

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since 2014. Specifically, I am assigned to the Washington Field Office (WFO) and currently 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, 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.

On or about January 17, 2021, the FBI became aware of audio-video and image files, posted on social media and youtube, of one particular person, who was unlawfully inside and around the Capitol on January 6, 2021. In one audio-video post, the subject verbally identified himself as “Ronnie Presley” “from Tennessee.” In several of the postings, including the one in which the subject verbally identifies himself, the subject’s face can be clearly seen. Additionally, the FBI has identified a Facebook account designated “ronnie.bpresley.5,” in which the profile photo is captioned “Ronnie B Presley.” The individual in the profile photo for the Facebook account has a consistent physical appearance with the person who verbally identified himself as “Ronnie Presley” in the audio-video post.

In one of the audio-video posts from January 6, 2021, Ronnie Pressley of Tennessee, speaking into a cell phone states:

“I stand on the top step of the Capitol.”

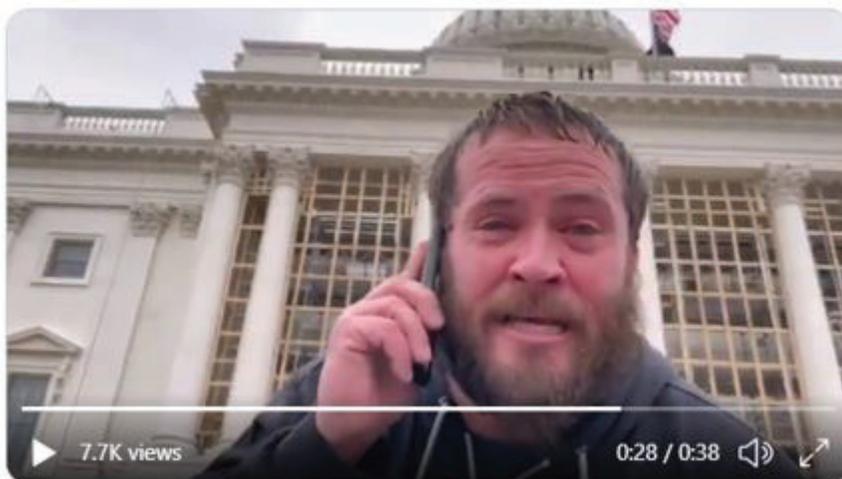
“Yeah. I can hear you. Do you see me? I am on the top step of the fucking Capitol!”

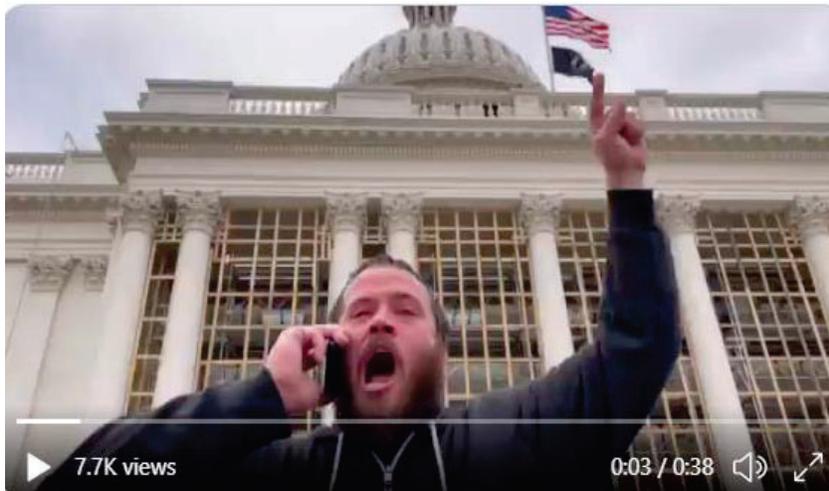
In another post, also on January 6, 2021, Ronnie Presley is with a group of other persons unlawfully present near scaffolding just outside the Capitol building, and is heard yelling: “Stands is where we need to go. Do it!” This post is taking place as various persons are unlawfully climbing the scaffolding.

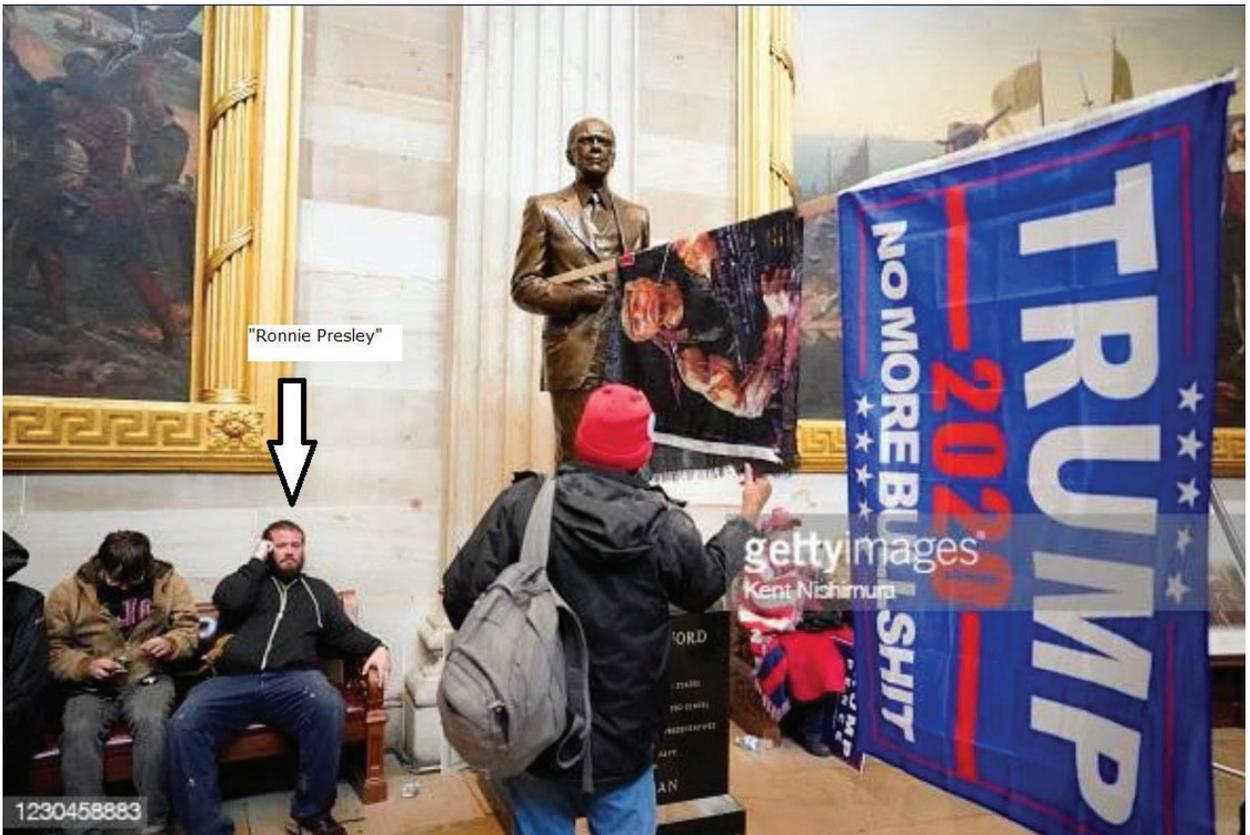
In another post, Ronnie Presley states: “I’m the guy who got you in this building. Don’t take my word for it. Watch the video.”

In one posted image, Ronnie Presley is among a group of persons in front of a Capitol doorway with a broken window. In the image, Ronnie Presley has grabbed the top portion of a U.S. Capitol Police Officer’s riot shield.

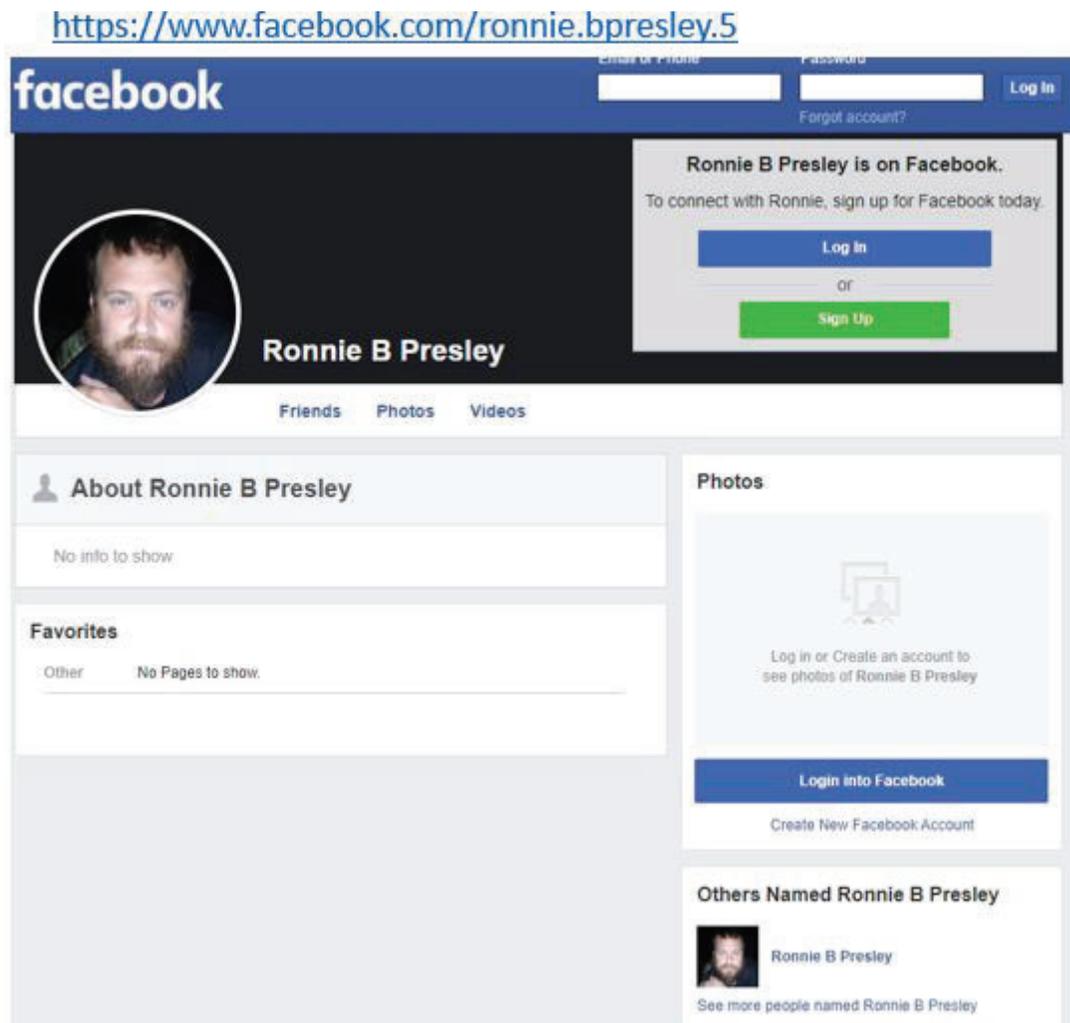
Stills from the social media audio-video files, and the social media images, appear here:







The profile page of the Facebook account ronnie.bpresley.5 appears here:



Driver's license records from Tennessee revealed a RONNIE BRIAN PRESLEY (hereinafter, PRESLEY), and provided a date of birth for PRESLEY and a residence address in Tennessee. PRESLEY's image in the Tennessee driver's license records is a strong match for both the person unlawfully inside of the Capitol on January 6, 2021, who verbally identified himself on social media as "Ronnie Presley . . . from Tennessee" and for the profile image on the Facebook account of ronnie.bpresley.5. In addition, two persons who are close to PRESLEY, in separate interviews, confirmed to law enforcement that the person in the post identifying himself as "Ronnie Presley from Tennessee" is in fact PRESLEY.

Based on the foregoing, your affiant submits that there is probable cause to believe that PRESLEY violated 18 U.S.C. § 1752(a)(1), (2), and (4), 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; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires 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.

Your affiant submits there is also probable cause to believe that PRESLEY violated 40 U.S.C. § 5104(e)(2)(D), (F) 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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant further submits there is probable cause to believe that PRESLEY violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer 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 commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

//

//

//

//

//

//

//

Finally, your affiant submits there is probable cause to believe that PRESLEY 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 29th day of January 2021.

A handwritten signature in blue ink, appearing to read 'ZMF'.



2021.01.29
17:14:42 -05'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE