

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Rafael Rondon

DOB: XXXXXX

and

Maryann Mooney-Rondon

DOB: XXXXXX

Defendant(s)

Case: 1:21-mj-00586

Assigned To : Faruqui, Zia M.

Assign. Date : 9/1/2021

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:

Code Section

Offense Description

- 18 U.S.C. §§ 641 & 2- Theft of Government Property
18 U.S.C. § 1512(c)(2)- Obstruction of an Official Proceeding
18 U.S.C. § 1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds
18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds
40 U.S.C. § 5104(e)(2)(B)- Entering and Remaining in the Gallery of Congress
40 U.S.C. § 5104(e)(2)(C)- Entering and Remaining in Certain Rooms in the Capitol Building
40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Jonathan Lund, 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: 09/02/2021



Judge's signature

2021.09.02 18:35:47 -04'00'

Printed name and title

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Jonathan Lund, 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. 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 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 violations of Federal criminal laws.

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.

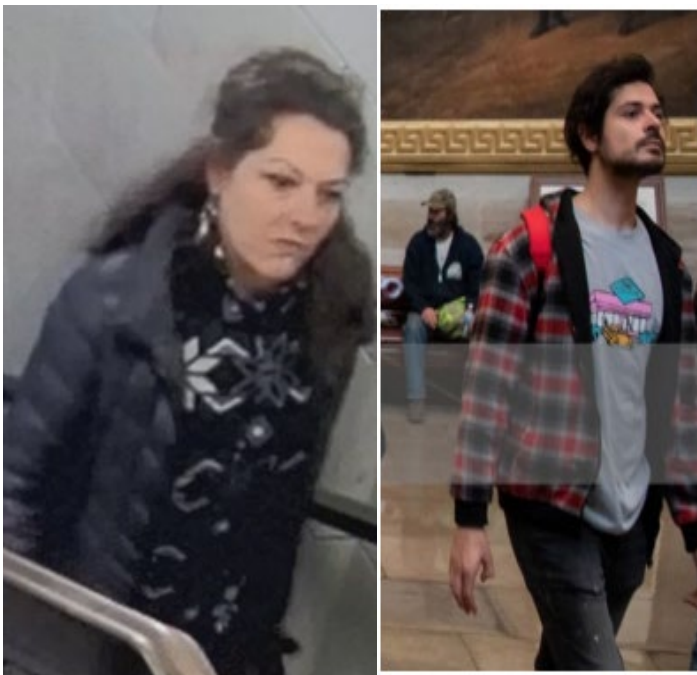
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals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

The FBI Washington Field Office published a collection of images of individuals it was seeking to identify in connection with the riots at the U.S. Capitol on January 6, 2021. On Tuesday, May 4, 2021, FBI received an electronic tip that identified MARYANN MOONEY-RONDON and her son, RAFAEL RONDON, by name as the female and male depicted in FBI Capitol Violence Photographs 225 and 224 respectively (shown below).¹ As described in further detail below, FBI has corroborated the identification of Photographs 225 and 224 as MARYANN MOONEY-RONDON and RAFAEL RONDON:



A review of information received from Verizon Communications revealed MARYANN MOONEY-RONDON is a Verizon Wireless subscriber. TELEPHONE NUMBER 1 and TELEPHONE NUMBER 2, belonging to MARYANN MOONARY-RONDON and RAFAEL RONDON respectively, were identified as having utilized a cell site consistent with providing service to a geographic area which included the interior of the United States Capitol building on January 6, 2021.

¹ FBI has published multiple photographs of the individuals identified in Photographs 225 and 224, taken from different angles or at different times, all of which are available at <https://www.fbi.gov/wanted/capitol-violence>. The images below are specifically marked as Photograph #225 A (left) and Photograph #224 A (right).

Available CCTV surveillance video from inside the U.S. Capitol on Wednesday, January 6, 2021, captures MARYANN MOONEY-RONDON and RAFAEL RONDON entering the building via the breached Senate wing door at or about 2:23 p.m. (see screenshot below). The two proceeded together through the crypt on the first floor, up to the second floor, and into the suite of the Speaker of the House of Representatives, Nancy Pelosi near room H227 at or about 2:32 p.m.



At approximately 2:33 p.m. MARYANN MOONEY-RONDON and RAFAEL RONDON are observed in CCTV surveillance video entering the Speaker of the House of Representatives, Nancy Pelosi's, conference room, H230.

In an approximately 5-second video recorded by a bystander from inside the Speaker's office conference room, an individual's arm is shown reaching from outside the frame of the recording toward a laptop and gloves that are sitting on a conference table. The individual is wearing a dark padded jacket and appears to have a ring on their right-hand thumb and another ring on their right-hand ring finger, consistent with images of MARYANN MOONEY-RONDON captured in CCTV surveillance footage. In the bystander video, a female voice states, "Dude, put on gloves," while an unidentified male with his back turned to the camera then appears to use the gloves to lift the laptop from the table before the recording ends.

Agents have confirmed that a laptop was stolen from Speaker Pelosi's conference room on January 6, 2021.

The same bystander video partially shows another individual wearing a red and black plaid jacket; grey or white shirt; and dark pants, consistent with images of RAFAEL RONDON captured in CCTV surveillance footage. He is seen standing across the table from the arm believed to belong to MARYANN MOONEY-RONDON and the unknown male, with his left hand resting on top of a chair. A still image from the bystander video, which appears to show partial images of MARYANN MOONEY-RONDON and RAFAEL RONDON, is copied below:



At or about 2:42 p.m., CCTV surveillance video shows MARYANN MOONEY-RONDON and RAFAEL RONDON entering the Senate Gallery which overlooks the Senate Floor. Publicly available images show the two inside:



After exiting the Senate Gallery, MARYANN MOONEY-RONDON and RAFAEL RONDON are observed in CCTV surveillance video carrying ILC Dover SCape CBRN30 escape hoods with satchels (a black pouch with an orange strap), a filtering respiratory protective device maintained in the U.S. Capitol for Members of Congress and staff for self-rescue that provide thirty minutes of protection from carbon monoxide, chemical, biological, radiological and nuclear contaminants. The government sustained a loss of \$235.18 per hood with satchel, totaling \$470.36.

At approximately 2:52 p.m. publicly available images depict MARYANN MOONEY-RONDON and RAFAEL RONDON exiting the U.S. Capitol via the Rotunda steps onto the east front. RAFAEL RONDON is wearing an escape hood with the satchel in his left arm and MARYANN MOONEY-RONDON has the orange strap of an escape hood visible across her chest.



On June 29, 2021, the FBI executed a search warrant at the RONDON's residence in Watertown, NY. During the residential search, MARYANN MOONEY-RONDON's dark colored jacket she is seen wearing in the above photos was located in her home. RAFAEL RONDON's black, red and gray hooded zip up jacket and red Vans brand sneakers he is seen wearing in the above photos were also located at the home. Additionally, two emergency escape hood bags taken from the U.S. Capitol were located in the home.

Interview with MARYANN MOONEY-RONDON

During a voluntary interview with MARYANN MOONEY-RONDON, she acknowledged entering the U.S. Capitol on January 6, 2021. MARYANN MOONEY-RONDON was aware she had been identified in FBI Capitol Violence Photograph 225. MARYANN MOONEY-RONDON stated that she knew the Presidential election results were being Certified prior to entering the U.S. Capitol. MARYANN MOONEY-RONDON admitting seeing police officers with shields outside the U.S. Capitol, and witnessed members of the crowd "pushing" against the officers. After making her way to Speaker Pelosi's conference room, MARYANN MOONEY-RONDON admitted to providing gloves to a male individual to facilitate the theft of a government laptop from the conference room. MARYANN MOONEY-RONDON confirmed that it was her arm that was shown in the above-referenced bystander video. MARYANN MOONEY-RONDON stated that she saw "the gentleman that took the computer," explaining further that, "I'm pretty sure I saw him put it in a backpack . . . probably 100 percent."

MARYANN MOONEY-RONDON further stated: "He asked, he said, give me – I don't know if it was gloves or a scarf I was wearing – and like I said he scared me." She continued: "When he asked for, whatever he asked for to, I think he just didn't want to touch it . . . I mean that's why I was like, we gotta get out of here, this isn't right, I mean he scared the crap out of me." She continued: "He was close to us, at that point, and like, I knew, like, yeah, you shouldn't be doing that. . . . If I recall, the guy was going to yank it out. I'm like, dude, don't do that, I mean that's, I mean just the computer, you can't pull the cables out, it'll ruin everything." When asked if she provided gloves to the individual, MARYANN MOONEY-RONDON stated that "it could have been either my gloves or my scarf, I don't recall."

According to MARYANN MOONEY-RONDON, she proceeded to the Senate Gallery where the election results should have been taking place except for the U.S. Capitol being overrun. On her way out of the U.S. Capitol MARYANN MOONEY-RONDON took an escape hood and bag from the U.S. Capitol. MARYANN MOONEY-RONDON shared pictures with the interviewing agents that she had taken inside Speaker Pelosi's conference room.

Interview with RAFAEL RONDON

During a voluntary interview with RAFAEL RONDON, he acknowledged entering the U.S. Capitol on January 6, 2021, with his mother, MARYANN MOONEY-RONDON. RAFAEL RONDON told agents that he and his mother, MARYANN MOONEY-RONDON, rode the Metro into the District of Columbia on the morning of January 6, 2021, “because I’m not taking my car into the city which, the Capitol building I’m about to break into.” RAFAEL RONDON confirmed he was the male depicted in FBI Capitol Violence Photograph 224.

RAFAEL RONDON stated that, “I think everybody was going there for about the same reason I was, just have your voice heard.” After making their way to the suite of the Speaker of the House of Representatives, Nancy Pelosi near room H227, RAFAEL RONDON and MARYANN MOONEY-RONDON, entered the Speaker’s conference room. Inside, RAFAEL RONDON admitted that he assisted an individual to place the laptop in a bag using a glove. Specifically, RAFAEL RONDON stated: “While we were in the office, one of the [individuals], he was trying to rip the ethernet cords to one of the laptops, and he yelled at me and my mother to help him. And I was honestly a little bit afraid, because I didn’t know if he had anything on him . . . So I assisted him a little bit, and that was probably stupid of me.”

RAFAEL RONDON stated: “I think I like pushed in his bag a little bit using a glove ‘cause he didn’t want to get his fingerprints on it.” RAFAEL RONDON and MARYANN MOONEY-RONDON proceeded to the evacuated Senate Gallery where Certification of the Presidential election was previously taking place. RAFAEL RONDON confirmed he was the male depicted in publicly available video sitting in the aforementioned clothing inside the Senate gallery. On his way out of the U.S. Capitol, RAFAEL RONDON removed an escape hood and satchel without permission. RAFAEL RONDON confirmed he was the male depicted in publicly available images of the exterior of the Rotunda steps wearing an escape hood with the satchel in his left arm. To prevent incriminating himself, RAFAEL RONDON asserted that he deleted photographs on his cellphone from inside the breached U.S. Capitol building.²


² On April 22, 2021, a search warrant was obtained for premises in Homer, Alaska based in part on evidence showing that two residents (a married couple) trespassed on the grounds of the U.S. Capitol on January 6, 2021, documented by contemporaneous social media postings and their own admissions. The female subject was also identified by at least two witnesses in her community as matching the description of a female shown in FBI Capitol Violence Photograph 225 (the same photograph that MARYANN MOONEY-RONDON has been identified in). *See* 3:21-mj-237 (D. Alaska). Notwithstanding those prior identifications of the female subject from Homer, Alaska who had participated in the January 6 events as the woman depicted in Photograph 225, there is probable cause to believe MARYANN MOONEY-RONDON and RAFAEL RONDON are the individuals shown in Photographs 225 and 224, respectively, based on admissions by both subjects during their voluntary interviews with the FBI (wherein they identified themselves as the individuals shown in Photographs 225 and 224); evidence recovered during the search warrants at the RONDON residence; and evidence showing both subjects are registered to Verizon cellular phones that were captured in Verizon search warrant returns as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building during the relevant time frame on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that MARYANN MOONEY-RONDON and RAFAEL RONDON 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.

Your affiant submits there is also probable cause to believe that MARYANN MOONEY-RONDON and RAFAEL RONDON violated 40 U.S.C. § 5104(e)(2)(B), (C)(i), and (D) which makes it a crime to willfully and knowingly (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; and (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.

Your affiant submits there is probable cause to believe that MARYANN MOONEY-RONDON and RAFAEL RONDON violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Finally, your affiant submits there is probable cause to believe that MARYANN MOONEY-RONDON and RAFAEL RONDON violated 18 U.S.C. §§ 641 and 2, which makes it a crime for a person to embezzle, steal, purloin, or knowingly convert to his use or the use of another, or without authority, sell, convey or dispose of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or receive, conceal, or retain the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted, or to aid and abet another in doing so.



SA Jonathan Lund
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of September 2021.





2021.09.02

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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE