

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
RACHAEL LYNN PERT
and
DANA JOE WINN

Case: 1:21-mj-00160
Assigned to: Judge Zia M. Faruqui
Assign Date: 1/25/2021
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

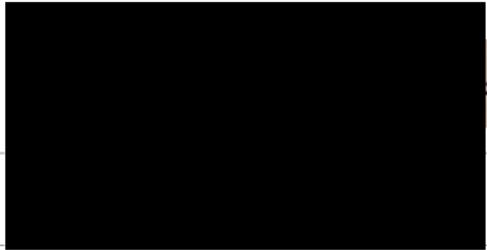
18 U.S.C. § 1752(a)(1) - Unlawful Entry on Restricted Building or Grounds

40 U.S.C. § 5104(e)(2)(G)- Violent entry and disorderly conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Printed name and title

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

Date: 01/25/2021

2021.01.25
21:15:51 -05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

On January 6, 2021, your affiant, Special Agent [REDACTED], was on duty and performing my official duties as a Special Agent for the Federal Bureau of Investigation (FBI). Specifically, I am assigned to the Counter-Intelligence Division, tasked with investigating criminal activity in and around the Capitol grounds. As an FBI 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. 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.

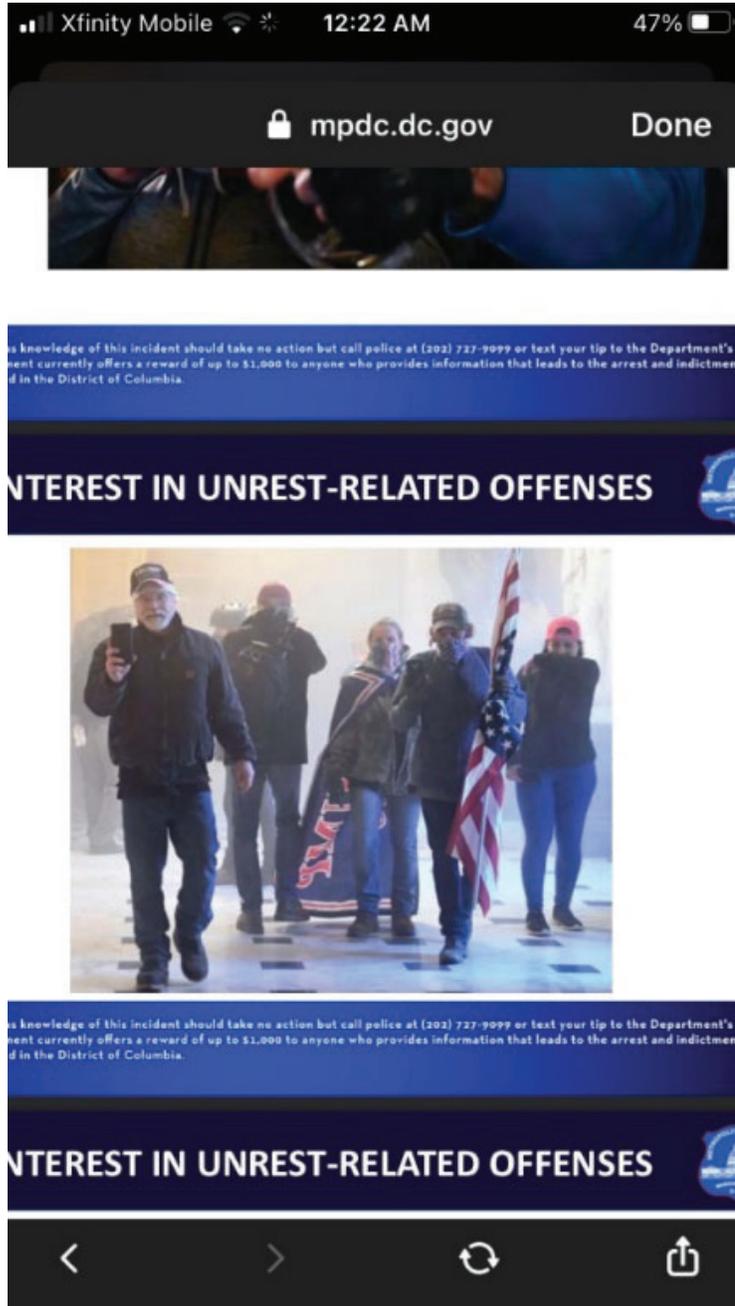
As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, 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.

On January 10, 2021, the Metropolitan Police Department (MPD) received an anonymous tip via their electronic tip form identifying two individuals, later identified as Defendant PERT and Defendant WINN, from an MPD flyer containing photographs of unauthorized individuals inside the U.S. Capitol on January 6, 2021. The tipster included the screen shot of the MPD flyer, shown below, when submitting the tip to MPD:



The anonymous tipster identified two of the individuals in the screen shot (above) as Rachael PERT, and her boyfriend, Dana WINN. Specifically, the tipster identified PERT as the women in the center of the photo with a flag draped over her shoulders, and WINN as the male

pictured directly to the right of PERT wearing a hat, and holding a phone in his right hand and an American flag in his left hand. The tipster stated that it knew PERT and WINN because the tipster was a co-worker of PERT's at a Circle K in Middleburg, Florida. The tipster further advised that PERT was the assistant manager at Circle K and requested time off work to "go to this."

Your affiant reviewed photographic images located on the website [www.gettyimages.com](http://www.gettyimages.com) that were taken during the events that occurred at the U.S. Capitol on January 6, 2021. These images were compared to photographs of WINN and PERT obtained by your affiant from the Florida Driver and Vehicle Information Database. Based on a visual comparison performed by your affiant, the individual pictured in the above photograph who is wearing blue jeans, brown boots, gloves, a green camouflage jacket, a bandanna or neck gaiter with an American flag pattern, and what appears to be a red, white, and blue flag as a cape with the letters "UMP" is PERT, and the individual holding the American flag and wearing a grey or black textured or fleece-type jacket, bandanna or neck gaiter with an American flag pattern, and olive green hat that reads "TRUMP" in white, all-caps lettering is WINN.

Your affiant has also reviewed information obtained by FBI Intelligence analysts related to the Facebook profiles with user (UID) 100001014187656, identified as "DANA WINN," and 100000028239288, identified as "RACHAEL PERT." The photos depicted on these Facebook profiles depict the same persons shown in the license photos for PERT and WINN. Moreover, the names associated with both Facebook accounts matches the true names for PERT and WINN. Finally, both Facebook profiles indicate that the users are "in a relationship."

On January 11 and 16, 2021, your affiant reviewed information from the Facebook profile with the user (UID) 100001014187656 (account associated with WINN). On January 5, 2021, this Facebook profile publicly posted a live video purporting to document a road trip being undertaken by WINN and PERT from the area of the intersection of Interstate 10 and Interstate 95 in Jacksonville, Florida, with a destination of Washington, D.C. WINN appears to be taking the video from inside of a vehicle that he is driving while filming the video. In the video, I observed that WINN and PERT are in a large SUV-type vehicle with a white hood and tan interior. At various points in the video, roadside scenery consistent with the area of the intersection of Interstates 10 and 95 in Jacksonville, Florida, can be seen, WINN's face can be seen, and PERT's face can be seen. The transcript of the video is as follows:

WINN:           *Looks we're live now  
How's everybody doing, if anybody's out there?  
Trying to get this thing to switch around*

[PERT: inaudible]

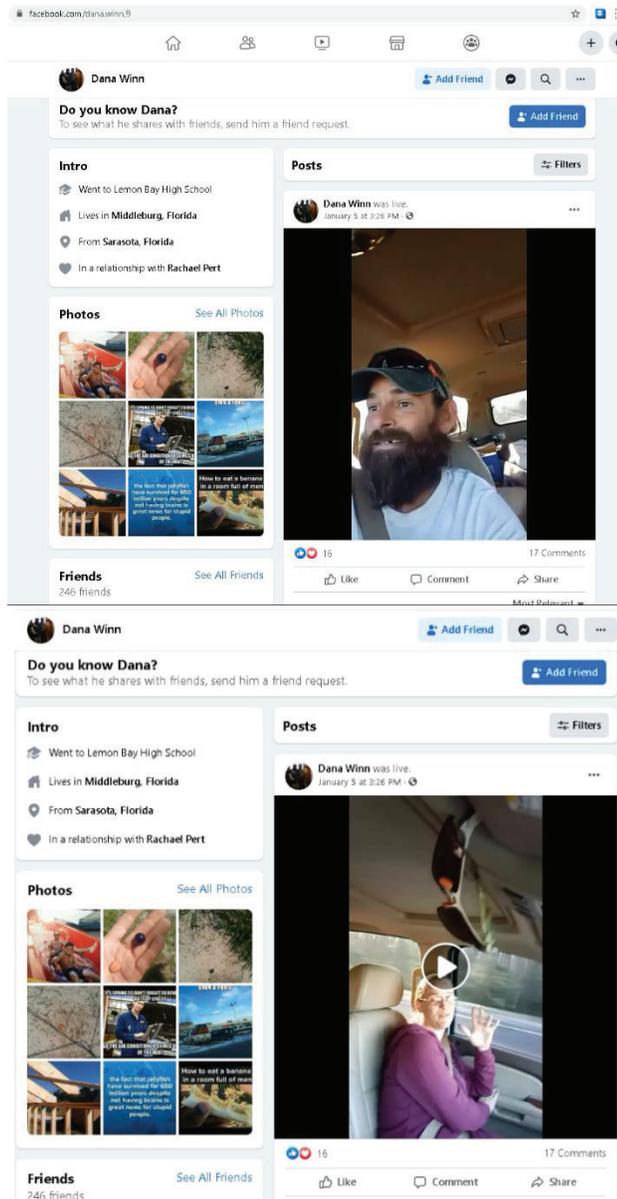
WINN:           *Hmm  
There we go  
I couldn't figure out how to switch the camera around  
Anyhow  
Just wanna tell my friends and family that we love y'all  
We're on our way to DC*

*Cause us as American patriots, we're tired of all this shit  
It's time to make a stand  
I never really knew how deep and corrupt all this crap was and  
how far back it's gone  
But America needs to wake up  
We're on the verge of fucking losing it  
We're just about up on I-10, get to 95, 95 north to DC, so  
We'll be taking videos, we'll try to do it live as much as we can  
That all depends if Facebook lets us, kinda doubt it cause they're  
a bunch of bitches  
But we'll keep you all informed, we'll record the President when  
he's talking  
But other than that, we're getting up on the Interstate, so I need  
To pay attention to what the hell I'm doing  
But we'll periodically step in and stop and say hey what's up  
Y'all have a good evening  
Say hi Rachael*

PERT: *Hi y'all* [At this point, WINN aims the camera at PERT, who is visible in the passenger seat.]

WINN: *Got her flags, come with her flagpole, that way I can hit antifa in  
the head if need be, ha  
But we'll be safe  
Y'all have a good evening, we'll be back, we'll talk to y'all later,  
love ya, bye*

Screen shots, seen below, were captured from the above referenced Facebook accounts. As seen below, WINN is wearing a ballcap-style hat that appears to be olive green in color. The front part of the hat is solid with white, all-caps lettering, however, the lettering is mostly obscured throughout the video by WINN's sunglasses. The side of the hat features a monochrome pattern and white grommets. The hat worn by WINN in the Facebook live video appears to be the same hat worn by WINN inside of the U.S. Capitol on January 6, 2021.



On January 14, 2021, records checks from the Clay County, Florida Property Appraiser’s Office website were performed. This search revealed that both PERT and WINN are residents of Middleburg, Florida, as described by the anonymous tipster. This is consistent with their Facebook profile locations, as listed above.

On January 19, 2021, a search warrant was executed at the residences of both WINN and PERT. During the execution of the warrant FBI agents seized:

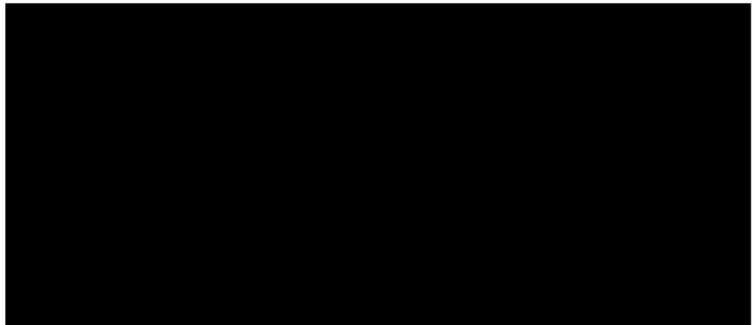
- \* clothing items belonging to WINN and PERT that are similar in appearance to those seen in the MPD flyer photograph;
- \* a Red, White, and Blue “TRUMP 2020” flag that PERT identified as the flag she can be seen wearing in the MPD flyer photo;

- a green backpack that PERT identified as the backpack WINN can be seen wearing in the MPD flyer photo;
- a flagpole with an upside down (distress) American flag attached;
- a second American flag that WINN and PERT acknowledged finding on the Capitol grounds during the Capitol riots’;
- one cellular telephone belonging to PERT, and;
- one cellular telephone belonging to WINN.

Later that same day WINN and PERT agreed to provide voluntary statements to the FBI. WINN and PERT both stated they traveled to Washington, D.C. in order to attend the rally and support the President and their country. WINN and PERT both admitted to entering the Capitol Building on January 6, 2021 and identified themselves in the photograph contained in the MPD flyer pictured above. WINN additionally confirmed that the flagpole seized from his home is the same flagpole that can be seen in the MPD flyer. WINN also directed FBI agents to various clothing items inside the residence that he was pictured wearing inside the Capitol, to include his pants and jacket. WINN and PERT stated that while present at the U.S. Capitol no one instructed them that they could not enter the Capitol building.

Based on the foregoing, your affiant submits that there is probable cause to believe that RACHAEL LYNN PERT and DANA JOE WINN violated 18 U.S.C. § 1752(a)(1), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so.

Your affiant submits there is also probable cause to believe that RACHAEL LYNN PERT and DANA JOE WINN violated 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully and knowingly 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 25th day of January 2021.

 2021.01.25  
21:17:10 -05'00'

THE HONORABLE ZIA M. FARUQUI  
UNITED STATES MAGISTRATE JUDGE