

AO 442 (Rev 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Kevin Sam Blakely

Case: 1:21-mj-00317
Assigned To : Meriweather, Robin M.
Assign. Date : 3/18/2021
Description: Complaint w/ Arrest Warrant

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer


YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Kevin Sam Blakely
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
- 18 U.S.C. § 1752(a)(2) - Knowingly Engaging in Disorderly or Disruptive Conduct in any Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) & (G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 03/18/2021

 2021.03.18
19:20:18 -04'00'
Issuing officer's signature

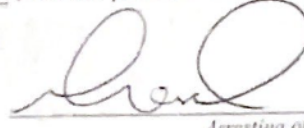
City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on *(date)* 3/18/21, and the person was arrested on *(date)* 3/19/21
at *(city and state)* McKinney, TX

Date: 3/19/21


Arresting officer's signature

Marcos Watson, Special Agent
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Kevin Sam Blakely

DOB: XXXXXX

Case: 1:21-mj-00317

Assigned To : Meriweather, Robin M.

Assign. Date : 3/18/2021

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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,

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

40 U.S.C. § 5104(e)(2)(D) & (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.

Handwritten signature of Jeremy Moore

Complainant's signature

Jeremy Moore, 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: 03/18/2021

2021.03.18 19:21:08 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge Printed name and title

Case: 1:21-mj-00317
Assigned To : Meriweather, Robin M.
Assign. Date : 3/18/2021
Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Jeremy David Moore, is a Special Agent with the Federal Bureau of Investigation. 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. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on 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, 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.

According to records obtained through a search warrant served on Google, a mobile device associated with kblakelykds@gmail.com (user “Kevin Blakely,” UID: 174441000000, sign-in phone number ending in -2303¹) 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 and 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 kblakelykds@gmail.com was within the U.S. Capitol from approximately 2:45 p.m. to 4:38 p.m. Google records show that of the 36 location data points within the Capitol corresponding to kblakelykds@gmail.com, the “maps display radius” for this location data was between 100 and 200 feet, which encompasses an area that is mostly within the U.S. Capitol building.

Law enforcement records show the area code for the phone number ending in -2303 is an area code servicing the greater Dallas, Texas area.

Your affiant was able to locate a publicly available Facebook page for BLAKELY. In a February 2021, Facebook post, BLAKELY appears in a photograph wearing a black sweatshirt with the letters “FMB” in front of a red brick faced property consistent with his residence in McKinney, TX.

¹ The records included the full number, but for purposes of this public filing only the last four digits are included.



Photo 1: A public Facebook post to KEVIN BLAKELY's Facebook account.

During the course of the investigation, law enforcement recovered video footage from both outside and within the U.S. Capitol Building on January 6, 2021. In this footage, law enforcement has located images of an individual who appears fully consistent with BLAKELY's appearance (based on a review of publicly available images of BLAKELY).

Specifically, in the footage at the U.S. Capitol, BLAKELY is wearing what appears to be the same black "Figueroa Mountain Brewery" ("FMB") sweatshirt, as well as, black pants and black, white and red sneakers. BLAKELY's face is not obscured by a mask or any other covering. Additionally, the video footage shows BLAKELY with a phone in his hand, consistent with the location data described above (placing BLAKELY in the area of the Capitol between 2:45 p.m. and 4:38 p.m.).

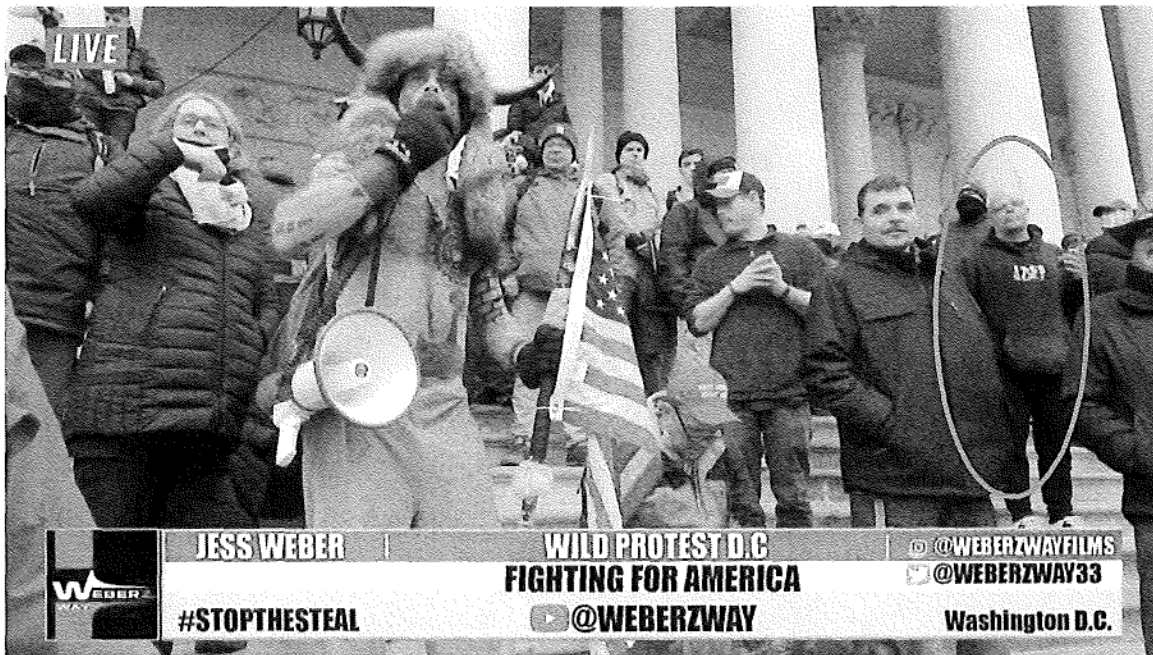


Photo 2: Open source video capture depicting BLAKELY outside the Capitol Building with phone in his hand.



Photo 3: Zoomed in image of Blakely standing in front of the U.S. Capitol wearing a black sweatshirt with a white “FMB” logo.



Photo 4: Open source video depicting BLAKELY inside the Capitol Building.



Photo 5: BLAKELY inside the Capitol building, wearing a black "Figueroa Mountain Brewery" (FMB) sweatshirt.

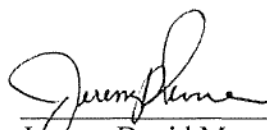
Based on a review of additional publicly available websites, your affiant has located an Instagram post that captures BLAKELY in front of the Capitol building.



Photo 6: BLAKELY outside the Capitol building, wearing a black FMB sweatshirt.

Based on the foregoing, your affiant submits that there is probable cause to believe that KEVIN SAM BLAKELY 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 KEVIN SAM BLAKELY violated 40 U.S.C. § 5104(e)(2)(D), (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; and, (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Jeremy David Moore
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 18th day of March 2021.



2021.03.18
19:22:27 -04'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case: 1:21-mj-00317
	:	Assigned To : Meriweather, Robin M.
	:	Assign. Date : 3/18/2021
v.	:	Description: Complaint w/ Arrest Warrant
	:	VIOLATIONS:
	:	
KEVIN SAM BLAKELY,	:	18 U.S.C. § 1752(a)(1), and (2)
	:	(Restricted Building or Grounds)
Defendant.	:	40 U.S.C. § 5104(e)(2)(D) and (G)
	:	(Violent Entry or Disorderly Conduct)


ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: 03/18/2021

 2021.03.18
19:21:52 -04'00'

ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE

4:21mj194

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Kevin Sam Blakely

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)

Case: 1:21-mj-00317

Assigned To : Meriweather, Robin M.

Assign. Date : 3/18/2021

Description: Complaint w/ Arrest Warrant

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Kevin Sam Blakely

who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

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

40 U.S.C. § 5104(e)(2)(D) & (G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 03/18/2021

Signature of Issuing Officer

2021.03.18 19:20:18 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) and the person was arrested on (date) at (city and state)

Date:

Arresting officer's signature

Printed name and title

FILED

MAR 19 2021

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§
§
§
§
§
§
§
§

CASE NUMBER 4:21-MJ-00194

v.

KEVIN SAM BLAKELY (1)

ORDER SCHEDULING IDENTITY & PRELIMINARY HEARING

An identity and preliminary hearing in this case is scheduled as follows:

Before: U.S. Magistrate Judge Christine Nowak United States Courthouse Annex 200 North Travis Street Mezzanine Level Sherman, TX 75090	Courtroom Number: A01
	Date: Tuesday, March 23, 2021 Time: 9:00 a.m.

IT IS ORDERED.

Date: March 19, 2021

CHRISTINE A. NOWAK
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§
§
§
§
§
§

CASE NUMBER 4:21-MJ-0194

v.

KEVIN SAM BLAKELY

ORDER

On October 21, 2020, the President signed into law the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), which amends Federal Rule of Criminal Procedure 5 (Initial Appearance). Counsel should immediately read the amendment to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, which became effective upon enactment, and is entitled “Reminder of Prosecutorial Obligation”.

By this written Order – issued to the prosecution and defense counsel – the Court confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such Order under applicable law.

This written Order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure and is in addition to any oral order entered by the Court on the first scheduled court date when both the prosecutor and defense counsel were present.

IT IS SO ORDERED.

Signed March 23, 2021.

CHRISTINE A. NOWAK
UNITED STATES MAGISTRATE JUDGE

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

United States of America

v.

KEVIN SAM BLAKELY

Defendant

Case No. 4:21MJ194

Charging District's Case No. 1:21MJ317

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
(2) an identity hearing to determine whether I am the person named in the charges;
(3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
(4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
(5) a hearing on any motion by the government for detention;
(6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- [x] an identity hearing and production of the warrant.
[x] a preliminary hearing.
[x] a detention hearing.
[] an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my [] preliminary hearing and/or [] detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 03/23/2021

[Handwritten signature] Defendant's signature

[Handwritten signature] Signature of defendant's attorney

MARTIN LAYKO Printed name of defendant's attorney

AO 94 (Rev. 06/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

United States of America)

v.)

KEVIN SAM BLAKELY)

Defendant)

Case No. 4:21MJ194

Charging District's

Case No. 1:21MJ317

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Columbia, (if applicable) _____ division. The defendant may need an interpreter for this language: _____.

The defendant: will retain an attorney. is requesting court-appointed counsel.

The defendant is ordered to appear via videoconference in the District of Columbia on March 26, 2021, at 1:00 p.m.

IT IS ORDERED.

03/23/2021

Judge's signature

CHRISTINE A. NOWAK, U.S. MAGISTRATE JUDGE

Printed name and title

[Jump to Docket Table](#)

**U.S. District Court
Eastern District of TEXAS [LIVE] (Sherman)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00194-CAN All Defendants**

Case title: USA v. SEALED

Date Filed: 03/19/2021

Other court case number: 1:21-mj-00317 District of Columbia

Assigned to: Magistrate Judge Christine
A. Nowak

Defendant (1)

Kevin Sam Blakely

represented by **Martin Michael Leyko**
8909 Bent Tree Drive
McKinney, TX 75070
469-855-6699
Fax: 972-529-6853
Email: martinleyko@sbcglobal.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Anand Varadarajan**
US Attorney's Office – Plano
101 E Park Blvd

Suite 500
 Plano, TX 75074
 972-509-1201
 Email: anand.varadarajan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Tracey M Batson
 U.S. Attorney's Office
 U S Dept of Justice
 101 E. Park Blvd.
 Suite 500
 Plano, TX 75074-6759
 972/509-1201 (main)
 Fax: 19725091209
 Email: tracey.batson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Page	Docket Text
03/19/2021	<u>1</u>	4	Rule 5(c)(3) Documents Received from the District of Columbia, Case Number 1:21-mj-00317, as to Kevin Sam Blakely. (Attachments: # <u>1</u> Arrest Warrant) (mcg) (Entered: 03/19/2021)
03/19/2021		17	NOTICE OF HEARING as to Kevin Sam Blakely: Initial Appearance set for 3/19/2021 at 09:30 AM in Ctrm A01 (Sherman - Annex) before Magistrate Judge Christine A. Nowak. (klee,) (Entered: 03/19/2021)
03/19/2021		18	Arrest of Kevin Sam Blakely on 3/19/2021 (klee,) (Entered: 03/19/2021)
03/19/2021		16	Minute Entry for proceedings held before Magistrate Judge Christine A. Nowak:Initial Appearance in Rule 5(c)(3) Proceedings as to Kevin Sam Blakely held on 3/19/2021. Appearance entered by Anand Varadarajan for USA on behalf of defendant. No counsel present for Defendant. Defendant will retain counsel. Defendant released on conditions set forth by the court. (10:18 a.m. - 10:28 a.m.) (Court Reporter Digital Recording.) (klee,) (Entered: 03/19/2021)
03/19/2021	<u>2</u>	19	ORDER SCHEDULING IDENTITY & PRELIMINARY HEARING as to Kevin Sam Blakely: Identity and Preliminary Examination set for 3/23/2021 at 09:00 AM in Ctrm A01 (Sherman - Annex) before Magistrate Judge Christine A. Nowak. Signed by Magistrate Judge Christine A. Nowak on 3/19/2021. (mcg) (Entered: 03/19/2021)
03/19/2021	<u>3</u>	20	E-GOV SEALED ORDER Setting Conditions of Release. Signed by Magistrate Judge Christine A. Nowak on 3/19/2021. (mcg) (Entered: 03/19/2021)
03/23/2021	<u>4</u>	23	Receipt for SURRENDER of Passport as to Kevin Sam Blakely Passport Number 483563726 issued by USA (daj,) (Entered: 03/23/2021)
03/23/2021		24	Minute Entry for proceedings held before Magistrate Judge Christine A. Nowak: Identity and Preliminary Hearing called but not held as to Kevin Sam Blakely on

			3/23/2021. Defendant waived his right to these hearings. Court signed Commitment to Another District, which orders defendant to appear by video on March 26, 2021, in the District of Columbia. Conditions of release continued. Tracey Batson, AUSA. Martin Leyko for defendant. (9:22 a.m. – 9:29 a.m.) (Court Reporter Digital.) (klee,) (Entered: 03/23/2021)
03/23/2021		25	Attorney update in case as to Kevin Sam Blakely. Attorney Tracey M Batson for USA, Martin Michael Leyko for Kevin Sam Blakely added. (klee,) (Entered: 03/23/2021)
03/23/2021	<u>5</u>	26	ORDER pursuant to Rule 5(f)(1) as to Kevin Sam Blakely. Signed by Magistrate Judge Christine A. Nowak on 3/23/2021. (baf,) (Entered: 03/24/2021)
03/23/2021	<u>6</u>	27	WAIVER of Rule 5 & 5.1 Hearings by Kevin Sam Blakely. (mcg) (Entered: 03/24/2021)
03/23/2021	<u>7</u>	28	COMMITMENT TO ANOTHER DISTRICT as to Kevin Sam Blakely. Defendant committed to the District of Columbia. Signed by Magistrate Judge Christine A. Nowak on 3/23/2021. (mcg) (Entered: 03/24/2021)