

Case: 1:23-mj-00010
Assigned To : Harvey, G. Michael
Assign. Date : 1/12/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since 2017. Specifically, I am assigned to the Washington Field Office (WFO), Northern Virginia Resident Agency and currently 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, detention, investigation, or prosecution of a violation of Federal criminal laws.

From 2017 until 2020, I was assigned to the Northern Virginia Violent Crimes Task Force, where I primarily investigated robberies. Since November 2020, I have been assigned to a squad that primarily investigates darknet related narcotics trafficking. Before working for the FBI, I was a Deputy Sheriff with the Hillsborough County Sheriff's Office in Tampa, Florida and was so employed from approximately March 2013 to April 2017. I have received formal training in the investigation of violent crimes, including specialized training in forensic evidence collection. I have investigated or assisted in the investigation of a number of cases involving violent criminal activity, narcotics and crimes against persons and property. I have been a sworn law enforcement officer during all times herein.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as "on or about."

Background: Events at the U.S. Capitol on 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, shortly 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.

Facts Specific to Casey Jane Tryon-Castro

Based upon review of public video, closed circuit television (“CCTV”) footage and police body worn camera depicting the events at the U.S. Capitol building and grounds on January 6, 2021, law enforcement identified a woman who pushed against police and stole a police riot shield near an entrance to the U.S. Capitol. The FBI subsequently posted a photograph of the woman at the U.S. Capitol under the name 060-AFO and requested help from the public in identifying the woman. As set out in detail below, law enforcement has identified 060-AFO as CASEY JANE TRYON-CASTRO (“TRYON-CASTRO”) and there is probable cause to believe that on January 6, 2021, TRYON-CASTRO committed violations of 18 U.S.C. §§ 231(a) (civil disorder); 111(a) (assault of a federal officer); 641 (theft of government property); 1752(a)(1), (2), and (4) (offenses on restricted buildings or grounds); and 40 U.S.C. §§ 5104(e)(2)(E) (impeding passage through Capitol grounds).

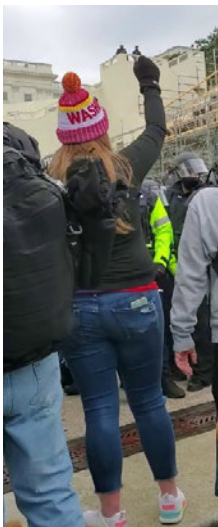
A. 060-AFO’s Activities at the U.S. Capitol on January 6, 2021

Law enforcement initially identified 060-AFO based on a publicly available YouTube video (“Video 1”)¹ that shows 060-AFO outside the west side of the U.S. Capitol. As depicted in the still image below, she was standing face to face with law enforcement, just after law enforcement used what appears to be oleoresin capsicum (“OC”) spray to disperse the crowd.

¹ Video 1 was previously available on YouTube and posted by an account named “The Black Conservative Preacher.” The account has since been removed from YouTube. Law enforcement saved copies of Video 1 prior to it’s being removed from YouTube.



During the investigation, law enforcement also reviewed public posts on Twitter that depicted 060-AFO. These photographs depict 060-AFO standing on the steps of the U.S. Capitol in front of a line of police officers. In the photographs, 060-AFO is wearing a yellow, red, and white knit hat that reads “WASHINGTON,” a black long sleeve shirt with white lettering, a blue shirt with white polka dots underneath, black gloves, ripped jeans and white tennis shoes. Below are the photographs from Twitter depicting 060-AFO:



Based on the above photographs of 060-AFO, law enforcement reviewed other video footage, including publicly available video, body-worn camera footage and CCTV footage and located 060-AFO at an entrance to the U.S. Capitol building on the Lower West Terrace, referred

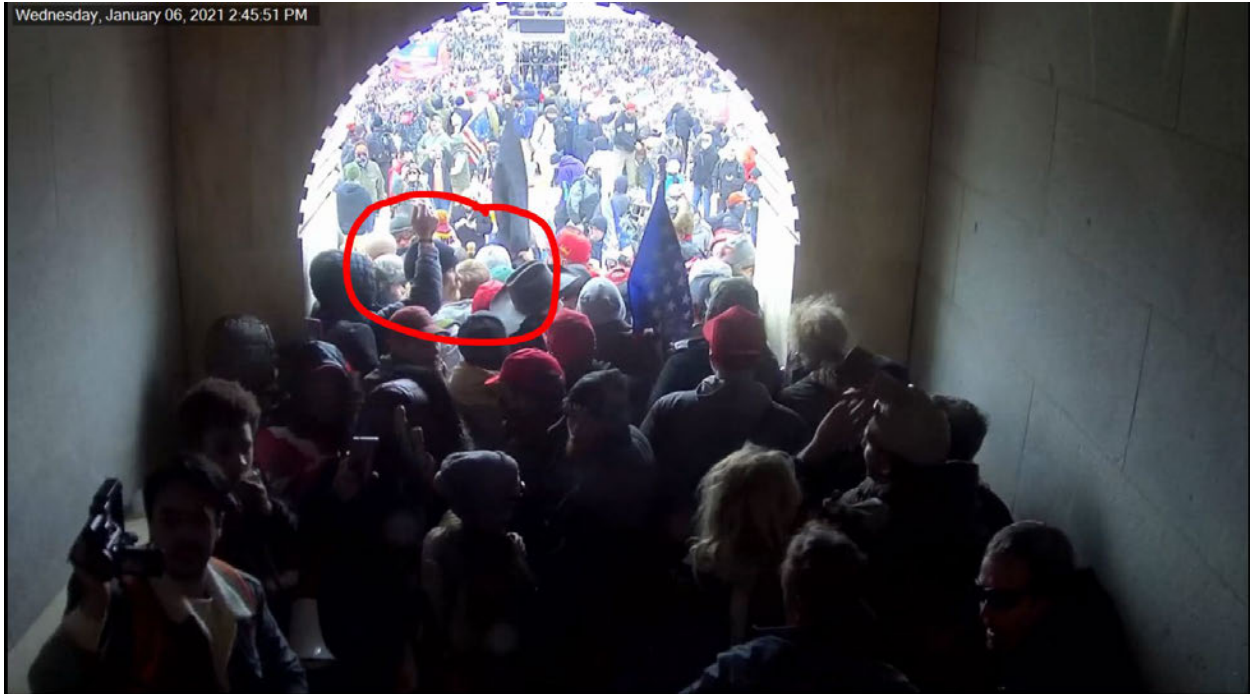
to as “the tunnel.” Specifically, according to CCTV footage, 060-AFO approached the entrance to the tunnel at approximately 2:43 p.m. Below is a still image depicting 060-AFO after she initially arrived in the area of the tunnel:



As 060-AFO made her way forward in the crowd, a wooden pole is visible in her right hand:



At approximately 2:45 p.m., 060-AFO was pushed out of the tunnel:



She returned approximately one minute later, still carrying the wooden pole in her right hand:



060-AFO was captured on body worn camera near the front of the police line at 2:54 p.m.:

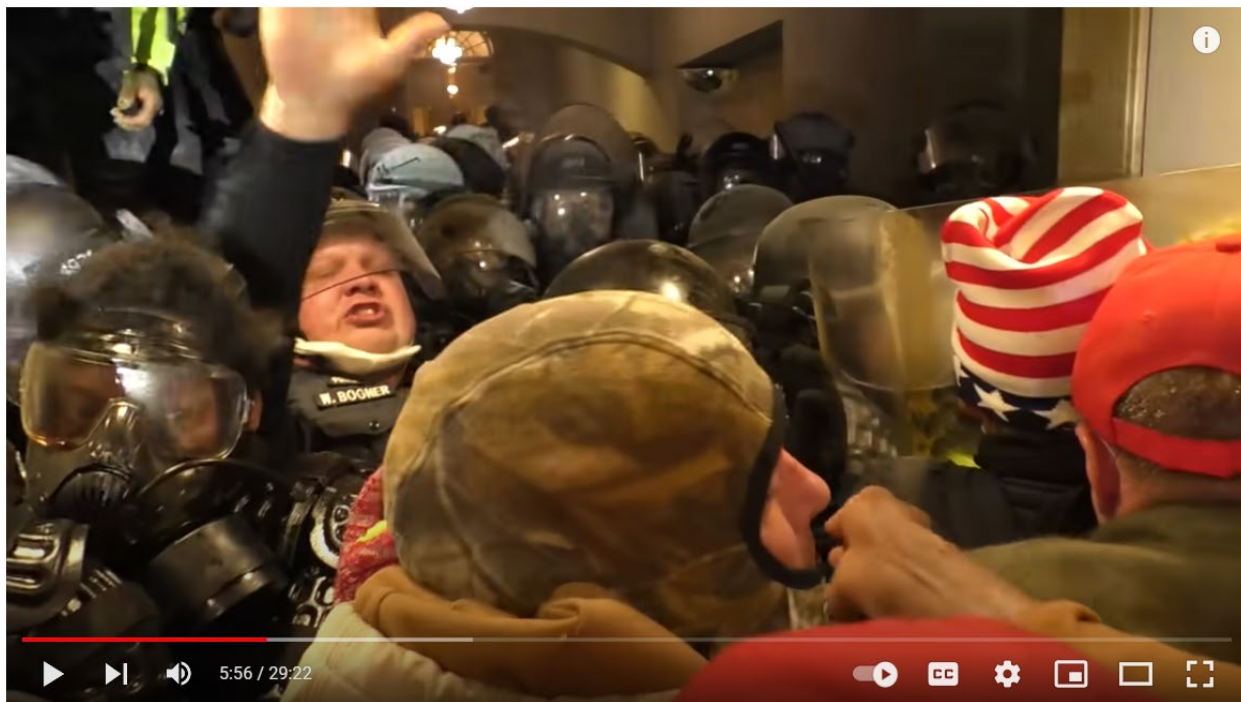


According to a publicly available YouTube video (“Video 2”)², 060-AFO made her way to the front of the police line and pushed with other rioters against police.

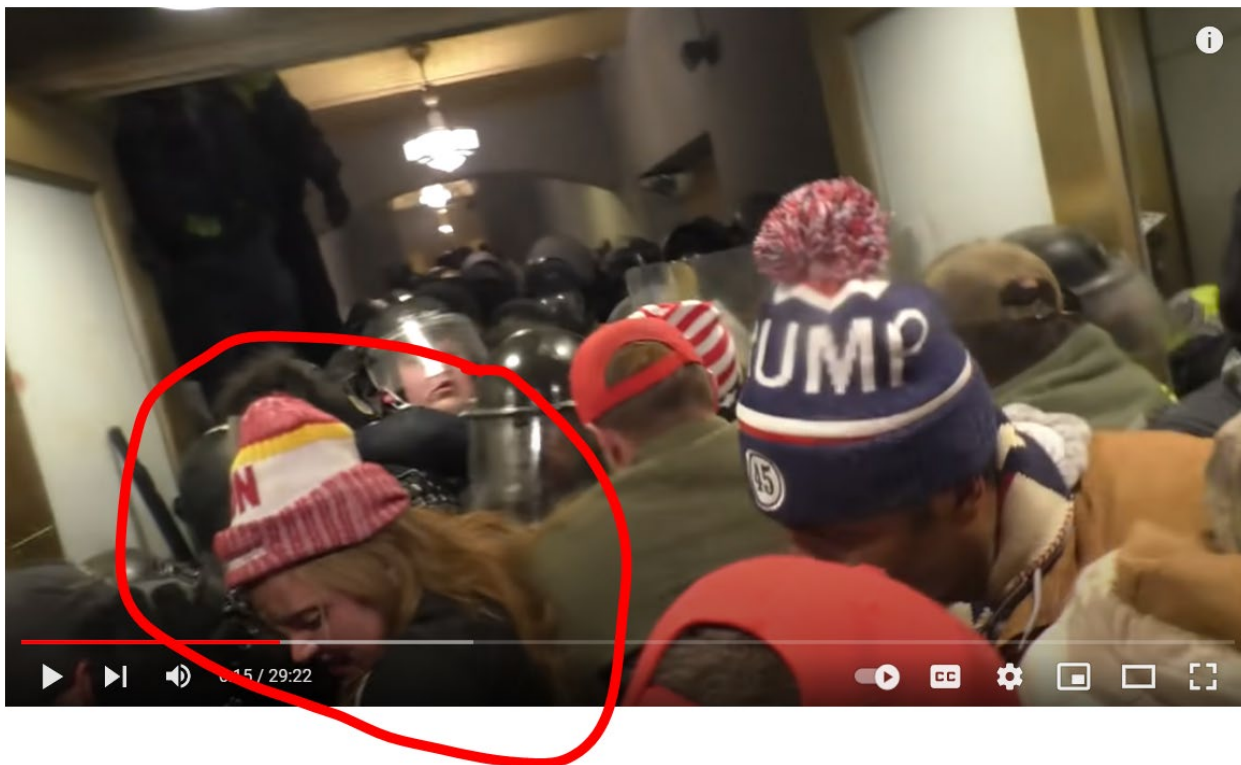


² Video 2 is available at <https://www.youtube.com/watch?v=cJOgGsC0G9U&t=729s> (last visited January 5, 2021).

060-AFO told law enforcement that she was “stuck” and cried out for help. According to Video 2, a nearby officer attempted to get the rioters to back up to help 060-AFO:



Shortly thereafter, 060-AFO was able to get out of the front line and moved further back into the crowd in the tunnel:



At approximately 3:00 p.m., 060-AFO was pushed by the crowd to the entrance to the tunnel area:



However, by approximately 3:02 p.m., 060-AFO made her way back to the front of the police line:

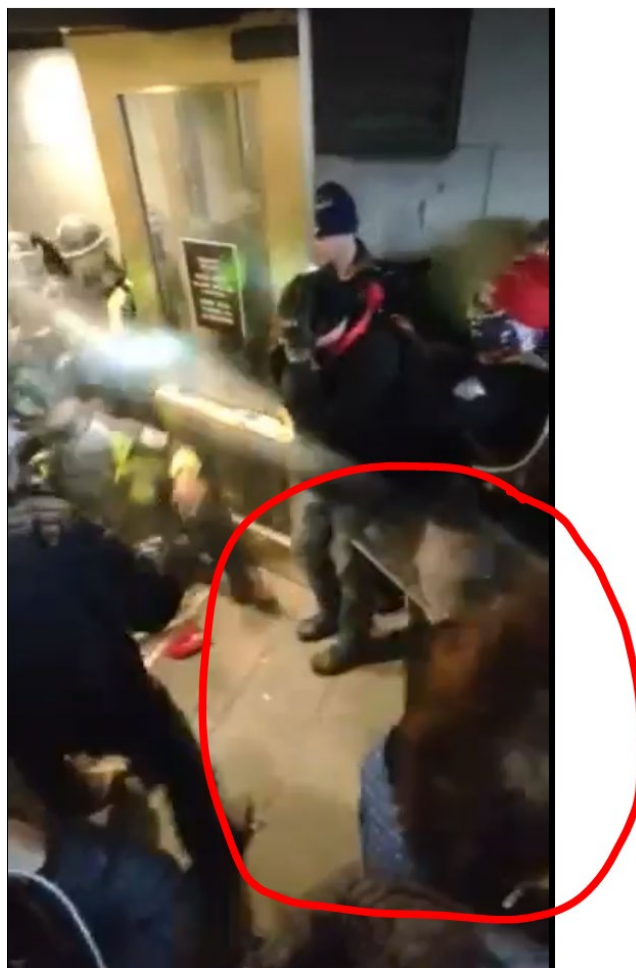


According to video recorded by another January 6 defendant ("Video 3"), after approaching the police front line for a second time, 060-AFO, along with other rioters began to

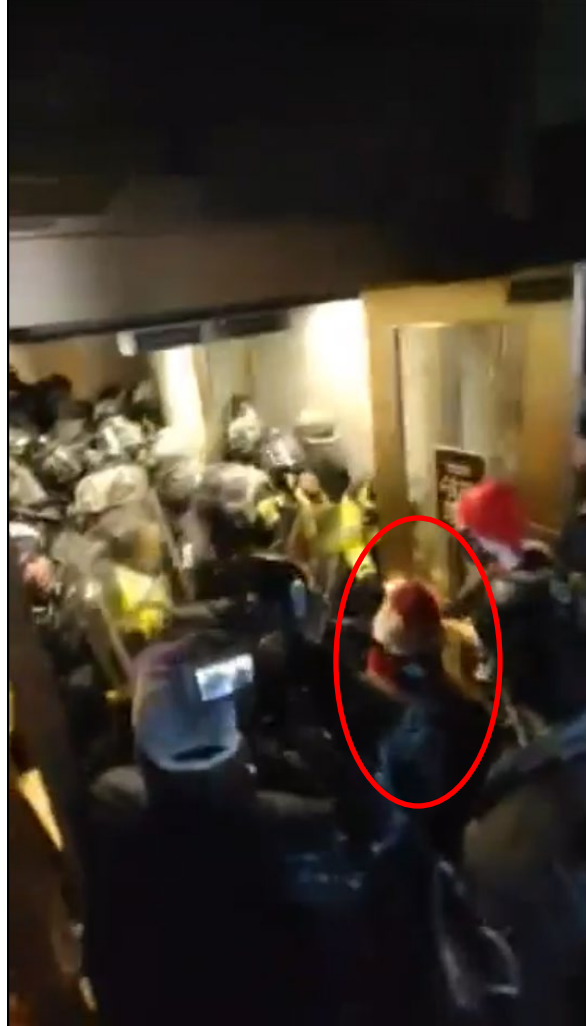
pull a riot shield away from officers. Below is a still image from Video 3 depicting 060-AFO, without her hat on, pulling the shield from a Metropolitan Police Department (“MPD”) officer:



060-AFO was successful in stealing the officer’s shield and then pulled it off into the crowd. Below is another still image from Video 3 depicting 060-AFO, who is recognizable by the blue shirt with white polka dots visible under her black shirt, pulling the shield into the crowd:



Moments later, Video 3 shows 060-AFO once again returned to the front of the police line:



060-AFO remained at the front of the police line for several minutes. At one point, 060-AFO is heard on Video 3 encouraging other rioters to move to the police line, stating, “come on up! Come on in!” and waving her arm to indicate other rioters should join her at the front. Similarly, 060-AFO also helped another rioter to move away from the front line by calling out to other rioters to “let him out!” In another video recorded by another January 6 defendant (“Video 4”), 060-AFO yelled, “we gotta get the shields to the front, ya’ll!” and “I’m pushing!” During this time, 060-AFO remained at the front line of police and, along with other rioters, continued to push against them.

At approximately 3:13 p.m., 060-AFO was standing behind the first set of doors to the tunnel as rioters and police continued to fight. Below is a still image from body worn camera depicting 060-AFO standing behind the doors at approximately 3:13 p.m.:



After a few minutes behind the doors, 060-AFO came out and rejoined the crowd near the front line of police. Below is a still image from CCTV footage depicting 060-AFO near the front line at approximately 3:15 p.m.



060-AFO remained at the front line and, along with other rioters, continued to push against police, sometimes in coordination. Below is a still image of 060-AFO from Video 3 pushing with other rioters against police:



At approximately 3:18 p.m., police cleared the tunnel of rioters by pushing rioters out. Below are still images of CCTV footage showing 060-AFO as she is pushed out of the tunnel by police.



B. Identification of 060-AFO as CASEY JANE TRYON-CASTRO

During the investigation, law enforcement made a preliminary determination that 060-AFO may be an individual named CASEY JANE TRYON-CASTRO. Based on a search of law enforcement databases, agents determined that TRYON-CASTRO lived at a residence in Roanoke, Virginia.

On or about January 25, 2021, law enforcement interviewed TRYON-CASTRO at her residence in Roanoke, Virginia. Law enforcement made contact with TRYON-CASTRO at the residence and TRYON-CASTRO voluntarily agreed to be interviewed. During the interview TRYON-CASTRO admitted to being at the U.S. Capitol. She stated that she traveled to Washington, D.C. with her brother and a group of other individuals. TRYON-CASTRO was shown photographs of 060-AFO and she stated that she was the female in the photographs. TRYON-CASTRO stated that she lost the beanie she was wearing and that she threw away the shirt because it was covered in OC spray. Agents also showed TRYON-CASTRO video clips from inside the tunnel. TRYON-CASTRO told agents that she yelled at the crowd to “push!” while she was in the tunnel. TRYON-CASTRO also showed the agents the jeans she was wearing on January 6, 2021. A photograph of the jeans is included below:



Based on interviewing agents' observations of TRYON-CASTRO's appearance during the interview, agents identified TRYON-CASTRO as 060-AFO.³

Conclusion

Based on the foregoing, your affiant submits there is probable cause to believe that CASEY JANE TRYON-CASTRO violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of his or her official duties.

Your affiant also submits that there is probable cause to believe that TRYON-CASTRO 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.

Your affiant submits there is also probable cause to believe that TRYON-CASTRO violated 18 U.S.C. § 641, which makes it a crime for a person to embezzle, steal, purloin, or knowingly convert to his use or the use of another, or without authority, sell, convey or dispose of

³ The FBI received numerous tips regarding the identity of 060-AFO. All of these tips identified AFO 60 as an individual other than TRYON-CASTRO.

any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or receive, conceal, or retain the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted.

Your affiant submits there is also probable cause to believe that TRYON-CASTRO violated 18 U.S.C. § 1752(a)(1), (2) and (4), 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; (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 TRYON CASTRO violated 40 U.S.C. § 5104(e)(2)(E) which makes it a crime to willfully and knowingly obstruct, or impede passage through or within, the Grounds or any of the



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 2023.

G. Michael
Harvey



Digitally
signed by G.
Michael Harvey

HONORABLE G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE