

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Jeffrey Grace

Case: 1:21-mj-00178
Assigned to: Judge Faruqui, Zia M
Assign Date: 1/28/2021
Description: COMPLAINT W/ARREST WARRANT

Date of Birth: [Redacted]
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) Knowingly Entering or Remaining in any Restricted Building or Grounds
Without Lawful Authority

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

[Redacted signature area]

Complainant's signature

[Redacted name and title area]

Printed name and title

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

Date: 01/28/2021

[Handwritten signature]



2021.01.28
16:46:25 -05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
for the
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v.)

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Case No.)

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STATEMENT OF FACTS

1. Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”) and is assigned to the Counterterrorism Division, tasked with investigating criminal activity in and around the Capitol grounds. 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 a violation of Federal criminal laws.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. On or about January 19, 2021, after receiving a tip into the FBI tip line, a FBI Special Agent interviewed confidential witness one (“CW1”) regarding the January 6th events at the United States Capitol. CW1 stated that CW1 learned from a family member who is an acquaintance of JEFFREY GRACE that GRACE, who lives in Washington state, and his son flew to Washington, D.C., and that GRACE was at the U.S. Capitol Building on January 6, 2021.

9. On January 21, 2021, an FBI agent interviewed GRACE outside his residence. GRACE stated that he traveled with his son to Washington, D.C., for sightseeing and to attend the rally for President Donald Trump. Following the rally, GRACE got separated from his son and began walking with a group of people toward the U.S. Capitol Building. GRACE entered the building from the north side after seeing an open door. According to GRACE, two Capitol Police Officers were standing at the door when he walked in, but they did not say anything to him. GRACE stated that the law enforcement officers appeared to be overwhelmed by the number of protesters and looked scared.

10. GRACE stated that, once inside, GRACE walked to the Rotunda. He did not go anywhere else in the building. GRACE stated that he picked up items that others had knocked over. He decided to leave after witnessing several people causing damage to Capitol property. GRACE stated that he saw an individual carrying what appeared to be a metal pipe, asked him to give him the pipe, and when the individual refused, GRACE took it from him and placed it behind a wooden object in the Rotunda. According to GRACE, the door he previously entered was closed, with police officers blocking it, so he followed a group of people and climbed out a broken window. GRACE noted that the jacket he was wearing during the interview may have been the one he wore in the U.S. Capitol Building. GRACE stated that, although he had his cell phone with him, he did not take any videos or photographs.

11. GRACE stated that people he knew were contacting him on his cell phone telling him that he could be seen in widely distributed photographs of a man carrying a lectern inside the Rotunda. GRACE said he was the bald individual behind the person carrying the lectern. GRACE stated that he was not a member of any group that advocated violence but that he knew people who were members of the following groups: Three Percenters, Proud Boys, and 1% Outlaw Motorcycle Gang.

12. FBI agents later found photographs depicting the man carrying the lectern and GRACE in the background, including the two photos below:



13. I obtained a copy of closed circuit television (“CCTV”) footage taken from the Rotunda on January 6, 2021. The video snippet that I reviewed is approximately three minutes long. I recognize GRACE in the video as the same individual depicted in the two photographs above. In the video, GRACE is wearing a dark shirt with a decal of a “Betsy Ross”-style American flag that has a circle of white stars arranged in a blue field, in the upper left corner, and red and white stripes to the right, dark pants, a black baseball cap, and carrying a khaki or possibly camo-style, jacket. I also recognize the other man, standing in front of GRACE, carrying the lectern from the two photographs above. It starts with GRACE placing something behind a statue at the top of the screen and then helping to reattach the velvet ropes onto stanchions in the Rotunda. After GRACE finishes, he speaks with someone briefly before leaving the Rotunda at the bottom of the screen.

14. Based on the foregoing, your affiant submits that there is probable cause to believe that JEFFREY GRACE violated 18 U.S.C. § 1752(a)(1), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority. 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.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of January 2021.

A handwritten signature in blue ink, appearing to read 'ZMF'.



2021.01.28
16:47:45 -05'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE