

## STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since January 2004. 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 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 are 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. I am assisting in the investigation and prosecution of events which occurred at the United States Capitol on January 6, 2021.

The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., 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 are allowed access inside the U.S. Capitol.

On January 6, 2021, the exterior plaza of the U.S. Capitol was 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

At such time, the certification proceedings 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 after 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, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session 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.

Based on information I have reviewed, I estimate that between approximately 2:35 p.m., and 2:54 p.m., Jenny Louise Cudd, also known as Jenny Haning Cudd on social media platforms, and Eliel Rosa entered the United States Capitol without authorization to do so. I have reviewed footage from security cameras located inside the U.S. Capitol and have observed the following involving Jenny Louise Cudd and Eliel Rosa:

- At approximately 2:35 p.m., Jenny Louise Cudd and Eliel Rosa, enter the U.S. Capitol via Upper West Terrace Door.
- At approximately 2:36 p.m., Jenny Louise Cudd and Eliel Rosa are observed inside the Rotunda of the U.S. Capitol from the west side doorway that leads into the Rotunda. They are observed remaining inside the Rotunda until approximately 2:39 p.m. They are further observed taking pictures of the Rotunda and the surrounding area.
- At approximately 2:39 p.m., Jenny Louise Cudd and Eliel Rosa are observed walking across the Statuary Hall area of the U.S. Capitol.
- At approximately 2:40 p.m., Jenny Louise Cudd and Eliel Rosa are observed walking the Statuary Hall Connector and moves off camera at approximately 2:42 p.m.
- At approximately 2:43 p.m., Jenny Louise Cudd and Eliel Rosa are observed departing from a large crowd inside the U.S. Capitol in front of the Main Door of the House Chamber and walks east toward the staircase.
- Jenny Louise Cudd and Eliel Rosa are subsequently observed walking past the staircase and is further observed walking past the Upper House Door, going toward the other entrance to the House Chamber.
- Jenny Louise Cudd and Eliel Rosa are observed at approximately 2:54 p.m. at the Upper House Door and further observed departing the U.S. Capitol.

Jenny Cudd and Eliel Rosa were photographed inside the Capitol Building. Jenny Louise Cudd is the female wearing the tan hat in the front left of Figure 1 below. Eliel Rosa is behind Cudd and to her left wearing a red hat.



*Figure 1*

Afterwards, Jenny Louise Cudd streamed a live video, via Facebook, which is a social media platform. From a screenshot of the video (in Figure 2 below), Jenny Louise Cudd appears to be wearing the same clothing she wore while inside the Capitol as depicted in Figure 1 above). Eliel Rosa posted a photo of himself and Jenny Louise Cudd on his Facebook page (Figure 3 below).



*Figure 2*



*Figure 3*

Jenny Cudd live streamed the video sometime after the actual forced entry of the U.S. Capitol, but on the same day of the forced entry, January 6, 2021. Jenny Cudd stated on the

Facebook video that she was at the Willard Hotel, located on 1401 Pennsylvania Ave. NW, Washington D.C. 20004. During the course of the video she made the following comments to confirm the location and date of the video recording, "I am sitting in front of the Willard Hotel, as I always do when I am in DC protesting," and "I was here today on January 6<sup>th</sup> when the new revolution started at the Capitol." In addition, your affiant viewed a photograph of an individual matching the clothing of Jenny Cudd taken inside the Rotunda of the U.S. Capitol on January 6, 2021. The photograph included the individual matching the description of Jenny Cudd, who was also in the presence of other individuals who unlawfully entered the U.S. Capitol. The video was posted on a Facebook account with the name of Jenny Haning Cudd.

During the course of the Facebook video, Jenny Cudd made the following statements indicating her admission of entering the U.S. Capitol: "We were on the south lawn listening to the President and before the speech was over we started to head up to the Capitol." Your affiant has identified this was location of a speech given by U.S. President Donald Trump on January 6<sup>th</sup> in Washington D.C. Jenny Cudd further stated, "we just pushed, pushed, and pushed, and yelled go and yelled charge. We just pushed and pushed, and we got it." Your affiant has identified this was a reference to the large crowd of individuals who forced their way inside the U.S. Capitol. Jenny Cudd stated on the video, "...and we got in. We got up to the top of the Capitol and there was a door open and we went inside." Jenny Cudd also stated in the video, the following indicating her presence inside the U.S. Capitol, "We did break down the Nancy Pelosi's office door and somebody stole her gavel and took a picture sitting in the chair flipping off the camera." Later in the video recording, she further stated her presence inside the U.S. Capitol, "They had to evacuate it before we charged the Capitol." Jenny Cudd is referring to the members of Congress and the U.S. Senate evacuating the House Chambers and the Senate Floor prior to the forced entry of demonstrators. Jenny Cudd also stated the following during the video, "I stood outside of the Capitol and I will send photos of that too." In addition, she added the following recorded statement, "...fuck yes, I am proud of my actions, I fucking charged the Capitol today with patriots today. Hell, yes I am proud of my actions."

On January 8, 2021, Jenny Louise Cudd participated in an interview with a local news station in which she describes her actions on January 6, 2021, in Washington D.C., to include her admission of entering the U.S. Capitol on the same date. Specifically, Jenny Louise Cudd states during her interview she stated the following, "we walked up the steps and walked inside an open door (referring to the U.S. Capitol)." Jenny Louise Cudd further stated, "we the Patriots did storm the U.S. Capitol." She added in reference to entering the U.S. Capitol, "Yes, I would absolutely do it again."

During a review of the online video and other social media postings, Jenny Louise Cudd made several references to residing in the State of Texas. I obtained the Texas Driver's License photo Jenny Louise Cudd, who appears to be the same of an individual in footage from security cameras located inside the U.S. Capitol and Figures 1 through 3, above.

On January 8, 2021, Eliel Rosa was interviewed by the FBI in Midland, Texas. During the interview, Eliel Rosa admitted that he and Jenny Louise Cudd had entered the U.S. Capitol on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that Jenny Louise Cudd and Eliel Rosa 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 Jenny Louise Cudd and Eliel Rosa violated 40 U.S.C. §§ 5104(e), which make 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



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 January 2021.

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE