

STATEMENT OF FACTS

Your affiant, Robert Mayo, is a Special Agent assigned to the Federal Bureau of Investigation's Washington Field Office. I am assigned to investigate various criminal matters in the Washington D.C. region. In preparation for this assignment, and as part of my continuing education, I have completed various trainings, including organizational sponsored computer training as well as computer training at the SANS institute. I have participated in all aspects of criminal investigations, including arrest operations, swearing out search warrants, conducting physical surveillance, telephone, e-mail, and financial analysis obtained as a result of subpoenas, subject interviews, witness interviews, electronic surveillance, and operations of confidential human sources. I am a Special Agent with the FBI, within the meaning of 18 U.S.C. § 3052, and as such I am authorized to investigate crimes involving computer intrusions and other financial crimes stated under federal law, including Title 18 of the United States Code. Currently, I am a 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, detention, investigation, or prosecution of a violation of Federal criminal laws.

Background – The U.S. Capitol on January 6, 2021

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.

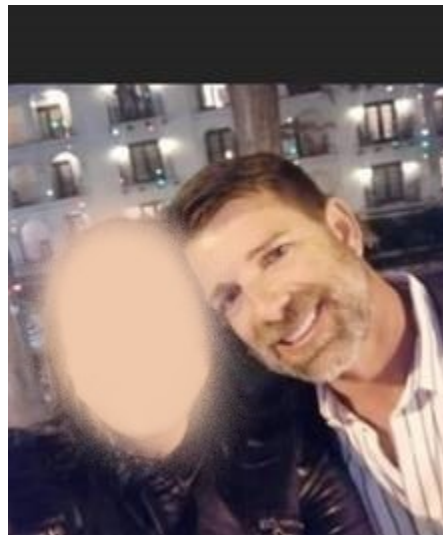
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals 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 TRENISS EVANS

The FBI received multiple tips from the public, related to the events that occurred at the United States Capitol on January 6, 2021. On approximately January 12, 2021 a tipster (“WITNESS 1”) provided information specifically related to TRENISS EVANS. As this tipster requested to remain anonymous, the information was not verified. WITNESS 1 disclosed to law enforcement that they were an acquaintance of one of EVANS’ family members. Based on information communicated through a third party, WITNESS 1 stated that they understood EVANS was present at the Capitol on January 6, 2021. Furthermore, WITNESS 1 understood EVANS to have “taken shots of fireball” in Nancy Pelosi’s office and captured video of the days’ events on his cellular telephone. WITNESS 1 also provided a picture of EVANS which may be observed below:¹



On approximately January 15, 2021, another tipster provided a URL to a Facebook page which showed video of people outside the United States Capitol Building on January 6, 2021.²

¹ The face of the other individual pictured in the photograph has been obscured.

² <https://www.facebook.com/NowThisPolitics/videos/529897831302581>

Your affiant has viewed this video, and it shows scenes from what appear to be events related to the rioting and other offenses at the Capitol Building. In the video, an individual matching the above photo provided by WITNESS 1 appears at the steps of the Capitol Building with a megaphone. He is heard saying, “I don’t support looting, I don’t support the violence, I support a peaceful protest to put them on notice that we the people demand justice.” A picture from the video may be observed below:



On January 17, 2021, FBI Special Agents attempted to interview EVANS at his residence located in Canyon Lake, Texas. EVANS confirmed his identity and provided the Agents with his telephone number (hereinafter “TELEPHONE 1”). EVANS informed the agents that he had retained counsel who had advised that he not talk to them without his lawyer present. Your affiant has spoken with these agents who have confirmed that the above photographs of EVANS match the description of the person they attempted to interview when they approached EVANS on January 17, 2021.

Location Information Associated with EVANS

According to records obtained through a search warrant which was served on Google, a mobile device associated with an anonymized Identification Number of 1798971945 (“TARGET DEVICE 1”) 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 shows that a device associated with TARGET DEVICE 1 was within

the U.S. Capitol on January 6, 2021 during the offenses described above. For certain periods on January 6, Google records show that the “maps display radius” for this location data encompasses an area that is entirely within the U.S. Capitol Building.

Law enforcement officers, to the best of their ability, have compiled a list (the “Exclusion List”) of any Identification Numbers, related devices, and information related to individuals who were authorized to be inside the U.S. Capitol during the events of January 6, 2021, described above. Such authorized individuals include: Congressional Members and Staffers, responding law enforcement agents and officers, Secret Service Protectees, otherwise authorized governmental employees, and responding medical staff.

TARGET DEVICE 1 is not on the Exclusion List. Accordingly, I believe that the individual possessing this device was not authorized to be within the U.S. Capitol Building on January 6, 2021.

Records provided by Google revealed that the device with the anonymized Identification number of 1798971945 (*i.e.*, TARGET DEVICE 1) belonged to a Google account registered in the name of “Treniss Evans.” The Google user ID for the account incorporates the name “Treniss,” and a Microsoft Hotmail email account listed as a recovery account for the Google account also incorporates the name “Treniss.” The Google account also lists a recovery SMS phone number that matches TELEPHONE 1, the telephone number that EVANS provided to FBI agents on January 17, 2021.

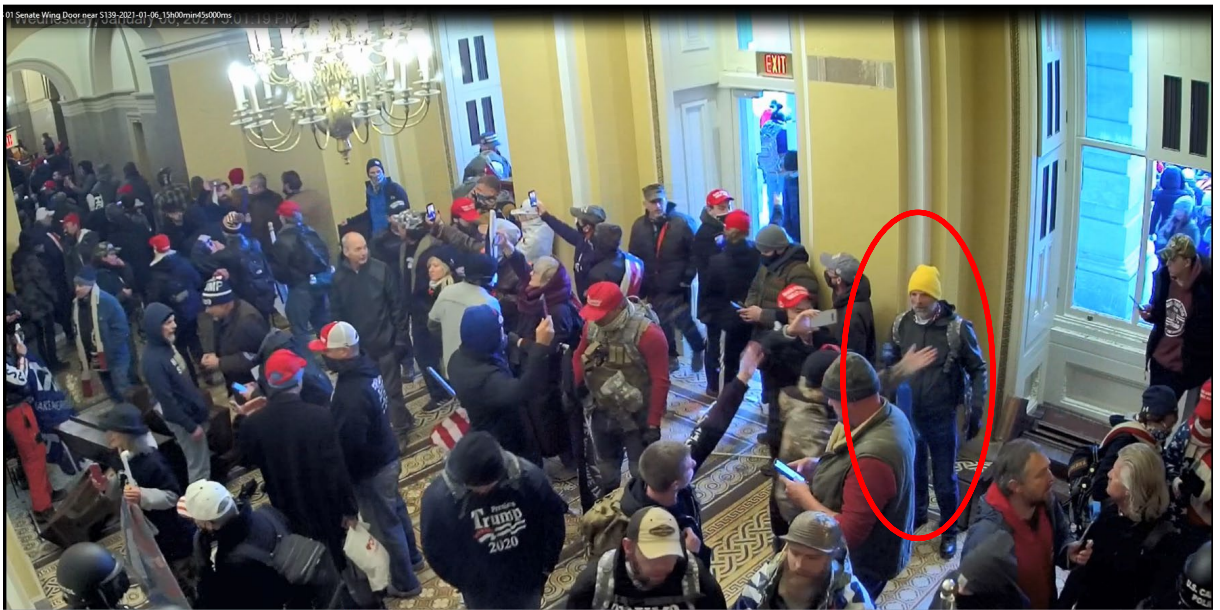
CCTV Footage

On February 10, 2021 the United States Capitol Police provided the FBI closed circuit television footage (“CCTV”) which was captured by security cameras inside the United States Capitol building on January 6, 2021. In this video, a man matching the above photographs of EVANS is observed climbing through a broken window of the Capitol building at approximately 3:00 p.m. He is wearing the same distinctive yellow cap, olive green jacket or sweatshirt, backpack straps, and other recognizable clothing as shown in the Facebook video referenced above. This individual then proceeds to spend approximately 20 minutes walking around inside the building before exiting. EVANS is also seen using a cellular telephone and carrying a megaphone while inside the building. Your affiant has spoken with United States Capitol Police who have confirmed that EVANS was not authorized to be in the Capitol during the time of the captured footage.

Your affiant submits the below pictures, taken from screenshots of the CCTV footage. Your affiant has confirmed with the Agents who attempted to interview EVANS that the individual observed in the CCTV footage matches the person they attempted to interview.



EVANS climbing through broken window.



EVANS inside the United States Capitol



EVANS appearing to take a video of himself from a cellular telephone



EVANS appearing to utilize a cellular telephone and megaphone in the Crypt of the Capitol

Based on the foregoing, your affiant submits that there is probable cause to believe that EVANS violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or impede any official proceeding, or to attempt to do so, or to conspire to do so. Congressional proceedings are official proceedings under 18 U.S.C. § 1515(a)(1)(B).

Your affiant submits there is also probable cause to believe that EVANS 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. 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 EVANS violated 40 U.S.C. § 5104(e)(2)(D) and Robert (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.



Special Agent Robert Mayo
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 24th day of February, 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE