

Case: 1:23-mj-00213
Assigned To : Harvey, G. Michael
Assign. Date : 8/18/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Terri Lynn M. James, is a Special Agent with the Federal Bureau of Investigation (“FBI”). 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 violations of Federal criminal laws.

The United States Capitol is secured 24 hours a day by United States Capitol Police. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by United States Capitol Police. Only authorized people with appropriate identification were allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States 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 that appeared to be captured on mobile devices of people 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.

While investigating another rioter whose initials are T.M. and his/her possible involvement in the unlawful breaches of the restricted grounds on January 6, 2021, the FBI Washington Field Office determined via search warrants executed on T.M.'s cellphone that William Frederick Beals, II (herein referred to as "Beals") using (253) XXX-4221 discussed via text messages being present at the U.S. Capitol on January 6, 2021. Beals stated via text messages that "I knew it was easy to get in." Beals also admitted in a text message that he had a riot shield confiscated by the police.

Investigation revealed Beals traveled from his then-home in Tennessee on or about January 5, 2021, to Washington, DC. He attended the pre-"Stop The Steal" Rally activities at the Black Lives Matter Plaza to protest the certification of the Electoral College for the 2020 Presidential elections. Beals wore a black vest and black helmet each adorned with yellow "Fuck Antifa" stickers on them as shown in the image below. He also wore black leather gloves and a black leather jacket.



Figure 1 - Beals in Washington DC on January 5, 2021

The next day, surveillance video captured Beals as he traveled down Pennsylvania Walkway towards the restricted grounds. Shortly after 1:00pm, the crowd began to overwhelm

police officers at the Capitol, pushing aside temporary fencing and barricades. He again wore the black gloves, black helmet, and black vest but this time on top of a camouflage jacket instead of a black leather jacket as he had the night before. As he walked toward the Capitol, the bike rack barricades were being taken apart in front of him by members of the mob. He then stood near a portion of the barricades that had been cast aside by the mob. This can be seen as Beals walked along Pennsylvania avenue in Figure 2 and Figure 3 below. Moments later Beals reached the Lower West Plaza area where police had formed a human barricade to counteract the crowd's advancement.

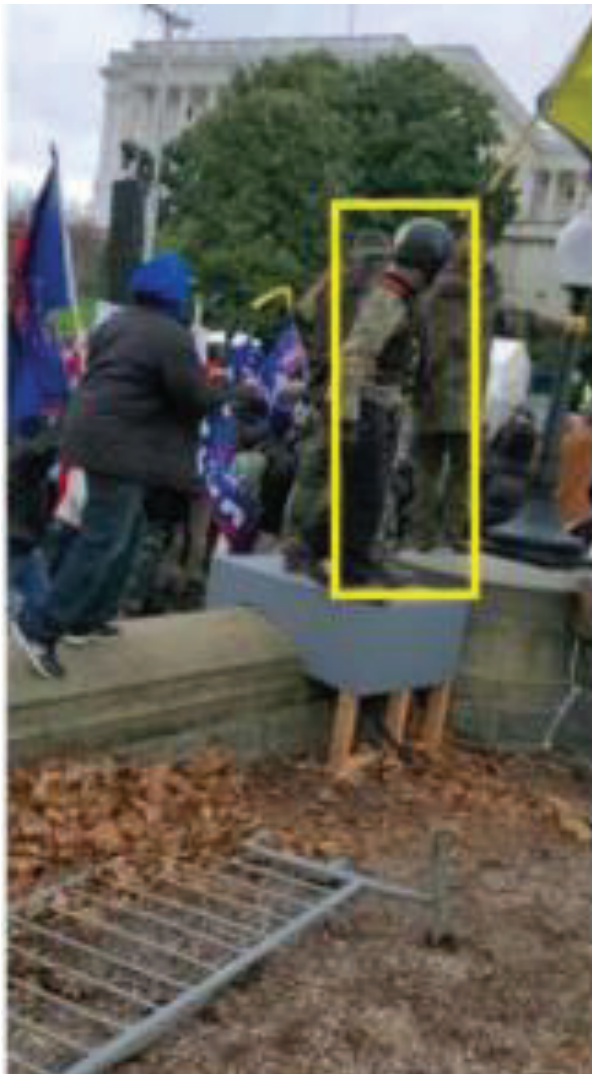


Figure 2 - Beals in yellow box on Lower Plaza



Figure 3 - Beals in the Lower West Plaza area where Capitol Police are lined up to prevent crowd advancement

Beals traveled to the Lower West Terrace or the West Plaza Barricade area where he confronted members of law enforcement including members of the United States Capitol Police (USCP). He alternately pushed against and resisted enforcement of a barricade, which USCP used in an effort to hold back the crowd. Beals yelled at police officers saying, "Fuck you! I'll bet your mama's proud of your bitchass!" See Figure 4 below.



Figure 4 - Beals in yellow circle Lower Plaza of the U.S. Capitol

At approximately 1:30 pm, the crowd began to physically overtake the police line positioned outside the scaffolding and on the Northwest Steps, giving the rioters unfettered access to the U.S. Capitol Building's Upper West Terrace. Beals climbed the scaffolding to make his way closer to the entrance. Beals can be identified by the aforementioned clothing. Of note, Beals had an orange tab/tape on the shoulder of his vest. His black helmet contained a yellow sticker that reads "Fuck Antifa". Beals made his way through this region of the restricted area towards the front of the crowd by climbing up the scaffolding where police, were working to thwart the rioters forward progress. As Beals advanced towards the Capitol building on the scaffolding, a police officer can be seen in Figure 7 attempting to hold rioters back from the entering the building.



Figure 5 - Beals in yellow box on scaffolding



Figure 6 - Beals in yellow box on scaffolding

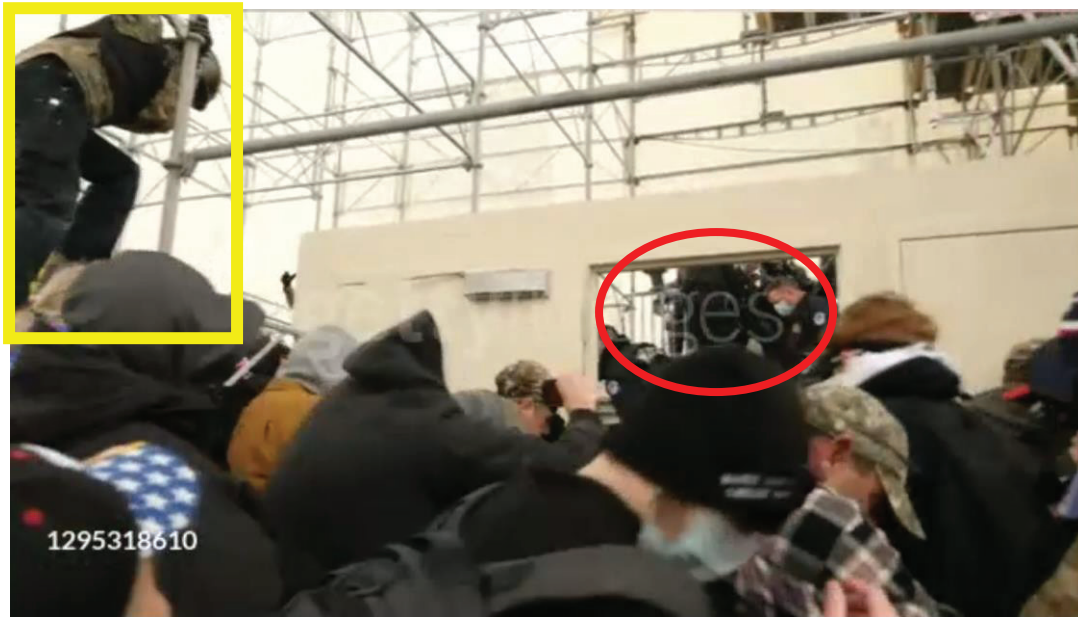


Figure 7 - Beals in yellow box on scaffolding and police officers protecting the Capitol in red circle

Beals subsequently made his way to the Northwest Courtyard near the Senate Wing. At approximately 2:13pm the first rioters entered the U.S. Capitol Building. Minutes later, Beals is seen on CCTV first making entry via the NW Side Door as shown in Figures 8 and 9. He is identifiable by his black helmet with the yellow sticker, black vest, and camouflage shirt/jacket. He walked around inside the Capitol Building for approximately eight minutes posing for pictures, holding up signs, and speaking with other rioters.

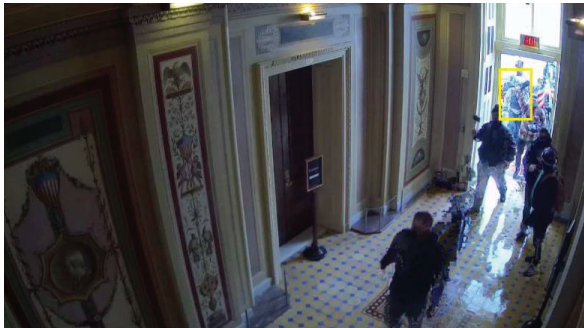


Figure 8 – Beals enters the NW Side Door



Figure 9 – Beals entry at the NW Side Door

According to CCTV, Beals left the Capitol building at approximately 2:20pm. See Figure 10 below.

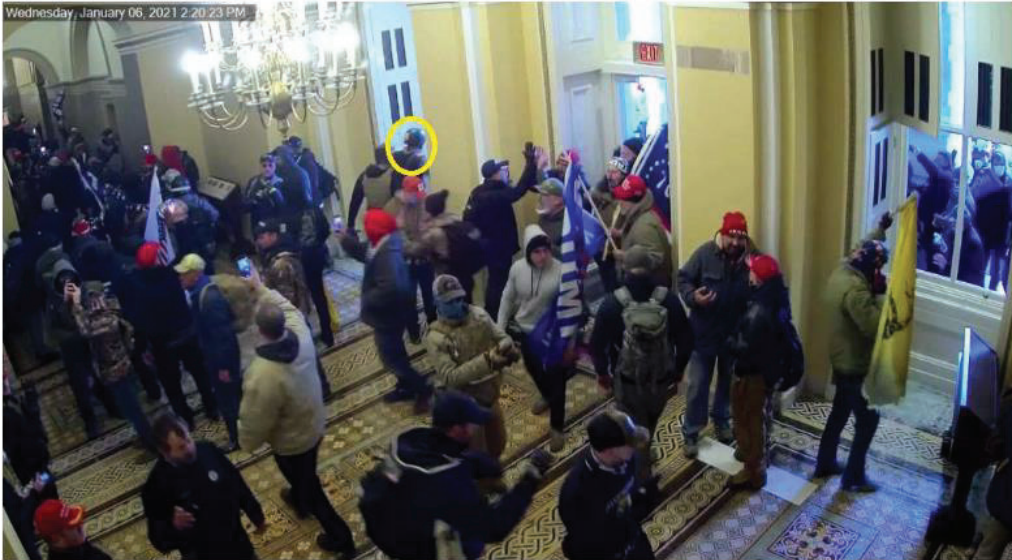


Figure 10 - Beals exiting from Senate Wing through a window

After exiting the Capitol building, Beals did not leave the restricted grounds. Rather, he joined a group of rioters on the Courtyard using a bullhorn that included “the QAnon Shaman.” Members of law enforcement were present nearby. The white sticker on the back of Beals’ black helmet reads, “TN Building & Construction Trades Council.”

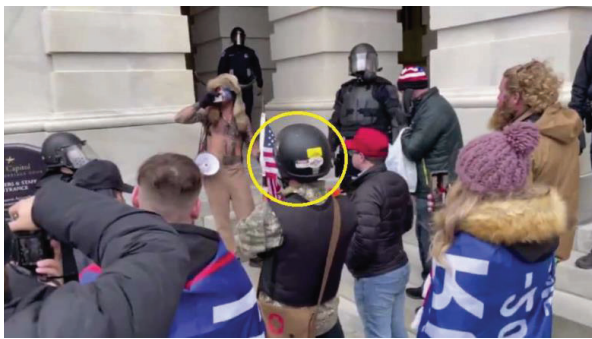


Figure 11 – Beals with other protestors

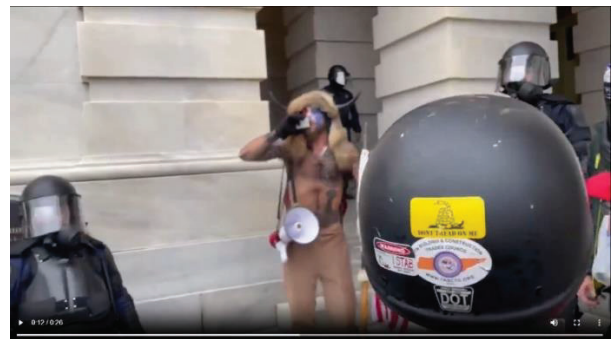


Figure 11a – Close up of Beals’ helmet

Law enforcement secured the Senate Wing Door, the first area of the Capitol Building that had been breached. However, at approximately 2:45pm a second rush of rioters breached the Capitol in the same area. At approximately 2:48pm, Beals donned a gas mask and re-entered the Capitol via the Senate Wing Door. Beals was part of a group of rioters who physically overpowered members of USCP who were working to maintain security of the Senate Wing Door, the place of the initial breach on January 6, 2021. During his second entrance into the Capitol Building, Beals was inside for approximately five minutes before exiting again.



Figure 12 – Beals put on a gas mask before re-entering the Capitol



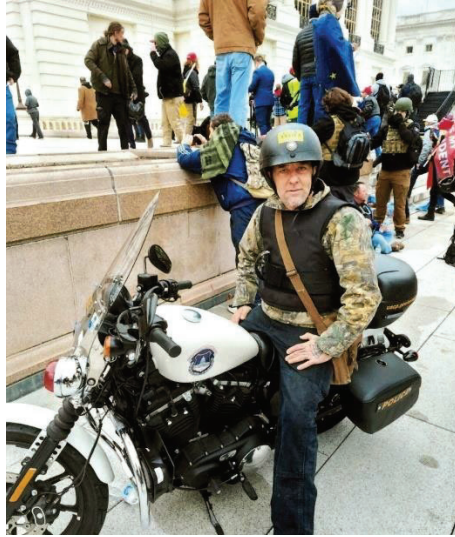
Figure 13 – Beals re-entered the via the Senate Wing Door

Beals took at least one cellphone video after exiting the Capitol Building but while still in the restricted area. After exiting the Capitol, Beals recorded himself announcing on TikTok, “so we officially took the White House”.



Figure 14 - Beals outside Capitol

At some point that afternoon, Beals posed for photographs with USCP property. While still in the restricted grounds, Beals sat atop a USCP motorcycle on the northwest Courtyard/Terrace. He also took photos in two different areas outside the restricted grounds while posing with a USCP shield.



Figures 15, 16, & 17 - Beals sitting on USCP motorcycle and in yellow box with police shield with photo being taken by reporters and later by Robert Gieswein.

According to an online database, the carrier for (253) XXX-4221 is T-Mobile. Pursuant to legal process, T-Mobile provided subscriber information for the phone number showing that the account holder is [REDACTED] of Chattanooga, Tennessee, with a [REDACTED] address. Service began for this cellphone number in April 2018. [REDACTED] is Beals' girlfriend. The records returned by T-Mobile for telephone number (253) XXX-4221 included the (IMSI) of [REDACTED]. An IMSI is a 15-digit code; all mobile phone subscribers are assigned a unique 15-digit IMSI number to allow foreign mobile networks to identify subscribers from abroad. AT&T also provided a SIM card number of [REDACTED]. A SIM (Subscriber Identity Module) card is a plastic piece with a circuit-embedded chip that stores identifying information on a mobile device. This information helps mobile service providers associate devices with individual customer accounts.

In approximately September 2022, Beals and [REDACTED] relocated to Catoosa County, Georgia according to his driver's license. The Sheriff's Office of Catoosa County arrested Beals in September 2022 and again in January 2023. [REDACTED] was the identified victim in both incidents.

(253) XXX-4221 was listed as his phone number in the police incident reports. Beals reported a harassment incident to the Tennessee Valley Authority Police in March 2023 and listed (253) XXX-4221 as his contact number. He reportedly further complained of losing his career as a union carpenter due to the January 6, 2021 investigation.

On July 13, 2021, your affiant interviewed Beals in Chattanooga, Tennessee. After viewing his Tennessee-issued driver's license and several photos from the January 6, 2021 riot at the United States Capitol that had been obtained via open-source research, when meeting Beals in person, I immediately recognized him. During this interview, he admitted to being in Washington, DC on January 6, 2021. However, he denied entering the U.S. Capitol Building. Beals advised he met up with a group that communicated via Facebook and Instagram on or about January 6, 2021.

On October 21, 2021, Beals again came to the FBI Chattanooga office to speak specifically with your affiant. His security clearance had been revoked and he wanted to know if it was a result of the FBI's interview. At this time, Beals was advised that it is a crime to lie to federal agents during the course of an investigation. Beals advised he understood. He was asked again if he had entered the U.S. Capitol Building on January 6, 2021, and again he denied entering the Capitol. He was shown photographs of himself (stills from the Capitol video footage identified above as Figure 15 outside the Capitol Building. He advised the photos must be fake or doctored. Your affiant recognized tattoos on Beals hand and neck. I pointed out these tattoos in the photos that Beals has on his hand and neck. Beals stated that many people had the same tattoos and continued to deny entering the Capitol Building.

Your affiant submits that there is probable cause to believe that Beals 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 so; 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. 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, while carrying or using a deadly or dangerous weapon or firearm, in this case a flagpole.

Your affiant submits there is also probable cause to believe that Beals violated 40 U.S.C. §§ 5104(e)(2)(D), and (G), which makes it a crime to willfully and knowingly 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.

Your affiant submit that there is probable cause to believe that Beals 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 any record, voucher, money, or thing of value of the United States or of 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 Beals violated 18 U.S.C. § 1001, which makes it a crime to 1) knowingly and willfully; 2) make any materially false, fictitious or fraudulent statement or representation; 3) in any matter within the jurisdiction of the executive, legislative or judicial branch of the United States.



SPECIAL AGENT TERRI LYNN M. JAMES
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 18th day of August 2023.

**G. Michael
Harvey**



Digitally signed by G.
Michael Harvey
Date: 2023.08.18
14:33:11 -04'00'

HON. G. MICHAEL HARVEY
U.S. Magistrate Judge