

STATEMENT OF FACTS

Your affiant, Jessica Salo, is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since November 2014. Prior to becoming an agent, I worked as an Intelligence Analyst at the FBI for approximately six years. I am currently assigned to the Orange County Joint Terrorism Task Force (JTTF). My duties at the JTTF include investigating violations of the laws of the United States, specifically investigations related to domestic and foreign terrorism. As a Special Agent, I have received both formal and informal training from the FBI regarding domestic and foreign terrorism investigations. Through my training and experience with the FBI, I am familiar with the methods of operations that individuals associated with domestic and foreign terrorist organizations employ, including their use of social media and online platforms such as Facebook, Instagram, and YouTube to communicate with associates regarding their ideology, to organize actions on behalf of their organizations, and to bring attention to their political and social agendas.

Currently, I am 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, detection, investigation, or prosecution of a violation of Federal criminal laws.

The United States Capitol Building (the Capitol) is secured twenty-four hours a day by U.S. 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 separate chambers of the Capitol to certify the 2020 Presidential Election's Electoral College vote count. The 2020 Presidential Election took place on Tuesday, November 3, 2020. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, 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 Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building. USCP were present and attempting to keep the crowd away from the Capitol 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 keep the crowd from entering the Capitol; however, around 2:00 PM, individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of the USCP, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 PM, 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 Congress was effectively suspended until shortly after 8:00 PM. 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 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 Capitol without authority to be there. Your affiant has identified Stephanie M. BAEZ as an individual who was inside the Capitol building on January 6, 2021, without authority.

Beginning on or about January 6, 2021, the FBI began receiving tips from the public related to the unlawful entry and riot at the Capitol. On or about January 6, 2021, the FBI received an anonymous tip that an Instagram user with the handle @stephmb293 posted videos of herself during the riot on Instagram. The tipster identified Instagram user @stephmb293 as Stephanie M. BAEZ.

Based on records received from Instagram, user @stephmb293 has the name Stephanie Baez listed on the account, along with a telephone number 714-470-5495. Open source information searches associate BAEZ with telephone number 714-470-5495.

The FBI was alerted to a video interview posted on or about January 14, 2021.¹ The caption of the posting is: Girl is “Looking for a Proud Boy!”² The post shows a video of a woman being interviewed in front of what appears to be the Capitol. The woman in the video has brown hair, appears to be in her mid-twenties, and is wearing

¹ https://www.reddit.com/r/ParlerWatch/comments/kx567t/girl_is_looking_for_a_proud_boy/

² Proud Boys is a nationalist organization with multiple U.S. chapters and potential activity in other Western countries. The group describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Proud Boys members routinely attend rallies, protests, and other events where they sometimes engage in violence against individuals whom they perceive as threats to their values. The group has an initiation process for new members, who often wear yellow and black polo shirts or other apparel adorned with the Proud Boys logo to events.

a gray, long sleeve sweater with a black shirt underneath. During the interview, the woman said she was looking for a Proud Boy and provided her Instagram handle as @stephmb293. Based on my training and experience, I am aware that members of the Proud Boys were present at the Capitol on January 6, 2021 and involved with the illegal activities and violence that occurred at the Capitol.



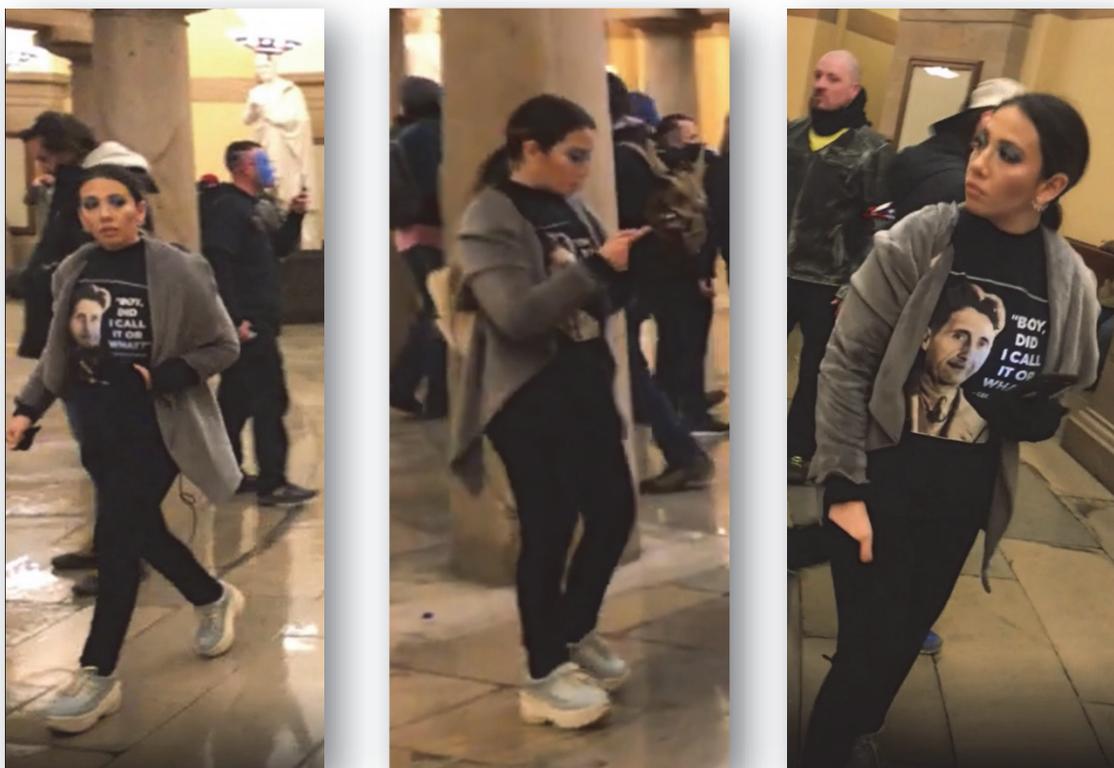
Screenshot 1— A screenshot taken from the so-called Girl is Looking for a Proud Boy video where at approximately 0:14, BAEZ gives her Instagram handle as @stephmb293.

After reviewing the video interview, I conducted research on STEPHANIE BAEZ and identified a California resident by that name, with date of birth July 14, 1993. I reviewed California Department of Motor Vehicle (“DMV”) records, including her photograph, and identified BAEZ as the woman in the interview.

I reviewed video footage from inside the Capitol and identified the defendant as an individual inside the Capitol on January 6, 2021. The footage shows the defendant holding a cell phone while inside the Capitol. Additional footage shows defendant leaving the Capitol while law enforcement was clearing the building. Based on my review of the footage of the defendant and my familiarity with the interior of the Capitol, the footage shows the defendant located within the Capitol building, specifically the Crypt of the Capitol and other locations.

According to records obtained through a search warrant which was served on Google, a mobile device associated with telephone number 714-470-5495 was present at and inside of the 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 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 ten 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 telephone number 714-470-5495 was inside the Capitol on January 6, 2021 between 2:52:01 PM (EST) and 4:08:52 PM (EST).



Screenshots 2, 3, and 4—Screenshots taken from open source videos that show (from left to right) the defendant walking through the Capitol Crypt; the defendant using her cellphone inside the Capitol Crypt; and the defendant standing inside of the Capitol using her cellphone, all on January 6, 2021.



Screenshot 5—A screenshot from an open source video shows the defendant leaving the Capitol on January 6, 2021. The video later pans to show that the door that the defendant is walking through is an exterior door.



Screenshot 6—A screenshot of a post to the defendant's Instagram account from January 8, 2021, showing the defendant wearing the same black shirt that she wore while inside the Capitol on January 6, 2021. The shirt features a photo of George Orwell and attributes to him the quote: BOY DID I CALL IT OR WHAT?

DEFENDANT'S NON-CUSTODIAL INTERVIEW

On April 27, 2021, your affiant conducted a non-custodial, in-person interview with the defendant, during which the defendant stated in sum and substance that she created and owned the Instagram accounts @stephmlb777³ and @stephmbmd. The defendant further stated that she had gone to Washington, D.C., to attend the rally and to look at medical schools⁴ in D.C. and on the east coast.

The defendant further stated that after attending President Trump's speech, she walked to the U.S. Capitol. The defendant then stated that she entered the Capitol, asserting her belief that the Capitol police told her that she could be inside the Capitol and indicated areas to her where she could and could not be. The defendant further stated that everyone was calm and no one had any reason to believe that they were not allowed inside. The defendant later stated that lots of people believed that there were some people who thought they could be in there, and other people who were just making a mess. The defendant further stated that some people were falling over each other and others were waving around American flags. The defendant further stated that some people were just following groups and she feels like it is insane not to take that into consideration.

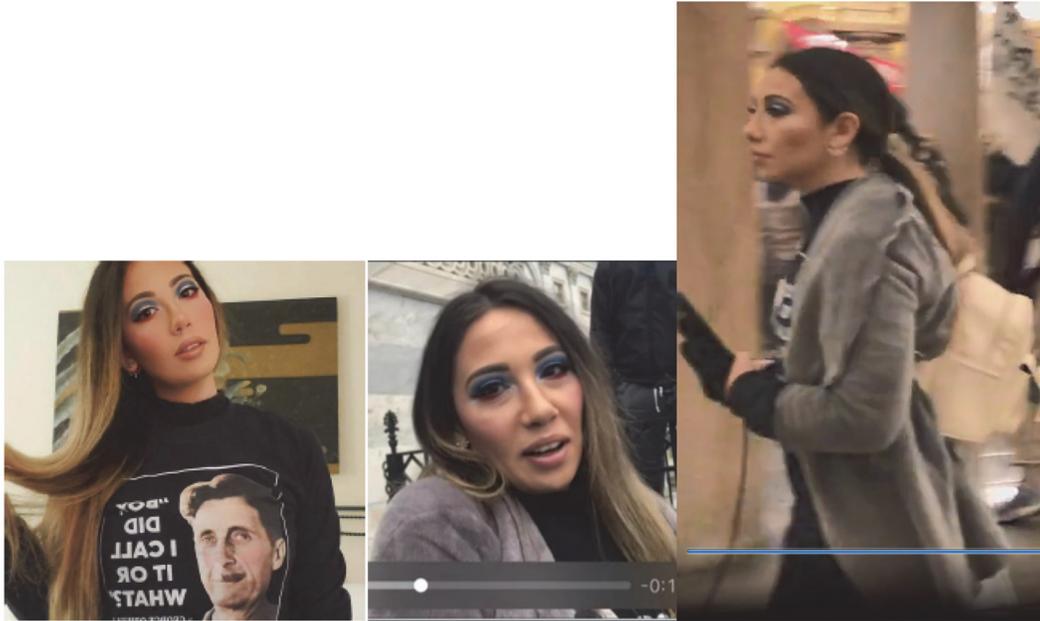
The defendant further claimed that she had authority to be inside the Capitol because she had looked up the Capitol's hours ahead of time and confirmed that the Capitol would be open so that she could tour it. She said her reason in looking up the Capitol was because it was so close to where Trump was speaking, and she was just checking out what else was in the area that one would want to see while in Washington, D.C. The defendant further claimed that she went online to check the hours of the Capitol to see if it was open. The defendant further stated that she thinks that she went to the Capitol's official website because it listed certain days that were closed, like Inauguration Day. The defendant later stated that it is possible that she read the website wrong.

The defendant said that she did not recall seeing any broken windows or doors. She did recall being in the vicinity of a chemical irritant and recalled the police shooting rubber bullets at people. The defendant further stated that many people did not know they were not supposed to be inside the Capitol because it was so calm inside. The defendant showed the agents videos that she claims to have taken of the inside of the Capitol on January 6, 2021.

³ The defendant further stated that the account @stephmb293 is the same account as @stephmlb777.

⁴ The defendant thought perhaps she had visited The Johns Hopkins University School of Medicine. When the agent informed her that was in Baltimore, she said that it must have been another school, perhaps one that was near a subway.

During the non-custodial interview, your affiant showed the defendant the three screenshots shown below. The defendant identified the individual in each of the pictures as herself.



Screenshots 7, 8, and 9—Three screenshots that your affiant showed the defendant. The screenshots show (from left to right) an individual with a distinctive t-shirt depicting George Orwell, an individual seated in front of what appears to be the U.S. Capitol, and an individual inside of what appears to be the Capitol Crypt. The defendant identified the individual in each of those screenshots as herself.

DEFENDANT'S STATEMENTS ON INSTAGRAM

Pursuant to a search warrant, your affiant has obtained and reviewed content that is associated with the above-mentioned Instagram accounts belonging to the defendant.

On January 5, 2021, at approximately 5:31 PM, the defendant stated in sum and substance to another Instagram user:

Man, I wish I was cool like you. I just came out [to Washington, D.C.] alone to fight antifa.

On January 6, 2021, at approximately 3:09 PM, the defendant stated in sum and substance to another Instagram user:

I'm inside the capitol building.

On January 6, 2021, at approximately 3:53 PM, the defendant stated in sum and substance to another Instagram user:

I'm ok! But I got a bit of tear gas. Nothing bad luckily. Where are you guys?? I got some vids and video of all the broken glass from inside.

On January 6, 2021, at approximately 4:25 PM, the defendant stated in sum and substance to another Instagram user:

But blm/ANTIFA destroyed small businesses. Here, Americans fought back against the actual government. Nothing was broken inside, except to go in I think some glass. I'm just not sure what else we can do. Peaceful protesting did nothing for us. Once again, I didn't break anything. I'm just trying to document.

On January 6, 2021, at approximately 5:46 PM, the defendant stated in sum and substance to another Instagram user:

Oh there are for sure Trump supporters storming here, and they are pissed. They might try storming the Supreme Court later. . . . 2 old ladies were some of the first people in the capitol building and they had garbage lids, pushing back cops. Those are the Patriots of today.

I might go back to the storming at the Supreme Court, but I'm down to do it [give an interview to another Instagram user] after documenting everything! Yes!! Lol I'm acting like a reporter.

On January 6, 2021, at approximately 6:26 PM, the defendant stated in sum and substance to another Instagram user:

I can say, nothing was touched besides the entrance from what I could see. People are mad! I got an interview with one of the first guys to storm the capitol building, a NATIVE AMERICAN!⁵ Yes antifa infiltrated for sure, but it was A LOT of Patriots to.

⁵ Defendant is referring to a video she took of separately charged defendant Jorge A. RILEY (21-CR-69).

On January 6, 2021, at approximately 8:09 PM, another Instagram user stated: *You guys! Congress is back in sessions! Pence is speaking rn!* In response, the defendant stated in sum and substance:

Welp time to get back and storm the building.

On January 6, 2021, at approximately 8:26 PM, the defendant stated in sum and substance to another Instagram user:

Actually some of the very first people in were 2 old ladies that had trash can lids to push back security. So bad ass.

On January 7, 2021, at approximately 12:05 AM, in response to another user who stated: *You go girl!!!!*, the defendant stated in sum and substance:

Lol thank you. I cannot believe the hypocrisy on the left from this. The only bad thing Trump supporters did, which I will call out, was break windows. Cops LET THEM PAST the barriers. And the citizens of America are ALLOWED TO BE IN THE CAPITOL BUILDING WHEN ANYTHING IS IN SESSION.

On January 7, 2021, at approximately 12:07 AM, the defendant stated in sum and substance to another Instagram user:

Lol I did! It was actually fairly peaceful when I went in, chanting, people talking to cops, placing stuffed animal eagles on statues. Aaannd police let us through the barriers, they only really messed up breaking windows. But its our capitol building, we pay for it.

On January 7, 2021, at approximately 12:45 AM, another Instagram user stated: *Storming capitols is a legitimate form of protest. Taking a protest directly to your government is the proper way to do it. Everyone saying otherwise is lame. Thank you for standing up against pure evil and the establishment.* In response, the defendant stated in sum and substance:

Anytime! Honestly, what have we gained by following the rules while they cheat? Besides, American citizens are allowed in the capitol building anytime congress is meeting to speak, and I didn't break anything, so I didn't do anything wrong.

On January 7, 2021, at approximately 1:01 AM, another Instagram user stated: *Glad you are standing up for what we believe in! We support you 100000%*. In response, the defendant stated in sum and substance:

Thank you! We might lose our country but we sure as hell won't make it easy. But we won't lose.

On January 7, 2021, at approximately 2:32 AM, another Instagram user stated: *Whoa have they [doxed] you yet?* In response, the defendant stated in sum and substance:

Nah. I'll be fine. I'm not on Twitter and I doubt anyone would recognize me. I mean, they can do ahead and do whatever, I practice my 2nd amendment.

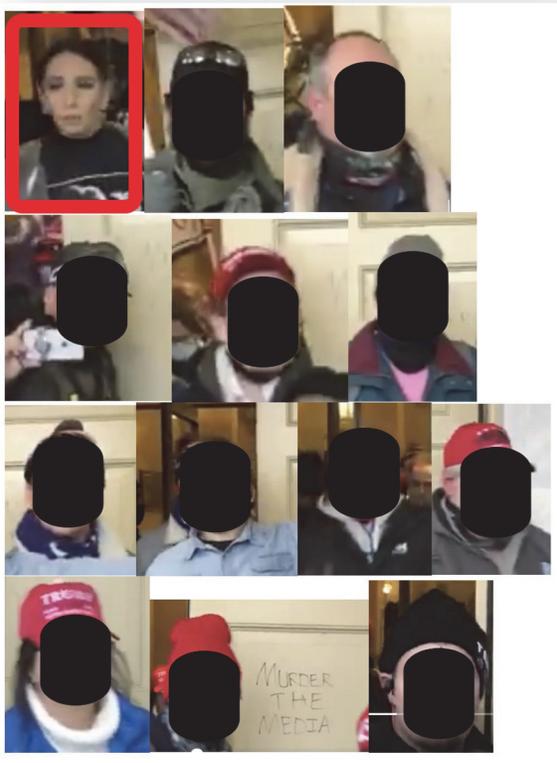
On January 13, 2021, at approximately 1:59 PM, the defendant stated in sum and substance:

These ppl really fell for the "incitement thing"? People got mad, yes, an election was stolen! But Trump was an angel! Also Antifa was there 100%.

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THE “FACES OF 32 INSURRECTIONISTS” TWEET

On January 6, 2021, at approximately 9:22 PM, Twitter user @MrGoodMemes posted the following photo with the caption: *Here are the faces of 32 insurrectionists as they leave the Capitol building. Retweet far and wide so these criminals are not allowed to get away with their treason.*



Screenshots 10 and 11—(left) A screenshot of Twitter user @MrGoodMemes’ tweet where he showed the defendant and thirty-one other individuals with the caption: Here are the faces of 32 insurrectionists as they leave the Capitol building. Retweet far and wide so these criminals are not allowed to get away with their treason. (right) An enlarged and isolated screenshot of the defendant as shown in the previously mentioned tweet.

Instagram records show that the defendant shared this photo with several different Instagram users and groups of users with the following statements:

January 7, 2021 at approximately 12:30 AM:

I’m in the first pic. I’m so proud! I already checked. Since we are legally allowed into the Capitol Building, and I didn’t damage anything, I didn’t break the law. . . . Oh yeah but im not on Twitter. And im honestly at the point where if I get hurt or go to jail for NOTHING. Just pushes the movement for our cause more. Im done being scared and quiet. Nothing gets done.

January 7, 2021 at approximately 12:31 AM:

I'm in the first pic, so proud. . . . Lol ill just say I was actually antifa and the left will let me go.

January 7, 2021 at approximately 12:34 AM:

My proudest moment. . . . Don't worry, I checked and technically American citizens are allowed into the Capitol Building ANY TIME that congress is speaking, so we were allowed to be there today, and I didn't break anything. They just hate that I use common sense in my beliefs.

January 7, 2021 at approximately 12:49 AM, after the defendant sent an Instagram user the tweet shown above, the Instagram user sent the following message back to the defendant: *Lol wow. You weren't even doing anything and how is that treasonous? It's literally not in any law that we can't go in there.* In response, the defendant stated in sum and substance:

Lol I know. It's my proudest moment. Just sucks they used such a horrible pic, I want to send them the one of me in my USA bikini and be like "here, please use this at least lol."

January 7, 2021 at approximately 2:00 AM:

Are you gonna tell your parents about me being a revolutionary? . . . I think they would be proud but terrified for me in the twotter post, but that's my favorite thing.

CONCLUSION

Your affiant believes there is probable cause that BAEZ unlawfully entered the Capitol building on January 6, 2021 based on the defendant's own admissions to the FBI and others via social media and the above photographs and screenshots depicting the defendant inside the Capitol.

Based on the foregoing, your affiant submits that there is probable cause to believe that BAEZ 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 BAEZ violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to 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, and 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully and knowingly parade, demonstrate, or picket in any of the Capitol Buildings.



Jessica Salo
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of May 2021.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE