, Agnieszka spontaneously stated in sum and substance: Are you going to arrest me too? At that time, the agents responded that they were not there to arrest her.

At the time of the arrest of K. Chwiesiuk, the investigation showed that the entire time that K. Chwiesiuk was in the Capitol, he was accompanied by a female with long hair wearing a red knit cap with white and blue stripes; a white and blue facemask with upside-down American flags; a black coat; and a black mini backpack with metallic accents. The FBI also identified that K. Chwiesiuk stayed at the Mayflower Hotel in Washington, D.C., but the investigation revealed that the reservation was under the name of an individual known to be his sister—Agnieszka Chwiesiuk. The FBI had a photograph of Agnieszka from the Office of the Illinois Secretary of State that appeared to match the several photographs and videos in the government's possession showing K. Chwiesiuk in the Capitol and on the Capitol's restricted grounds.

In all the videos and photographs available at that time, however, the previously described female had her hat pulled down to the level of her eyebrows and the previously described face covering pulled up to just below her eyes, obscuring all her face but her eyes. The physical characteristics of the female seen accompanying Chwiesiuk were consistent with Agnieszka as she appeared on the date of her brother's arrest and her driver's license photo.

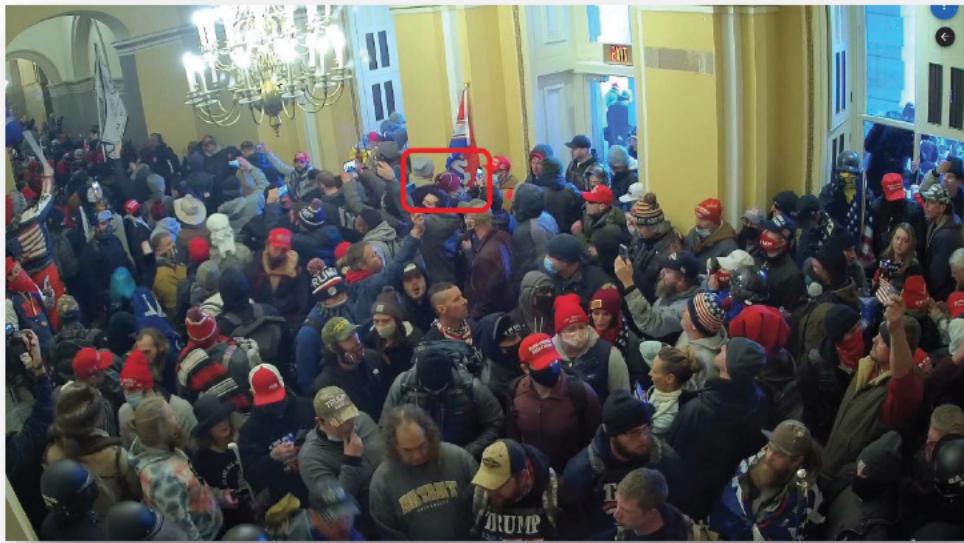


***IMAGES 1a, 1b: A screenshot from United States Capitol Police Closed-Circuit Video (CCV) shows Agnieszka Chwiesiuk entering the Capitol at approximately 2:57 p.m. while holding a cellphone in a manner that is consistent with recording video or taking a photograph.***

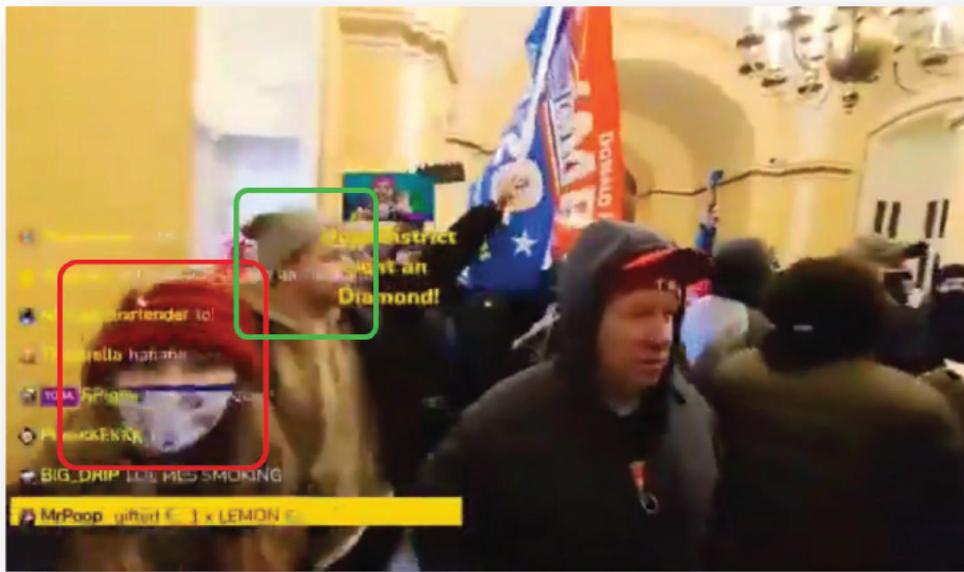
<sup>1</sup> pronounced CHESS-wick

<sup>2</sup> pronounced KAHR-uhl

<sup>3</sup> <https://www.justice.gov/usao-dc/defendants/chwiesiuk-karol-j>

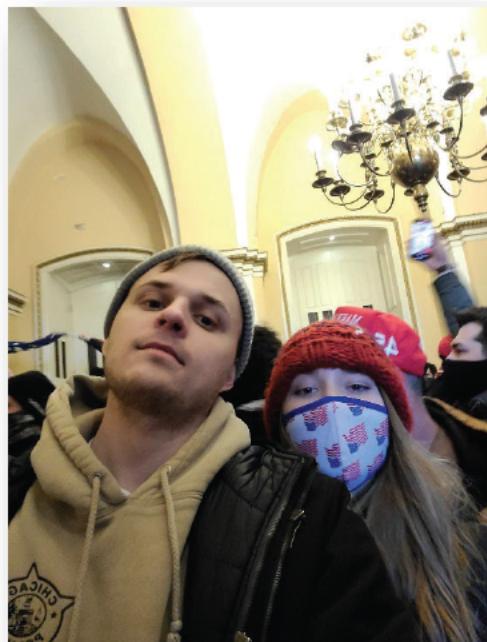


**IMAGE 2:** A screenshot from USCP CCV showing Agnieszka and her brother, Karol Chwiesiuk in the area just inside of the Senate Wing Door taking what appears to be a selfie at approximately 2:58 p.m.



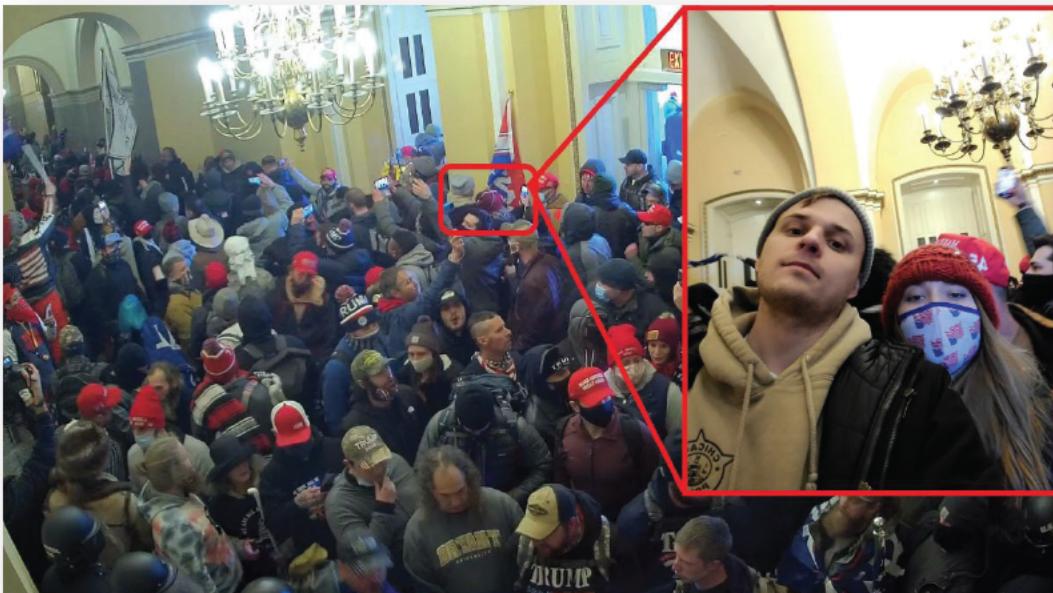
**IMAGE 3:** A screenshot from separately apprehended Anthime Joseph Gonet's (22-CR-132 (TNM)) livestream video showing Agnieszka (left, in red) and her brother (right, in green) in the area just inside of the Senate Wing Door.

At the time of his arrest, K. Chwiesiuk had a cellphone in his possession that was seized by the FBI. Unfortunately, the cellphone had been significantly damaged to the point where it would not turn on. Pursuant to a search warrant, the FBI was able to recover data and images from K. Chwiesiuk's phone. The FBI recovered the photographs below from K. Chwiesiuk's phone.



**IMAGES 4a, 4b, 4c, 4d:** (l to r, top to bottom) Four photographs recovered from K. Chwiesiuk's damaged cellphone. The top left photograph appears to have been taken near the stage where the former president spoke in the morning of January 6, 2021; the top right photo appears to have been taken in the area just inside the Senate Wing Door; and the bottom two photos appear to have been taken in the Capitol Crypt. Significantly, Agnieszka's full face can be seen in the top left and bottom right photographs.

Once the FBI had K. Chwiesiuk's cellphone extraction, they were able to compare the photographs found therein to USCP CCV. This comparison confirmed that the female who enters, walks around, and then exits the Capitol with K. Chwiesiuk is the same individual that appears in Images 4a, 4b, 4c, and 4d.



**IMAGE 5:** A comparison of Images 2 and 4b.

Furthermore, I was present at the arrest of K. Chwiesiuk on June 11, 2021, and I had an opportunity to see Agnieszka Chwiesiuk without a mask. As soon as I saw the individual pictured in Images 4a and 4d, I identified her as Agnieszka Chwiesiuk. I also compared the previously obtained photograph of Agnieszka from the Office of the Illinois Secretary of State to Images 4a and 4d, and I found it to be the same person.

#### **ACTIONS OF AGNIESZKA CHWIESIUK ON JANUARY 6, 2021**

After positively identifying Agnieszka using the photographs recovered from her brother's phone, the FBI was able to identify several instances of publicly available, open-source intelligence (OSINT) in which Agnieszka appears. As is consistent with the Statement of Facts filed in her brother's case (21-CR-536 (CKK), ECF No. 1-1), Agnieszka first attended the former president's rally at the Ellipse near the White House. Agnieszka then walked down Pennsylvania Avenue to the U.S. Capitol with her brother and other individuals who attended the rally.



**IMAGE 6:** A screenshot from a publicly available video showing Agnieszka (red) and her brother (green) near the Ellipse and the Washington Monument before marching to the Capitol.



**IMAGE 7:** A screenshot from a publicly available news broadcast (<https://www.pscp.tv/w/1gqGvoAjpjOJB> at 27 min. 09 sec.) showing Agnieszka and her brother as they walk down Pennsylvania Avenue towards the Capitol. K. Chwiesiuk appears to be assembling the TRUMP 2020 flag that he is seen with in later photos and video.

Once she arrived at the Capitol, Agnieszka made her way from the West Lawn up to the NW Plaza, which at the time was full of rioters with other rioters continuing to stream in. Although the original breach of the Capitol occurred at the Senate Wing Door at approximately 2:13 p.m., USCP arrived at that location and contained that breach point. By approximately 2:27 p.m., only rioters who were already in the Capitol were allowed to exit through the window to the south of the Senate Wing Door. At the same time, rioters were being cleared from the Upper West Terrace by police officers from the Metropolitan Police Department and forced towards the NW Plaza. During the time when Agnieszka was there, physical altercations between rioters and police officers were taking place, and video from around that time shows that many rioters were chanting and calling for violence.

At approximately 2:42 p.m., a rioter with a cane smashed out the window of a fire door by the Senate Parliamentarian's Office and rioters began flooding in through that entrance. At approximately 2:48 p.m., the rioters just outside the Senate Wing Door violently breached that location once again.

Agnieszka was among the rioters in the NW Plaza, and at approximately 2:58 p.m., she had made her way to the front of the crowd and entered the Capitol through the broken-out doorway of the Senate Wing Door. *See Images 1a, 1b, supra.*



**IMAGE 8:** A screenshot from a publicly available video showing Agnieszka and her brother in the NW Plaza near the Senate Wing Door (just off-screen to the left) before they entered the Capitol.

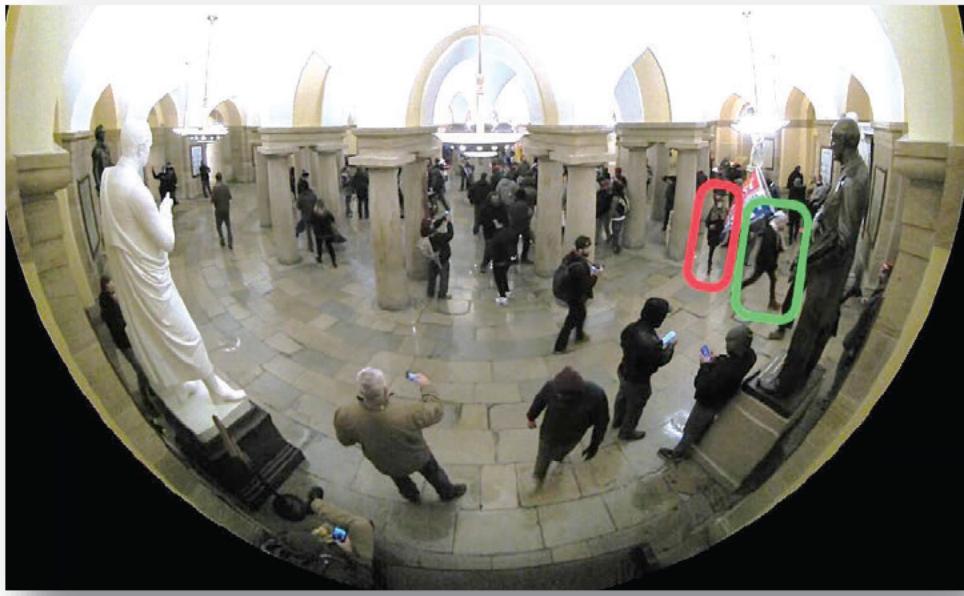
Once inside the Capitol, Agnieszka turned south and walked towards the Crypt, a large circular room that sits directly below the Grand Rotunda of the Capitol. Agnieszka reached the Crypt at approximately 3:03 p.m., and while inside, her brother used his cellphone to capture Image 4d. OSINT also shows Agnieszka with her own phone out, turned on, and being used in a manner that is consistent with taking pictures or recording video.



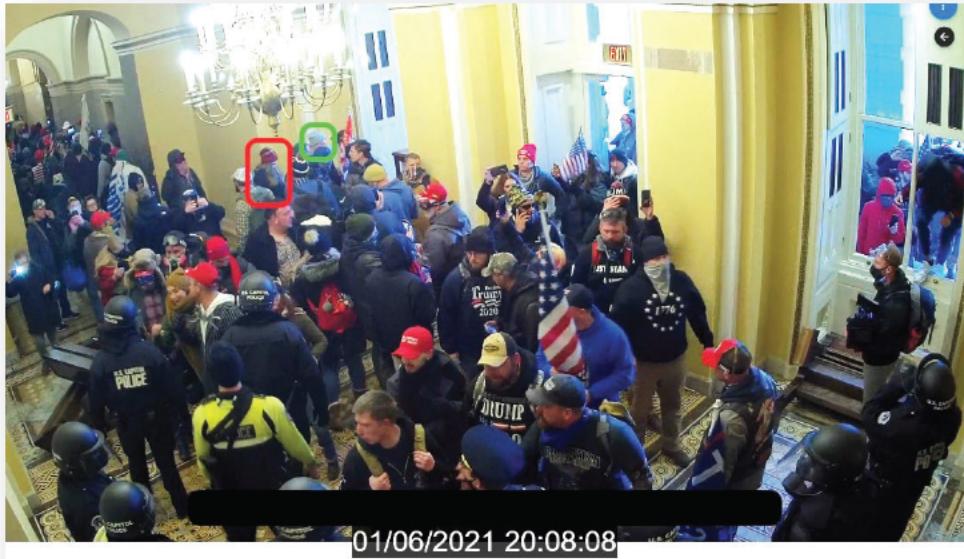
**IMAGE 9:** A screenshot from a publicly available video showing Agnieszka and her brother in the Capitol Crypt. Agnieszka has her phone out and is holding and using it in a manner that is consistent with recording video or taking photographs.

By approximately 3:06 p.m., Agnieszka left the Crypt, walked north back to the Senate Wing Door, and exited the Capitol through a broken-out window that is to the south of the Senate Wing Door.

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**IMAGE 10:** A screenshot from USCP CCV showing Agnieszka leaving the Capitol Crypt at approximately 3:06 p.m.



**IMAGE 11:** A screenshot from USCP CCV showing Agnieszka leaving the Capitol at approximately 3:08 p.m.

Your affiant submits there is probable cause to believe that **Agnieszka CHWIESIUK** violated 18 U.S.C. §§ 1752(a)(1) and (2), which make 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 18 U.S.C. § 1752, 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 **Agnieszka CHWIESIUK** violated 40 U.S.C. §§ 5104(e)(2)(D) and (G) which make 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.

[REDACTED]  
[REDACTED]  
Special Agent [REDACTED]  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of December 2022.

Robin M.  
Meriweather

Digitally signed by Robin M.  
Meriweather  
Date: 2022.12.16 17:18:22 -05'00'

HONORABLE ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE