

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Mark Sami Ibrahim
DOB: XXXXXX

Case: 1:21-mj-00516
Assigned To : Faruqui, Zia M.
Assign. Date : 7/6/2021
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. § 1001(a)(2) False statement, 18 U.S.C. § 1752(a)(1) and (b)(1) Entering and Remaining in a Restricted Building or Grounds - Firearm, 40 U.S.C. § 5104(d)- Step or climb on, remove, or in any way injure any statue, 40 U.S.C. § 5104(e)(1)(A)(i)- Capitol Grounds and Buildings Security - Firearm.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Jason R. Higley

Complainant's signature

Jason Higley, 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: 07/06/2021

Judge's signature, 2021.07.06 18:55:49 -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, Jason R. Higley, is a Senior Special Agent with the U.S. Department of Justice Office of the Inspector General (“DOJ-OIG”) and have been since May 2010. From October 2004 to May 2010 I was a Special Agent with DOJ-OIG. Prior to that I was a Special Agent with the U.S. Secret Service. During my approximately 18 years as a federal law enforcement officer, I have gained experience with Presidential, Vice-Presidential, and other dignitary protective operations, as well as significant experience investigating crimes related to public corruption, conflicts of interest, fraud, conspiracy against rights, obstruction of justice, and false statements. Additionally, since August 2009, I have been a digital forensic examiner and have conducted forensic imaging and analysis of over 150 computer and mobile devices. I am currently assigned to an investigation and prosecution of Mark Sami IBRAHIM’s, (hereinafter “IBRAHIM”) activities at the United States Capitol on January 6, 2021. As a Senior 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.

Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates and times listed in this Affidavit should be read as “on or about” dates and times.

The U.S. Capitol is secured 24 hours a day by the U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by the U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza and other areas of the U.S. Capitol Grounds, including the Peace Monument at First Street and Pennsylvania Avenue NW, were also closed to members of the public. Temporary security barriers and signs indicated that these areas were closed to the public.

The picture below depicted in Figure One demonstrates the location of barriers that were set up around the Peace Monument on January 6, 2021. The map pictured below at Figure Two demonstrates the Capitol Grounds, including the Peace Monument.



Figure One

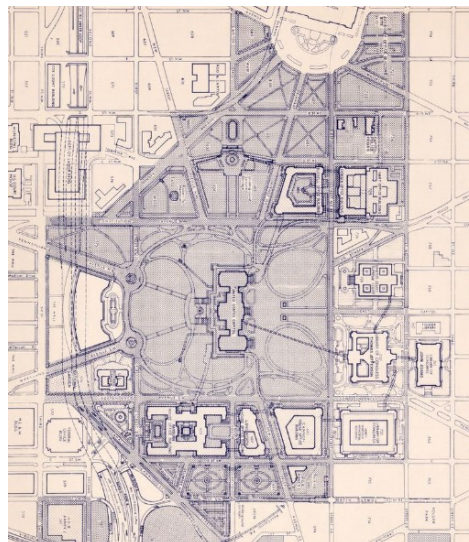


Figure Two

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 the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police were present and attempting to maintain order, keep the crowd away from the Capitol building, and prevent the crowd from entering 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 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, as well as 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.

As detailed below, during the course of the investigation into the events of January 6, 2021, law enforcement learned that **Mark Sami IBRAHIM** of Orange County, California traveled to the District of Columbia, and participated in the events at the U.S. Capitol on January 6, 2021, and was on U.S. Capitol Grounds, in restricted areas, without authority to be there.

On January 6, 2021, IBRAHIM was a Special Agent with the Drug Enforcement Administration and at all times relevant to the below chronology, was carrying his DEA-issued firearm. IBRAHIM was a probationary employee of the DEA and had, several weeks prior to the events of January 6, 2021, given notice to the DEA of his intention to resign. On January 6, 2021, IBRAHIM was on personal leave from the DEA. He was not on duty for the DEA and had no role as a law enforcement officer on the Capitol Grounds.

At approximately 12:03 PM, IBRAHIM traveled from Triangle, VA to Washington, DC, arriving at approximately 12:30 PM.

At approximately 12:53 PM, the crowd began to break down the fencing and bicycle-rack style barricades at the foot of the U.S. Capitol Grounds and enter the Grounds. Below is a frame taken from a video posted to the internet at approximately 12:53 PM showing the fencing and the cordoned-off area. Signs indicating that the area was closed by order of the U.S. Capitol Police Board were posted at regular intervals; they can be identified as the white squares on the fencing in the image in Figure Three below. A close-up of a sign is also attached below as Figure Four.



Figure Three



Figure Four

Historical cell-site data, shown in Figure Five below, shows IBRAHIM arriving in the area of the at the U.S. Capitol Grounds at approximately 1:06 PM.

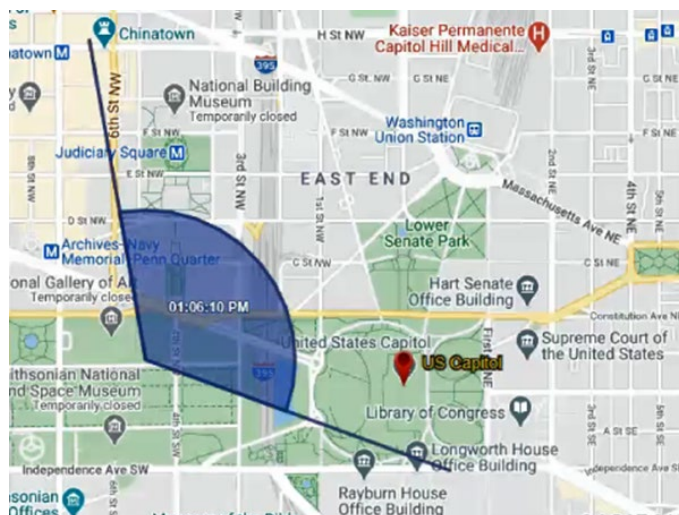


Figure Five

At approximately 1:09 PM, IBRAHIM posed for several photographs in which he flashed and displayed his DEA badge and firearm. IBRAHIM's friend took these photos at IBRAHIM's request. Figure six shows one of these photographs.



Figure Six

The photographs are of such high resolution that the serrations on the slide of IBRAHIM’s DEA firearm are visible. Figure Seven is a crop of the photo above showing IBRAHIM’s DEA badge and firearm.



Figure Seven

At approximately 1:45 PM, a video which was subsequently posted to the internet shows IBRAHIM, carrying a flagpole bearing two flags back-to-back. The first flag has a white background with a blue solid five-pointed star and the words “LIBERTY OR DEATH” inscribed

on it (commonly referred to and hereinafter, a “Troutman Flag”). The second flag has 13 alternating red-and-white stripes with 13 white stars arranged in a circle in a field of blue in the upper left corner canton (commonly known as, and hereinafter, a “Betsy Ross Flag”). The location where IBRAHIM can be seen is approximately 400 feet inside the first set of fencing and barricades shown above. A second cordoned-off area with similar fencing can be seen in the background behind IBRAHIM. A frame from this video is posted below as Figure Eight.



Figure Eight

At approximately 1:57 PM, the barricades on the northeast side of the Capitol were pulled apart by the crowd. A video posted to the internet shows the crowd pulling apart the barricades; a frame from this video is attached below as Figure Nine.



Figure Nine

At 1:59 PM, a video was posted to the internet in which IBRAHIM and a relative can be seen waking on the lawn of the Capitol Grounds along the north side of the Capitol Building heading toward the northeast side of the Capitol. At 2:02 PM security camera footage shows

IBRAHIM and his relative near the northeast side of the Capitol grounds. A frame from this security camera footage is included as Figure Ten below. IBRAHIM is identified with an arrow labeled “2” and his relative is identified with an arrow labeled “1” in the photo below.



Figure Ten

At 2:06 PM, IBRAHIM, who had been participating in a WhatsApp group chat with at least five other law enforcement officers, posted a photograph of himself standing next to one of the bicycle-style barricades that had been pulled apart by the crowd several minutes earlier. That photograph is attached below as Figure Eleven.



Figure Eleven

A video posted to the internet at approximately 2:06 PM captured IBRAHIM moving with the crowd, inside the separated barricades near the steps of the Senate, with the Troutman side of his flag visible.

At approximately 2:03 PM, IBRAHIM posed for several photographs in which he again flashed and displayed his DEA badge and firearm. Figure Twelve below depicts one of those photos.



Figure Twelve

At approximately 2:10 PM, IBRAHIM took a video of himself, which he subsequently posted to the WhatsApp group chat, standing in the crowd on a patch of grass above the United States Capitol visitor's center between the East Portico of the Capitol and the Senate. This location is approximately 180 feet inside the east barricades that had recently been overrun. Near the end of the video, the camera pans around to rest on IBRAHIM's face. Two frames from this video are attached below as Figures Thirteen and Fourteen.



Figure Thirteen



Figure Fourteen

At approximately 2:30 pm, one of the other law enforcement officers participating in the WhatsApp group chat with IBRAHIM posted “Question Mark, you are carrying your duty weapon and your badge/creds? I need to know this mark”

Cell-site location data, shown in Figure Fifteen below, indicates that IBRAHIM remained on the east side of the Capitol until after 2:45 PM.

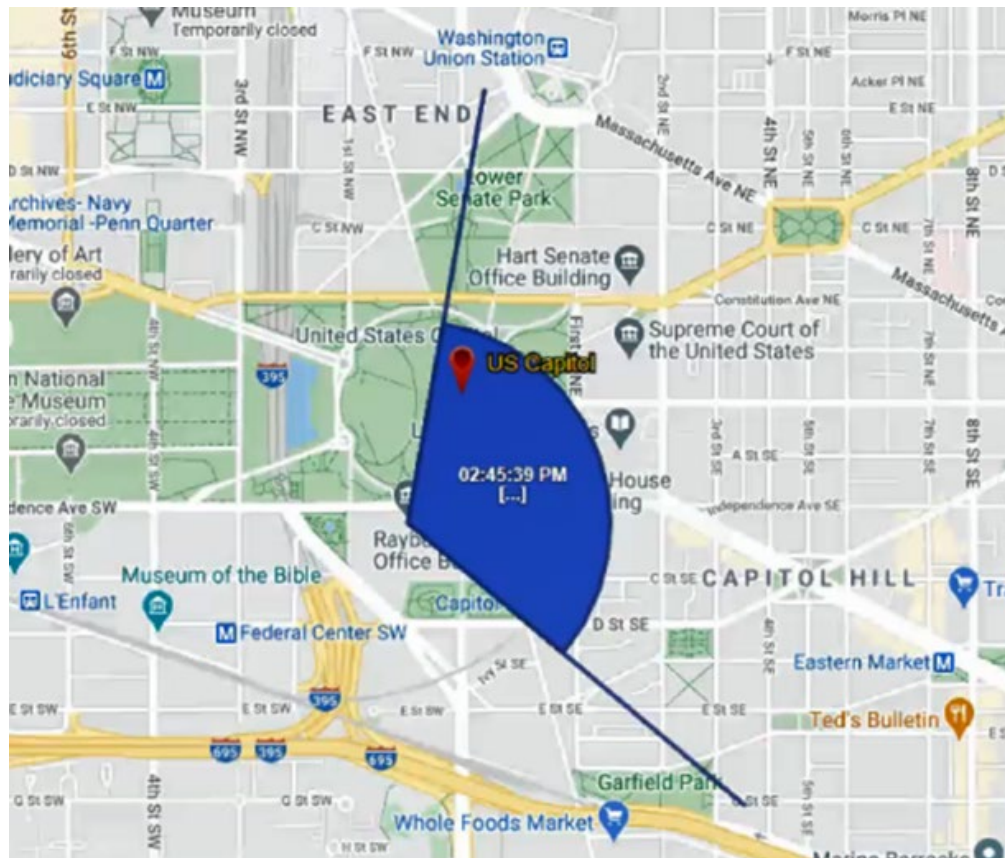


Figure Fifteen

At approximately 2:45 PM, Ashli Babbitt was shot by a law enforcement officer while she was attempting to enter a location within the U.S. Capitol Building. She was taken from the Capitol Building by fire and EMS at 3:00 PM, she was transported within steps of IBRAHIM and loaded into an ambulance at 3:01 PM. IBRAHIM’s friend, who was standing next to IBRAHIM, videotaped her as she was being moved past them. IBRAHIM subsequently posted that video to the WhatsApp group chat.

Shortly after 3:00 PM, IBRAHIM, his friend, and his relative continued their clockwise circuit around the Capitol Grounds and arrived at the Peace Monument in the Peace Circle at First Street, NW, and Pennsylvania Avenue NW, which is located on the Capitol Grounds.

IBRAHIM then climbed up onto the Peace Monument. While on the Peace Monument, IBRAHIM took a video of himself delivering a monologue, and ended the video showing the scene from on the Peace Monument. Two frames from this video are attached below as Figures

Sixteen and Seventeen below. The bicycle racks which had surrounded the Peace Monument earlier in the day can be seen in Figure Seventeen below.



Figure Sixteen



Figure Seventeen

While standing on the Peace Monument, IBRAHIM posed for several photographs. One of those photographs, taken at approximately 3:27 PM is attached below as Figure Eighteen.



Figure Eighteen

At approximately 3:29 pm, after climbing down from the Peace Monument, IBRAHIM again posed for several photographs while displaying his DEA badge and firearm.



Figure Nineteen

On March 15, 2021, pursuant to an investigation being conducted by the Office of the Inspector General, United States Department of Justice, and the United States Attorney's Office for the District of Columbia, your affiant conducted a voluntary interview with IBRAHIM in the presence of his attorney, via video teleconference. The interview was recorded. Your affiant admonished IBRAHIM that the most important thing for him was not to lie in the interview. Your affiant told IBRAHIM that he could, as he knew, be charged with lying to a Federal Agent, or obstructing the investigation. IBRAHIM admitted to being at the U.S. Capitol on January 6, 2021 and acknowledged that he had his DEA credentials with him at the Capitol, as well as his DEA badge and firearm. IBRAHIM denied that he displayed or exposed his DEA badge and firearm at the Capitol. Specifically, IBRAHIM stated "I had my creds. I had my firearm, and my badge on me . . . But never exposed . . . Not that I know of." During his interview, IBRAHIM acknowledged hearing the tear gas canisters going off—he said he heard the booms.

IBRAHIM said he went to the Capitol with his friend and his relative. IBRAHIM said he was asked to attend by his friend, so he decided to go. IBRAHIM said he went along with his friend, who had been asked by the FBI to document the event, and that he went along with his friend to assist with that effort.

Your affiant also interviewed IBRAHIM's friend. According to the friend, IBRAHIM crafted this story about how his friend was at the Capitol to assist the FBI and that IBRAHIM was there helping him. IBRAHIM's friend told your affiant that he was not there in any formal capacity for the FBI and that the FBI was not giving him directions or marching orders. He said that IBRAHIM crafted this story in an effort to "cover his ass." According to IBRAHIM's friend, IBRAHIM went to the rally in order to promote himself—IBRAHIM had been thinking about his next move after leaving the DEA and wanted the protests to be his stage for launching a "Liberty Tavern" political podcast and cigar brand.

I have fully identified IBRAHIM of Orange County, California as **Mark Sami IBRAHIM**. In addition to interviewing IBRAHIM via video teleconference, during which he identified himself as the individual in several of the photographs and videos referenced above, I have reviewed his motor vehicle photograph, his DEA credentials photograph, and other identifying information and records that confirm that the individual depicted in the above-referenced videos and photographs at the U.S. Capitol on January 6, 2021 is **Mark Sami IBRAHIM**. Both his friend and a relative have confirmed the identity of IBRAHIM, his presence on the U.S. Capitol Grounds, as well as his conduct that day.

Based on the foregoing, your affiant submits that there is probable cause to believe that **Mark Sami IBRAHIM** violated 18 U.S.C. §§ 1752(a)(1) and (b)(1)(A), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (b)(1)(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm. For purposes of Section 1752, a "restricted building or grounds" 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 **Mark Sami IBRAHIM** violated 40 U.S.C. §§ 5104(d) and (e)(1)(A)(i), which make it a crime to step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds and carry or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device.

Your affiant submits there is also probable cause to believe that **Mark Sami IBRAHIM** violated 18 U.S.C. § 1001, which makes it a crime to, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsify, conceal, or cover up by any trick, scheme, or device a material fact; or (2) make any materially false, fictitious, or fraudulent statement or representation by, among other statements, falsely stating that he never displayed his badge or firearm.



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JASON R. HIGLEY  
SENIOR SPECIAL AGENT  
U.S. Department of Justice,  
Office of the Inspector General

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6<sup>th</sup> day of July 2021.



2021.07.06  
18:55:00 -04'00'

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE