

Case: 1:23-mj-00303
Assigned To : Harvey, G. Michael
Assign. Date : 11/08/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since May of 2016. Joint Terrorism Task Force (“JTTF”) of the FBI’s [REDACTED] Division. As a member of the JTTF, my responsibilities include investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, 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.

Identification of Valerie Sue Rushing and Amanda Jean Mongelli

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 the investigation, the FBI learned that, according to records obtained through a search warrant served on Google, mobile devices associated with the following accounts [REDACTED]@gmail.com and [REDACTED]@gmail.com were present at the U.S. Capitol on January 6, 2021. Records showed that the the recovery email address for [REDACTED]@gmail.com was identified as [REDACTED]@gmail.com and identified a sign in phone number associated with the account ending in [REDACTED] (the [REDACTED] number”). Records relating to the [REDACTED]@gmail account identified a sign in phone number associated with the account ending in [REDACTED] (the [REDACTED] number”).

Google records showed that the mobile device associated with [REDACTED]@gmail.com was present within the U.S. Capitol between approximately 2:24 pm and 4:51 pm (EST) on January 6, 2021. In addition, several of the listed locations were entirely within areas of the U.S. Capitol Grounds which were restricted on January 6, 2021.

Google records showed that the mobile devices associated [REDACTED]@gmail.com was present at the locations at least partially within the U.S. Capitol Building between approximately 2:24 pm and 4:51 pm (EST) on January 6, 2021. In addition, several of the listed locations were entirely within areas of the U.S. Capitol Grounds which were restricted on January 6, 2021.

On May 26, 2021, an FBI Task Force Officer (“TFO”) interviewed Valerie Sue Rushing (“Rushing”) and Amanda Jean Mongelli (“Mongelli”) together at their place of employment. Mongelli verbally identified herself as Mongelli. During the interview, Mongelli said that she and her girlfriend, Rushing, left [REDACTED] the evening of January 5, 2021, and drove to Washington, D.C. Mongelli said that they arrived in Washington, D.C., around 10:30 am on January 6, 2021, parked the car, and walked to Freedom Plaza to watch the former President’s speech. After clearing security, they stayed at Freedom Plaza until about 1:30 pm. Mongelli said that she and Rushing then walked to the U.S. Capitol. According to Mongelli, by the time they arrived, the barricades were down and there were hundreds of people standing all over. Mongelli stated that, at one point, while on the steps and near a side door, the crowd pushed into the building, forcing Mongelli into the vestibule area. Mongelli stated that she did not want to go inside the building, but that she was forced in by the crowd. Mongelli said that she turned around to exit the building as soon as she was able to. Mongelli claimed that after getting out of the vestibule area, that they got off the stairs completely. Mongelli stated she had videos from January 6, 2021 that she could send to the interviewing agent.¹ The interview lasted approximately 30 minutes. At the end of the interview, Mongelli provided the FBI with her phone number—the [REDACTED] number.

¹ [REDACTED]

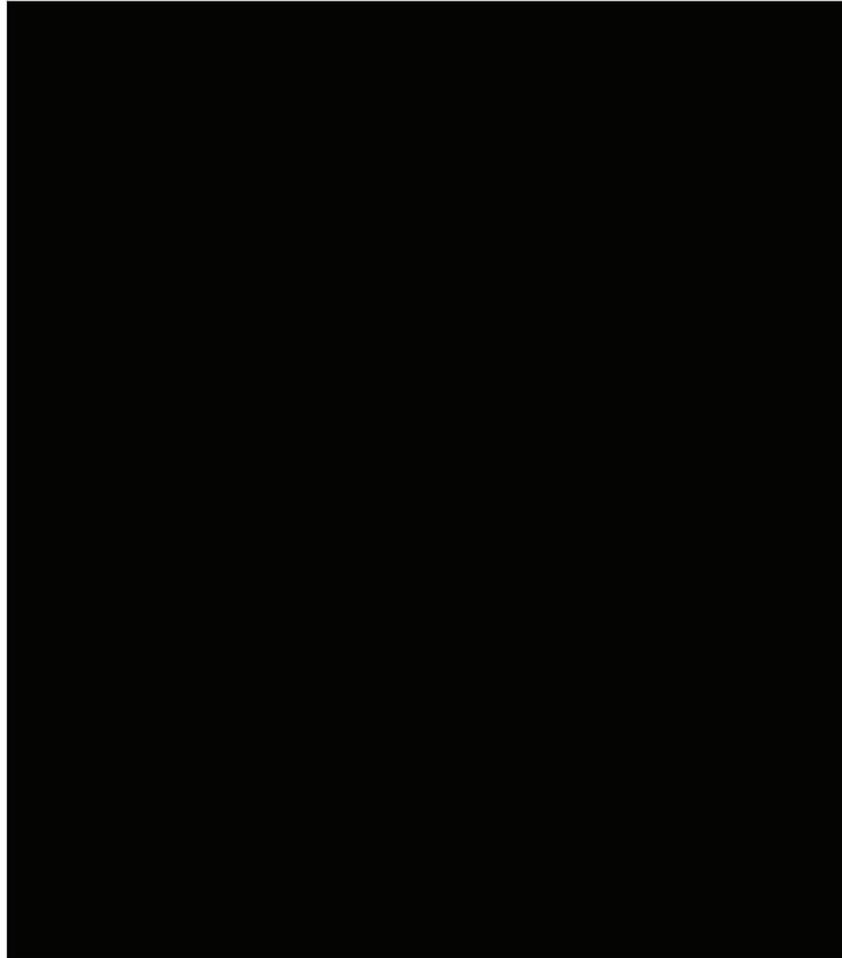
During the May 26, 2021, interview, Rushing verbally identified herself as Rushing. Rushing said she and Mongelli began driving to Washington, D.C., on January 5, 2021. Rushing said that they walked to Freedom Plaza to watch the former President's speech and stayed until about 1:30 p.m. According to Rushing, they then walked to the U.S. Capitol where all the barricades were already moved to the side or were laying down. Rushing claimed that she saw people trying to break windows and would tell them to stop. Rushing said that neither she nor Mongelli wanted to go inside the building, but they did go up the stairs to try and record people. Rushing claimed that she and Mongelli were separated at one point when a crowd pushed Mongelli in through one of the doors. Rushing stated that she grabbed Mongelli as quickly as she could and pulled her back out of the building. Rushing stated that she never went into the building and that Mongelli was pushed in and did not go in voluntarily. Rushing agreed to send the interviewing TFO some videos that she recorded while at the Capitol on January 6, 2021. The interview lasted approximately 30 minutes. At the end of the interview, Rushing provided her phone number—the [REDACTED] number.

On July 2, 2021, an FBI TFO interviewed Mongelli and Rushing at their residence in [REDACTED]. Mongelli confirmed that she went to Washington, D.C. and attended the rally for the former President to support Rushing. Mongelli admitted that she was not forced into the Capitol. Mongelli said that she and Rushing went in willingly to look around. Mongelli said that she had never been to the Capitol and just wanted to see inside. Mongelli said that she was not completely forthcoming in her initial interview because she was scared. The interview lasted approximately one hour. Mongelli confirmed that her phone number is the [REDACTED] number.

Rushing also confirmed that she went to Washington, D.C. and attended the rally for the former President. Rushing admitted that she walked into the Capitol building to look around because she had never been to the Capitol before and did not know if she would ever return. Rushing said that she carried an American flag with her and said the flag was from her home. Rushing also admitted that Mongelli was not forced into the Capitol. The interview lasted approximately one hour. Rushing confirmed that her phone number is the [REDACTED] number.

During the course of the investigation, I obtained a warrant to search Mongelli's Facebook account. On December 23, 2020, a user identified as "Valerie Rushing" sent a group message to Mongelli and others stating: "Me and Amanda r going to Washington DC January 6th you guys going." In the same group, Mongelli sent the following message on January 6, 2021: "We safe. We r on our way home. Got a flash bomb to the face and fucking tear gas all over me. That shit itches...." In a different conversation on Facebook, Mongelli sent the following two messages on January 6, 2021: "I'm goin in the capital" and "Someone got shot. I'm inside the building." On January 7, 2021, Mongelli sent the following messages: "Event of a life time omg. I got a flash bomb right in front of me and we got smoke bombed and pepper dusted" and "I was inside the capital though lol.... We didn't go far in but saw all the broken windows and shit."

On January 29, 2022, Mongelli sent the following photo to a Facebook user:



The image appears to be a screenshot from an article published in Out magazine,² and it appears that someone added two purple circles to the image. After sending the image, Mongelli sent the following message to the user: “My bag...an[d] Valerie phone.” That same day, Mongelli sent a link to the article to another user. Mongelli then sent the following message: “My gf in the picture.... Read the article... Lmao im dead.”

Mongelli and Rushing’s Conduct on January 6, 2021

The FBI reviewed open source videos and images, including videos on YouTube and Facebook, as well as CCV footage and Body Camera footage. In addition, I spoke to the TFO who interviewed Mongelli and Rushing. Based on the interviewing TFO’s interaction with and observation of Rushing, described above, as well as by reviewing Rushing’s [REDACTED] driver’s

² [REDACTED]

license photograph, that TFO believes that Rushing is the individual circled in yellow in Image 4 below,³ which appears to have been taken outside of the Capitol on January 6, 2021:

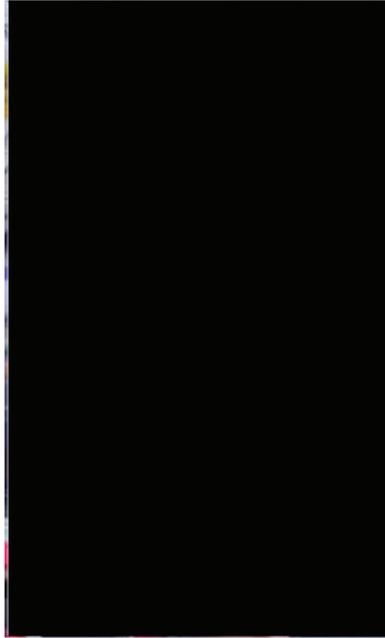


Image 4.

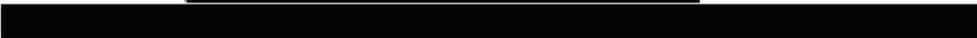
The clothing worn by Rushing in Image 4, above, appears consistent with the clothing worn by the individual identified by Mongelli as “my gf” in Image 3, above. In addition, the cellphone circled in green in Image 4 above, appears consistent with the phone identified by Mongelli as “Valerie phone” in Image 3, above. Rushing is wearing a black sweatshirt with a black hood and appears to be carrying an orange backpack (circled in blue in Image 4).

Based on the interviewing TFO’s interaction with and observation of Mongelli, described above, as well as by reviewing Mongelli’s [REDACTED] driver’s license photograph, that TFO believes that Mongelli is the individual circled in red in Image 5 below,⁴ which appears to be taken outside the Capitol:

³ [REDACTED]

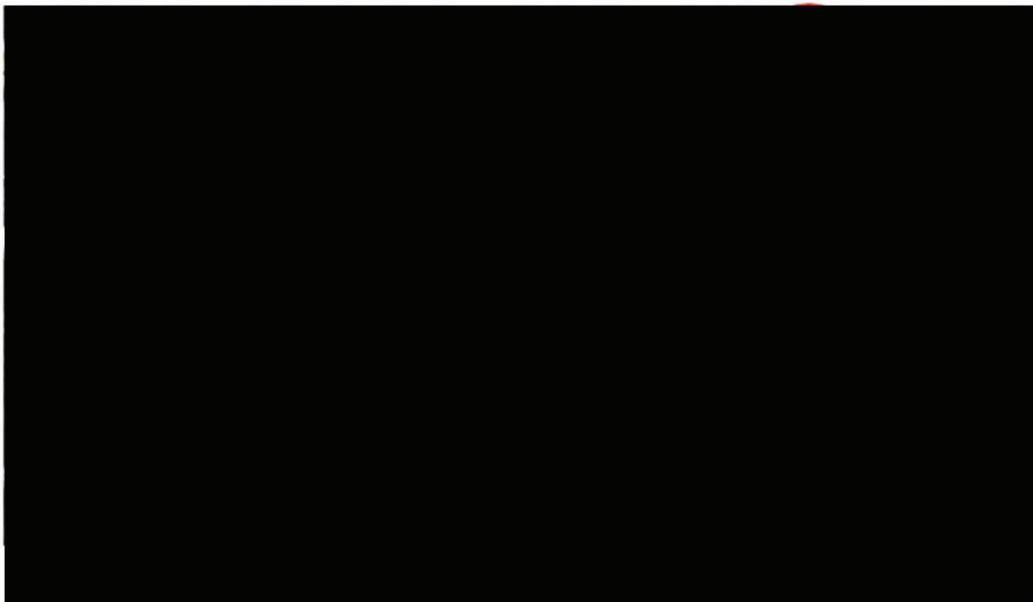


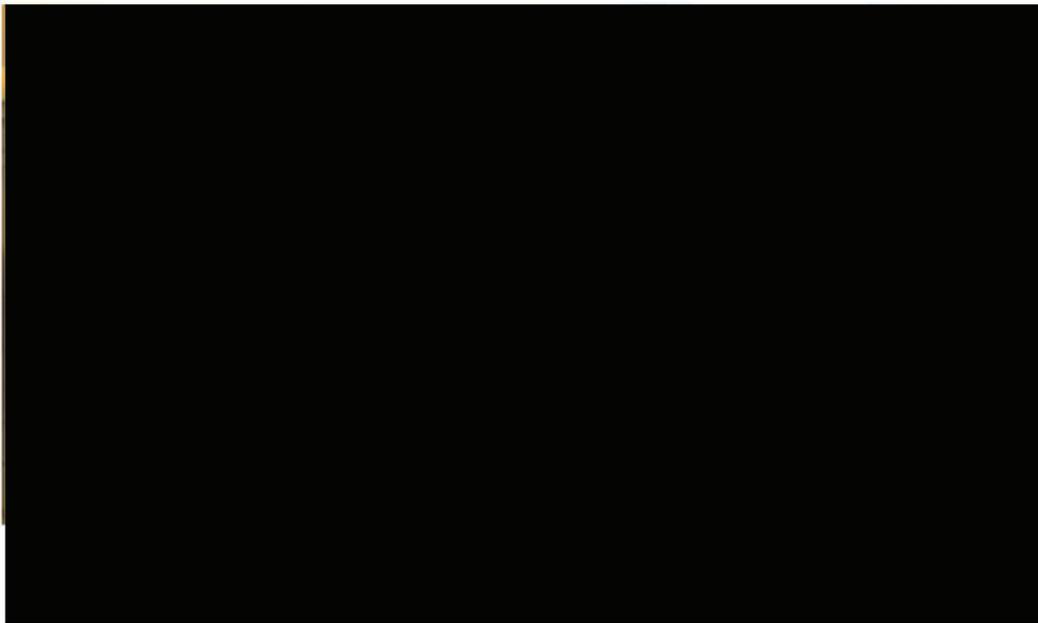
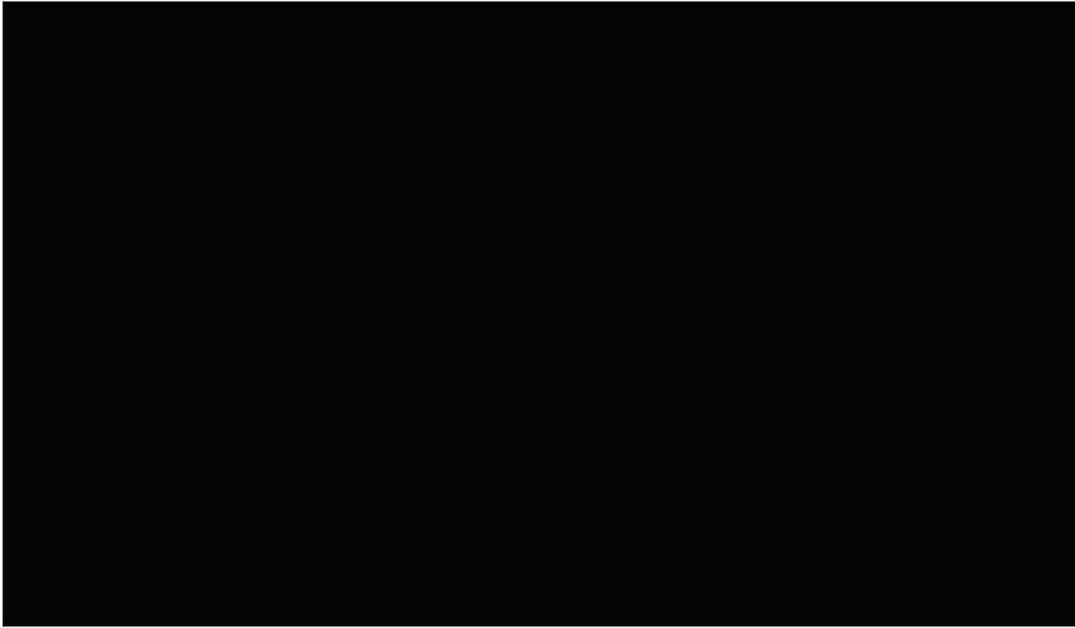
Image 5:



Mongelli is wearing a grey zip-up jacket and a black knit hat with two brown poms on the top.

U.S. Capitol Police CCV video shows that Mongelli and Rushing entered the U.S. Capitol building twice. First, Mongelli and Rushing entered the Capitol building at approximately 2:45 pm through the Upper West Door.







Based on the foregoing, your affiant submits that there is probable cause to believe that Mongelli and Rushing 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; 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 Mongelli and Rushing 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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Signatures on the following page



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 8th day of November 2023.

A handwritten signature in black ink, appearing to read "G. Michael Harvey".

Digitally signed
by G. Michael
Harvey

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE