

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”). I have been in this position since March 2010. I am currently assigned to the Cincinnati Division, where I investigate, among other things, violent crimes, weapons violations, money laundering, public corruption, and fraud. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the 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 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 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 Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the 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 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 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 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

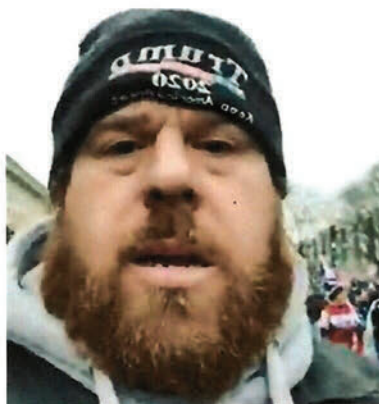
violations of local and federal law, including scores of individuals inside the Capitol without authority to be there.

On January 8-9, 2021, the FBI received information from an individual who knows STEVEN C. BILLINGSLEY (“BILLINGSLEY”) that BILLINGSLEY attended the Capitol riot with a small group of friends and live-streamed videos of himself on the Capitol grounds on January 6, 2021, to his Facebook account at www.facebook.com/stephen.billingsley.16. The videos, which I reviewed, depicted BILLINGSLEY’s first-person perspective and narration and appeared to show him breach a barricade on the Capitol grounds and engage in a variety of conduct there.

The tipster indicated that BILLINGSLEY maintained two Facebook accounts – one in which BILLINGSLEY spelled his name “Steven” and the other in which he spelled his name “Stephen” – and that sometime after January 6, 2021, BILLINGSLEY took down the latter account, where the videos of BILLINGSLEY at the Capitol were posted.

Based on records obtained from Facebook, the FBI determined that BILLINGSLEY is associated with at least two Facebook accounts: one with vanity name “steven.billingsley.75” and one with vanity name “stephen.billingsley.16.” Both accounts are linked to a separate phone number that is registered in the name of an individual who shares or shared BILLINGSLEY’s known current home address. Both accounts are also linked to a bank account in BILLINGSLEY’s own name. The Facebook records confirmed that the account with vanity name “stephen.billingsley.16” was closed on March 28, 2021.

The Facebook records also confirmed that BILLINGSLEY was in Washington, D.C., and entered the Capitol grounds on January 6, 2021. BILLINGSLEY recorded and shared on his “stephen.billingsley.16” page a series of first-person videos that day that he continuously narrates and that capture him engaging in a variety of activity. During one of the videos, BILLINGSLEY is depicted walking east on Constitution Avenue, N.W., toward the Capitol, and turns the camera on himself as he continues narrating, as shown in this screenshot:



BILLINGSLEY’s image in this screenshot matches his appearance in his state-issued driver’s-license photo.

Other first-person videos BILLINGSLEY recorded depict in him an array of conduct during which he talks constantly. BILLINGSLEY's face is not displayed in these videos, but his voice is loud and consistent with that heard during the other video with the camera turned on himself while he spoke.

In one video, as BILLINGSLEY neared the Capitol, he saw an individual climbing scaffolding and shouted, "Yeah, baby – storm the Capitol! That's where the thieves are!" As he walked further toward the building, he entered the Capitol grounds adjacent to the Peace Monument and Peace Circle at 1st Street, N.W., and crossed over the area that had been cordoned off as restricted grounds due to the Vice President's presence at the Capitol. As he stepped over metal barricades lying on the ground, he stated, "This is where they had it closed off. We're going past it."

As BILLINGSLEY walked further on the grounds, he said, "We're going as far as we can get." When he neared a barricaded, canopied entry point on the grounds closer to the Capitol building, he shouted in the direction of police officers standing guard there, "We're going through that barricade. Fuck you people, this is our house." He continued shouting at the officers, "We're going through. We can do it the nice way or the hard way. . . . You guys turned on us." As BILLINGSLEY talked with others who had gathered near the canopy, he stated, "Who cares about them cops? We overpower them." He screamed at the cops, "We're gonna walk right in there. Go get your little bicycles." He told another person, "If they contest one state, we're tearing this motherfucker down."

In another video, BILLINGSLEY narrates from a grassy area adjacent to the Capitol building, and acknowledges the presence of police officers in the area. A loud bang goes off in the distance, and BILLINGSLEY yells, "Yee haw." One of the officers tells BILLINGSLEY, "That means they started using pepper spray." BILLINGSLEY responds, "No, that means we're gonna have 3 million bomb ya'll." The officer then commands BILLINGSLEY to move down from the grassy area. BILLINGSLEY begins to move, and other bangs go off in the distance. BILLINGSLEY states, "That doesn't scare us," and says to other officers, "We're coming. It don't matter what you got; we're gonna get it."

Another video shows BILLINGSLEY make his way to the grounds on the east side of the Capitol. On the perimeter of the East Front plaza adjacent to the Capitol's Senate Wing, BILLINGSLEY narrates, "They're still breaching it. We've come around here, they're just tearing all their barricades down." He then told another person, "Well, move it out of the way," and he assisted at least one other individual with undoing a metal barricade, which BILLINGSLEY then breached to enter the plaza. The East Front plaza was also within the cordoned-off area that was restricted grounds on January 6, 2021.

Shortly after entering the East Front plaza, BILLINGSLEY joined chants of "U.S.A." and "Stop the Steal." As police officers motioned for him and others to leave the plaza, BILLINGSLEY shouted at them, "You're not gonna stop 3 million." He told one officer, "We love you, man. This is war." He said to other officers, "We get numbers, you're in trouble." After walking over additional barricades strewn on the plaza ground, he yelled, "This is our house." He exhorted others in the plaza, "They can't stop us in numbers, remember that. This is war."

As BILLINGSLEY neared the plaza area in front of the Capitol's Rotunda Doors, he again stated, "We're gonna tear this motherfucker down." He repeatedly screamed, "Push!" at other rioters who were well in front of him and confronting a line of police officers, and banged on a black Suburban vehicle, which he called a "Secret Service vehicle." BILLINGSLEY joined other chants of "U.S.A." and "Fight for Trump." In another video, he narrates, "We're trying to break the breach," and encourages others in front of him, "They're getting up there! Go! Push! Push!"

Another first-person video depicts BILLINGSLEY advancing up the steps in front of the Rotunda Doors at the Capitol's East Front. He narrates, "We're up the steps. We're pushing 'em back. We're at the top, ya'll. . . . I'm going to the fucking top. . . . We're taking the House." The video appears to show BILLINGSLEY made it to within approximately 20 feet of the Rotunda doors, but does not show him enter the Capitol. In other videos, BILLINGSLEY remarks about how additional police reinforcements appeared on the scene to drive rioters back, and he states, "I guess we gotta retreat this time."

While still on the East Front plaza and within the restricted area, BILLINGSLEY stated, "We're not done. This is just a warning to them." He and others discussed seeing Members of Congress looking out from the Capitol's windows. One person remarked, "We don't want to hurt 'em." BILLINGSLEY responded, "No, we *do* want to hurt Pelosi. I do. Yeah, I would hang her from that big— you see that tree over there? We'd put a rope and hang her. We hang her and Schumer over there, they'll all go, 'Oh, shit.'"

FBI conducted an initial and subsequent interviews with the tipster, during which the FBI showed the tipster four photos. The first photo was BILLINGSLEY's Ohio state-issued driver's-license photo, which the tipster identified as BILLINGSLEY with 100% certainty.

The photo, below, derived from BILLINGSLEY's Facebook page, was a photo the FBI showed the tipster during the initial interview in which the tipster misidentified an individual wearing a red hoodie and pushing against a barricade, as BILLINGSLEY:

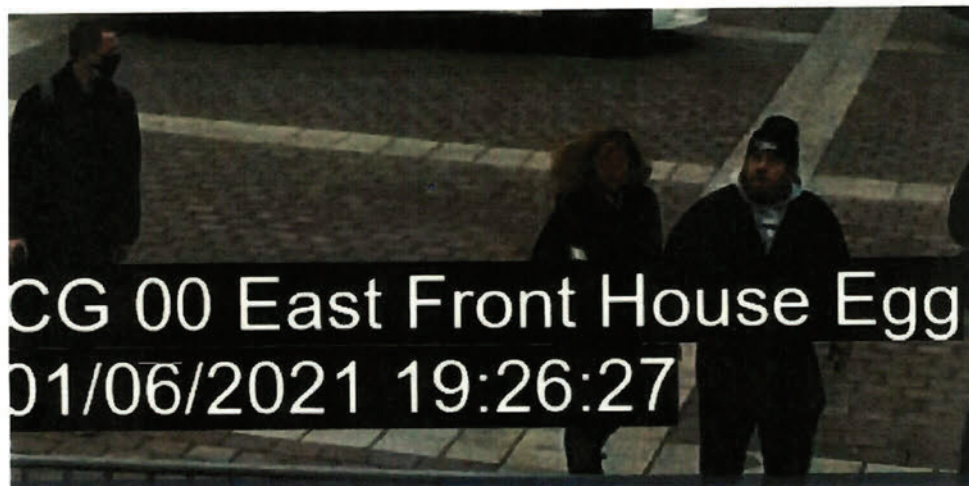


When FBI showed this photo again to the tipster in a subsequent interview, the tipster recalled this photo had been posted on BILLINGSLEY's Facebook page. The tipster remembered that someone had posted in the comments to the photo, "Look, this is us," and assumed that it might be BILLINGSLEY, considering that comment and the surrounding area looked similar to a first-person video BILLINGSLEY posted to Facebook depicting his presence on Capitol grounds. In addition, the tipster saw other videos posted on BILLINGSLEY's and another Facebook user's Facebook pages in which BILLINGSLEY was wearing a red hoodie. Records from Facebook show that BILLINGSLEY displayed the following photo of himself on his page on January 5, 2021:



The design on BILLINGSLEY's shirt is similar to that of the red hoodie worn by the individual whom the tipster initially misidentified as BILLINGSLEY.

Another photo that the FBI showed the tipster in a subsequent interview, below, was derived from a Capitol surveillance video. This photo shows two men and one woman, including one man consistent with the physical appearance of BILLINGSLEY, as depicted in the screenshot, above, when BILLINGSLEY turned the camera on himself while walking to the Capitol. This man is wearing a dark knit winter hat and a dark jacket – also consistent with the prior screenshot of BILLINGSLEY walking to the Capitol – walking on the East Front area of the Capitol grounds during the afternoon of January 6, 2021. The tipster stated that man resembled BILLINGSLEY:

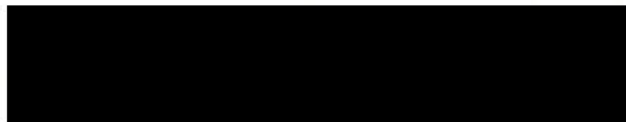


The final photo shown to the tipster in the subsequent interview, below, depicted several individuals on Capitol grounds. One of these individuals included a man, holding what appears to

be a cellphone and whose physical appearance is consistent with the physical appearance of BILLINGSLEY, wearing the same attire as the man the tipster said resembled BILLINGSLEY in the photo from the East Front area, above. The tipster said this man, whom an FBI agent circled in blue before showing the photo to the tipster, also resembled BILLINGSLEY:



Based on the foregoing, your affiant submits that there is probable cause to believe that BILLINGSLEY 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 attempts or conspires to do so. For purposes of Section 1752 of Title 18, "restricted . . . grounds" 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.



FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 12th day of August 2021.

Digitally signed by
G. Michael Harvey
Date: 2021.08.12
11:19:09 -04'00'

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE