

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (FBI). I have been in this position since June 2016. I am currently assigned to the Central Texas Joint Terrorism Task Force in the FBI San Antonio Field Office. In my duties as a Special Agent, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. I am currently tasked, among other things, 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, 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, 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 Tonya Bishop a/k/a Tonya Allison-Oberst

In January 2021, pursuant to a search warrant, the FBI received information from Google that a mobile device associated with Tonya BISHOP (“BISHOP”), a/k/a Tonya ALLISON-OBERST¹, was present at the U.S. Capitol on January 6, 2021. Subsequent investigation, including review of Closed-Circuit Television (CCV) video from the interior of the U.S. Capitol Building and open-source video and images taken on January 6, 2021, revealed that BISHOP was a part of a group that entered and traveled within the U.S. Capitol Building on January 6, 2021. Accordingly, as detailed below, there is probable cause to believe that on January 6, 2021, BISHOP committed violations of 18 U.S.C. § 1752(a)(1) and (2) (entering or remaining in, or engaging in disorderly conduct in, restricted building or grounds); and 40 USC § 5104(e)(2)(D) and (G) (engaging in disorderly conduct in any of the Grounds or Capitol Buildings or parading or demonstrating in any of the Capitol Buildings).

A. Identification of Tonya BISHOP, a/k/a Tonya ALLISON-OBERST

According to records obtained through a search warrant which was served on Google LLC, a mobile device associated with the email address tonyajean15@XXXX.com, was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. Taking the map display radius into account, Google location data shows that a device associated with email address tonyajean15@XXXX.com was in and around the restricted section of the Capitol grounds and/or in the U.S. Capitol Building at the

¹ The FBI has obtained information that on August 1, 2022, Tonya Jean ALLISON-OBERST applied for a U.S. passport in the name of Tonya Jean BISHOP. Information indicates Tonya ALLISON-OBERST married Bryan Roger Bishop and is now known as Tonya Jean BISHOP.

times and locations shown in the map below, with the “maps display radius” reflected on the accompanying chart. *See Image 7.* As illustrated, the listed locations encompass areas that are within and around the U.S. Capitol Building between approximately 2:18 p.m. ET and 2:41p.m. ET, which is during the known timeframe of the riot at the U.S. Capitol on January 6, 2021

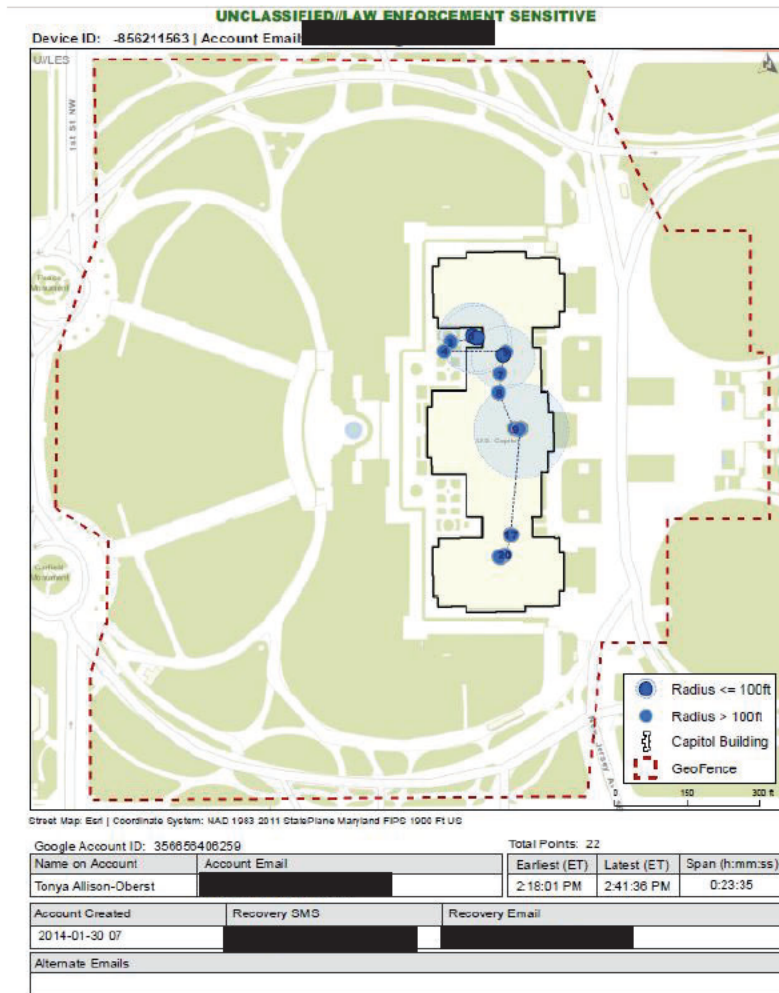


Image 7

Records provided by Google revealed that the mobile device associated with tonyajean15@XXXX.com belonged to a Google account registered in the name of “TONYA ALLISON-OBERST.” The Google account also lists a recovery SMS phone number of (xxx)xxx-9396.

Records provided by TracFone Wireless provided information responsive to a grand jury subpoena requesting subscriber information for the SMS phone number of (xxx)xxx-9396. This information indicated that the phone number was associated with email address tonyajean15@XXXX.com. TracFone Wireless further indicated that the phone number service activation was January 28, 2020 and service end date, the date through which service is paid and will remain active, is March 28, 2026. TracFone also listed TONYA ALLISON-OBERST as a credit card holder for payments made from December 2, 2020 to June 17, 2021. Included in

TracFone Wireless's response was an advisory stating subscriber information is not required from customers upon activation of service.

I have reviewed BISHOP's Washington State driver's license² photo and concluded the facial features in that photograph closely resemble the person seen in the below still shot taken from open-source video footage taken outside the US Capitol Building on January 6, 2021. *See Image 1.*



Image 1

I also showed Image 1 and BISHOP's driver's license photograph to a third-party ("Witness-1") who is familiar with the Bishop family, including with BISHOP. Witness-1 identified both images as being of BISHOP.

The FBI has reviewed prison monitored/recorded phone calls between an inmate who is believed to be the son of BISHOP and phone number (xxx)-xxx-9396. During a call on 01/04/2021, the female voice associated with phone number (xxx)-xxx-9396 stated, "On the 6th, Trump has called The Patriots together, a bunch of us are headed over there."

B. BISHOP's Activities at the U.S. Capitol on January 6, 2021

I have reviewed U.S. Capitol Police (USCP) closed-circuit video (CCV) footage from in and around the U.S. Capitol on January 6, 2021. I observed the individual pictured in Image 1, *i.e.*, BISHOP, wearing a knit hat containing a large red horizontal stripe surrounded above and below by a smaller white stripe, and carrying flags on flagpoles enter the U.S. Capitol building at approximately 2:19 p.m. EST through the Senate Wing Doors. *See Image 2* (BISHOP is circled in yellow).

² The driver's license reviewed was issued by Washington State Department of Licensing under the name Tonya ALLISON-OBERST on June 15, 2020.

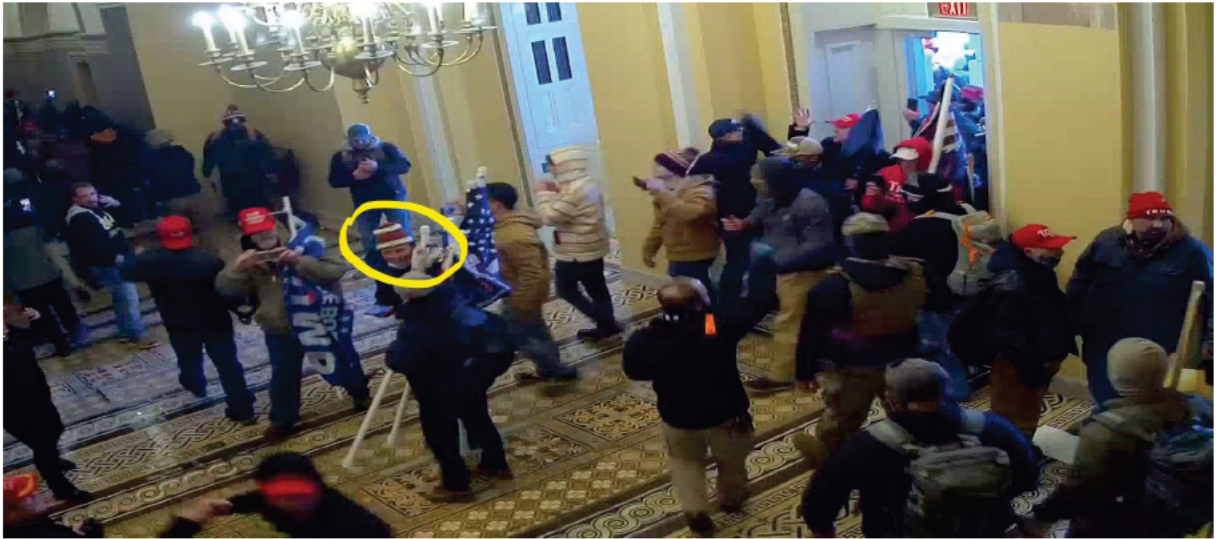


Image 2

Review of the CCV revealed that BISHOP remained inside the U.S. Capitol Building for almost 30 minutes on January 6, 2021. Once BISHOP entered the U.S. Capitol Building through the Senate Wing Doors, she traveled to the Crypt. She entered the Crypt at approximately 2:21 p.m. EST. See Image 3 (BISHOP is circled in yellow).



Image 3

At approximately 2:26 p.m. EST, BISHOP was observed near the Memorial Doors. See Image 4 (BISHOP is circled in yellow).



Image 4

BISHOP then traveled through Statuary Hall at approximately 2:32 p.m. EST. See Image 5 (BISHOP is circled in yellow).

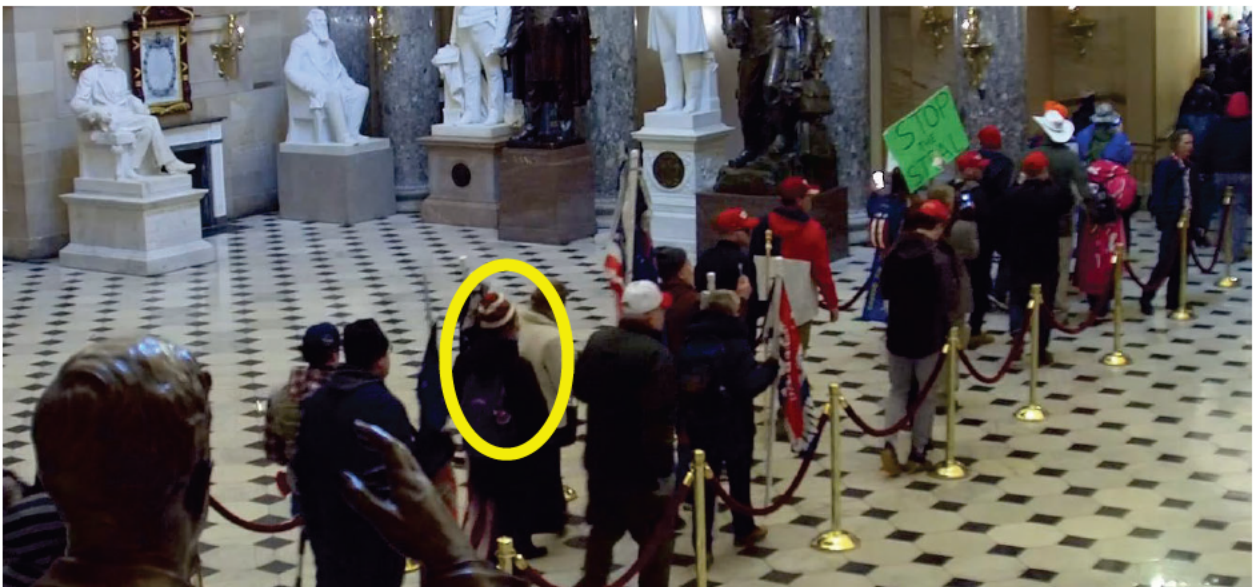


Image 5

At approximately 2:46 p.m. EST, BISHOP stopped near the Upper House Doors with other rioters and then about a minute later exited the U.S. Capitol building. See Image 6 (BISHOP is circled in yellow).



Image 6

Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that TONYA BISHOP, a/k/a TONYA ALLISON-OBERST 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 TONYA BISHOP, a/k/a TONYA ALLISON-OBERST violated Title 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.



FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 6th day of August, 2023.

A handwritten signature in blue ink that reads "M. A. Upadhyaya".



Moxila A. Upadhyaya
2023.08.06 11:06:51 -04'00'

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE