

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Jon Nicholas Heneghan, (DOB: XXXXXXXXXX)

Carol O'Neal Kicinski, (DOB: XXXXXXXXXX)

Case: 1:22-mj-00036

Assigned to: Judge Meriweather, Robin M.

Assign Date: 2/22/2022

Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds

18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds

40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building

40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Shawn Michael Walsh, Task Force Officer

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 02/22/2022

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Shawn Walsh, is a Task Force Officer (TFO) assigned to Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF) in Tampa, Fl. Currently, your affiant is tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a TFO, 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 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.

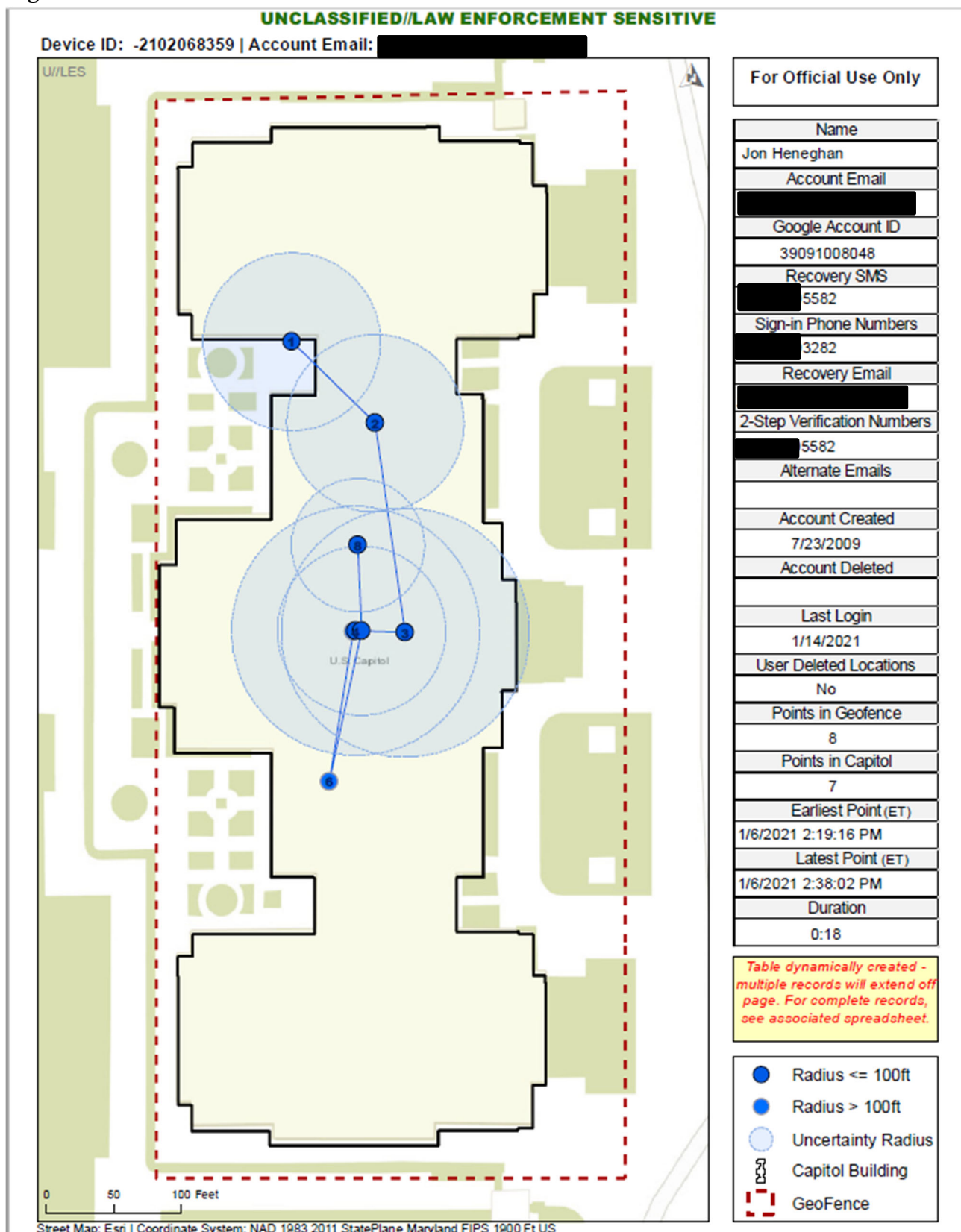
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On May 12, 2021 I learned that according to records obtained through a search warrant served on Google, a mobile device associated with j*****@g****.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. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with j*****@g****.com was within the U.S. Capitol Building between approximately 2:19 p.m. and 2:38 p.m. on January 6, 2021. Google records show that the “maps display radius” for this location data was less than 100 feet for 7 of the 8 locations, which encompasses an area that is entirely within the U.S. Capitol Building.

As illustrated in in the map below, Figure 1, the listed locations encompass areas that are entirely within the U.S. Capitol during the time period listed. Specifically, Google location data shows that a device associated with j*****@g****.com was within the U.S. Capitol at the times and locations shown in Figure 1 (at the locations reflected by each darker blue circle), below, with the “maps display radius” reflected in Figure 1 (as reflected in a lighter blue ring round each darker blue circle). As illustrated in Figure 1, the listed locations were entirely within areas of the U.S. Capitol Grounds which were restricted on January 6, 2021.

Figure 1



Law enforcement officers, to the best of their ability, have compiled a list (the “Exclusion List”) of any Identification Numbers, related devices, and information related to individuals who were authorized to be inside the U.S. Capitol during the events of January 6, 2021, described above. Such authorized individuals include: Congressional Members and Staffers, responding law enforcement agents and officers, Secret Service Protectees, otherwise authorized governmental employees, and responding medical staff. The mobile device associated with j*****@g****.com is not on the Exclusion List. Accordingly, I believe that the individual possessing this device was not authorized to be within the U.S. Capitol Building on January 6, 2021.

I reviewed the above information on May 12, 2021. In addition to the information in the preceding paragraphs, Google indicated the mobile device with the number ending in 5582 had a related Google account of #390910008048. I later obtained subscriber and account information for Google Account identification #390910008048 which showed the account was created on July 23, 2009 and was subscribed to “Jon Heneghan” with an email address of j*****@g****.com with a physical address located in Clearwater, Florida. Google listed the recovery SMS as a telephone number ending in 5582.

On September 21, 2021 I obtained subscriber and account information for the mobile directory assigned phone number ending in 5582 and was provided the following information; the mobile directory assigned phone number ending in 5582 is assigned to the T-Mobile network under related account #945649352 and was effective on September 25, 2014. The subscriber was “Jon N Heneghan” with the same listed address in Clearwater, Florida as associated with the Google Account described above.

I also learned that on May 13, 2021 HENEGHAN had changed his home address on file in the DHSMV database to an address in Dunedin, Florida. 34698. I conducted additional research at the Pinellas County, Florida Property Appraiser's Office (Florida) related to the address in Dunedin, Florida and discovered it is owned by a Carol O'Neal KICINSKI. Law enforcement and public database searches linked the telephone number ending in 3333 to James O'Neal, Thomas Kicinski and Carol Kicinski, the latter residing at the same address in Dunedin, Florida. Further research in law enforcement databases showed that the phone number ending in 3333 was used by KICINSKI to make an insurance claim in June of 2020.

I obtained telephone records from T-Mobile which indicated the phone number ending in 3333 was assigned the subscriber ID #63794642011 and was effective on December 20, 2020. The subscriber was listed as “Thomas Kicinski” with a listed billing address in Dunedin, Florida of Thomas Kicinski. Your affiant conducted further research and determined Thomas Kicinski died in 2017.

I reviewed surveillance footage from the United States Capitol Police for January 6, 2021 and located HENEGHAN in several videos. In three videos, he was accompanied by a white

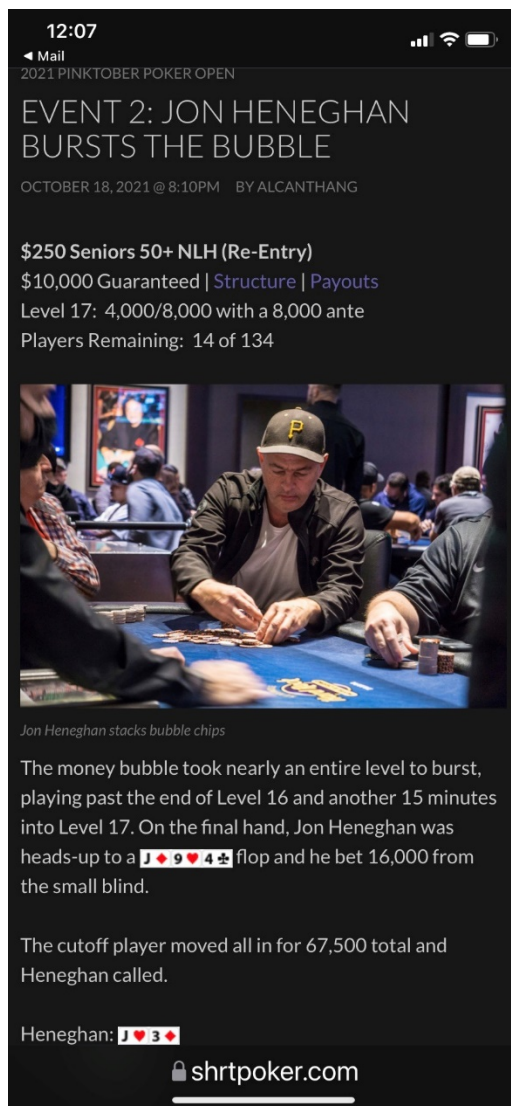
female with dark hair who was wearing a grey colored jacket, blue jeans, red shirt and wearing a blue “TRUMP” hat with red writing on it. I further researched KICINSKI to determine if she was the person with HENEGHAN on January 6, 2021 depicted in the surveillance footage.

I conducted research within the Florida Department of Highway Safety and Motor Vehicles (DHSMV) database while attempting to locate and interview HENEGHAN. I compared his driver’s license photograph with the below image [Figure 2] posted publicly on HENEGHAN’s Instagram account that used the vanity name “heneghanjon”. Both images appear to depict the same person:

Figure 2



I also conducted an open source search, and located the photograph below of Jon HENEGHAN on “shrt poker.com”:



Several images of HENEGHAN and of HENEGHAN and a woman posing together were located on HENEGHAN'S Instagram account, as well as a photograph of HENEGHAN at a poker table. These images are depicted below Figures 3-6:

Figure 3



Figure 4



Figure 5



Figure 6



I also located the website “simplygluten-free.com” which listed the founder and editor as Carol Kicinski next to her image [Figure 7]:

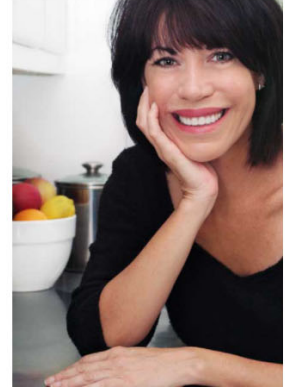
Figure 7

Carol Kicinski: America's Gluten Free Voice

Diagnosed with gluten sensitivity more than 20 years ago, Carol Kicinski has motivated millions to live healthy and happy gluten- and allergen-free lives. Carol's core philosophy is "Look at the world of food in terms of what I CAN eat – not what I can't – and look how much healthier I am because of it!" Carol is a TV chef in her seventh season of monthly episodes on NBC-based Daytime TV. The show is nationally syndicated to 191 TV stations and Dish Network. She has a monthly viewing audience of 2.2 million viewers.

With an annual readership of over 4 million, she is the Founder and Editor-in-Chief of Simply Gluten Free magazine, a nationally published print and digital magazine dedicated to the gluten- and allergen-free lifestyle. The magazine's purpose is to educate, assist and inspire those with celiac disease or a sensitivity to gluten, dairy, nuts, grains or other allergenic elements, and also assist those with vegetarian, vegan, and Paleo diet preferences.

She launched the first issue in November/December 2012 and it has since become the best-selling and most popular gluten and allergen-free lifestyle magazine in America and Canada. The magazine was awarded the "2013 Hottest Launch" by Media Industry News (MIN) in Dec 2013. Barnes & Noble rates the magazine as #2 in Diet & Nutrition (second only to *Cooking Light*) and #15 in Food & Wine (out of 1,200 mags).

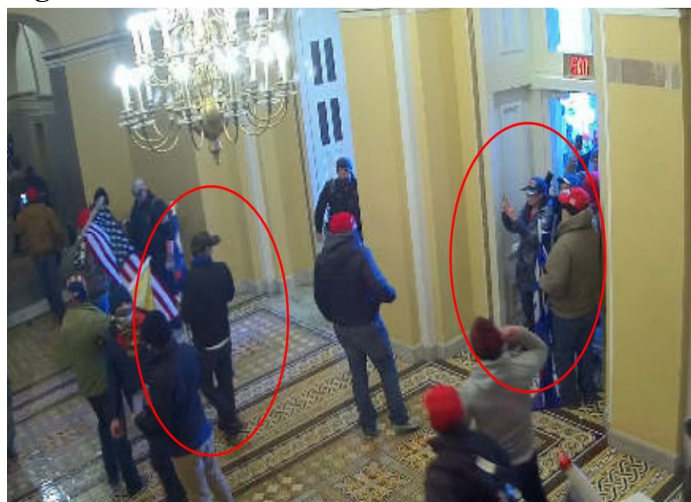


While conducting my research at the Florida DHSMV I viewed the driver's license image on file for KICINSKI. The driver's license image was consistent with the female depicted on the Instagram website page for "heneghanjon" as posing with HEHEGHAN (Figures 4-6) (above) and with the images of the woman with HENEGHAN in the CCTV footage discussed below.

On June 16, 2021, FBI Task Force Officer (TFO) Steven Costa and I contacted KICINSKI at her residence in Dunedin, Florida during an attempt to interview HENEGHAN and KICINSKI. TFO Costa and your affiant met with KICINSKI and positively identified her as the subject depicted in the driver's license photograph, in the images from HENEGHAN'S Instagram account, and in the January 6, 2021 CCTV footage described below.

Your affiant located the initial GPS point captured on the Google warrant data for HENEGHAN's device at approximately 2:19 p.m. Eastern Standard Time (EST) near the first floor northwest doors to the Capitol building (Senate Wing Doors). The GPS point was cross-referenced in the DCAP database against video files generated from a camera located inside the northwest corner of the Capitol Building. HENEGHAN and KINSINKI are observed entering the U.S. Capitol Building through the northwest first floor doors, also known as the Senate Wing Doors near S 139 depicted below in Figure 8.

Figure 8



I reviewed video files from Hallway at approximately 2:35 p.m. (EST) which captured HENEGHAN and KICINSKI walking down a hallway inside the Capitol Building on January 6, 2021 as depicted below in Figure 9.

Figure 9



At approximately 2:37 p.m. (EST) HENEGHAN and KICINSKI are observed walking through the Rotunda, where they were observed looking down at their cell phones. They gathered in a group of people and eventually walked out of view of the CCTV as depicted below in Figure 10.

Figure 10

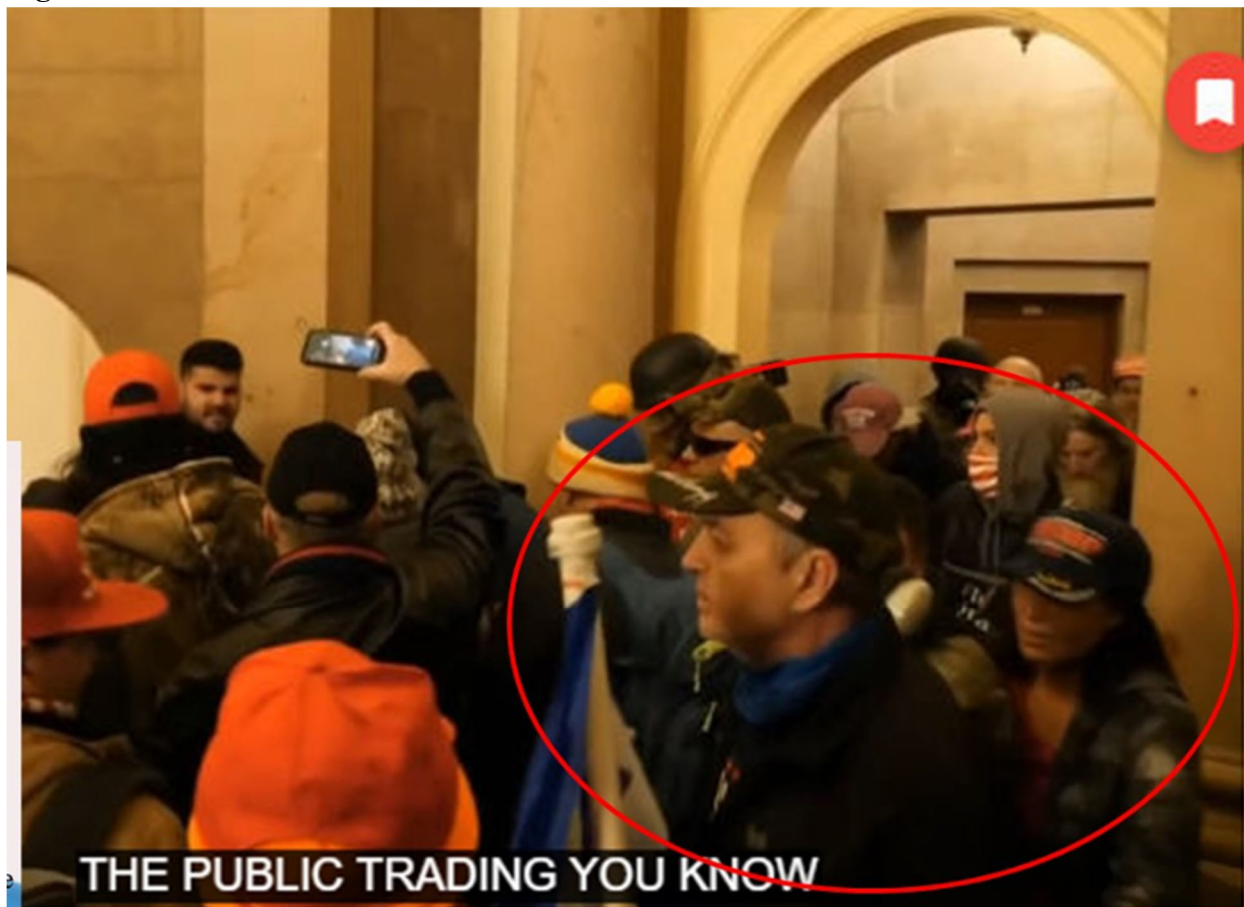


At approximately 2:51 p.m. (EST) HENEGHAN and KICINSKI are observed on near RHOB Taxi Stnd outside, near the Capitol Building on a sidewalk as depicted in Figure 11 below:

Figure 11

In September, 2021, I identified the ex-wife of HENEGHAN who was residing in Germany at the time. On September 15, 2021 FBI Task Force Officer (TFO) Paul Ura and I conducted a Facetime call from Tampa with the ex-wife of HENEGHAN who lives in Germany. She was shown the below listed image of HENEGHAN and KICINSKI walking through a hallway inside the Capitol Building on January 1, 2021 and positively identified the subject in the image depicted below “THE PUBLIC TRADING YOU KNOW”, see Figure 12 below, as her ex-husband; HENEGHAN.

Figure 12




Lastly, I obtained historic cellular site data from T-Mobile for HENEGHAN’s mobile device with a telephone number ending in 5582 and KICINSKI’s mobile device with a telephone number ending in 3333. I reviewed that data which indicated both devices registered on cellular towers in Tampa, Florida on January 5, 2021. The data also indicated both devices registered on cellular towers in the area of the Capitol Building on January 6, 2021 at approximately 2:30 p.m. (EST).

Based on the foregoing, your affiant submits that there is probable cause to believe that JON NICHOLAS HENEGHAN (“HENEGHAN”) and CAROL O’NEAL KICINSKI (“KICINSKI”) 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 HENEGHAN and KICINSKI violated 40 U.S.C. § 5104(e)(2)(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.



Shawn Walsh
Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 22nd day of February, 2022

HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE