

STATEMENT OF FACTS

Affiant

Case: 1:23-mj-00085

Assigned To : Upadhyaya, Moxila A.

Assign. Date : 4/24/2023

Description: Complaint W/ Arrest Warrant

I, William R. Lloyd, am a Special Agent assigned to Philadelphia Field Office of the Federal Bureau of Investigation. I have been a Special Agent since May 2019. In my duties as a Special Agent, I am responsible for investigating federal crimes that are connected to the Commonwealth of Pennsylvania. Currently, I 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, detection, investigation, or prosecution of a violation of Federal criminal laws.

Background on the Events of 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.

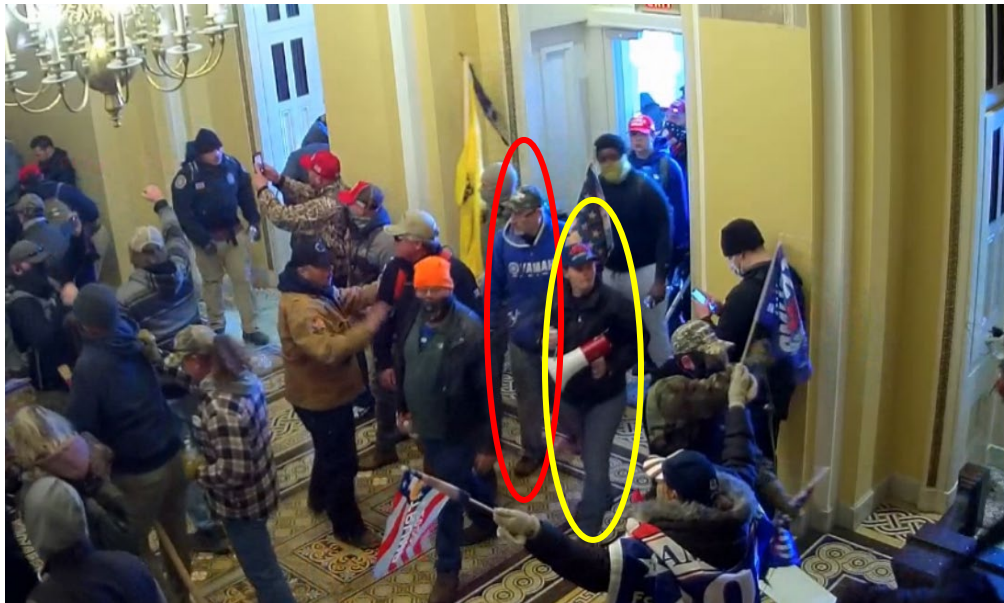
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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.

Joseph Pastucci and Jeanette Mangia's Entry into the Capitol

At 2:13 p.m., rioters breached the Senate Wing Door, which is an exterior, west-facing door located in the wing between the Capitol rotunda and the Senate Chamber. Rioters broke and climbed through windows on either side of the door and then opened the locked Senate Wing Door from the inside. The crowd outside then flowed through the now open door into the Capitol. At approximately 2:15pm, Joseph Pastucci,¹ dressed in a camouflage print "Veterans for Trump" hat, a blue Yamaha branded jacket, blue jeans, black Nike tennis shoes, and black drawstring backpack while carrying an American flag with printed text on it entered the Capitol through the Senate Wing Door. Pastucci was accompanied by his wife, Jeanette Mangia,² who entered wearing a black jacket, blue "Trump" hat, blue jeans, and carrying a red and white megaphone.



Together, Pastucci and Mangia turned left and began moving in the direction of the Lower Senate Corridors.

¹ Pastucci is circled in red.

² Mangia is circled in yellow.

Pastucci and Mangia's Route Through the Capitol

Pastucci and Mangia moved through the first floor of the Capitol for approximately thirteen minutes. At approximately, 2:28pm, Pastucci and Mangia encountered law enforcement officers who blocked their route through the Capitol. Finding their way obstructed, after approximately three minutes of speaking to the officers as part of a group, Pastucci and Mangia turned and walked backed in the direction from which they came.



Three minutes later, at 2:31pm, Pastucci and Mangia moved through the Small House Rotunda in the direction of the Memorial Door.³ Pastucci and Mangia both walked towards the Memorial Door and turned right towards the Rotunda.

³ The CCTV screenshot of Pastucci and Mangia moving through the Small House Rotunda has been brightened to better show their faces and clothing.



After turning right in front of the Memorial Door, Pastucci and Mangia entered the hallways in a House office complex on the ground floor of the Capitol. At approximately 2:34pm, they passed through the hallway leading to the Speaker of the House's office suite.



Pastucci and Mangia entered the Speaker's office suite shortly before 2:36pm. Inside of the office Mangia took a seat in a chair and appeared to instruct Pastucci to take a photograph of her.



Pastucci and Mangia exited the Speaker's office suite and were next seen moving in the direction of the Rotunda at approximately 2:37pm.

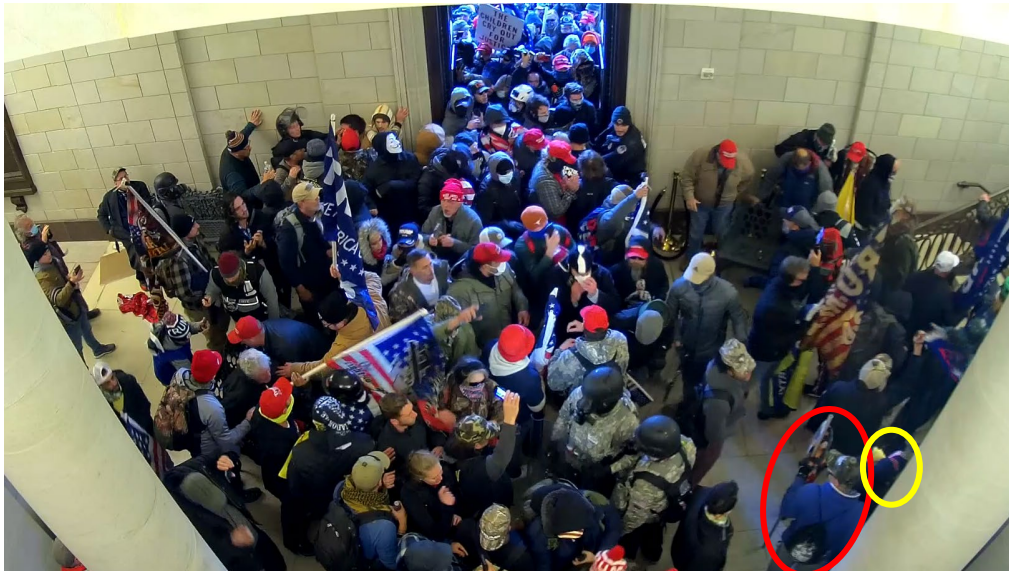


Pastucci and Mangia entered the Rotunda shortly before 2:38pm. Inside of the Rotunda, Pastucci briefly pulled what appears to be a phone from his jacket. Pastucci and Mangia continued to traverse the Rotunda. They stopped so that Mangia could take pictures of the statues at the perimeter of the Rotunda using a phone. Mangia then handed the phone to Pastucci, who placed it in his jacket pocket.





Pastucci and Mangia exited the Rotunda and continued walking in the direction of the East Rotunda Door. At approximately 2:41pm., they walked around the crowd that had amassed in front of the East Rotunda Door before mounting the East Stairs and ascending to the third floor of the Capitol Building.⁴



⁴ As they passed the East Rotunda door and mounted the stairs to ascend to the second floor, Pastucci and Mangia were captured by two cameras. Both of those camera angles appear above. The bottom image is rotated ninety degrees counterclockwise from the top image.



At 2:42pm, Pastucci and Mangia walked down the East Corridor towards the Senate Gallery and approached the doors to the Senate Gallery just after 2:44pm. Pastucci and Mangia walked to the threshold of the Senate Gallery before turning back and heading in the direction of the Senate Stairs. They descended the Senate Stairs at approximately 2:45pm.



Back on the second floor, Pastucci and Mangia turned right and walked past an elevator bank in the direction of S214 before ascending another flight of stairs at approximately 2:46pm. At the top of that flight of stairs, they came to a locked door which led into the Senate Chamber. Mangia knocked on the glass window. Finding that they were unable to pass through this door, Pastucci and Mangia went back the way they came.



Pastucci and Mangia's Entrance into the Senate Chamber

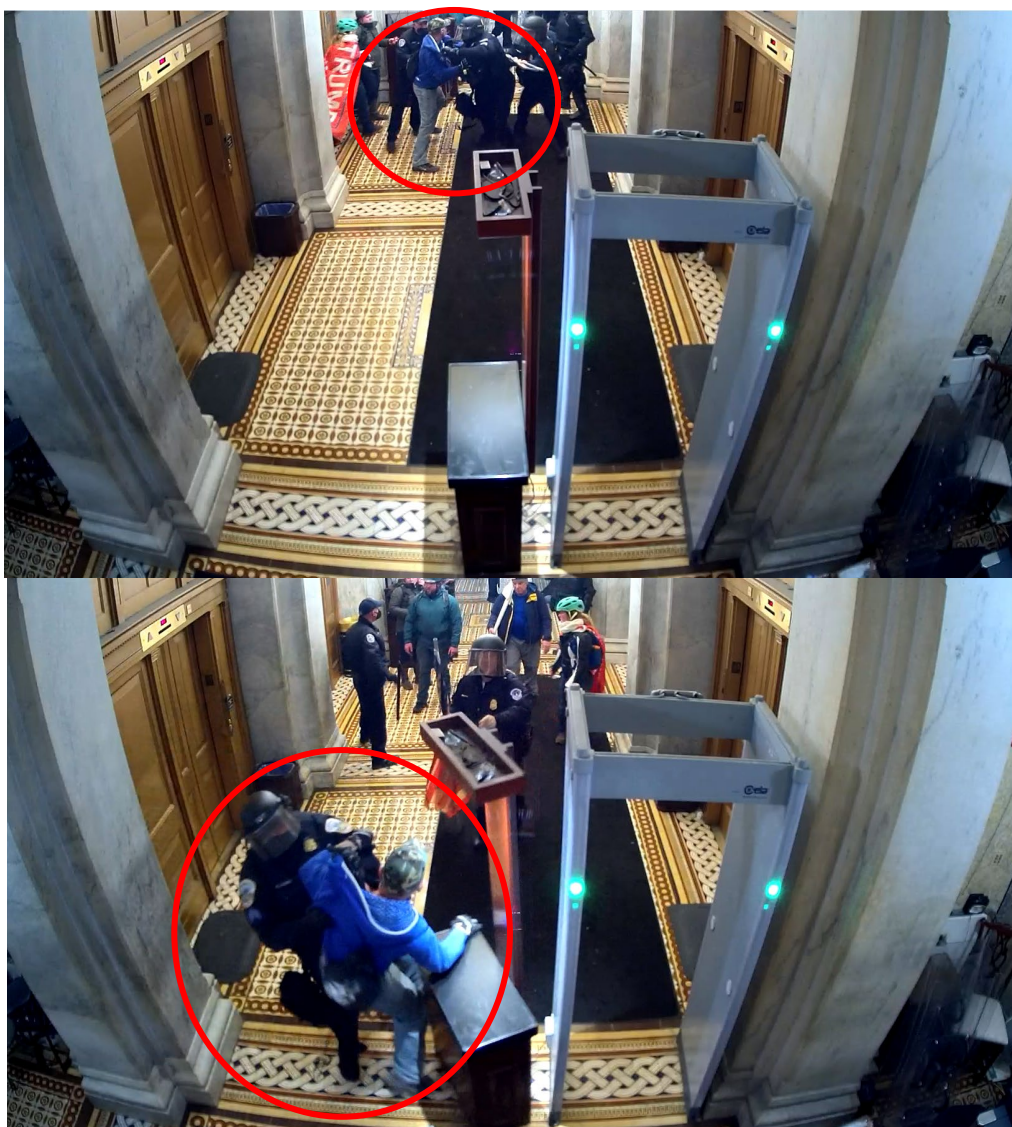
Rioters breached the Senate Chamber at approximately 2:42pm. These initial rioters opened the main doors to the Senate Chamber on the second floor of the Capitol. Shortly before 2:48pm, Pastucci and Mangia entered the Senate Chamber through the door on the northwest side of the chamber. They remained in the Senate Chamber for at least thirteen minutes. Together, they walked up and down the aisle for several minutes before sitting down. Pastucci and Mangia took seats in, respectively, the seats of Senator Kevin Cramer and former Senator Patrick Toomey. Pastucci pulled a phone out of his jacket pocket and appeared to type briefly on it.



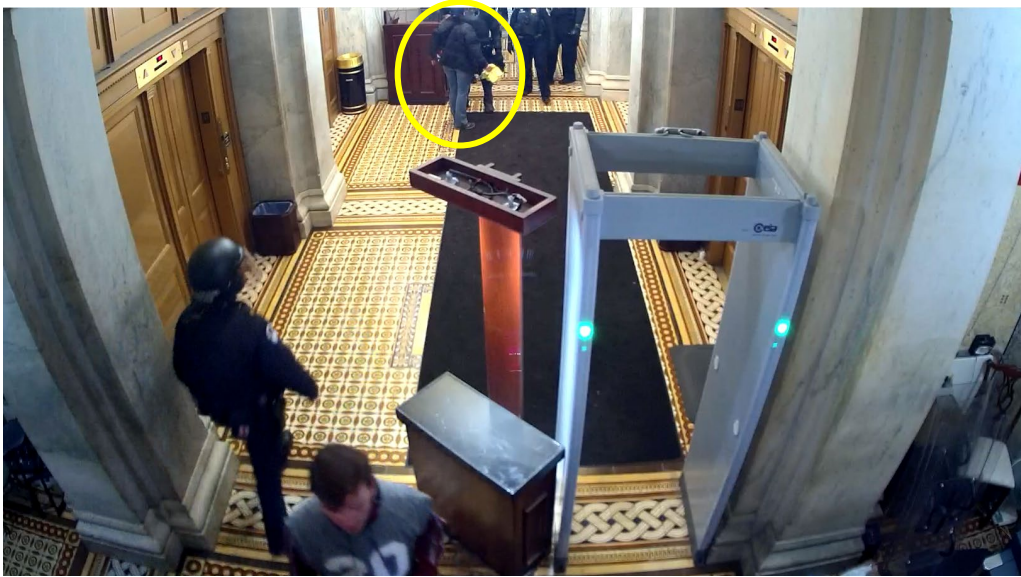
Starting at approximately 3:00pm, USCP officers began clearing rioters out of the Senate Chamber. Pastucci and Mangia exited the Senate Chamber shortly after 3:00pm and descended the stairs to the ground floor of the Capitol.

Pastucci and Mangia's Resistance Against Officers

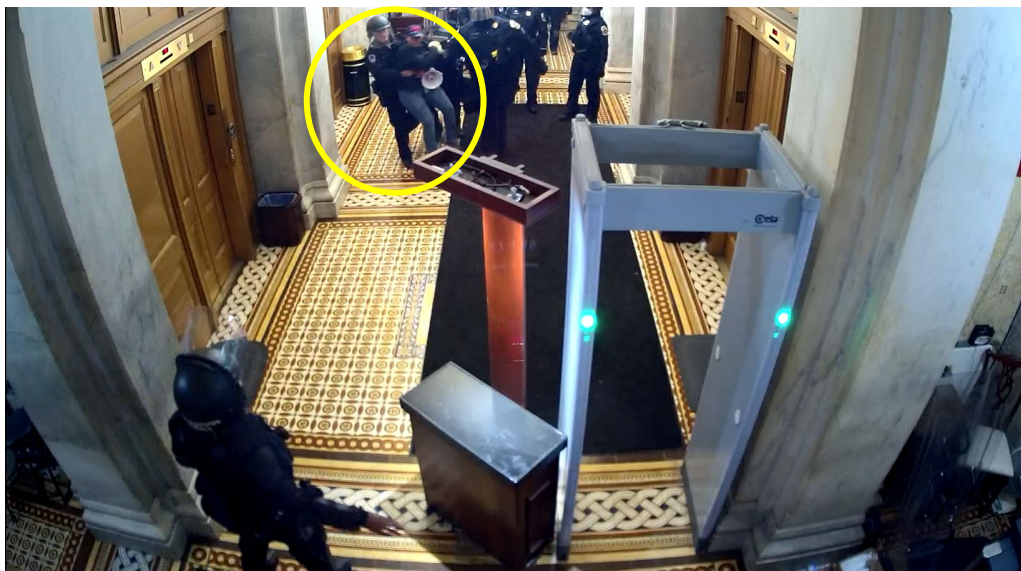
Once on the ground floor, at approximately 3:04pm, MPD and USCP officers instructed Pastucci and Mangia to leave the Capitol. Both of them refused. An MPD officer had to physically push Pastucci out of the Capitol and through the Senate Carriage Door as Pastucci resisted the officer's efforts the entire way out of the Capitol and through the Carriage Door, including grabbing a wooden table by a metal detector and pulling against it as the officer attempted to get him to leave the area.



Mangia also refused to leave the Capitol after being instructed. Upon being instructed and as Pastucci was being removed, Mangia confronted the officers.



USCP officers had to physically lift Mangia off the ground and carry her in the direction of the Carriage Door.

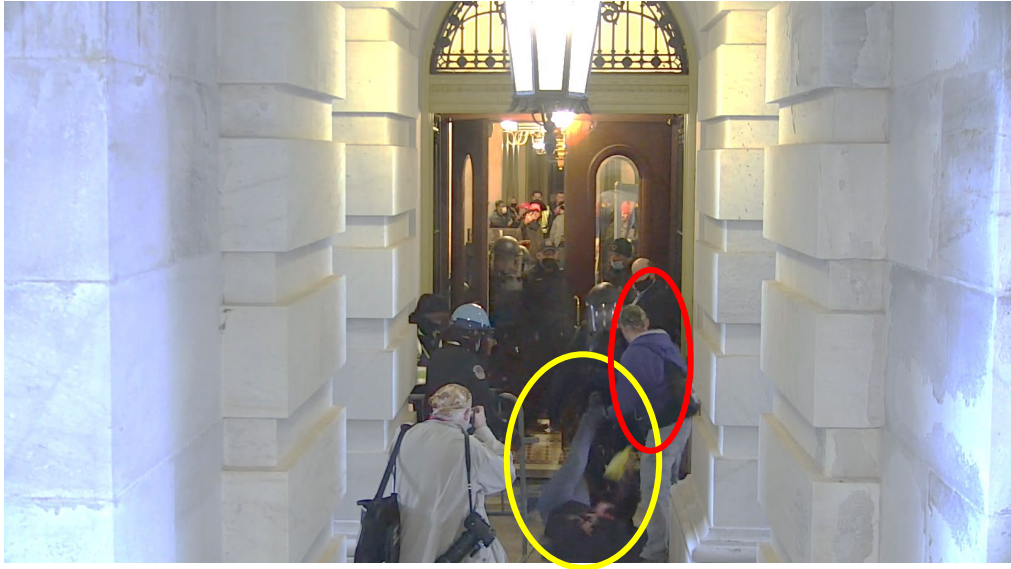


Mangia flailed in the officer's arms, fell to the floor, and refused to get back up. USCP officers attempted to grab her legs and arms, but she rolled on to her back to evade their grip. She then began kicking in the direction of the officers. Officers had to physically drag Mangia from the Capitol while she remained lying on the floor. Mangia kicked and flailed at the officers the entire way out of the carriage door.



Pastucci and Mangia's Assaults on a USCP Officer⁵

As stated above, Pastucci had to be pushed out of the Capitol and Mangia had to be dragged out of the Capitol, she kicked a USCP officer in the groin area.



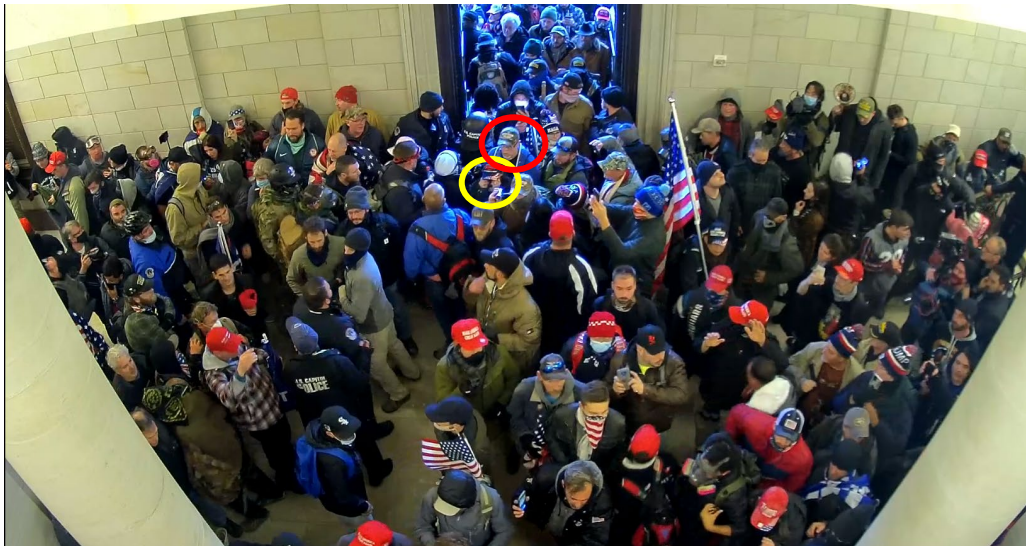
After Mangia had kicked the officer in the groin area, Pastucci shoved him in the chest and shoulder area.



⁵ The CCTV screenshots showing these two assaults have been brightened from the original to better show the assaultive acts.

Pastucci and Mangia's Second Entrance into the Capitol

Having been removed from the Capitol at 3:05pm, approximately fourteen minutes later, at 3:21pm, Pastucci and Mangia were part of an amassed crowd on the east side of the Capitol which was pushing its way into the Capitol and toward the Rotunda via the East Rotunda Door. Just before 3:22pm, Pastucci and Mangia re-entered the Capitol through the East Rotunda Door and began moving in the direction of the Rotunda.



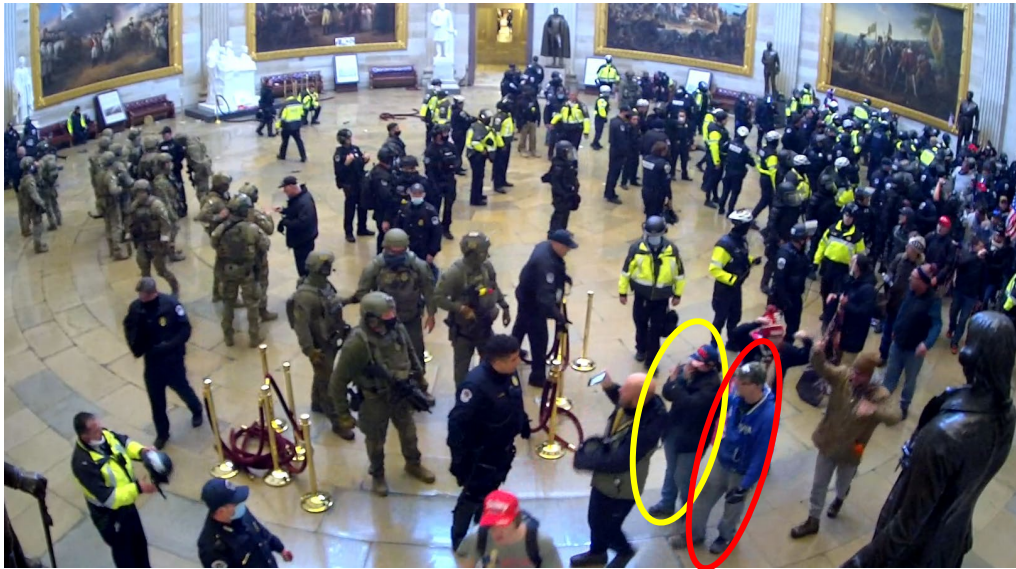
A line of MPD and USCP officers were at the threshold to the Rotunda trying to prevent the crowd from entering the Rotunda. Over the course of approximately two minutes, Pastucci and Mangia maneuvered their way to head of this crowd. The rioters at the head of the crowd pushed against the officers until they entered the Rotunda. The line of officers gave way as Pastucci and Mangia reached the front of the crowd. As such, Pastucci and Mangia were the last two people to enter the Rotunda before officers were able to close the door and stop the flow of rioters.





At 3:24pm, Pastucci and Mangia entered the Rotunda as officers were trying again to clear the rioters. As captured on body worn camera, Pastucci informed officers that he and Mangia wanted to leave. The officers in the Rotunda then instructed Pastucci, Mangia, and the other rioters in the Rotunda to proceed back towards and out of the Memorial Door.

Pastucci and Mangia exited the Rotunda, waving at law enforcement officers as they walked towards the Small House Rotunda.



Together, they left the Capitol through the Memorial Door at approximately 3:27pm.



Identification

On November 18, 2022, a confidential human source working with open-source materials submitted a tip to the FBI in which the source identified Pastucci as having been present inside the Capitol on January 6, 2021. The source made this identification based on Pastucci's profile on a dating website in which he appeared in photographs wearing the same distinctive blue, Yamaha-branded jacket that he wore on January 6, 2021. Using records maintained by the Commonwealth of Pennsylvania, the FBI determined that Mangia is married to Pastucci and lives at his listed residence with him. With these state records, the FBI determined that Mangia appeared to be the female individual who was with Pastucci in the Capitol. The FBI then showed photos of Pastucci and Mangia to members of the local police department in New Cumberland, Pennsylvania, who identified Pastucci and Mangia based on their prior interactions with them.

Offenses

Based on the foregoing, I submit that there is probable cause to believe that Pastucci and Mangia each violated 18 U.S.C. § 111(a)(1) which makes it a crime to forcibly assault or interfere with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties and involved physical contact. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

I further submit that there is probable cause to believe that Pastucci and Mangia each violated 18 U.S.C. § 1752(a)(1), (2), and (4) which, respectively, makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds. 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.

I submit there is also probable cause to believe that Pastucci and Mangia each violated 40 U.S.C. § 5104(e)(2)(A), (C)(i), (D), (F), and (G), which, respectively, makes it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor unless authorized to do so pursuant to rule adopted, or an authorization given by that House; (C)(i) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officers, or employee of Congress, or either House of Congress; (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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and to (G) parade, demonstrate, or picket in any of the Capitol Buildings.



SA William R. Lloyd
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 24th day of April 2023.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE