

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
JEREMY GRACE
DOB: XXXXXXXX

) Case: 1:21-mj-00442
) Assigned to: Judge Faruqui, Zia M.
) Assign Date: 5/24/2021
) 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
District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1752(a)(1), 18 U.S.C. § 1752(a)(2), 40 U.S.C. § 5104(e)(2)(D), and 40 U.S.C. § 5104(e)(2)(G).

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Handwritten signature of T. Michael Class Jr.

Complainant's signature

T. Michael Class Jr., Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/24/2021

Handwritten signature of Judge



2021.05.24

15:24:23 -04'00'

Judge's signature

City and state: Washington, D.C.

Printed name and title

STATEMENT OF FACTS

1. Your affiant, T. Michael Class, Jr., 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. It was reported in the media and by law enforcement agents that members of various groups, including Oath Keepers, Proud Boys, and Three Percenters, may have played a role in organizing and participating in these events. As discussed below, video and photograph images in the national news depicted individuals outside the U.S. Capitol wearing clothing with insignia designating membership in some of these groups or otherwise indicating membership.

9. Based on my training and experience, I know that the Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Proud Boys members routinely attend rallies, protests, and other events, some of which have resulted in violence involving members of the group.

10. On or about January 19, 2021, after receiving a tip into the FBI tip line, an 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 JEREMY GRACE (hereinafter “JEREMY”) and his father Jeffrey Grace (hereinafter “Jeffrey”), both of whom reside in Washington state, that they both flew to Washington, D.C., and that they were both at the U.S. Capitol Building on January 6, 2021.

11. On January 21, 2021, an FBI agent interviewed Jeffrey at his residence. Jeffrey stated that he traveled with his son JEREMY to Washington, D.C., for sightseeing and to attend the rally for President Donald Trump on January 6. During the rally, Jeffrey got separated from his son and began walking with a group of people toward the U.S. Capitol Building. Jeffrey entered the building from the north side after seeing an open door. According to Jeffrey two Capitol Police Officers were standing at the door when he walked in, but they did not say anything to him. Jeffrey stated that the law enforcement officers appeared to be overwhelmed by the number of protesters and looked scared. Jeffrey stated he did not believe that JEREMY entered the building.

12. Jeffrey stated that, once inside, he walked to the Rotunda. He did not go anywhere else in the building. Jeffrey stated that he picked up items that others had knocked over. He decided to leave after witnessing several people causing damage to Capitol property. Jeffrey 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, Jeffrey took it from him and placed it behind a wooden object in the Rotunda. According to Jeffrey, 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. Jeffrey noted that the jacket he was wearing during the interview may have been the one he wore in the U.S. Capitol Building. Jeffrey stated that, although he had his cell phone with him, he did not take any videos or photographs.

13. Jeffrey 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. Jeffrey said he was the bald individual behind the person carrying the lectern. Jeffrey 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.

14. On January 25, 2021, an Agent telephonically interviewed JEREMY. JEREMY stated that he and his father, Jeffrey, traveled to Washington, D.C., to go sightseeing and to attend the rally for President Donald Trump on January 6, 2021. JEREMY became separated from his father when “things got crazy” at the rally. He stated that he walked toward the U.S. Capitol Building with a crowd of people. He stayed back from the building. According to JEREMY, the closest he got to the U.S. Capitol Building was a “round about thing” on the west side of the building.

15. On or about January 28, 2021, a federal complaint and arrest warrant were issued for Jeffrey in the United States District Court for the District of Columbia, *United States v. Jeffrey Grace*, 21-mj-178, charging Jeffrey with violating 18 U.S.C. § 1752(a)(1) (unlawful entry on restricted grounds), stemming from his participation in activities inside the United States Capitol Building in Washington, D.C., on January 6, 2021. Jeffrey was arrested on or about February 4, 2021.

16. On February 4, 2021, FBI Agents executed a search warrant for Jeffrey’s residence. During the execution of the warrant, Jeffrey retrieved a short sleeve black t-shirt with a decal of a Betsy Ross style American flag embossed on the front that he was wearing when he entered the U.S. Capitol Building. He stated he also wore the black baseball cap and woodland camouflage collar jacket that he was currently wearing when he entered the U.S. Capitol Building. Those items of clothing resembled the clothing Jeffrey is depicted wearing in closed-circuit television (“CCTV”) footage taken from the Rotunda on January 6, 2021, as well as in the photographs and screenshots described below.

17. Agents lawfully searched Jeffrey’s cell phone pursuant to his written consent, given on February 4, 2021, at the time of his arrest. As noted above, agents had also obtained a search warrant for the premises and cell phone. Pursuant to the search, it was determined that Jeffrey’s cell phone was an Apple iPhone8 cellular telephone. The search of the phone revealed that the stored contact telephone numbers for JEREMY were XXX-XXX-5300 and XXX-XXX-2583. The search also revealed three video files described below. The metadata, or EXIF data, for the files show that the videos were all created with an Apple iPhone 11 cellular telephone. One or more of the videos also contains audio. I have spoken to the FBI agent who interviewed JEREMY over the phone and who interviewed Jeffrey in person. He reviewed the videos and confirmed that he recognized Jeffrey’s face and recognized Jeffrey’s and JEREMY’s voices in one or more of the videos. In the videos, JEREMY is wearing a light grey sweatshirt with black stars in a circular pattern on the front, a baseball cap with white stars in a circular pattern and “1776” on the light-colored front of the cap and red and white horizontal stripes on the back of the cap. In some instances, JEREMY is wearing a red, white, and blue stars-and-stripes themed neck gaiter.

18. File *Img_4680.mov* was in the “trash” folder of Jeffrey’s phone. According to the file’s metadata, this video was created on January 6, 2021, at approximately 2:18 PM (EST). The file was deleted on January 8, 2021. The video is a “selfie-style” video that depicts Jeffrey and an individual believed to be his son JEREMY outside the U.S. Capitol Building, both repeatedly saying, “Our house.” Given that the metadata for the video shows that the device used to take the

video was an iPhone 11, and Jeffrey had an iPhone 8, the video appears to have been taken by JEREMY. The following two screenshots set forth below were made from the video. Agents recognize Jeffrey on the left, and JEREMY is believed to be on the right.



19. File *Img_4684.mov* was in the trash folder. According to the file's metadata, this video file was created on January 6, 2021, at approximately 2:25 PM (EST). The location metadata indicates this video was taken inside the Capitol Rotunda. The file was deleted on January 8, 2021. This video is a "selfie-style" video that depicts Jeffrey and JEREMY inside the Capitol Rotunda. The video appears to have been taken by JEREMY. The following statements are made in the video: JEREMY says, "Just made it into the Capitol here. Oh yeah, oh yeah." Jeffrey says, "It gets no better than this." JEREMY then says, "Freedom." Jeffrey says, "God bless America." Jeffrey makes a hand gesture at the end of the video, putting his fingers together in the "okay" sign, as depicted below. In my training and experience, this hand sign is sometimes associated with members of "white power," "Proud Boys," and "Three Percenter" groups. The following screenshots were made from the video. Agents recognized Jeffrey on the right, with his arms around JEREMY on the left.



20. File *Img_4682.mov* depicts Jeffrey and JEREMY outside the U.S. Capitol Building. According to the file's metadata, this "selfie-style" video file was created on January 6, 2021, at

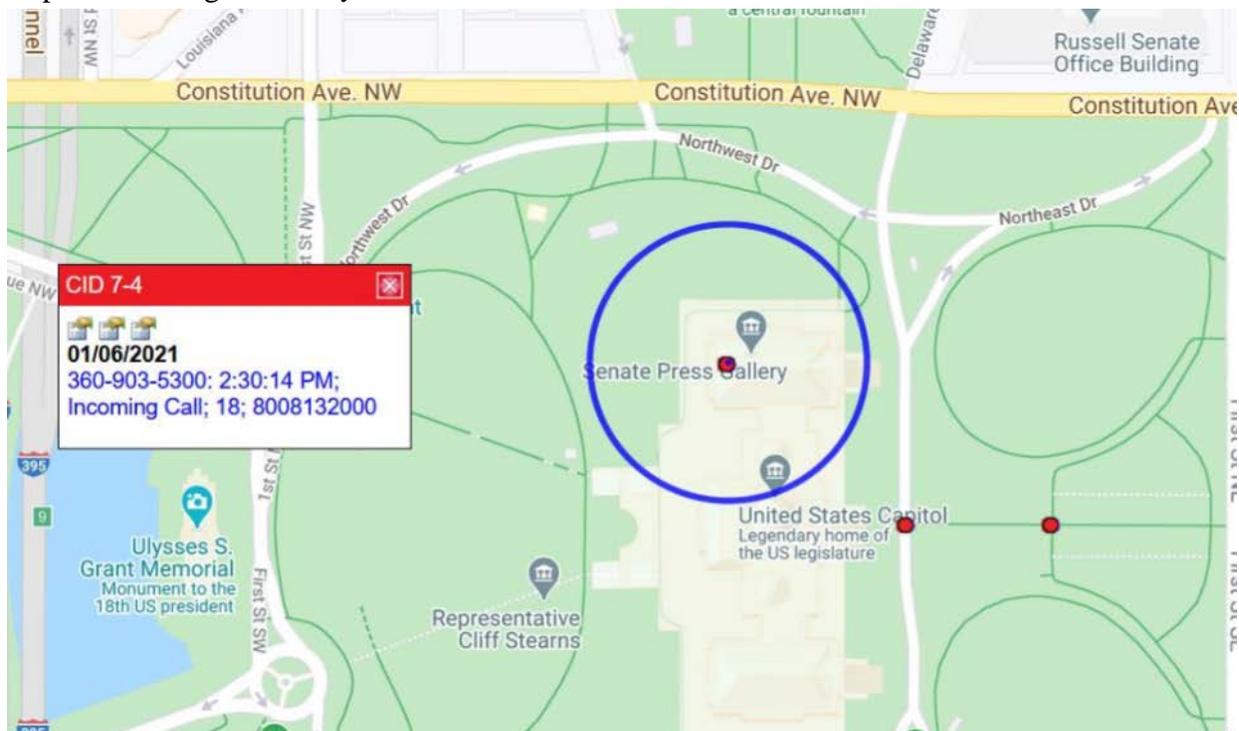
approximately 2:50 PM (EST). The video captures Jeffrey and JEREMY both saying something inaudible with the U.S. Capitol Building visible in the background. The video appears to have been taken by JEREMY. The following screenshot was taken from the video:



21. FBI agents obtained a copy of closed circuit television (“CCTV”) footage taken from the Rotunda on January 6, 2021. The interviewing FBI agent and I reviewed the video and recognized Jeffrey and JEREMY in the video.

22. In March 2021 FBI agents obtained a search warrant for Verizon Wireless, Cellco Partnership, for historic cell site location information for JEREMY’s cell phone number XXX-XXX-5300, described above. Those records confirm that at 2:30 p.m., on January 6, 2021, a phone associated with JEREMY’s phone number was pinging a cell tower in or near the U.S.

Capitol Building on January 6.



23. FBI agents obtained publicly available video found on the *Wall Street Journal* website depicting events outside the U.S. Capitol Building on January 6, 2021. The title of the *Wall Street Journal* video is “Proud Boys Were Key Instigators in Capitol Riot,” and it was published on January 26. I have reviewed that video and recognize JEREMY, near Jeffrey, in the footage. In the background of the video, a reporter can be heard saying that the reporter is with a group of “Proud Boys.”

24. FBI agents obtained from other sources other video and photographic images taken outside the U.S. Capitol on January 6, 2021, of individuals who have been identified as suspected members of the Proud Boys. For example, agents obtained a video, with audio, in which a suspected Proud Boys member, Individual A, states multiple times that he is “live streaming” the Proud Boys marching in Washington, DC, on January 6, 2021. The video is approximately one hour and 40 minutes long. I have reviewed the video and recognize JEREMY and Jeffrey walking in the same group of individuals. Approximately ten minutes into the video, JEREMY is depicted walking in the group as they are chanting, “whose streets, our streets.” Approximately 44 minutes into the video, Individual A says President Trump is on the stage now; however, they are presently too far away from the stage. Approximately three minutes later, Jeffrey and JEREMY are observed walking in the group, as depicted in the screenshot below.



25. On or about April 12, 2021, Jeffrey was charged by Information in the United States District Court for the District of Columbia with violating 18 U.S.C. § 1752(a)(1) (unlawful entry of a restricted building); 18 U.S.C. § 1752(a)(2) (disorderly conduct in a restricted building); 40 U.S.C. § 5104(e)(2)(D) (disorderly conduct in the Capitol building or grounds); and 40 U.S.C. § 5104(e)(2)(G) (parading, demonstrating, or picketing in a Capitol Building.) *United States v. Jeffrey Grace*, 21-cr-296.

26. Based on the foregoing, your affiant submits that there is probable cause to believe that JEREMY GRACE violated 18 U.S.C. § 1752(a)(1) (unlawful entry of a restricted building); 18 U.S.C. § 1752(a)(2) (disorderly conduct in a restricted building); 40 U.S.C. § 5104(e)(2)(D) (disorderly conduct in the Capitol building or grounds); and 40 U.S.C. § 5104(e)(2)(G) (parading, demonstrating, or picketing in a Capitol Building.) 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.

T. Michael Class, Jr.
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 24th day of May 2021.

2021.05.24
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U.S. MAGISTRATE JUDGE