

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Madison Pettit, (DOB: XXXXXXXXXX)
Gabriel Burrese, (DOB: XXXXXXXXXX)
Defendant(s)

Case: 1:21-mj-00569
Assigned to: Judge Faruqui, Zia M.
Assign Date: 8/18/2021
Description: COMPLAINT W/ ARREST WARRANT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building, 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Ian Moore

Complainant's signature

Ian Moore, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 08/18/2021



Handwritten signature of Zia M. Faruqui

2021.08.18
16:56:51 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

1. I, Special Agent Ian Moore, am an investigative or law enforcement officer of the United States within the meaning of Section 2501(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations of, and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. I have been a Special Agent with the Federal Bureau of Investigation (hereinafter "FBI") since September 2015 and am currently assigned to the Toledo, Ohio Resident Agency within the Cleveland Division of the FBI. My educational background includes study in the fields of criminal justice and law. Prior to joining the FBI, I served as a commissioned officer in the United States Army. During my time as an FBI Special Agent, I have investigated a variety of violations of federal law, including investigations concerning domestic terrorism, international terrorism, white-collar crimes, hate crimes, and public corruption.

2. In the course of these investigations, I have prepared and submitted numerous affidavits and executed associated federal search and arrest operations. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. 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.

4. 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 Michael Pence was present and presiding, first in the joint session, and then in the Senate chamber.

5. 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 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.

6. 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.

7. 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 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.

8. 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.

9. In January 2021, based on an online tip, the FBI began an investigation into whether GABRIEL BURRESS and MADISON PETTIT were unlawfully present inside the U.S. Capitol building on January 6, 2021. Initial background checks revealed addresses associated with BURRESS and PETTIT in Swanton, Ohio. BURRESS had previously been encountered on several occasions by the Swanton, Ohio police department, and accompanying police reports included phone numbers for BURRESS of ***-***-3784 and ***-***-3220. The police report featuring the phone number ***-***-3220 is from 2018.

10. Records returned during a search warrant served on AT&T to obtain certain cellular device data pertaining to devices located in proximity of the U.S. Capitol Building on January 6, 2021 showed that the cellphone associated with ***-***-3784 made a call on January 6, 2021, to the phone number ***-***-0924 and that during the time of the call, ***-***-0924 utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building.

11. There were 10 additional records of the cellphone associated with ***-***-0924 having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building on January 6, 2021 during the time surrounding the unlawful activity at the Capitol building.

12. Business records from AT&T identified the subscriber of ***-***-0924 as a “M.P.” M.P. shares a last name with, and appears to be a parent of, MADISON PETTIT based upon records from the Ohio Bureau of Motor Vehicles (BMV).

13. The records reflect that the cellphone associated with ***-***-0924 was additionally in contact with ***-***-5692 on January 6, 2021, around the time of the unlawful entries to the U.S. Capitol. ***-***-5692 is another phone number on the same AT&T Wireless account owned by M.P., PETTIT’s parent.

14. Additional background searches on PETTIT identified her as having an Ohio driver’s license and an Ohio license plate of ***9951, which returns to a 2012 Blue Chevy Cruze. The FBI also confirmed that BURRESS has an Ohio driver’s license and is the registered owner of a grey 2017 Ford Fusion with the license plate ***7254.

15. A Facebook search for “MADISON PETTIT” returned an account under the same name with photographs of a female that appear to match the BMV photo of PETTIT. Several photographs on the Facebook page depict PETTIT with a male that appears to match the BMV photograph of BURRESS. The Facebook page indicates that PETTIT is in a “relationship” with BURRESS. Business records from Facebook state that ***-***-0924 is associated with the Facebook account under the name “MADISON PETTIT” and that the account is owned by an individual named “MADISON PETTIT.”



Madison Pettit

Profile Pictures · Apr 3 · 🌐

16. Additional business records received from Google and Apple identify accounts subscribed to by a “MADISON PETTIT” to be associated with ***-***-0924. Based on all of the foregoing, as well as the information below, your affiant believes that PETTIT was using the cellphone associated with ***-***-0924 on January 6, 2021.

17. Business records from Facebook identified an account owned by a “GABE BURRESS” that was associated with ***-***-3220. Photographs from that account appear to depict the same male individual with a female who also appears to match the photograph on the profile of “Madison Pettit” above, as the following comparison shows:



18. Business records received from Google and Apple also identify accounts associated with a “GABRIEL BURRESS” to be associated with ***-***-3220. An Apple account associated with Burress and the -3220 phone number has a backup email address (an email address used to verify the Apple account) that is associated with an individual with the last name “Pettit.” That same backup email address is also associated with the Apple and Facebook accounts under the name “Madison Pettit” associated with the -0924 phone number. That association is further evidence that PETTIT and BURRESS are in a relationship.

19. Business records received from Verizon Wireless indicate that subscriber for ***-***-3220 is L.D. Background checks indicate that L.D. is a family member of BURRESS. The business records from Verizon Wireless further reflect that ***-***-3784 is also subscribed to by L.D. A pretext call placed to ***-***-3784 in April 2021 was answered by an unidentified female, while a pretext call to ***-***-3220 went unanswered. The business records from AT&T show that ***-***-3220 exchanged multiple text messages with ***-***-0924 on January 6, 2021.

20. The FBI compared photographs of PETTIT and BURRESS against images and video captured at the U.S. Capitol on January 6, 2021. As a result of that comparison, your affiant located and viewed a video that appears to have been taken from a security camera located within the U.S. Capitol building on January 6, 2021. Your affiant was then able to obtain footage from two security cameras providing coverage of the interior of the U.S. Capitol building on January 6, 2021.

21. Footage taken from one camera at the U.S. Capitol building on January 6, 2021 from approximately 3:01-3:04 PM ET depicts individuals that match the appearance of PETTIT and BURRESS inside the U.S. Capitol building. The individuals matching the appearance of PETTIT and BURRESS are observed entering the U.S. Capitol from an exterior door at approximately 3:02-3:03 PM ET.

22. The individual matching the appearance of PETTIT has blonde hair, is wearing a dark-colored coat and ripped jeans, is at times wearing sunglasses, and is in possession of a dark face mask. This individual remains in proximity to the male matching the appearance of BURRESS. The male matching the appearance of BURRESS is wearing what appears to be a brown or green hat, dark colored coat, black gloves, and carrying a dark colored backpack. The male matching the appearance of BURRESS has his hands around the female, on her hips, for several seconds while they walk closely together.



23. Footage taken from a second camera at the U.S. Capitol on January 6, 2021 between approximately 3:10 - 3:30 PM depicts individuals that match the appearance of PETTIT and BURRESS inside the U.S. Capitol, exiting the Rotunda area towards a common area in proximity to a doorway between 3:12 PM and 3:17 PM.



24. The following images are cropped versions of stills from the CCTV footage identified above, and display the faces of BURRESS and PETTIT more clearly:



25. The individual matching the description of PETTIT appears to be talking on her phone when she enters the U.S. Capitol, and later appears to be filming using her phone as she enters the Rotunda of the U.S. Capitol. BURRESS is not seen utilizing a cell phone during the time he appears within the U.S. Capitol.

26. On February 8, 2021, and April 28, 2021, your affiant conducted surveillance on multiple addresses in Swanton, Ohio associated with PETTIT and BURRESS, including an address in Swanton, Ohio. On February 8, 2021, the blue Cruze registered to PETTIT was observed parked in the driveway of that address in proximity to the grey Ford Fusion registered to

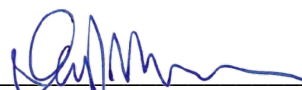
BURRESS. On April 28, 2021, at the same address, the blue Cruze was present and an additional vehicle registered to BURRESS was parked along the side of the driveway.

27. On August 12, 2021, both BURRESS and PETTIT were interviewed outside their residence at that same address in Swanton, Ohio. BURRESS identified himself and PETTIT in pictures shown to him; these pictures were still frames taken from CCTV video footage from the interior of the U.S. Capitol Building on January 6, 2021. BURRESS then admitted traveling to the U.S. Capitol Building on January 6, 2021, with PETTIT and two other individuals. BURRESS stated that he heard others yelling that they were charging the building. BURRESS stated that he followed the crowd to the steps of the U.S. Capitol and was pushed into the Building by the crowd behind him. BURRESS stated that he was inside the U.S. Capitol Building for approximately 10 minutes. BURRESS then confirmed that the ***-***-3220 number is his phone number.

28. PETTIT likewise identified herself and BURRESS in pictures shown to her; these pictures were still frames taken from CCTV video footage from the interior of the U.S. Capitol Building on January 6, 2021. PETTIT admitted entering the building with a crowd of individuals after gates in front of them, which had been holding the protesters back, were removed. She indicated that she heard alarms go off and felt pepper spray in her lungs. She stated she was inside the U.S. Capitol Building for 10-15 minutes.

29. Based on the foregoing, your affiant submits that there is probable cause to believe that MADISON PETTIT and GABRIEL BURRESS 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 so; 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 attempt or conspire 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. As noted above, BURRESS and PETTIT were within a posted, cordoned off, or otherwise restricted area of a building or grounds where the Vice President was temporarily visiting on January 6, 2021.

30. Your affiant submits there is also probable cause to believe that MADISON PETTIT and GABRIEL BURRESS violated 40 U.S.C. § 5104(e)(2)(D) and (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, or (G) parade, demonstrate, or picket in any of the Capitol Buildings.



IAN MOORE
SPECIAL AGENT, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 18th day of August, 2021.



2021.08.18
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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE