

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

George Pierre Tanios

)
)
)
)
)
)

Case No.

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) George Pierre Tanios
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. §§ 111(a) and (b) - Assault on Federal Officer with Dangerous Weapon;
18 U.S.C. §§ 111(a) and (b) - Assault on Federal Officer with Dangerous Weapon;
18 U.S.C. §§ 111(a) and (b) - Assault on Federal Officer with Dangerous Weapon;
18 U.S.C. § 372 - Conspiracy to Injure an Officer;
18 U.S.C. § 231(a)(3) - Civil Disorder;
18 U.S.C. § 1512(c)(2) - Obstructing or Impeding Any Official Proceeding;
18 U.S.C. § 1752(a)(1), (2), (4), (b)(1)(A) and (b)(1)(B) - Physical violence on restricted grounds, while carrying dangerous weapon, and resulting in significant bodily injury;
40 U.S.C. § 5104(e)(2)(f) - Violent entry and disorderly conduct, act of physical violence on Capitol Grounds; and
18 U.S.C. § 2 - Aiding and Abetting.

Date: 03/06/2021

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 3/14/2021, and the person was arrested on (date) 3/14/2021
at (city and state) Morgantown, WV

Date: 3/14/2021

Arresting officer's signature

James P. Wisniewski, Jr.
Special Agent James P. Wisniewski, Jr.
Printed name and title

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Julian Elie Khater,
George Pierre Tanios,
Defendant(s)
Case No.

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. §§ 111(a) and (b) - Assault on Federal Officer with Dangerous Weapon;
18 U.S.C. §§ 111(a) and (b) - Assault on Federal Officer with Dangerous Weapon;
18 U.S.C. §§ 111(a) and (b) - Assault on Federal Officer with Dangerous Weapon;
18 U.S.C. § 372 - Conspiracy to Injure an Officer;
18 U.S.C. § 231(a)(3) - Civil Disorder;
18 U.S.C. § 1512(c)(2) - Obstructing or Impeding Any Official Proceeding;
18 U.S.C. § 1752(a)(1), (2), (4), (b)(1)(A) and (b)(1)(B) - Physical violence on restricted grounds, while carrying dangerous weapon, and resulting in significant bodily injury;
40 U.S.C. § 5104(e)(2)(f) - Violent entry and disorderly conduct, act of physical violence on Capitol Grounds; and
18 U.S.C. § 2 - Aiding and Abetting.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Riley Palmertree, 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: 03/06/2021

Zia M. Faruqui
2021.03.06
16:13:36 -05'00'

Judge's signature

City and state: Washington, D.C.

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

STATEMENT OF FACTS

On January 6, 2021, your affiant, Riley Palmertree, was on duty and performing my official duties as a Special Agent with the Federal Bureau of Investigation (“FBI”). I have been a Special Agent since 2017 and, in addition to my regular duties, I am currently also tasked with investigating criminal activity that occurred in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, investigation, or prosecution of a violation of Federal criminal laws.

The information contained in this affidavit is based on my knowledge of the investigation and information provided by other law enforcement officers. Because this statement of facts is being submitted for the limited purpose of establishing facts sufficient for the charges in the complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence exists of violations of the following statutes: 18 U.S.C. §§ 111 (a) and (b) (Assaulting an Officer of the United States with a deadly or dangerous weapon); 18 U.S.C. § 372 (Conspiracy to injure an officer); 18 U.S.C. § 231 (Civil Disorder); 18 U.S.C. § 1512(c)(2) (Obstruction of an Official Proceeding); 18 U.S.C. § 1752(a) and (b) (Physical violence on restricted grounds, while carrying dangerous weapon, and resulting in significant bodily injury); 40 U.S.C. § 5104(e)(2)(f) (Violent Entry, Disorderly Conduct and act of physical violence on Capitol Grounds); and 18 U.S.C. 2 (Aiding and Abetting).

1. Background

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 are 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.

2. Defendants' Assault on Federal Officers

At approximately 1:00 p.m., a crowd of violent rioters had assembled on the Lower West Terrace. U. S. Capitol Police had formed a line of bike racks extending from the North end of the Lower West Terrace to the South end, to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

In reviewing surveillance footage of this incident, your affiant observed the defendants, JULIAN ELIE KHATER and GEORGE PIERRE TANIOS, working together to assault law enforcement officers with an unknown chemical substance by spraying officers directly in the face and eyes. Your affiant further observed these defendants appeared to time the deployment of chemical substances to coincide with other rioters' efforts to forcibly remove the bike rack barriers that were preventing the rioters from moving closer to the Capitol building.

Surveillance footage shows that at 2:09 p.m., TANIOS can be seen walking from the south grassy area toward the Lower West Terrace. KHATER can be seen walking behind TANIOS. KHATER is wearing a beanie with a pom-pom on top, a dark jacket, and has a beard. TANIOS is wearing a red hat, black backpack, dark hooded sweatshirt, and has a beard. At 2:14 p.m., TANIOS and KHATER can be seen engaging each other in animated conversation while they are standing together.

During the investigation, law enforcement discovered open source media video of the incident from January 6, 2021. On the video, KHATER is seen making his way towards TANIOS. KHATER then states, "Give me that bear shit," and reaches into the backpack on TANIOS' back. TANIOS then states, "Hold on, hold on, not yet, not yet... its still early." KHATER is then seen

emphatically telling TANIOS, “They just fucking sprayed me,” and KHATER is seen holding a white can with a black top that appears to be a can of chemical spray. See Figure One, below.



Figure One

This verbal exchange between KHATER and TANIOS, together with KHATER’s retrieval of the spray can from TANIOS, reveals that the two were working in concert and had a plan to use the toxic spray against law enforcement.

On the video, KHATER continues to talk animatedly with TANIOS. At approximately 2:20 p.m., KHATER walks through the crowd to within a few steps of the bike rack barrier. KHATER is standing directly across from a line of law enforcement officers to include U.S. Capitol Police (“USCP”) Officers B. Sicknick and C. Edwards, and Metropolitan Police Department (“MPD”) Officer D. Chapman, who was equipped with a functioning body worn camera (“BWC”) device.

Officer Chapman’s BWC shows that at 2:23 p.m., the rioters begin pulling on a bike rack to Chapman’s left, using ropes and their hands to pull the rack away. Seconds later, KHATER is observed with his right arm up high in the air, appearing to be holding a canister in his right hand and aiming it in the officers’ direction while moving his right arm from side to side. Officer Chapman’s BWC confirms that KHATER was standing only five to eight feet away from the officers. See Figure Two, below.



Figure Two

In reviewing the surveillance footage and BWC video, your affiant observes that Officers Sicknick, Edwards and Chapman, who are standing within a few feet of KHATER, all react, one by one, to something striking them in the face. The officers immediately retreat from the line, bring their hands to their faces and rush to find water to wash out their eyes, as described in further detail below and as captured in the following screen shots. See Figures Three and Four, below.



Figure Three



Figure Four

At 2:23 p.m., on the surveillance footage, KHATER is again observed raising his arm and continues to spray in the direction of law enforcement officers. MPD Lt. Bagshaw notices these actions and approaches KHATER. At 2:23 p.m., Lt. Bagshaw then sprays KHATER, as observed on both surveillance footage and Lt. Bagshaw's BWC. See Figure Five, below.



Figure Five

3. Injuries to Officers

Officers Sicknick, Edwards, and Chapman suffered injuries as a result of being sprayed in the face with an unknown substance by KHATER. The officers were temporarily blinded by the substance, were temporarily disabled from performing their duties and needed medical attention and assistance from fellow officers. They were initially treated with water in an effort to wash out the unknown substance from their eyes and on their face. All three officers were incapacitated and unable to perform their duties for at least 20 minutes or longer while they recovered from the spray. Officer Edwards reported lasting injuries underneath her eyes, including scabbing that remained on her face for weeks. Officers Edwards and Chapman also described the spray to their face as a substance as strong as, if not stronger than, any version of pepper spray they had been exposed to during their training as law enforcement officers. Officer Sicknick reported to his supervisors and colleagues that he had been sprayed in the face with a substance.

4. Identification of the Defendants

Based on the above surveillance footage, law enforcement prepared flyers with photographs of KHATER and TANIOS, which were published along with other individuals involved in the violence at the U.S. Capitol on January 6, 2021. Defendant KHATER was listed as subject number 190. Defendant TANIOS was listed as subject number 254. A tipster to the FBI provided information that TANIOS and KHATER knew each other and grew up together in New Jersey.

Identification of JULIAN KHATER

During the investigation, law enforcement received information from a tipster regarding subject 190. The tipster relayed that the subject was the same person who owned a LinkedIn page belonging to JULIAN KHATER.

Based on a review of this LinkedIn page, law enforcement identified and spoke by telephone to W-1. W-1 stated IT was a former work colleague of KHATER. Your affiant provided W-1 an image of subject 190, and W-1 positively identified the individual as “Julian” and stated IT was “100% sure” the individual was “Julian,” whom IT knew from working together at a food establishment in State College, Pennsylvania. W-1 saw KHATER approximately three to four times per week from July 2019 to November 2019, and last saw KHATER in November 2019. W-1 did not immediately remember KHATER’s last name, but looked up an old work document that listed Julian’s last name as KHATER.

Identification of GEORGE TANIOS

During the investigation, law enforcement received two tips that included a photo posted on social media of TANIOS at the Capitol on January 6, 2021. See Figure Six, below.

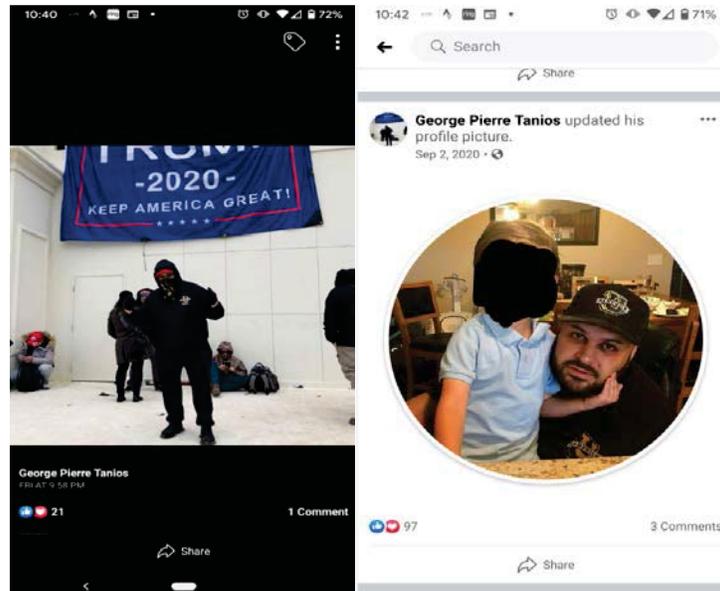


Figure Six

The tipsters stated that the photo was from a Facebook page belonging to an individual named “GEORGE PIERRE TANIOS” and confirmed that TANIOS was wearing clothing with the insignia of “Sandwich University” in both his profile picture and his picture at the Capitol. Your affiant notes that the hooded sweatshirt that TANIOS is wearing in the Capitol picture appears identical to the sweatshirt worn by TANIOS in the surveillance video, as seen below in Figure Seven:



Figure Seven

Another tipster reported to law enforcement that BOLO 254 looked “very close” to George Pierre Tanios from New Jersey, and that TANIOS had bragged about going to the insurrection at the Capitol on Facebook. The tipster also indicated that TANIOS owns the “Fat Sandwich” restaurant.

Utilizing a public records database, law enforcement located a GEORGE PIERRE TANIOS, born in New Brunswick, NJ, and found the below photograph (Figure Eight) of TANIOS at his business in Morgantown, West Virginia.



Figure Eight

TANIOS is wearing a shirt with a Sandwich University logo identical to the clothing seen in both his social media post and the Capitol surveillance footage. A search of social media also revealed a profile of an individual named “George Pierre Tanios,” with the username “kingofthefatsandwich.”

Law enforcement interviewed W-2 and provided two images of TANIOS for W-2 to review. Upon viewing the two images of TANIOS, W-2 positively identified the individual in the photos as TANIOS. W-2 stated that IT was “100%” sure the individual in one photo was TANIOS, and “pretty sure” the individual in the second photo was TANIOS. W-2 has known TANIOS for 15 years, and they are former business partners. W-2 reported that IT was in a legal dispute with TANIOS where TANIOS reportedly embezzled \$435,000 from their former business.

5. Charges

Based on the foregoing, your affiant submits that there is probable cause to believe that KHATER AND TANIOS violated 18 U.S.C. §§ 111(a) and (b), which makes it a crime to, with a deadly or dangerous weapon, assault, resist, oppose, impede, intimidate, or interfere a Federal law enforcement officer, as designated in Section 1114 of Title 18, while engaged in or on account of the performance of official duties. For purposes of Section 1114 of Title 18, an officer or employee includes any person assisting such an officer or employee in the performance of such duties or on account of that assistance.

Your affiant submits there is probable cause to believe KHATER and TANIOS violated 18 U.S.C. § 372, which makes it a crime to conspire to injure or impede an officer of the United States on account of his or her lawful discharge of the duties of his or her office.

Your affiant submits there is probable cause to believe that KHATER and TANIOS 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 or her 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 probable cause to believe that KHATER AND TANIOS violated 18 U.S.C. § 1511(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding. The Joint Session of Congress where the Senate and House count Electoral College votes is an official proceeding.

Your affiant submits there is probable cause to believe that KHATER AND TANIOS violated 18 U.S.C. § 1752(a)(2), which makes it a crime to 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; and § 1752(a)(4), which makes it a crime to knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so; and § 1752(b)(1), which makes it a crime to violate § 1752(a) while using a deadly or dangerous weapon, or while causing significant bodily injury. 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 KHATER AND TANIOS violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Your affiant submits there is also probable cause to believe that KHATER AND TANIOS violated 18 U.S.C. § 2, which makes it a crime to aid, abet, counsel, command, induce or procure another criminal offense or to willfully cause the act to be done.

Your affiant believes probable cause exists to issue an arrest warrants for JULIAN ELIE KHATER and GEORGE PIERRE TANIOS for the above listed violations.



SPECIAL AGENT RILEY PALMERTREE
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 6TH day of March, 2021.

 
Zia M. Faruqui
2021.03.06 16:23:38
-05'00'

U.S. MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Case No.: 1:21-MJ-27
(JUDGE ALOI)**

GEORGE TANIOS,

Defendant.

VIDEOCONFERENCING/TELECONFERENCING WAIVER

I am scheduled for a Rule 5(c)(3) Hearing before this Court. I understand that I have the right to appear in person at the same location as the Magistrate Judge, the attorneys, and any witnesses unless I agree that we can appear at different locations by videoconferencing and/or teleconferencing (if videoconferencing is not reasonably available), pursuant to LRCrP 43.01 and standing order 3:20MC28.

Understanding this right, I hereby voluntarily and knowingly waive my right to appear in person at the same location as the Magistrate Judge, attorneys, and any witnesses and agree to allow them to conduct the proceeding(s) from a different location by videoconferencing and/or teleconferencing (if videoconferencing is not reasonably available).

Dated: March 15, 2021



Defendant's Signature

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE PIERRE TANIOS,

Defendant.

**Case No.: 1:21-MJ-27
(JUDGE ALOI)**

**Charging District's Case No:
1:21-MJ-286 (Complaint)
1:21-CR-222 (Indictment)**

DETENTION ORDER

On March 22, 2021, came the United States of America by Sarah E. Wagner, Assistant United States Attorney, and came Defendant, George Pierre Tanios, who appeared by in person and by his counsel, Elizabeth B. Gross and L. Richard Walker, for a Rule 5(c)(3) hearing on an Indictment and for a hearing on the Government's Motion for Pretrial Detention [ECF No. 2] and Amended Motion for Pretrial Detention [ECF No. 17], in accordance with the Bail Reform Act, Title 18, United States Code, Section 3142(f). The Court also is in receipt of Defendant's response to the Government's motion, filed on March 19, 2021. [ECF No. 22].

The Court gave notice to the Government's counsel that, pursuant to the Due Process Protections Act of 2020, the Court reminds the Government's attorneys that under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, failing to disclose favorable evidence to the accused violates due process where the evidence is material either to guilt or punishment. Further, consequences for a Brady violation can include, but are not necessarily limited to, a vacated conviction and disciplinary actions against the prosecutor. The Court gave written notice of the same by filing notice on the Court's CM/ECF system. [ECF No. 27].

The parties presented evidence and witness testimony was taken.

A. The Standards

Title 18, United States Code, § 3142(g) provides the specific factors that are to be considered to determine whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community. Those factors are:

1. The nature and consequences of the offense charged, including whether the offense is a crime of violence, a violation of Section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
2. The weight of the evidence against the person;
3. The history and characteristics of the person, including but not limited to community ties, employment, criminal history, record of court appearance or whether the person was on probation or parole at the time the current offense was committed; and
4. The seriousness of the danger to any person or the community that would be posed by the person's release.

B. Findings of Fact and Conclusions of Law

Defendant first appeared in this Court on this matter on March 15, 2021 pursuant to a Criminal Complaint originating in the United States District Court for the District of Columbia.

1. Charges Against Defendant, Rule 5(c)(3), and Preliminary Hearing

In the Criminal Complaint, bearing the charging district's case number 1:21-MJ-286, Defendant was charged with the following violations: Assault on Federal Officer with Dangerous Weapon (3 counts), in violation of Title 18, United States Code, Sections 111(a) and (b); Conspiracy to Injure and Officer, in violation of Title 18, United States Code, Section 372; Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3); Obstructing or Impeding

Any Official Proceeding, in violation of Title 18, United States Code, Section 1512(c)(2); Physical Violence on Restricted Grounds, While Carrying Dangerous Weapon, and Resulting in Significant Bodily Injury, in violation of Title 18, United States Code, Sections 1752(a)(1), (2), (4), (b)(1)(A) and (b)(1)(B); Violent Entry and Disorderly Conduct, Act of Physical Violence on Capitol Grounds, in violation of Title 40, United States Code, Section 5104(e)(2)(f); and Aiding and Abetting, in violation of Title 18, United States Code, Section 2.

On March 15, 2021, the Court conducted Rule 5(c)(3) proceedings and scheduled the matter for preliminary hearing and detention hearing for March 18, 2021. In the meantime, Defendant filed a motion to continue proceedings [ECF No. 13], which the Court granted [ECF No. 14], rescheduling proceedings to March 22, 2021.

Then, on March 17, 2021, a Grand Jury sitting in the District of Columbia returned an Indictment against Defendant and co-Defendant, Julian Elie Khater (“Khater”). [ECF No. 19]. This matter bears the charging district’s case number 1:21-CR-222. In so doing, the Grand Jury charged Defendant with the following: Conspiracy to Impeded or Injure an Officer, in violation of Title 18, United States Code, Section 372; Assault on a Federal Officer with a Dangerous Weapon and Aiding and Abetting (three counts), in violation of Title 18, United States Code, Sections 111(a)(1), (b), and 2; Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3); Obstruction of an Official Proceeding, in violation of Title 18, United States Code, Section 1512(c)(2); Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon and Causing Significant Bodily Injury, in violation of Title 18, United States Code, Sections 1752(a)(1), (b)(1)(A), and (b)(1)(B); Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon and Causing Significant Bodily Injury, in violation of Title 18, United States Code, Sections 1751(a)(2), (b)(1)(A), and

(b)(1)(B); Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon and Causing Significant Bodily Injury, in violation of Title 18, United States Code, Sections 1751(a)(4), (b)(1)(A), (b)(1)(B); and Act of Physical Violence in the Capitol Grounds or Building, in violation of Title 40, United States Code, 5104(e)(2)(F).

As a preliminary matter, during proceedings on March 22, 2021, the undersigned conducted a Rule 5(c)(3) proceeding on the Indictment. The undersigned reviewed with Defendant the charges in the Indictment, and informed Defendant of his right to retain counsel or request that counsel be appointed to him, his right to an identity hearing, his right to production of the warrant or a copy thereof, and of his right to a hearing on detention. An identity hearing was not requested. Further, the undersigned discussed with counsel whether there was a need to conduct a preliminary hearing, now that an Indictment had been returned against Defendant. Both counsel for the Government and Defendant agreed that there was no longer a need to conduct a preliminary hearing.

2. Detention Hearing: Admission of Exhibits, and Proceeding by Government's Proffer

The Court proceeded with a detention hearing. The Government moved to admit Exhibit Nos. 1—15, to which Defendant did not object. The Court granted the Government's motion and admitted these exhibits into evidence. [ECF No. 25].

Additionally, the Government requested to give a proffer of the evidence against Defendant on the matter of detention, rather than present witness testimony. Defendant objected to this approach, and instead insisted that the Government present witness testimony. After a recess during which Defendant's counsel, the Government, and the undersigned further researched and reviewed the issue, the Court overruled Defendant's objection and allowed the Government to proceed by proffer. While Title 18, United States Code, Section 3142 sets forth the process for

reviewing the Government's motion to detain, it does not specify whether the Government must proceed by witness testimony or when it may choose to proceed by proffer. In support of his insistence that the Government should be required to put on witness testimony, Defendant cited to United States v. Hammond, 44 F. Supp. 2d 743 (D. Md. 1999). However, based upon the undersigned's review of the issue, nothing about the statute governing the process requires the Government to put on witness testimony instead of a proffer. Moreover, the weight of interpretive caselaw is that the Government is within its rights to proceed by proffer instead of witness testimony, with the presiding judicial officer's assent. See e.g. United States v. Winsor, 785 F.2d 755 (9th Cir. 1986); United States v. Gaviria, 828 F.2d 667 (11th Cir. 1987); United States v. Emanuel, 869 F.2d 795 (4th Cir. 1989) (evaluating the question in the context of sentencing); United States v. Smith, 79 F.3d 1208 (D.C. Cir. 1996); United States v. Karni, 298 F. Supp.2d 129 (D.D.C. 2004).

In the instant case, the undersigned noted that Defendant's arguments speak to the weight of the Government's evidence, not its admissibility. The undersigned reminded counsel that this proceeding was a bench proceeding, with the Court mindful that it will afford the proper weight to any proffer or testimony which the Court deems appropriate. Accordingly, the Court allowed the Government to proceed by proffer.

3. Government's Proffer

The Government proffered that on January 6, 2021, in Washington, D.C., Defendant and Khater were at a rally-turned-riot at the United States Capitol. The riot was an attempt to thwart certification of the presidential election by the United States Congress.

More specifically, the Government proffered that Defendant and Khater made plans to meet and travel together to Washington, D.C. According to the Government, shortly before

January 6, 2021, Defendant entered a firearms store in Morgantown, West Virginia while talking with Khater on his mobile phone to determine what to purchase to take to Washington, D.C. Defendant inquired of an employee at the store whether he could take a firearm to Washington, D.C., and when told that he could not, asked whether he could take a pepper ball gun, which the employee also told him he could not do. Defendant then asked whether he could take mace to Washington, D.C., and then purchased two cans of Frontiersman bear spray and two smaller canisters of pepper spray on keychains. The Government proffered that the employee provided to agents a receipt which appears to correspond to Defendant's purchase, and that Khater's phone records show a call between Defendant and Khater corresponding to the date and time on the receipt.

The Government also proffered that Khater, a New Jersey resident, gave a statement that he drove to Morgantown to pick up Defendant to travel together to Washington, D.C., arriving there late on January 5, 2021 or early January 6, 2021. Khater stated that they shared lodging that night, and then took a Lyft rideshare together to the rally the next morning. Khater stated that Defendant procured bear spray and that they knew it was not for use on human beings. During their time together on January 6, according to Khater, Defendant carried a backpack which the two were sharing and which contained sprays.

Aside from Khater's statement, the Government put together its version of events based on surveillance footage, officers' bodycam footage, and open source media. According to the Government, at approximately 1:00 p.m. that day, the riotous crowd at the United States Capitol was facing a barrier of bicycle racks at the exterior of the Capitol, with police officers behind the barrier. Among the rioters were Defendant and Khater. The Government proffered that Defendant and Khater were working in concert to spray chemical substances in officers' faces, while the

crowd was attempting to breach the barrier. Video footage shows Khater conversing with each other throughout their time at the Capitol. At one point, video shows Khater telling Defendant to “Give me that bear s*it” while reaching into the shared backpack carried by Defendant. The video further shows Defendant telling Khater “Hold on, hold on, not yet, not yet ... it’s still early.”

Per the Government’s proffer, Khater ultimately sprayed U.S. Capitol Police Officers B. Sicknick and C. Edwards, as well as Metropolitan Police Department Officer D. Chapman with an unknown substance, all of which is clearly documented on video footage. The officers retreated from the line at the barricade, temporarily blinded and unable to perform their duties. Officer Edwards sustained lasting injuries beneath her eyes and suffered scabbing for several weeks thereafter. Both Officer Edwards and Officer Chapman described the spray as being as strong, perhaps stronger, than any spray to which they had been exposed in law enforcement training.

According to the Government, Defendant and Khater then drove back together to Morgantown, West Virginia. Law enforcement identified Defendant and Khater based on the above-noted surveillance footage, officers’ bodycam footage, and open source media, as well as information gleaned from tipsters and social media. In a search of Khater’s residence, the Government proffered, agents located in his bedroom the hat and gloves which he is seen wearing in videos from January 6; elsewhere in the residence, agents found the jacket which he is seen wearing in those videos, as well as a spent can of bear spray.

In a search of Defendant’s residence, per the Government’s proffer, agents located the backpack which Defendant can be seen carrying in videos from January 6. In the backpack, agents found a jacket and hat which appear to be the same which Defendant can be seen wearing in these videos. Agents also found in the backpack two cans of bear spray, spray on a keychain, and a handgun.

4. Defendant's Witnesses

Defendant called six witnesses: (1) Maguy Tanios, his mother, (2) Amanda Plumley, his fiancé and mother of his three children, (3) Shadoe Lowers, a family friend and former employee, (4) Michela Scotto Diluzio, a friend and collaborator in the local restaurant business, (5) Maria Boutros, his sister, and (6) Special Agent Riley Palmertree of the FBI.

Defendants first five witnesses testified as to his work ethic, longstanding position in the Morgantown restaurant industry, and role as a supportive father to his children. SA Palmertree testified as to how law enforcement conducted its investigation to piece together the Government's allegations as set forth in the Government's proffer.

C. Decision

Upon consideration, the Court finds that Defendant is not a flight risk. However, the Court also finds that the Defendant poses a danger to others and the community.

For the reasons set forth herein and, on the record, the Court finds as follows:

1. The Government has not established, by a preponderance of the evidence, that Defendant is a flight risk.
2. The Government has established, by clear and convincing evidence, that Defendant is a danger to others and the community for the reasons set forth in the findings of fact above, and in short, because of:
 - a. Defendant's premeditation of violence, which included the advance purchase of dangerous chemical sprays and Defendant's questioning of a firearms store employee as to whether he could take a firearm or a pepper ball gun into Washington, D.C.;

- b. Defendant's telephone conversation with Khater during his time in the firearms store to determine what to purchase for the trip to Washington, D.C.;
 - c. Defendant's carrying of a backpack, shared with Khater, at the event, containing chemical sprays, and Khater attempting to access the backpack by saying "Give me that bear s*it" and Defendant responding, "Hold on, hold on, not yet, not yet ... it's still early"; and
 - d. The spraying of chemical substances directly into the faces of three police officers, who were in the line of duty and facing a mob.
3. The Court has carefully considered Defendant's response [ECF No. 22] to the Government's Amended Motion for Pre-Trial Detention, as well as Defendant's minimal criminal history, his connections to the community, his employment, and his family support, as indicated by the witnesses he called. However, these factors do not outweigh the danger which Defendant poses to the community as set forth herein. Thus, the Court concludes that no bond conditions could be set to reasonably ensure the safety of others and the community.

Based upon the evidence presented and the above findings of fact and conclusions of law, the Government's Amended Motion for Pre-Trial Detention [ECF No. 17] is **GRANTED**.

Accordingly, it is hereby **ORDERED** that:

1. Defendant is hereby **REMANDED** to the custody of the United States Marshals Service pending further proceedings in this case;
2. Defendant be confined in a facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel;

4. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding; and

5. Any Party seeking revocation or amendment of this Order shall file a motion pursuant to 18 U.S.C. §3145.

The Clerk of the Court is directed to provide a copy of this Order to all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: March 23, 2021.

A handwritten signature in black ink, appearing to read 'Michael John Aloi', written over a horizontal line.

MICHAEL JOHN ALOI
UNITED STATES MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO.: 1:21-MJ-27

GEORGE PIERRE TANIOS,

Defendant.

DUE PROCESS PROTECTIONS ACT ORDER
TO ALL COUNSEL REGARDING *BRADY* OBLIGATIONS

Pursuant to the Due Process Protections Act of 2020, the Court reminds the Government's attorneys that under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, failing to disclose favorable evidence to the accused violates due process where the evidence is material either to guilt or punishment. Further, consequences for a Brady violation can include, but are not necessarily limited to, a vacated conviction and disciplinary actions against the prosecutor.

The Clerk of Court is **DIRECTED** to transmit copies of this Order to all counsel of record herein.

DATED: March 22, 2021



MICHAEL JOHN ALOI
UNITED STATES MAGISTRATE JUDGE

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

FILED

UNITED STATES DISTRICT COURT

for the

MAR 22 2021

Northern District of West Virginia

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

United States of America)

v.)

Case No. 1:21-mj-27

George Pierre Tanios)

Defendant)

Charging District's
Case No. 1:21-mj-286

1:21cr222
Indictment

COMMITMENT TO ANOTHER DISTRICT AND DETENTION ORDER

The defendant has been ordered to appear in the United States District Court for 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 remains in custody after the initial appearance as a result of:

___ Waiving his or her right to have a detention hearing in the Northern District of West Virginia, after consultation with counsel and the undersigned finding that said waiver was knowing and voluntarily made; and opting to have his detention hearing held in the charging district instead. Accordingly,

___ The Government's Motion to Detain [ECF No. ___] is **GRANTED** for the limited purpose of transfer to the charging district and temporary detention until the issue of detention is heard and decided in the charging district.

___ A detention hearing shall be set in the charging district at the earliest possible time after the Defendant has had an opportunity to confer with counsel. Pending that hearing, Defendant shall be held in the custody of the United States Marshal and produced at the hearing.

A detention hearing was held in the Northern District of West Virginia and Defendant failed to meet his or her burden to show that he or she was not a ___ flight risk or a danger to the community for the reasons set forth in more detail on the record and/or in the detention order.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 3-22-2021

Judge's signature

Michael John Alo, United States Magistrate Judge

Printed name and title

**U.S. District Court
Northern District of West Virginia (Clarksburg)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00027-MJA-1**

Case title: USA v. Tanios

Date Filed: 03/15/2021

Date Terminated: 03/23/2021

Assigned to: Magistrate Judge Michael John
Aloi

Defendant (1)

George Pierre Tanios
TERMINATED: 03/23/2021

represented by **Elizabeth B. Gross**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

L. Richard Walker
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:111.F

Disposition**Plaintiff**

USA

represented by **Sarah E Wagner**
 U.S. Attorney's Office - Clarksburg
 320 W. Pike St.
 Suite 300
 Clarksburg, WV 26301
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 Fax: (304) 623-7031
 Email: sarah.e.wagner@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/15/2021	1	Photocopy of Criminal Complaint with Warrant from the Superior Court of The District of Columbia as to George Pierre Tanios. (Attachments: # 1 copy of arrest warrant)# 2 copy of statement of facts) (jmm). (Additional attachment(s) added on 3/15/2021 per Order # 3 Redacted Complaint, # 4 redacted Arest Warrant) (jmm). (Entered: 03/15/2021)
03/15/2021		Arrest (Rule 5) of George Pierre Tanios. (jmm) (Entered: 03/15/2021)
03/15/2021	2	MOTION for Detention by USA as to George Pierre Tanios. (Attachments: # 1 Proposed Order)(Wagner, Sarah) (Entered: 03/15/2021)
03/15/2021	3	PAPERLESS ORDER as to George Pierre Tanios, Rule 5(c)(3) Hearing set for 3/15/2021 02:00 PM in Clarksburg Magistrate Judge Courtroom, 3rd Floor before Magistrate Judge Michael John Aloï. All parties will appear VIA VIDEO. The Court will distribute Zoom videoconferencing information prior to the hearing. Signed by Magistrate Judge Michael John Aloï on 3/15/2021. (nf) (Entered: 03/15/2021)
03/15/2021	4	MOTION to Unseal Case by USA as to George Pierre Tanios. (Attachments: # 1 Proposed Order)(Wagner, Sarah) (Entered: 03/15/2021)
03/15/2021	5	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge Michael John Aloï as to George Pierre Tanios.Initial Appearance held on 3/15/2021. (Tape #cbg aloï usa v tanios 1 21 mj 27 03152021.) (wrr) (Entered: 03/15/2021)
03/15/2021	6	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT re: 2 Motion for Detention as to George Pierre Tanios. Signed by Magistrate Judge Michael John Aloï on 3/15/2021. (Emailed to USP and USM.) (wrr) (Entered: 03/15/2021)
03/15/2021	7	PAPERLESS ORDER as to George Pierre Tanios, Preliminary Hearing and Detention Hearing set for 3/18/2021 10:00 AM in Clarksburg Magistrate Judge Courtroom, 3rd Floor before Magistrate Judge Michael John Aloï. All parties will

		appear VIA VIDEO. The Court will distribute Zoom videoconferencing information prior to the hearing. Signed by Magistrate Judge Michael John Aloï on 3/15/2021. (nf) (Entered: 03/15/2021)
03/15/2021	8	ORDER TO UNSEAL MATTER as to George Pierre Tanios. GRANTS 4 Motion to Unseal Case as to George Pierre Tanios. Clerk has redacted DE 1 attachment 2,3,4/ Signed by Magistrate Judge Michael John Aloï on 3/15/2021. (copy USM,USP) (jmm) (Entered: 03/15/2021)
03/15/2021	9	Waiver of Personal Appearance and Consent to Appear by videoconference by George Pierre Tanios. (jmm) (Entered: 03/15/2021)
03/15/2021	10	** SEALED ** CJA 23 Financial Affidavit by George Pierre Tanios (emailed FPD) (jmm) (Entered: 03/15/2021)
03/15/2021	11	ORDER APPOINTING COUNSEL as to George Pierre Tanios. L. Richard Walker for George Pierre Tanios appointed. Signed by Magistrate Judge Michael John Aloï on 3/15/2021. (Mailed to Defendant. Emailed to USP, USM and FPD.) (wrr) Modified on 3/15/2021 to correct docket text (wrr). NEF regenerated. (Entered: 03/15/2021)
03/15/2021	12	ORDER APPOINTING CO-COUNSEL as to George Pierre Tanios Elizabeth B. Gross for George Pierre Tanios appointed. Signed by Magistrate Judge Michael John Aloï on 3/15/2021. (Mailed to Defendant. Emailed to USP, USM and FPD.) (wrr) (Entered: 03/15/2021)
03/16/2021	13	MOTION to Continue <i>Detention Hearing</i> by George Pierre Tanios. (Gross, Elizabeth) (Entered: 03/16/2021)
03/16/2021	14	PAPERLESS ORDER granting 13 Motion to Continue as to George Pierre Tanios and RESCHEDULING Preliminary Hearing and Detention Hearing for 3/22/2021 at 10:00 AM in Clarksburg District Judge Courtroom, 2nd Floor before Magistrate Judge Michael John Aloï. This proceeding will be IN PERSON. By separate order, however, the Court will provide an access link and/or telephone number for those who may wish to observe proceedings via Zoom videoconference. Signed by Magistrate Judge Michael John Aloï on 3/16/2021. (nf) (Entered: 03/16/2021)
03/16/2021	15	ORDER REGARDING ACCESS TO PROCEEDINGS BY ZOOM VIDEOCONFERENCE/TELECONFERENCE as to George Pierre Tanios. Signed by Magistrate Judge Michael John Aloï on 3/16/2021. (copy USM,USP) (jmm) (Entered: 03/16/2021)
03/18/2021	17	Amended MOTION for Detention by USA as to George Pierre Tanios. (Attachments: # 1 Proposed Order)(Wagner, Sarah) (Entered: 03/18/2021)
03/19/2021	18	PAPERLESS ORDER as to George Pierre Tanios, Rule 5(c)(3) Hearing on Indictment set for 3/22/2021 10:00 AM in Clarksburg Magistrate Judge Courtroom, 3rd Floor before Magistrate Judge Michael John Aloï. The proceeding will be IN PERSON. Signed by Magistrate Judge Michael John Aloï on 3/19/2021. (nf) (Entered: 03/19/2021)
03/19/2021	19	Photocopy of Indictment filed in the US District Court for the District of Columbia as to George Pierre Tanios. (cmd) (Entered: 03/19/2021)
03/22/2021	21	ORDER GRANTING DEFENDANTS MOTION TO SEAL ECF NO. 20 as to George Pierre Tanios. Signed by Magistrate Judge Michael John Aloï on 3/22/2021. (jmm) (Entered: 03/22/2021)
03/22/2021	23	MINUTE ENTRY:

		<p>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</p> <p>Proceedings held before Magistrate Judge Michael John Aloï: as to George Pierre Tanios Initial Appearance as to George Pierre Tanios held on 3/22/2021. (Court Reporter Jill Cutter.) (jmm) (Entered: 03/22/2021)</p>
03/22/2021	24	<p>MINUTE ENTRY:</p> <p>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</p> <p>Proceedings held before Magistrate Judge Michael John Aloï: as to George Pierre Tanios Detention Hearing as to George Pierre Tanios held on 3/22/2021, Identity Hearing as to George Pierre Tanios held on 3/22/2021. (Court Reporter Jill Cutter.) (jmm) (Entered: 03/22/2021)</p>
03/22/2021	25	<p>WITNESS AND EXHIBIT LIST as to George Pierre Tanios. (Attachments: # 1 Exhibit One, # 2 Exhibit Two, # 3 Exhibit 13, # 4 Exhibit 14, # 5 Exhibit 14)(jmm) (Entered: 03/22/2021)</p>
03/22/2021	26	<p>COMMITMENT TO ANOTHER DISTRICT as to George Pierre Tanios. Defendant committed to United States District Court for the District Of Columbia. Signed by Judge Magistrate Judge Michael John Aloï on 3/22/2021. (jmm) (Entered: 03/22/2021)</p>
03/22/2021	27	<p>DUE PROCESS PROTECTIONS ACT ORDER TO ALL COUNSEL REGARDING BRADY OBLIGATIONS as to George Pierre Tanios. Signed by Magistrate Judge Michael John Aloï on 3/22/2021. (wrr) (Entered: 03/22/2021)</p>
03/23/2021	28	<p>DETENTION ORDER granting 17 Motion for Detention as to George Pierre Tanios (1). Signed by Magistrate Judge Michael John Aloï on 3/23/21. (copy USM,USP) (jmm) (Entered: 03/23/2021)</p>
03/23/2021	29	<p>NOTICE TO United States District Court for the District of Columbia of a Rule 5, Rule 32, or Rule 40 Appearance as to George Pierre Tanios. Your case number is: 1:21 cr 222.Public documents may be obtained via PACER. To request restricted documents please email InterdistrictTransfer_WVND@wvnd.uscourts.gov. (jmm) (Entered: 03/23/2021)</p>
03/24/2021	30	<p>TRANSCRIPT of Proceedings held on 03/22/2021, before Judge Michael J. Aloï. as to George Pierre Tanios Court Reporter/Transcriber Jill Cutter, RPR, Telephone number 304-622-8513. Parties have five business days to file a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will become available via PACER to the public without redaction after 90 calendar days. Redaction Request due 4/14/2021. Redacted Transcript Deadline set for 4/26/2021. Release of Transcript Restriction set for 6/22/2021. (jc) (Entered: 03/24/2021)</p>

PACER Service Center			
Transaction Receipt			
03/31/2021 11:09:44			
PACER Login:	BrittanyBryant:6635828:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:21-mj-00027-MJA

Billable Pages:	3	Cost:	0.30
Exempt flag:	Exempt	Exempt reason:	Always

PACER fee: Exempt