

Case: 1:22-mj-00254
Assigned To : Harvey, G. Michael
Assign. Date : 11/15/2022
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”) Chicago’s Counterterrorism Branch – All Hazards Assessment squad. In my duties as a Special Agent, I handle initial threat information, criminal complaints, events and suspicious activities. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. Through my employment with the FBI, I have gained knowledge in the use of various investigative techniques including the utilization of physical surveillance, investigative interviews, financial investigations, the service of administrative and grand jury subpoenas, and the execution of search and arrest warrants, including the execution of search warrants involving electronic evidence. Prior to my employment with the FBI, I was employed with the Lafayette Police Department (“LPD”) in Indiana for approximately six years. During my tenure with LPD, I gained experience investigating threats and criminal matters. I also gained experience in testifying in state court. 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 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.

Since January 6, 2021, the FBI has been investigating and identifying those who were inside of the Capitol without authority and disrupted the proceedings. During that investigation, and pursuant to legal process, the FBI learned that a device associated with the Google account tjyangXXXX@gmail.com¹ (hereinafter, the “Subject Account”) was present near or inside of the Capitol between approximately 2:22 PM and 4:02 PM EST on January 6, 2021. The Subject Account is associated with the name “T. J. Yang” (hereinafter, the “defendant” and “YANG”) and with a recovery telephone number of XXX-XXX-5910 (the “Subject Telephone Number”).² Legal process sent to the service provider of the Subject Telephone Number identified the name “TJ YANG” as the contact name for that number and identified a contact address of XXX Merchandise Mart Plz, Chicago, IL 60654 for (at least) the period between November 3, 2020, and October 27, 2021.³ Based on information provided by the United States Customs and Border Patrol (“CBP”), I believe that contact address matches that of YANG’s current place of employment. In addition, I determined that the defendant provided the Subject Telephone Number on a Passport Renewal Application submitted in April 2022; that passport was in the name “Tyng Jing Yang.” YANG also provided that same telephone number to United States Customs and Border Patrol officials in September 2022 during inspection related to international travel. I determined through additional legal process that both the Subject Account and the Subject Telephone Number were associated with current Uber and Facebook accounts; those accounts were registered to “tj yang” and “T.J. Yang,” respectively.

Through legal process, your affiant also obtained and reviewed geolocation records associated with the Subject Account. The Subject Account’s geolocation data showed that the defendant left Chicago on January 5, 2021, and arrived in Washington, D.C., on January 5, 2021. That same data also showed that the defendant departed Washington, D.C., on January 7, 2021,

¹ Personal identifying information has been redacted.

² Personal identifying information has been redacted.

³ Personal identifying information has been redacted. According to the service provider, the same telephone number also had associated with it a subscriber last name of “Robin Cell,” a subscriber first name of “Paul,” and a different subscriber address; as described above, however, the listed contact last name was “Yang” and the contact first name was “TJ.”

and returned to Chicago on January 7, 2021. Your affiant confirmed that airline tickets issued to “YANG / TYNG JING” were utilized on these dates.

Your affiant has confirmed with management at the Hilton Garden Inn in Washington, D.C. that lodging was booked in the name of the defendant at that hotel for January 5 and January 6, 2021. These dates coincide with the purchase of an airline ticket (on December 25, 2020) and travel to Virginia (on January 5, 2021) by the defendant.

During the investigation, the FBI reviewed the toll records⁴ associated with the Subject Telephone Number. Between January 5, 2021, and January 7, 2021, the defendant placed or received 12 calls originating in Virginia, with 10 calls specifically originating out of Washington D.C. On January 6, 2021, two phone calls were received from XXX-XXX-7830, a number associated with the defendant’s spouse.⁵

On January 6, 2021, the data associated with the defendant’s cell phone number showed that he was in the vicinity or inside of the Capitol between the approximate times of 2:22 PM and 4:02 PM.

The toll information is further corroborated with additional records obtained from the service provider for the Subject Telephone Number. These records indicated that, in and around the time of the U.S. Capitol breach, the Subject Telephone Number was identified as having utilized a cell site consistent with service for a geographic area that included the interior of the United States Capitol building. Cell site data indicated a Motorola Moto Z2 Force bearing international mobile equipment identity (“IMEI”) XXXXXXXXXXXX21020⁶ utilized the Subject Telephone Number. That device is associated with the defendant through records obtained through legal process.

Your affiant obtained the Illinois driver’s license photograph for YANG, and the individual in that photograph appears to be the same person as the individual depicted in the following images from in and around the U.S. Capitol on January 6, 2021.

⁴ Also known as a call detail record, a toll record is a data record produced by a telephone exchange or other telecommunications equipment that documents the details of a telephone call or other telecommunications transaction (e.g., text or media message) that passes through that facility or device. The record contains various attributes of the call or message, such as time, duration, completion status, source number, and destination number.

⁵ Personal identifying information has been redacted.

⁶ Personal identifying information has been redacted.

In addition, your affiant and other investigators from the FBI interviewed a person familiar with YANG (hereinafter, “Witness 1”) from a prior landlord/tenant relationship. Witness 1 was shown the Illinois driver’s license photograph of both YANG and his spouse, and identified both YANG and his spouse from those photographs as individuals known to Witness 1 from that prior relationship. Investigators then showed Witness 1 the photographs depicted in images 1 – 3 below. Witness 1 asked investigators if the male on the left side of Image 1 below was the same male as in the driver’s license photograph, and told investigators, in sum and substance, that the individual in the photographs was YANG.



IMAGE 1: The second image shown to Witness 1. The other male subject (next to YANG) has been identified as Garrett Miller (“MILLER”), who is charged in 21-CR-00119-CJN, and who also appears in IMAGE 4, 5, 12, 13, 14, 15 and 18.

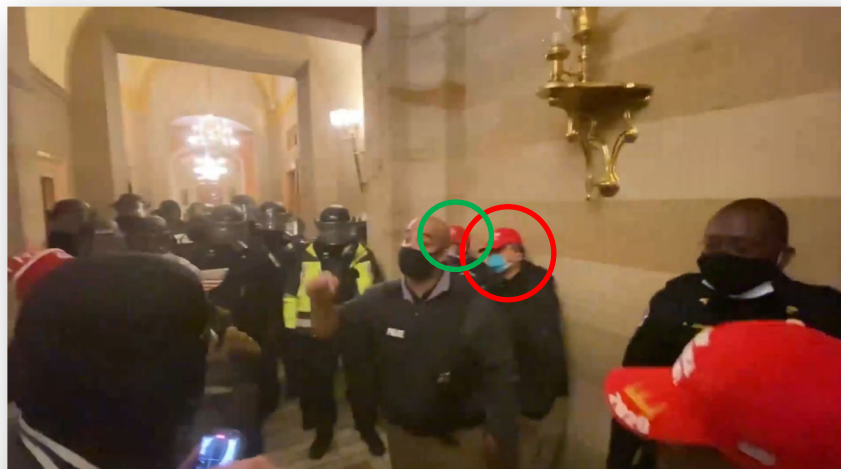


IMAGE 2: The third image shown to Witness 1.



IMAGE 3: The fourth image shown to Witness 1.

The FBI reviewed additional open-source videos, including videos uploaded to YouTube, InfoWars, Twitter, Rumble, and Getty Images. An individual bearing a strong resemblance to be the defendant is observed throughout the various videos. The clothing worn by this individual, dark colored jacket, bright green colored surgical mask, red colored Trump hat, and khaki-colored pants, are consistent throughout the various images obtained.



RAW FOOTAGE: Wild Protest in Washington D.C. on January 6th, 2021

IMAGE 4 / 5: Images obtained from “InfoWars.com,” with defendant inside of Capitol Building and circled in red. Subject in green (MILLER) also appears in IMAGE 1, 12, 13, 14, 15 and 18.



IMAGE 6: Image obtained from Twitter with defendant inside of Capitol Building and circled in red.

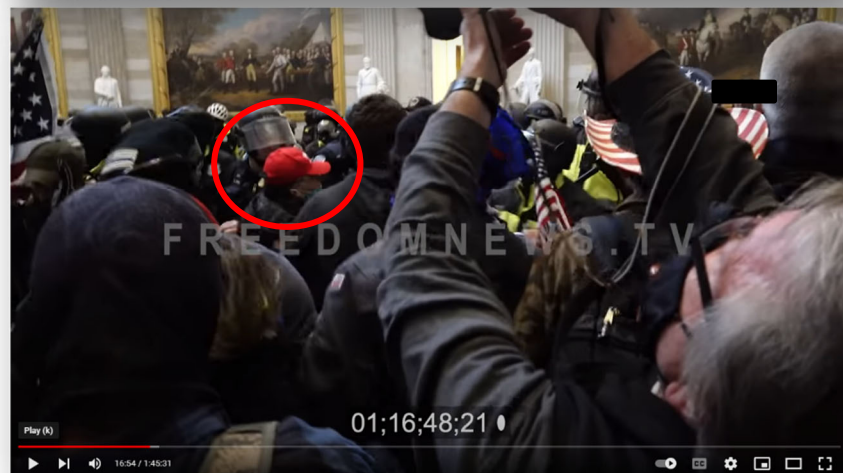


IMAGE 7/8: Images obtained from YouTube, with defendant inside of Capitol Building and circled in red.



IMAGE 9: Image obtained from Getty Images, with defendant outside of Capitol Building and circled in red.

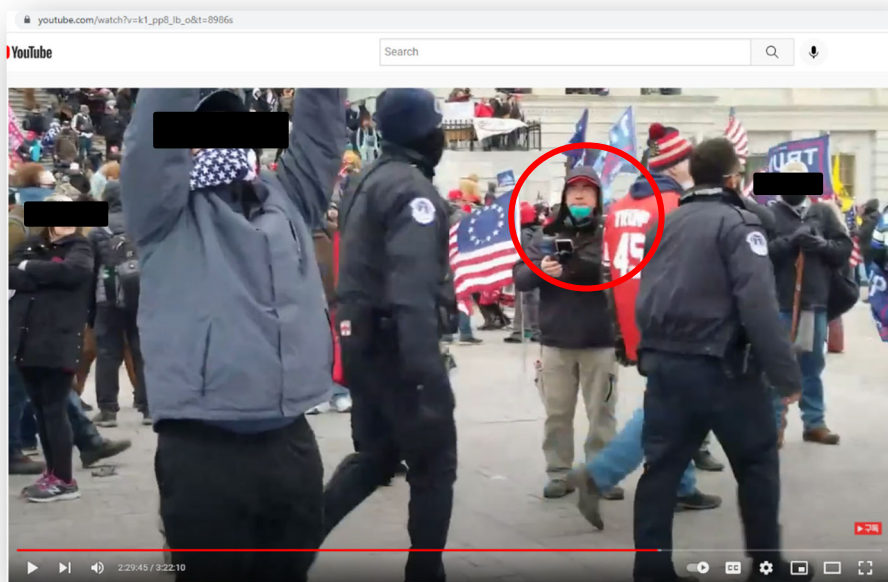


IMAGE 10: Image obtained from YouTube with defendant outside of Capitol Building, circled in red, holding a cellular phone.



IMAGE 11: Image obtained from Rumble with defendant outside Capitol Building and circled in red.

By reviewing CCTV from the Capitol, your affiant was able to identify and isolate a screenshot that shows approximately the same moment as IMAGE 1 from a different angle.

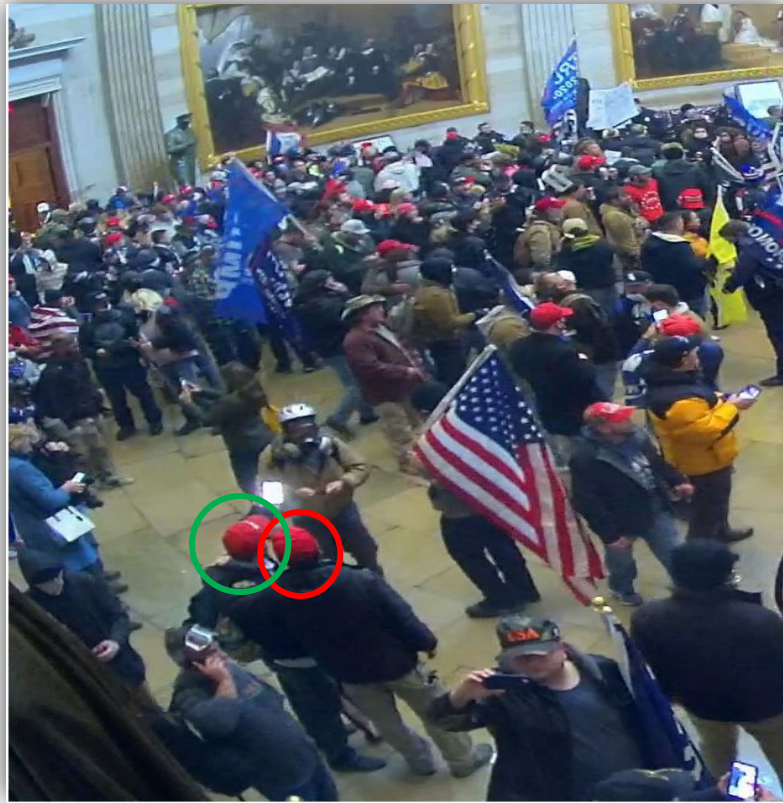


IMAGE 12: Image obtained from CCTV, with defendant inside Capitol Building and circled in red. Defendant is posing for a photo with subject circled in green (MILLER), the same subject depicted with YANG in Image 1, 4, 5, 13, 14, 15 and

¹⁸ Shortly after defendant poses for a photo with the other male, the defendant pulls out his phone and duplicates the photo taken.

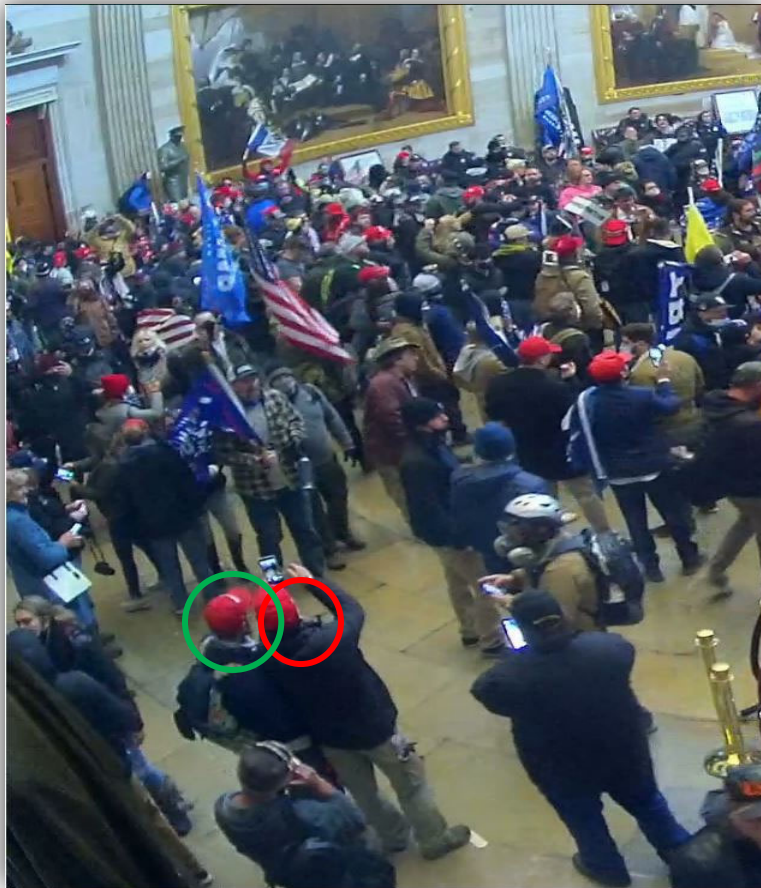


IMAGE 13: Image obtained from CCTV, with defendant inside Capitol Building and circled in red. Defendant is posing for a photo with the subject circled in green (MILLER) who is also depicted with YANG in 1, 4, 5, 12, 14, 15 and 18.



***IMAGE 14:** Image obtained from BWC footage, with defendant circled in red. Image shows a different angle as provided in Images 4 / 5. Subject circled in green (MILLER) also appears in IMAGE 1, 4, 5, 12, 13, 15 and 18.*

Shortly thereafter, additional CCTV footage taken during the riot show law enforcement officers attempting to clear a large number of individuals from the Capitol Rotunda, including YANG. During those efforts, YANG physically resisted law enforcement officers and grabbed hold of a police baton while an officer was using it to push back against other rioters.



***IMAGE 15:** Image obtained from CCTV footage, with defendant circled in red and red arrow pointing to YANG's hand as he grabs hold of a police baton. Subject circled in green (MILLER) also appears in Images 1, 4, 5, 12, 13, 14 and 18.*

Additional CCTV video shows the defendant at various locations throughout the Capitol, including entering through the Upper West Terrace doors, taking a selfie in the vicinity of the Rotunda North, walking through a location known as the Rotunda Door Interior and leaving through the Rotunda Lobby East Stairs.



IMAGE 16 / 17: Image obtained from CCTV, with defendant circled in red. Defendant is observed entering through the Upper West Terrace Doors.

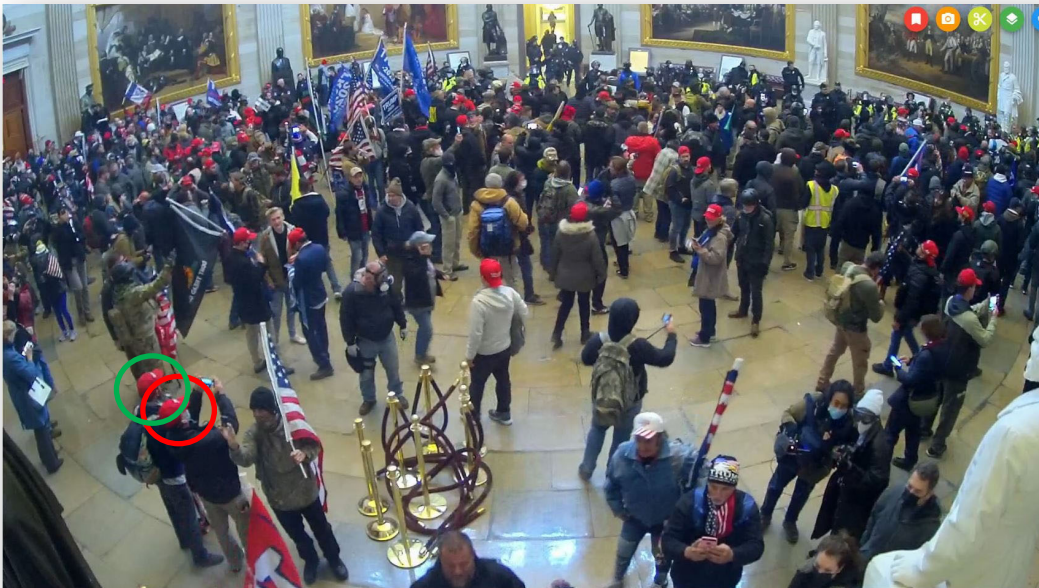


IMAGE 18: Image obtained from CCTV, with defendant circled in red. Defendant is observed standing in the vicinity of the Rotunda North Door while holding a cellular telephone in his hands. The male to defendant's left (MILLER) is the same male as in Images 1, 4, 5, 12, 13, 14, and 15 (circled in green).

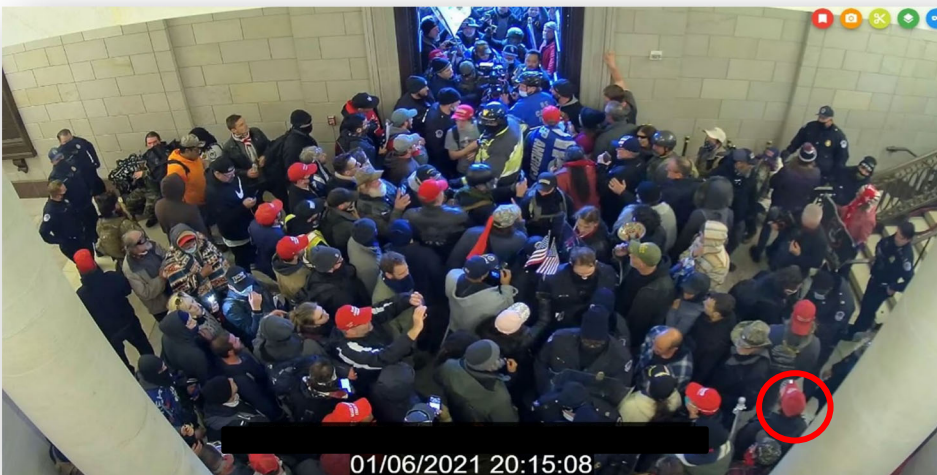


IMAGE 19: Image obtained from CCTV, with defendant circled in red. Defendant is observed heading toward the Rotunda Lobby East Door and exits the US Capitol building as he makes his way through the crowd, depicted below in Image 20.




IMAGE 20: Image obtained from CCTV, with defendant circled in red. Defendant is observed heading toward the Rotunda Lobby East Door and exits the US Capitol building.

In sum, on January 6, 2021, the defendant entered the U.S. Capitol through the Upper West Terrace Doors and made his way up a flight of stairs which led to the lobby area outside of the Rotunda. The defendant entered into the Rotunda, where the defendant posed for photos and conversed with other people prior to the Capitol Police entering and forcing the crowd from the Rotunda floor space. While law enforcement officers attempted to clear the crowd, YANG forcibly interfered with those efforts and physically grabbed hold of an officer's baton. Upon exiting the Rotunda, the defendant is observed walking toward the Rotunda Lobby East Door and exiting on the east side of the building.

Based on the foregoing, your affiant submits that there is probable cause to believe that Tyng Jing Yang 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; and (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 Tyng Jing Yang 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.

Finally, your affiant submits there is probable cause to believe that Tyng Jing Yang 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.


Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15th day of November 2022.

HON. G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE