

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Kevin Louis Galetto
DOB: XXXXXX

)
) Case: 1:21-mj-00385
) Assigned To : Faruqui, Zia M.
) Assign. Date : 4/20/2021
) 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:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 111(a), 18 U.S.C. § 231(a)(3), 18 U.S.C. § 1512(c)(2), 18 U.S.C. § 1752(a)(1), (2), and (4), and 40 U.S.C. § 5104(e)(2)(D), (E), (F), & (G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of David J. DiMarco

Complainant's signature

David DiMarco, Special Agent

Printed name and title

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

Date: 04/20/2021



Handwritten signature of Zia M. Faruqui

2021.04.20
14:26:02 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your Affiant, David J. DiMarco, is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since 2004. Specifically, I am assigned to the Washington Field Office (WFO), Northern Virginia Violent Crimes Task Force. I am currently tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As an FBI Special Agent, I have participated in numerous investigations involving unlawful narcotics distribution, organized crime, bank robberies, homicides, kidnappings, threat cases, unlawful firearm cases and other violent criminal offenses. In these investigations, I have been involved in the application for and execution of numerous arrest warrants related to the aforementioned criminal offenses. Through my training and experience, I am familiar with the actions, habits, traits, methods, and terminology utilized by violent criminal offenders. I have been a sworn law enforcement officer during all times herein.

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.

FACTS RELATED TO KEVIN LOUIS GALETTO

During the course of my investigation, I reviewed several hours of video that was obtained via social media, law enforcement body cameras, and surveillance cameras located on the U.S. Capitol grounds. I was assigned to identify and locate the subject who was listed as BOLO (Be On the Look-Out) 146.

Captured from a post on Twitter from #Seditionhunters:



A possible subject resembling KEVIN LOUIS GALETTO, DOB 03/18/1960 was identified by Customs Border Patrol (CBP) who conducted a facial comparison query of images maintained in or accessed through CBP systems at the request of the FBI to identify possible persons being investigated for criminal activities on January 6, 2021.

Review of Records

Additional research was conducted on GALETTO in law enforcement databases, open source and social media queries, and subpoenaed records. The records revealed GALETTO is currently residing in Westminster, California. Database results on GALETTO also revealed cellular telephone **714-894-9561** was utilized by GALETTO in a 2013 United States Passport Application.

Subpoena results received from Google revealed GALETTO's email address utilized recovery phone number **714-894-9561**. Additionally, Google results on GALETTO's IP Address revealed that on January 06, 2021, GALETTO logged into Google related services multiple times from Fairfax, Virginia.

According to records obtained through a search warrant which was served on Verizon on 01/06/2021, in an around of the time of the incident, the cellular phone associated with **714-894-9561** was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

Subpoena results from American Airlines revealed that on January 05, 2021, GALETTO flew from Los Angeles International (LAX) to Charlotte Douglas (CLT) to Baltimore Washington International (BWI). Subpoena results also revealed that on January 07, 2021, GALETTO departed BWI to CLT to LAX. American Airlines records revealed cellular telephone number **714-894-9561** as a contact for GALETTO.

Subpoena results from GALETTO's Citibank credit card revealed GALETTO secured a reservation at the St. Gregory Hotel in Washington DC from January 05, 2021 to January 07, 2021. Based on records provided by Citibank, a charge in the amount of \$462.10 from the St. Gregory Hotel was incurred on January 07, 2021.

Review of Video Surveillance

At approximately 2:40 PM on January 6, 2021, GALETTO was first seen on U.S. Capitol video surveillance at the Lower West Terrace (LWT) tunnel entrance. GALETTO was wearing a black Trump baseball hat, black headband, tan jacket, and a gray hoodie as he entered the tunnel. GALETTO was one of the first individuals to enter the tunnel entrance and was met by a large police presence denying the rioters entry into the Capitol.

Evidence from Body Worn Camera (BWC) of a Metropolitan Police Department (MPD) Officer B.S. captured GALETTO at the entryway doors of the LWT tunnel. At approximately 2:43:26, BWC captured GALETTO with his arms extended and pressed up against MPD officer shields. At approximately 2:44:14 PM, BWC captured GALETTO's body pressed up against

officer shields. At approximately 2:46:20 PM, the BWC captured a scuffle involving GALETTO. Officer B.S. is knocked to the ground. At approximately 2:46:28 PM, BWC captured GALETTO on one knee with a hand on the ground. At approximately 2:47:02 PM, GALETTO rises to his feet and retreats from the area of the tunnel.

The following still photo is from MPD Officer B.S.'s BWC at 2:44:01 and shows GALETTO pushing on the officer's shield:



The following still photo is from MPD Officer B.S.'s BWC at 2:46:36 while GALETTO is still on his knee over Officer B.S.:



Evidence from BWC of a second MPD Officer, Sergeant J.M., captured GALETTO pushing against officer shields which continued to approximately 2:44:28 PM. At approximately 2:45 PM, BWC footage captured GALETTO with his back pushed up against officer shields.

The following still photo is from MPD Sergeant J.M.'s BWC at 2:44:12 where he is pushing on officer shields:



The following still photo is from MPD Sergeant J.M.'s BWC approximately 8 seconds later at 2:44:18, and he is continuing to push on officer shields:



In a YouTube clip entitled “UNBELIEVABLE Footage / Trump Supporters Battle Cops Inside the Capitol,” GALETTO was observed exiting the tunnel of the LWT entryway. At approximately 27 seconds in the video, GALETTO does not appear to be wearing his black colored “Trump” baseball hat or headband. At approximately 51 seconds into the video, GALETTO is heard shouting to the crowd of rioters outside the tunnel, “More people!” Based on my observations I believe GALETTO attempted to summon more rioters to the LWT tunnel entryway to penetrate the police line.

GALETTO captured in the YouTube clip exiting the LWT tunnel:



Review of Police Reports

On January 07, 2021, MPD Officer B.S. filed an Injury or Illness Report which documented injuries he received while responding to the Capitol Riots the previous day. Specifically, B.S.'s helmet was ripped off his head and he was hit twice by an unknown object. As a result, Officer B.S. sustained a head injury while trying to hold a shield defense against several individuals on January 06, 2021.

Based on Officer B.S.'s injury report an Assault on a Police Officer investigation was initiated by MPD Investigator T.G.

On January 15, 2021, Investigator T.G. reviewed Officer B.S.'s BWC footage and observed an older white male with a white/gray mustache and goatee standing in front of Officer B.S. The older white male was wearing a tan coat with a gray hooded sweatshirt underneath, a black knit winter hat with white block letter, yellow and black ski-type gloves and a black backpack.

According to T.G.'s review of Officer B.S.'s BWC, the older white male was captured with his face pressed up against B.S.'s riot shield with both of his hands/gloves clearly holding and pulling the top of Officer B.S.'s shield. Within a few seconds, the back of the white male's backpack is pressed up against Officer B.S.'s riot shield blocking the view of Officer B.S.'s BWC. Yelling and arguing can be heard while Officer B.S.'s BWC is blocked. Officer B.S.'s BWC view changes when Officer B.S. drops towards the bottom of his riot shield coinciding

with the moments Officer B.S. stated his helmet was ripped off his head and he was struck two times on the head causing him to fall down.

Based on the information above a Be on the Look Out/ Attempt to Identify flyer was initiated by the MPD. The following photographs were included in the flyer:



Physical Surveillance

FBI Agents from the Los Angeles Field Division learned GALETTO would be hosting a garage sale at his residence in Westminster, California. On March 13, 2021, Agents observed GALETTO in front of his residence selling miscellaneous items. During the garage sale Agents were able to take several photographs of GALETTO. Based on the Agent's observations and photographs from the March 13, 2021 surveillance, as well as the Agent's review of photos and videos depicting the Capitol Incursion, GALETTO was identifiable with BOLO-146.

March 13,2021 Garage Sale surveillance photograph:



Based on the foregoing, your Affiant submits that there is probable cause to believe that KEVIN LOUIS GALETTO violated 18 U.S.C. § 111(a), 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.

Your Affiant submits that there is probable cause to believe that KEVIN LOUIS GALETTO violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your Affiant submits there is also probable cause to believe that KEVIN LOUIS GALETTO violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your Affiant submits there is also probable cause to believe that KEVIN LOUIS GALETTO violated 18 U.S.C. § 1752(a)(1), (2) and (4), 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; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds;] 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 KEVIN LOUIS GALETTO violated 40 U.S.C. § 5104(e)(2)(D), (E), (F) & (G), which makes it a crime to willfully and knowingly; (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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Further your Affiant sayeth not,



David J. DiMarco
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 20th day of April 2021.



ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

2021.04.20
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