

STATEMENT OF FACTS

I, [REDACTED], am a Special Agent with the Federal Bureau of Investigation (FBI). I am a federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), and, as such, I am authorized to investigate violations of federal laws and request and execute arrest warrants issued under the authority of the United States. I am a sworn law enforcement officer and have been so for approximately seven (7) years. I am currently employed by the FBI and assigned to the Charlotte Division, Raleigh Resident Agency, Joint Terrorism Task Force. Prior to my current assignment with the FBI, I was employed as a Special Agent for the Air Force Office of Special Investigations assigned to Seymour-Johnson Air Force Base, North Carolina. I have drafted or assisted in drafting arrest and search warrants that have been presented to, and signed by, federal magistrates. I have also conducted and assisted in numerous criminal investigations to include narcotics offenses, gang crimes, bank robberies, fugitives, kidnapping, public corruption, financial crimes, human trafficking, bomb threats, and terrorism. I am currently assigned to investigate matters primarily involving domestic terrorism, including violations of the federal laws as described in this affidavit. As a part of my duties, 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, detection, investigation, or prosecution of a violation of federal criminal laws.

The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to set forth facts to demonstrate that there is probable cause for the requested warrant. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

Background to January 6, 2021

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 DAVIS and BISHOP

On October 25, 2021, the FBI received a tip from an established CHS (Confidential Human Source), who provided information that Curtis Lee Davis (hereinafter “DAVIS”) assaulted federal officers and entered the US Capitol Building with Tanya Bishop (hereinafter “BISHOP”) (also known to law enforcement as Tanya Kasputis) on January 6, 2021. The CHS further advised that DAVIS lived in Ayden, North Carolina, and BISHOP lived in Greene County, North Carolina.

Based on this information, the FBI developed additional evidence relating to DAVIS and BISHOP as discussed further below. The Sheriff of the Green County Sheriff’s Office was able to identify DAVIS from images taken at the Capitol on January 6 based on his/her prior contacts with DAVIS. Furthermore, the investigation identified cellular telephones for numbers associated with DAVIS and BISHOP as being present in the Washington, D.C. area and in and around the United States Capitol building on January 6, 2021.

Review of Footage from January 6, 2021

The FBI reviewed Metropolitan Police Department (“MPD”) body-worn camera footage (MPD Officer T.C. BWC timestamp 15:08:51) that shows DAVIS assaulting officers by punching towards an MPD Officer who had not yet been identified. The following still images from that video show DAVIS circled in red:



A separate video also shows DAVIS pushing MPD Officers inside the Capitol. BISHOP is also visible in the same footage. BISHOP is wearing a distinct blue hood with white stars and Harley Davidson jacket.

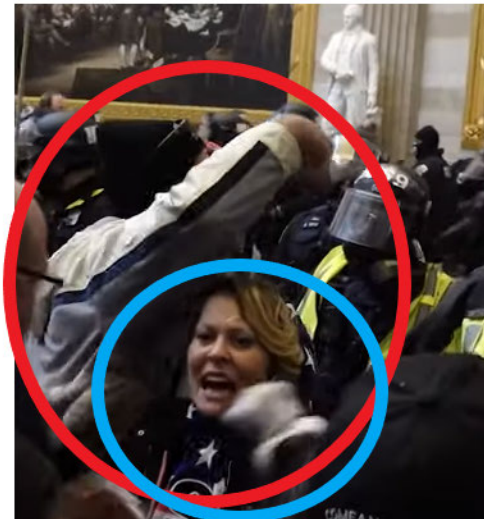
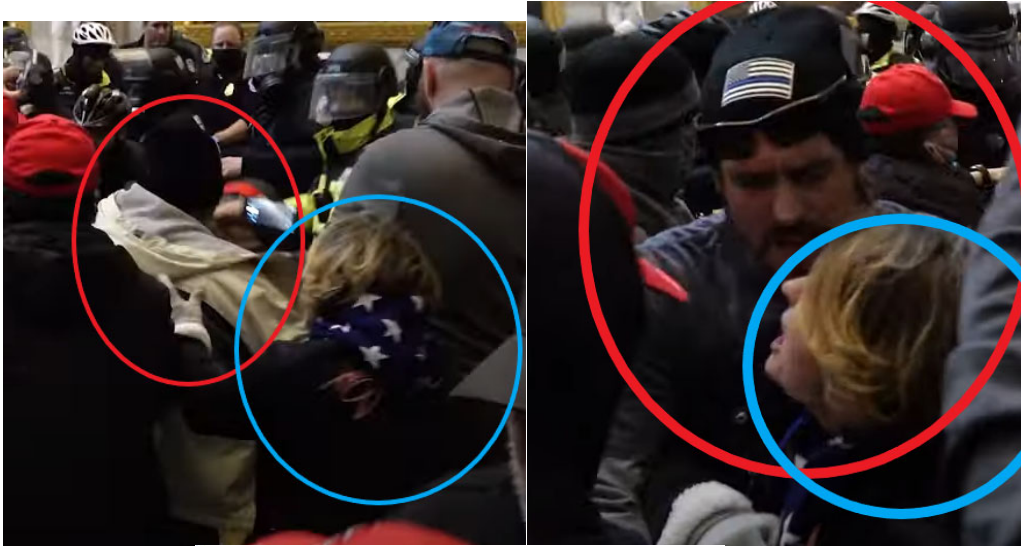
The FBI obtained DAVIS' driver's license photo and compared it to images collected from January 6, 2021, from in and around the US Capitol Building. The FBI was able to locate more than ten videos which appeared to show DAVIS.

The FBI also obtained BISHOP's driver's license photo and compared it to images collected from January 6, 2021. The FBI was then also able to locate more than ten videos in which also appear to show BISHOP. Many of these videos show BISHOP inside the Capitol building and interacting with DAVIS. The videos also show BISHOP interacting with law enforcement for an extended period of time.

I reviewed videos posted to the social media outlet "YouTube" which appeared to show DAVIS inside of the US Capitol Building punching law enforcement officers. Based on the content of the videos, and my training and experience, I believe the videos were taken during the events of January 6, 2021. In the videos, DAVIS is shown wearing a black beanie style hat with a U.S. flag containing a thin blue line, sunglasses, a gray and tan coat, a blue/gray shirt depicting a skull containing a thin blue line, stars and stripes, and a gray, long-sleeve shirt. DAVIS is also holding a cellular telephone during some portions of the video. The videos also show BISHOP inside the Capitol building with DAVIS. BISHOP is shown inside the US Capitol building, wearing light colored gloves, the same blue sweatshirt with stars and stripes including a hood with white stars described above, and a black jacket with pink writing on the back.

One of these videos shows DAVIS aggressively yelling at officers and being held back by BISHOP. The video then shows DAVIS fighting with law enforcement officers, including throwing punches towards officers and appearing to make contact with at least one punch against

an MPD officer. The following still images from that video show DAVIS circled in red and BISHOP circled in blue.



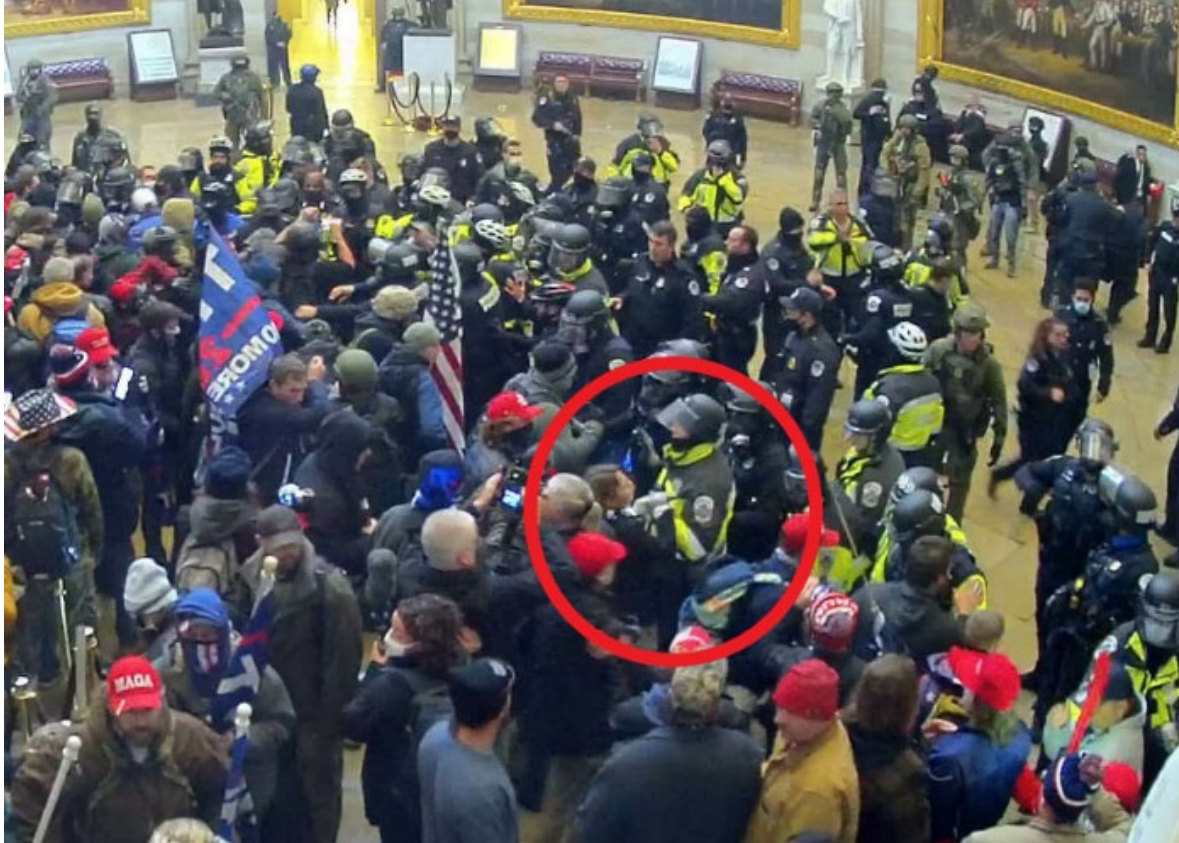
Additional videos identify both DAVIS and BISHOP at the sealed doors outside of the U.S. Capitol Building. BISHOP is being interviewed on the steps of the U.S. Capitol building, and she is also standing on top of a law enforcement vehicle and speaking into a megaphone, shown below. BISHOP is encouraging others to remain in the US Capitol building. She asks other rioters who are leaving the US Capitol Building, “Why is everybody walking the wrong way?” BISHOP further states, “this is our one chance” and “I’m ready to go back in, because this is our fucking building.” DAVIS is also present, beside the law enforcement vehicle and holding his cellular telephone in a manner that indicates he is taking photographs or filming BISHOP.



I reviewed surveillance footage from inside the US Capitol building on January 6, 2021. The security footage shows DAVIS and BISHOP entering the Rotunda inside the U.S. Capitol Building. The footage shows an escalating confrontation between police officers and rioters inside the Capitol building in which a large group of rioters is aggressive and threatening officers. DAVIS appears in the footage. The footage shows DAVIS shoving and punching law enforcement officers who are attempting to disperse rioters. DAVIS then moved away from police officers before re-engaging with them and again punched law enforcement officers. The footage is also corroborated by the subsequent recording, discussed herein, in which DAVIS states that he injured the knuckles on his hand when he was punching officers. A still of the security footage shows DAVIS, with a black hat and light tan jacket, circled in red punching police officers inside the Capitol building on January 6, 2021.



DAVIS then walked away from officers and removed his tan coat, revealing his blue/gray t-shirt underneath. BISHOP placed her hands on and pushed police officers who were attempting to disperse rioters from the Rotunda. A still of security footage, shown below, shows BISHOP circled in red, with her hands on a police officer I recognize, based on the officer's uniform, to be a MPD Officer. BISHOP is shown with her hands and forearms directly against the officer, which is interfering with and impeding his efforts and the efforts of other MPD Officers to secure the area inside the Capitol building.



DAVIS and BISHOP also forcibly resisted, impeded and interfered with MPD police officers attempting to remove rioters from the Rotunda before fleeing the area. DAVIS and BISHOP are circled in red. BISHOP's hands and forearms are against the MPD officer and interfering with the officer's efforts and appears to be trying to shove or push the MPD Officer back while MPD Officers are attempting to control the crowd of rioters inside the restricted area and Capitol building.



Security footage also shows DAVIS and BISHOP approaching the interior door to the Rotunda. At this point in time, DAVIS is holding a cellular telephone in a manner consistent with taking photographs or recording a video. Footage also showed DAVIS and BISHOP as they exited the Rotunda.

I also reviewed body worn camera footage from MPD Sergeant M. H. and MPD Officer R. D., who were inside the US Capitol Building on January 6, 2021. DAVIS has been circled in red and BISHOP has been circled in blue in still shots of this footage. The footage from MPD Sergeant M. H.'s body worn camera shows DAVIS and other rioters attacking MPD Sergeant M. H. and attempting to seize control of MPD Sergeant M. H.'s police baton. At the timestamp marked 15:07:24, the footage from MPD Sergeant M. H.'s body worn camera shows DAVIS shoving and punching MPD Sergeant M. H.

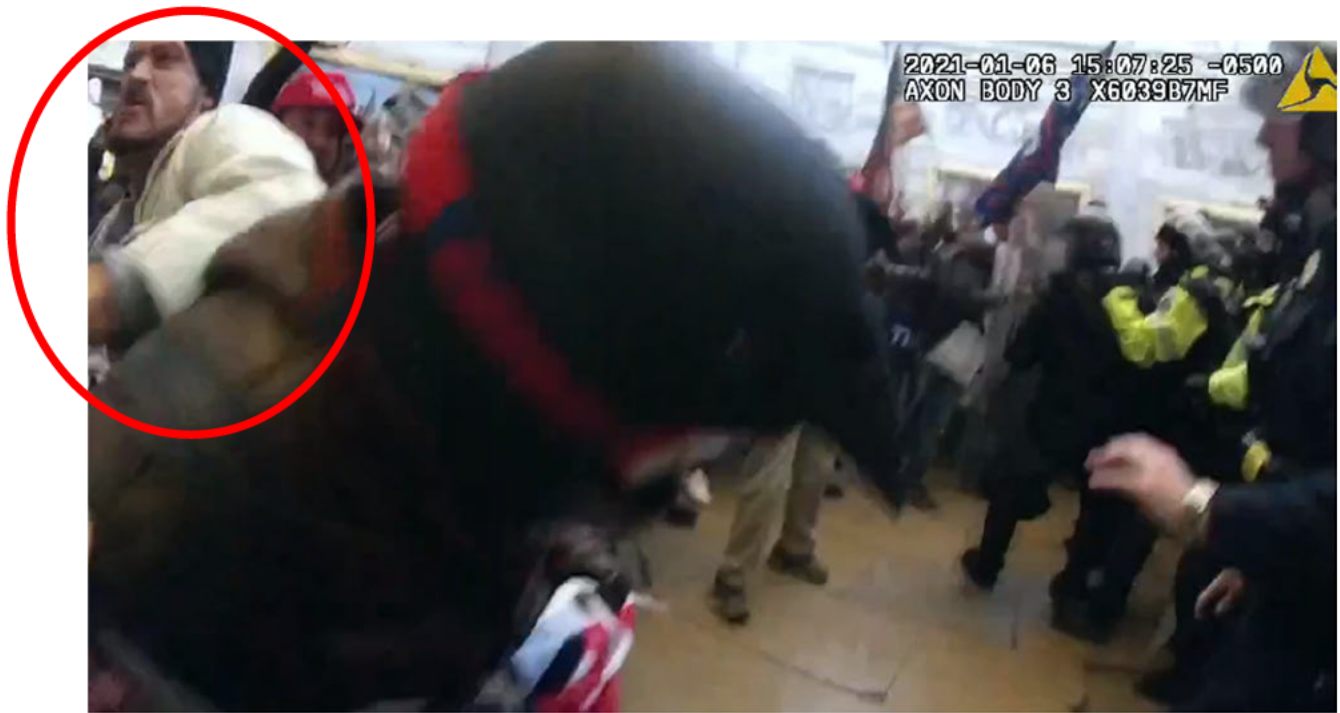
At 15:07:26, the body worn camera footage from MPD Sergeant M. H. shows both DAVIS and BISHOP engaged with other rioters in the attack on MPD Sergeant M. H. In the still image, shown below, from MPD Sergeant M. H.'s body worn camera, DAVIS is shown inside the red circle, and BISHOP is visible inside the blue circle and from the perspective of MPD Sergeant M. H. when confronted by the rioters.

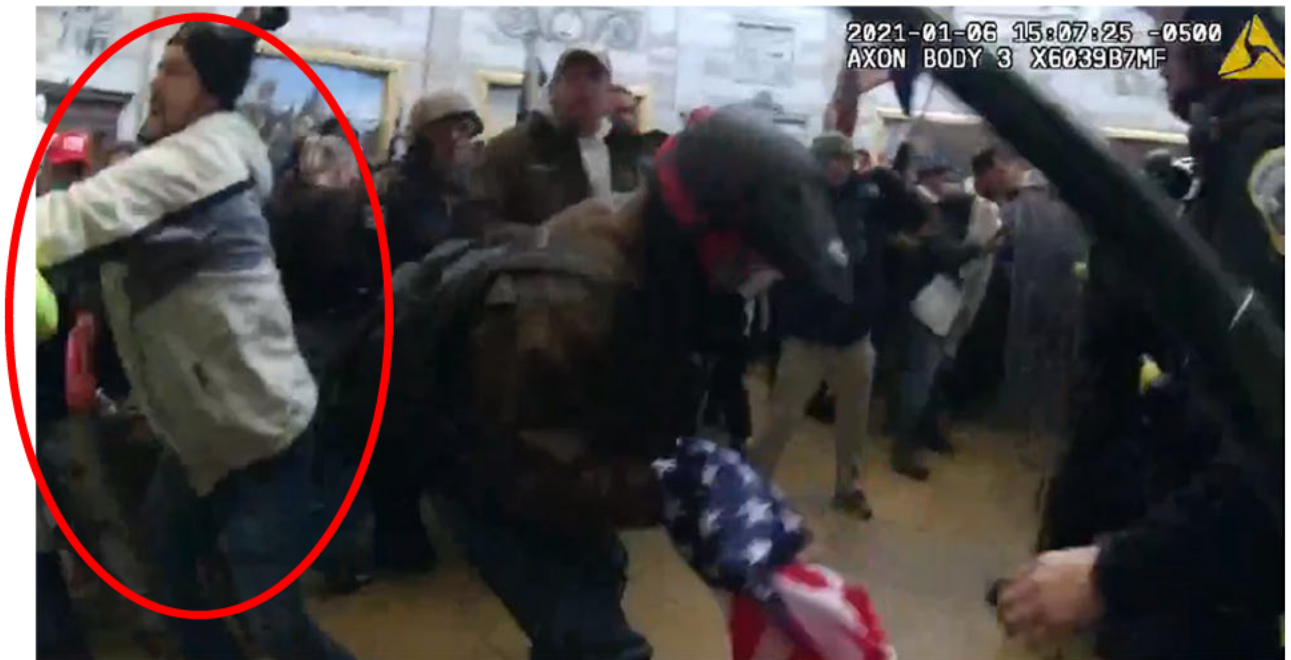


At 15:07:26 (image below), the footage shows the fist of a rioter directed to MPD Sergeant M. H. Another rioter appears to have grabbed MPD Sergeant M. H.'s arm and DAVIS appears to have seized MPD Sergeant M. H.'s police baton with his right hand. Both DAVIS and BISHOP appear in the still image from MPD Sergeant M. H.'s body worn camera shown below.

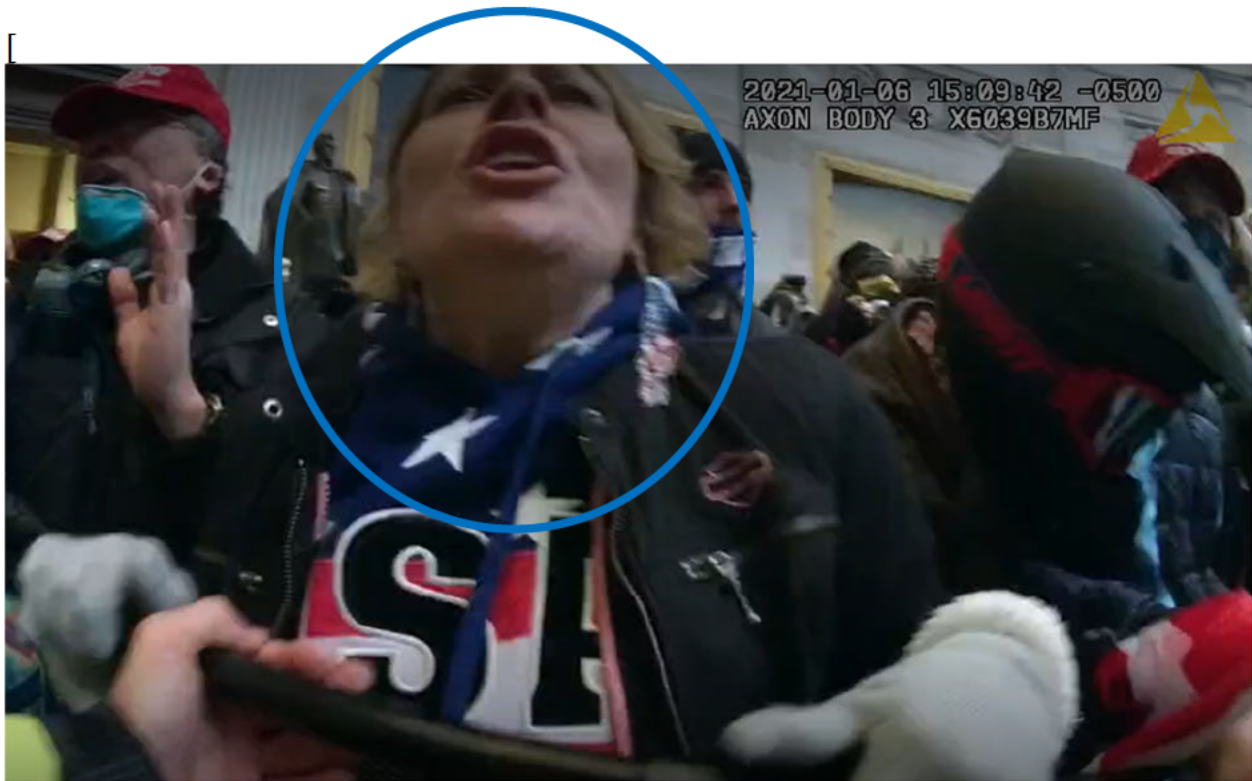


Footage from the body worn camera carried by MPD Officer R. D. also recorded the attack by rioters, including DAVIS and BISHOP, on MPD Sergeant M. H. Still images shown below from MPD Officer R. D.'s body worn camera show DAVIS circled in red and assaulting MPD Sergeant M. H. inside the Capitol building on January 6, 2021.





Footage from MPD Officer R. D.'s body worn camera also shows BISHOP, circled in blue, resisting MPD Officer R. D. as he attempts to disperse rioters, at timestamp 15:09:42. MPD Officer R. D. attempted to move BISHOP several times, however BISHOP refused to move back and held onto MPD Officer R. D.'s baton with another rioter. BISHOP can be heard during the recorded audio claiming that she was "looking for her husband" and then stating that officers were "on the same side" against "crooked politicians." She then says, "you can't turn on Americans" and puts both hands on MPD Officer R.D.'s police baton, before another officer then pushed BISHOP away from MPD Officer R. D.



The still image below, at timestamp 15:09:53, shows BISHOP continuing to engage with the MPD Officer R. D. and attempting with other rioters to seize onto the MPD Officer R. D.'s police baton inside the Capitol building.





The still image above, at timestamp 15:09:59, shows BISHOP continuing to obstruct and resist MPD Officers. BISHOP's gloved hand appears to be gripping the MPD Officer's wrist while he and other officers are attempting to control the crowd and protect the Capitol and Congress.

Green County Sheriff Confirms Identity of DAVIS

The FBI Charlotte Field Office interviewed a Sheriff with the Green County Sheriff's Office (GCSO). The Sheriff was shown printed photos of DAVIS and BISHOP from footage taken inside of the US Capitol Building, consistent with the images shown above. He identified DAVIS as Curtis Lee DAVIS of Ayden, NC, with a telephone number ending in 2284 (as discussed below, DAVIS appears to have changed his telephone number on March 17, 2021). The Sheriff advised that he/she was familiar with DAVIS from previous law enforcement encounters when the Sheriff worked as a GCSO investigator. To further confirm that the Sheriff had correctly identified DAVIS, the Sheriff printed a copy of DAVIS' most recent arrest photo from GCSO, dated February 5, 2021. The Sheriff was not familiar with BISHOP and therefore did not identify BISHOP.

Surveillance Confirms Identity of BISHOP

With other members of the FBI Charlotte Field Office, I conducted physical surveillance in Snow Hill, North Carolina, near the listed residence of BISHOP from the North Carolina Department of Motor Vehicles (DMV). I observed a red 2016 Chevrolet Sonic at the location. A review of the license plate indicated that the vehicle was registered to BISHOP with the North Carolina Department of Motor Vehicles. Agents approached BISHOP's listed address and knocked on the door. I recognized the person who answered the door as the same female shown in video footage from inside of the U.S. Capitol building on January 6, 2021 and identified her as BISHOP.

Subscriber Information for Cellular Telephones

According to records obtained from US Cellular for the phone number ending in 2253, that number was assigned to DAVIS from April 30, 2019 to March 16, 2021. The number stopped being associated with DAVIS on March 17, 2021, which indicates that the subscriber either discontinued and/or changed phones on or about that date and relatively soon after the events of January 6. Based on my training and experience, I know that people generally prefer not to change their cellular telephone numbers, because it changes their contact information, but I do know that subjects at times will change their telephones after engaging in what they know to have been criminal activity to attempt to evade detection by law enforcement.

According to records obtained from AT&T for the phone number ending in and 5932, that number was assigned to BISHOP at BISHOP's Snow Hill, NC address. The account was activated on June 6, 2020 and was still active as of July 28, 2022.

Search Warrants and Location Data from Google

According to Google records obtained through lawfully-obtained search warrants, mobile devices associated with an email address and Google ID owned by DAVIS and an email address and Google ID owned by BISHOP were present at the U.S. Capitol on January 6, 2021. I submitted a subsequent federal search warrant to Google LLC regarding both accounts. The search warrant return disclosed subscriber information for DAVIS's email was assigned to "Curt Davis," with a recovery email affiliated with BISHOP, and telephone number ending in 2253 (the same telephone number assigned to DAVIS on January 6, 2021). Additionally, the return disclosed subscriber information showing BISHOP's email was assigned to "Tanya Bishop," with BISHOP's date of birth, and telephone number ending in 5982 (same number assigned to BISHOP).

Location data from the devices associated with both accounts showed both devices were in and around the US Capitol Building on January 6, 2021. DAVIS' account contained search history for "spin scooters in dc" on January 6, 2021, map search history for multiple locations including the US Capitol Building on January 6, 2021, and multiple videos from the Washington DC area. Included in the video footage is a recorded video in which DAVIS appears to be referring to his hand and can be heard saying "them knuckles right there, from one of those motherfucker's faces at the capitol." BISHOP's account contained search history topics that

included “what’s the weather going to be like January 6th in Washington DC” and images of DAVIS wearing the same clothing as he wore in the US Capitol on January 6, 2021.

Conclusion

Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that DAVIS and BISHOP violated 18 U.S.C. § 111(a)(1), which makes it a crime to assault, resist, oppose, impede, intimidate, or interfere with a federal law enforcement officer, as designated in Section 1114 of Title 18, while engaged in or on account of the performance of his or her official duties. Section 1114 specifically identified United States Capitol Police (“USCP”) Officers as federal law enforcement officers. The definition under Section 1114 is further extended to include any person assisting such a federal officer or employee in the performance of his or her official duties or on account of that assistance. USCP Officers are federal law enforcement officers and Metropolitan Police Department Officers were assisting USCP Officers in protecting the Capitol and members of Congress on January 6, 2021.

There is also probable cause to believe that DAVIS and BISHOP 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 engaged in the lawful performance of his or her 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 agency, department, 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 votes.

There is also probable cause to believe that DAVIS and BISHOP violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to: (a)(1) knowingly enter or remain in any Capitol building or grounds, without lawful authority to do so; (a)(2) knowingly, and with the 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; (a)(4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire to do so.

Additionally, there is probable cause to believe that DAVIS and BISHOP violated 40 U.S.C. § 5104(e)(2)(D), (F), and (G), which make it a crime to: (e)(2)(D) engage in disorderly or disruptive conduct in any of the Capitol buildings or grounds; (e)(2)(F) willfully and knowingly to engage in an act of physical violence in the Capitol grounds or in any of the Capitol buildings; and (e)(2)(G) parade, demonstrate, or picket in any of the Capitol buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 4th day of December 2023.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE