

UNITED STATES OF AMERICA	:	Case Nos:
	:	
v.	:	
	:	VIOLATIONS:
	:	
LISA MARIE EISENHART,	:	18 U.S.C. § 371
ERIC GAVELEK MUNCHEL,	:	(Conspiracy)
	:	
Defendants.	:	18 U.S.C. § 231(a)(3)
	:	(Civil Disorders)
	:	
	:	18 U.S.C. § 1752(a)
	:	(Restricted Building or Grounds)
	:	
	:	40 U.S.C. § 5104(e)(2)
	:	(Violent Entry or Disorderly Conduct)

I, Carlos D. Fontanez, being first duly sworn, hereby depose and state as follows:

1. This Affidavit is submitted in support of a Criminal Complaint charging ERIC GAVELEK MUNCHEL (“MUNCHEL”)¹ and LISA MARIE EISENHART (“EISENHART”) with violations of 18 U.S.C. §§ 2, 231, 371, 1752(a), and 40 U.S.C. § 5104(e).

2. I respectfully submit that this Affidavit establishes probable cause to believe that MUNCHEL and EISENHART: (1) knowingly and willfully entered into a conspiracy to violate 18 U.S.C. §§ 231(a)(3), 1752(a) and 40 U.S.C. § 5104(e), in violation of 18 U.S.C. § 371; (2) did attempt to commit any act to obstruct, impede, or interfere with any Law-enforcement officer

¹ On January 10, 2021, this Court approved a complaint and arrest warrant for MUNCHEL arising out of the same incident. *See* Case No. 21-mj-29. The complaint and supporting application filed in this case is intended to supersede that complaint, which the Government will dismiss at the initial hearing.

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 the conduct or performance of any federally protected function; (3) did enter or remain in any restricted building or grounds without lawful authority, or did knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct, in violation of 18 U.S.C. § 1752(a); (4) did willfully and knowingly 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 any deliberations of either House of Congress, in violation of 18 U.S.C. § 5104(e)(2); and (5) did were aiding and abetting the commission of these offenses against the United States, in violation of 18 U.S.C. § 2.

3. Specifically, on or about January 6, 2021, EISENHART and her son, Eric MUNCHEL, traveled to Washington, D.C., and agreed to enter the U.S. Capitol, without lawful authority, at the time when a joint session of Congress was certifying the November 2020 presidential election. As the Congress was engaged in the official business of certifying the electoral college vote, EISENHART and MUNCHEL knowingly and willfully joined a mob of individuals to forcibly enter the U.S. Capitol with the intent to cause a civil disturbance designed to impede, disrupt, and disturb the orderly conduct of business by the United States House of Representatives and the United States Senate.

BACKGROUND OF AFFIANT

4. I have been a Special Agent with the Federal Bureau of Investigation (“FBI”) since 2015. I am currently assigned to a squad that investigates criminal enterprises and violent gangs for the Washington Field Office. I have training and experience in the areas of violent crimes,

gang-related criminal activity, interview and interrogation, evidence recovery, source recruitment, and digital forensics. I also have testified in federal court on cases involving violent gangs where defendants were charged with violent crimes in aid of racketeering.

5. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

6. 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 are 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.

7. 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. Vice President Mike Pence was present and presiding in the Senate Chamber.

8. With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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 after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. 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.

9. On January 6, 2021, there was national news coverage of the certification process. That coverage, and what appears to be video footage captured on cell phones from people at or near the U.S. Capitol, depicts persons engaging in criminal conduct by, among other actions, being inside the U.S. Capitol building without authority.

10. Photographs and videos of several of these persons were disseminated via social media and other open source online platforms. Those persons included a distinctly dressed person inside of the Senate chambers wearing dark fatigues that Law-enforcement authorities have identified to be Eric Gavelek MUNCHEL (“MUNCHEL”).



11. In the photograph above, the person who appears to be MUNCHEL is wearing or displaying several distinctive items, including: (1) a baseball cap that appears to have been manufactured by Black Rifle Coffee Company, depicting a rifle and a flag, with writing on the left side of the cap near the back of the cap; (2) a patch on the center of his chest displaying the “Punisher” comic book character, as well as a Tennessee “thin blue line” patch depicting the State of Tennessee bisected by a horizontal blue line; and (3) a long-sleeve shirt in a fatigues pattern with black rectangles on the upper sleeves. The person who appears to be MUNCHEL also is depicted in these photographs carrying plastic restraints and an item in a holster on his right hip. In my experience, flex cuffs (plastic restraints) are used by Law-enforcement to restrain and/or detain subjects. And the person who appears to be MUNCHEL further appears to have a cell phone mounted on his chest, with the camera facing outward, ostensibly to record events that day.

12. On January 10, 2021, a search warrant was executed at MUNCHEL’s residence in Nashville, Tennessee. Law-enforcement authorities recovered from inside of the home several distinctive articles of clothing that appear similar, if not the same, to the clothing worn by

MUNCHEL inside of the Senate chambers. This included the distinctive black in color Black Rifle Coffee Company hat with American flag and rifle logo, black boots, black camouflaged pants and shirt, and black tactical vest with patches to one of a Punisher logo. Also found inside of MUNCHEL's home were five pairs of white flex cuffs.

13. Also on January 10, 2021, a criminal complaint was filed in the United States District Court for the District of Columbia for MUNCHEL's arrest on offenses committed during the siege on the U.S. Capitol. Law-enforcement authorities attempted to execute the arrest warrant at the same time that the search warrant was executed. Later that day, Law-enforcement made contact with MUNCHEL, who ultimately surrendered himself and was taken into custody.

14. Subpoenaed records from the Grand Hyatt Hotel in Washington, D.C., establish that EISENHART rented a hotel room on January 4, 2021, and checked out from the room on January 7, 2021. She provided a Georgia driver's license under the name of LISA EISENHART as proof of identification to rent the room.

15. Video surveillance from the Grand Hyatt Hotel establishes that EISENHART and MUNCHEL were together at the Grand Hyatt and present in the District of Columbia on January 6, 2021, the day of the Capitol siege. The photograph below depicts the pair leaving the hotel at approximately 12:37 p.m., shortly before the joint session of Congress began and a little over an hour after before Capitol barricades were breached. It further shows MUNCHEL wearing clothing that appears the same as the clothing that he wore when he entered the Senate chamber later that afternoon. EISENHART is wearing what appears to be a plaid shirt, tactical vest, jeans, and glasses.



16. During the investigation, Law-enforcement authorities discovered a photograph depicting EISENHART and MUNCHEL walking together on the grounds of the U.S. Capitol that appears to have been taken before the attack on the Capitol:



17. Law-enforcement authorities also discovered a video showing two individuals who appear to be EISENHART and MUNCHEL walking together up a set of steps inside of the U.S. Capitol:



18. In each of the above depictions, EISENHART is wearing clothing that is consistent in color and style, including a distinctive plaid shirt, tactical vest, blue jeans, and glasses. The two images of EISENHART taken on Capitol grounds further shows her wearing a red hat that is similar in style and color.

19. Video footage from inside of the U.S. Capitol captures EISENHART and MUNCHEL in the vicinity of a mob of individuals that are physically attacking two Capitol Police officers guarding entry into the Senate chambers. The footage eventually shows officers run past EISENHART and MUNCHEL; several members of the mob give chase. Right after they pass,

EISENHART and MUNCHEL immediately follow behind the individuals pursuing the officers. MUNCHEL and EISENHART are seen holding flex cuffs in each of their hands during the pursuit. The footage reflects that both officers ultimately made good on their escape to a lower level of the building, as well as EISENHART then appearing to shout at the officers while leaning over a bannister.

20. Video footage also captures MUNCHEL and EISENHART moments later among the individuals inside of the Senate chambers, having entered through the very area that the officers were guarding before the assault.

21. On January 6, 2021, law-enforcement officers encountered MUNCHEL at the Grand Hyatt Hotel, located in Washington, D.C. At the time, MUNCHEL was wearing black camouflage pants and a black holster containing what appeared to be a handgun. Law-enforcement authorities interviewed MUNCHEL and identified that he was carrying a black and yellow “Taser Pulse” that emits electrical shock. MUNCHEL told authorities that he participated in the rally at the U.S. Capitol earlier that day and that he possessed the taser for self-protection.

22. Law-enforcement authorities discovered a videotape, purportedly recorded on January 6, 2021, inside the Grand Hyatt hotel, of two individuals who appear to be EISENHART and MUNCHEL. Below is a screenshot from the video footage:



23. I have examined a photograph of EISENHART from Law-enforcement databases that appears to be the same person depicted in the photographs above.



24. During the investigation, law-enforcement agents discovered that MUNCHEL flew on Southwest Airlines from Nashville, Tennessee, to Fort Myers, Florida, in March 2020. That flight was booked by a person named Lisa EISENHART, who has the exact name and date of birth as the individual who rented the above referenced room from the Grand Hyatt.

25. According to a search of a law-enforcement database, EISENHART's aliases include Lisa Marie Gavelek. MUNCHEL's middle name is Gavelek.

26. A further search of law-enforcement databases revealed that MUNCHEL and EISENHART had a physical address in Fort Myers, Florida, in common, and a post-office box address in Blue Ridge, Georgia, in common.

27. On January 10, 2021, The Times newspaper published an online article entitled: "Trump's militias say they are armed and ready to defend their freedoms."² In reference to the storming of the Capitol, MUNCHEL is quoted in the article as stating, "We wanted to show that

² <https://www.thetimes.co.uk/article/7661f2ba-526d-11eb-a81ce93ccd0a2dea?shareToken=b03fc2d690f7f7605934dabc9f11a928> (last accessed January 14, 2021)

we're willing to rise up, band together and fight if necessary. Same as our forefathers, who established this country in 1776." According to the article, EISENHART expressed that the two had gone into the U.S. Capitol as "observers," but quotes MUNCHEL's characterization of it as "kind of flexing muscles . . . [t]he point of getting inside the building is to show them we can, and we will." The article references EISENHART's talk of violent revolution, as well as her belief that, "This country was founded on revolution . . . I'd rather die a 57-year-old woman than live under oppression. I'd rather die and would rather fight."

CONCLUSIONS OF AFFIANT

28. Based on the foregoing, your affiant submits that there is probable cause to believe that MUNCHEL and EISENHART violated 18 U.S.C. § 371, by knowingly and willfully conspiring with persons known and unknown to violate 18 U.S.C. §§ 231(a)(3), 1752(a), 40 U.S.C. § 5104(e)(2), and that they committed each of the forgoing substantive offenses, along with 18 U.S.C. § 2.

29. As such, I respectfully request that the court issue an arrest warrant for EISENHART.

The statements above are true and accurate to the best of my knowledge and belief.



SPECIAL AGENT Carlos D. Fontanez
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15th day of January, 2021.

HON. ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE