

UNITED STATES DISTRICT COURT

for the

United States of America
v.
KEVIN DANIEL LOFTUS

Case: 1:21-mj-00031
Assigned to: Judge Meriweather, Robin. M
Assign Date: 1/11/2021
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 DANIEL LOFTUS,
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) and (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

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

Robin M.

Meriweather

Digitally signed by Robin M. Meriweather
Date: 2021.01.11 15:00:46 -05'00'

Date: 01/11/2021

Issuing officer's signature

City and state: Washington, DC

Robin M. Meriweather, United States Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 1/11/2021, and the person was arrested on (date) 1/12/2021
at (city and state) EAU CLAIRE, WISCONSIN.

Date: 1/12/2021

Arresting officer's signature

STEVEN V. TELISAK - SPECIAL AGENT

Printed name and title

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for the

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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) and (2) and 40 U.S.C. 5104(e)(2)(A) and (G).

This criminal complaint is based on these facts:

See attached Statement of Facts

Continued on the attached sheet.

Complainant's signature
Jonathan Fugitt, 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 (specify reliable electronic means).

Date: 01/11/2021

Judge's signature
Robin M. Meriweather, United States Magistrate Judge
Printed name and title

City and state: Washington, DC

STATEMENT OF FACTS

On January 6, 2021, your affiant, Federal Bureau Investigation (FBI) Special Agent Jonathan Fugitt, was on duty and performing my official duties as a FBI Special Agent. Specifically, I am assigned to the Violent Crimes Branch of the FBI, specifically FBI Washington, D.C.'s Cross Border Task Force, tasked with investigating criminal activity in and around the Capitol grounds. As a FBI 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.

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. Vice President Mike Pence was present and presiding in the Senate chamber.

With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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 after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. 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.

Media coverage of these events and photographs posted to social media showed one of the rioters who entered the Capitol building and the below individual dressed in brown/tan coat, wearing a hat and glasses, and a backpack on his back. This individual carried an American flag in his hand. The screenshots below of photographs posted on Facebook and other media sources show this individual in the halls of Congress and his commentary of the events inside.





Kevin Loftus
One of 700 inside



Like · Reply · 2d



Kevin Loftus
That's right folks some of us are in it to win it

Like · Reply · 2d



Kevin Loftus
Girl was killed inside too



Like · Reply · 2d



Write a comment...



Press Enter to post.



In fact in the social media post immediately above for an account for Kevin Loftus, stated that “i am wanted by the FBI for illegal entry” in a reference for his unlawful entry into the U.S. Capitol. In addition, On January 8, 2021, agents from the FBI interviewed WITNESS 1 who identified the person depicted in the above photos as KEVIN DANIEL LOFTUS. WITNESS 1 stated IT went to school with LOFTUS and immediately knew it was LOFTUS in the photos posted on Facebook and included herein. WITNESS 1 stated IT was 100% sure on the individual depicted in the photos was LOFTUS. Your affiant has viewed pictures posted to the Facebook account for Kevin Loftus on January 8, 2021, in which LOFTUS bears these same distinctive appearance. Finally, LOFTUS has also been identified by law enforcement through open source data bases, including his Wisconsin DMV driver’s license photo, as the person depicted inside the Capitol and on the Senate dais on January 6, 2021.

Moreover, on January 9, 2021, during an interview of LOFTUS conducted by the FBI in Eau Claire, Wisconsin, LOFTUS admitted to walking inside the U.S. Capitol on January 6, 2021. LOFTUS also admitted to walking on what he thought was the top floor of the U.S. Capitol where LOFTUS took several photos while he was inside the building walking around.

Based on the foregoing, your affiant submits that there is probable cause to believe that LOFTUS 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; (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 LOFTUS violated 40 U.S.C. § 5104(e)(2)(A) and (G), which makes it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



SPECIAL AGENT JONATHAN FUGITT
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of January 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

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This offense is briefly described as follows:

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Robin M. Meriweather

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Date: 01/11/2021

Issuing officer's signature

City and state: Washington, DC

Robin M. Meriweather, United States 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

**COURTROOM MINUTES
CRIMINAL**

DATE: 1/12/2021 DAY: Tuesday START TIME: 2:57 p.m. END TIME: 3:13 p.m.
JUDGE/MAG.: SLC CLERK: arw REPORTER: CS
PROBATION OFFICER: Plender/Pick INTERPRETER: _____ SWORN: YES NO
CASE NUMBER: 21-mj-5 CASE NAME: USA v. Kevin Daniel Loftus
PROCEEDING: Initial Appearance

APPEARANCES:

ASST. U.S. ATTY.: Elizabeth Altman DEFENDANT ATTY.: Peter Moyers

DEFENDANT PRESENT: YES NO EXCUSED BY COURT

Rule 5 Initial Appearance held. Identity Hearing waived.

Defendant released on conditions.

Next court appearance to be by video at 1 pm EST (Noon CST) on Friday 1/15/2021 in the
United States District Court - District of Columbia.

TOTAL COURT TIME: 0'16"

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,
Plaintiff,

v.

KEVIN DANIEL LOFTUS,
Defendant.

RELEASE ORDER
Case No. 21-mj-05 (WIWD)
Case No. 1:21-mj-00031 (DDC)

For reasons stated on the record in this case, it is ORDERED that the above-named defendant shall be released during the pendency of this case upon defendant's promise to obey the following conditions of release:

Standard Conditions for All Released Defendants

1. Defendant shall not commit any offense in violation of federal, state or local law while on release.
2. Defendant shall appear at all proceedings as required and shall surrender at the time and place directed by further court order for service of any sentence subsequently imposed in this case.
3. Defendant shall report immediately to the U.S. Marshals Service for processing and then to Pretrial Services for a post-hearing interview.
4. Defendant shall cooperate in the collection of a DNA sample as required by 18 U.S.C. § 3142(b).
5. Defendant shall hereafter meet with Pretrial Services at the times and places directed and shall obey all directions and instructions of Pretrial Services.
6. Defendant shall next appear at this location: court-to-court video conference with the U.S. District Court for the District of Columbia at noon, CST, on January 15, 2021.
7. Defendant shall not engage in any undercover or informant activity on behalf of any government agency, except for a debriefing, without prior written approval of a district judge of this court.
8. If defendant is charged with a felony, then defendant shall not ship, transport or receive any firearm or ammunition. Note that this is not a prohibition against the continued possession of firearms, which is addressed in condition number 15, below.

9. This court has a zero-tolerance policy for drug use by criminal defendants released on conditions. Violation of any condition of release or of any other direction or instruction given by Pretrial Services relating to drugs or drug use shall result in return to court for a hearing on the modification or revocation of conditions of release. To ensure the fair enforcement of this policy, every criminal defendant released on conditions shall be subjected to at least one random test for drug use.

Note Well: If defendant has a drug or alcohol use problem, it is defendant's obligation to advise Pretrial Services *now* so that appropriate conditions can be considered and fashioned to address the problem.

10. Defendant shall surrender defendant's passport to the clerk of this court. If the defendant is acquitted or the charges are dismissed, then the clerk shall return the passport to the defendant. If the defendant is convicted, then the clerk shall send the passport and a copy of the judgment and conviction order to the U.S. State Department. Defendant shall not apply for a replacement passport while on pretrial release or while serving any sentence if convicted.
11. Defendant shall report in advance to Pretrial Services all changes in employment, residence, and telephone.
12. If defendant has any contact with any representative of any law enforcement agency regarding any criminal or traffic matter, then defendant shall report this contact to Pretrial Services within 24 hours of the contact.

Additional Conditions

13. Defendant shall register with local law enforcement agencies as directed by Pretrial Services.
14. Defendant shall seek and maintain employment in a manner approved by Pretrial Services.
15. Defendant shall not use or possess firearms, destructive devices, or other dangerous weapons.
16. Defendant shall abstain from any / ~~refrain from excessive~~ / use of alcohol.
17. Defendant shall not associate in any manner with persons who use or possess controlled substances, or previously were known to use or possess controlled substances, and defendant shall avoid places where controlled substances are or were known to have been used, possessed or dispensed.

- 18. Defendant shall not use, possess, buy or sell any illicit or narcotic drugs or any other controlled substance defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner with the knowledge of Pretrial Services. Defendant shall not use methadone or obtain a prescription for methadone.
- 19. Defendant shall submit to urinalysis or other testing as directed by Pretrial Services to detect drug or alcohol use.
- 20. Defendant shall undergo an Alcohol and Other Drug Assessment at the direction of Pretrial Services and shall comply with any instructions or directions given by Pretrial Services as a result of the assessment.
- 21. Defendant shall not associate with, speak to, telephone, text, email or have any contact whatsoever with these people:

If codefendants are listed above, this prohibition does not apply to association that occurs in the presence of the attorneys for all defendants during bona fide legal defense meetings.

- 22. Defendant shall not travel outside the following geographic area except when traveling directly to court in the District of Columbia, or when prior permission has been obtained from Pretrial Services:

EAU CLAIRE & CHIPPEWA COUNTIES, WISCONSIN

- 23. Defendant shall observe the following curfew:

Remain at this residence: _____

During these times: _____

Exceptions from this curfew must be approved in advance by Pretrial Services.

- 24. Defendant shall submit to location monitoring [radio frequency (RF) or Global Positioning System (GPS)] as directed by Pretrial Services. Defendant shall not / shall / pay the cost of monitoring.

___ 25. Defendant shall be placed in the third-party custody of these people:

Custodian's Promise to the Court

Each undersigned third-party custodian has read these conditions of release, understands what these conditions require the defendant to do and not to do, and promises the court that the custodian will:

- (1) Supervise the defendant to ensure that the defendant complies with these conditions of release;
- (2) Use every effort to ensure that the defendant appears as required at court proceedings in this case; and
- (3) Immediately notify Pretrial Services, the court, and if needed, local law enforcement authorities if defendant violates any release condition or if defendant appears to be planning to flee or actually flees.

Signed: _____ Date: _____

___ 26. Defendant shall participate in mental health assessment, treatment and counseling as approved and directed by Pretrial Services. Defendant shall follow all treatment directives and take any medication prescribed by defendant's treatment provider, as approved by Pretrial Services. Defendant shall waive any patient-provider privilege as to this process so that Pretrial Services may oversee it properly. Defendant is responsible for obtaining funding for any required treatment, counseling or medications, with assistance from Pretrial Services.

___ 27. Defendant shall notify third parties, including his employer, his clients and the financial institutions with which he conducts business, of the pending federal charges and shall permit Pretrial Services to make notifications and to confirm compliance with this condition.

X 28. Defendant shall not attend or participate in any in-person gathering that has any purpose to advocate, protest or demonstrate any point, cause, belief or position.

___ 29. _____

Notice of Penalties and Sanctions

The defendant's violation of any of the conditions of release imposed in this order may result in the immediate issuance of a warrant for the defendant's arrest, the revocation of release, and an order of detention. It could also result in a separate prosecution for contempt under 18 U.S.C. § 401, which is punishable by a term of imprisonment and a fine. *See* 18 U.S.C. § 3148.

If the defendant commits a crime while released pursuant to this order and is later convicted of that new crime, then the defendant can also be prosecuted in federal court for having committed a crime while released, which is a violation of 18 U.S.C. § 3147. If the new offense is a felony, the defendant would face up to ten years in prison. If the new offense is a misdemeanor, the defendant would face up to one year in prison. Any sentence imposed for such a violation would be consecutive to any other sentence imposed upon the defendant.

It is a crime for the defendant knowingly to fail to appear as required by these conditions of release, or to fail to appear for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction for:

1. An offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years or both;
2. An offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
3. Any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
4. A misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to a sentence of imprisonment for any other offense. *See* 18 U.S.C. § 3146.

It is a federal crime to intimidate, to influence, or to injure jurors or officers of the court or to attempt to do so. *See* 18 U.S.C. § 1503.

It is a federal crime to obstruct criminal investigations by bribery, or by disclosing the existence or content of subpoenas to financial institutions or the insurance industry. *See* 18 U.S.C. § 1510.

It is a federal crime to intimidate, to harass, to influence, or to injure witnesses, potential witnesses, victims or informants, or to threaten or attempt to do so. *See* 18 U.S.C. § 1512.

It is a federal crime to retaliate against a witness, victim or informant, or to threaten or attempt to do so. *See* 18 U.S.C. § 1513.

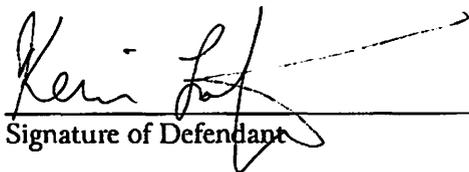
Acknowledgment and Promise of the Defendant

I acknowledge that I am the defendant in this case.

I am aware of and I understand all of the conditions of release that have been imposed upon me.

I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed.

I am aware of and I understand the prohibitions and penalties set forth above in the Notice of Penalties and Sanctions section of this release order.

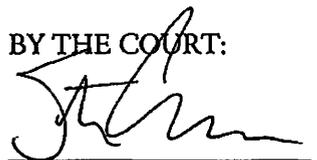

Signature of Defendant

1/12/21
Date

ORDER

It is ORDERED that the defendant is RELEASED onto these pretrial conditions upon signing the Acknowledgment and Promise above.

BY THE COURT:


STEPHEN L. CROCKER
Magistrate Judge

1-12-21
Date

U.S. District Court
Western District of Wisconsin (Madison)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-00005-slc-1

Case title: United States of America v. Loftus, Kevin

Date Filed: 01/12/2021

Assigned to: Magistrate Judge Stephen L.
Crocker

Defendant (1)

Kevin Daniel Loftus

represented by **Peter R. Moyers**
The Moyers Law Firm, LLC
601 Sawyer Terrace
Box 5041
Madison, WI 53705
608-360-2478
Email: moyerslawfirm@gmail.com
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

18:1752.M ENTERING RESTRICTED
BUILDING OR GROUNDS WITHOUT
LAWFUL AUTHORITY

Disposition

Plaintiff

United States of America

represented by **Elizabeth Altman**
United States Attorney's Office

222 West Washington Avenue
 Suite 700
 Madison, WI 53703
 608-264-5158
 Fax: 608-264-5054
 Email: elizabeth.altman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government

Date Filed	#	Docket Text
01/12/2021	1	Rule 5(c)(3) Documents from the District of Columbia, Case Number 1:21-mj-00031, as to Kevin Daniel Loftus (1). (Attachments: # 1 Statement of Facts, # 2 Arrest Warrant) (arw) (Attachment 2 replaced on 1/14/2021) (arw). (Entered: 01/12/2021)
01/12/2021		Attorney Peter Rowe Moyers added for Kevin Daniel Loftus (1). (arw) (Entered: 01/12/2021)
01/12/2021		Arrest of Kevin Daniel Loftus (1). Initial Appearance set for 1/12/2021 at 3:00 PM by Zoom video conference. (arw/slc) (Entered: 01/12/2021)
01/12/2021	2	** TEXT ONLY ORDER ** The court will hold an Initial Appearance for Kevin Daniel Loftus on 1/12/2021 by Zoom video conference. The court will send invitations by email to counsel. If the defendant is unable to appear by video, the defendant may appear by telephone. All participants are reminded that video or audio recordings of the proceedings are strictly prohibited. Full guidelines governing access to court hearings can be found here . A guide to participating in Zoom video hearings can be found here . Public access to the video stream is available on YouTube . Signed by Magistrate Judge Stephen L. Crocker on 1/12/2021. (arw) (Entered: 01/12/2021)
01/12/2021	3	Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker:Initial Appearance on Rule 5/Rule 32.1 Arrest as to Kevin Daniel Loftus held on 1/12/2021. Identity Hearing waived. Commitment to Another District Issued. [0:16] (Court Reporter CS.) (rks) (Entered: 01/12/2021)
01/12/2021	4	ORDER Setting Conditions of Release re: Kevin Daniel Loftus. (Not signed by defendant.) Signed by Magistrate Judge Stephen L. Crocker on 1/12/2021. (rks) (Entered: 01/12/2021)
01/13/2021	5	ORDER Setting Conditions of Release re: Kevin Daniel Loftus. (Signed by defendant.) Signed by Magistrate Judge Stephen L. Crocker on 1/12/2021. (arw) (Entered: 01/13/2021)
01/14/2021	6	Pretrial Services Report as to Kevin Daniel Loftus (<u>Sealed</u>) (maw) (Entered: 01/14/2021)
01/14/2021	7	** TEXT ONLY ORDER ** Pretrial Services is recommending that the court add two conditions of release, <i>see</i> dkt. 6 . The parties may have until 4:30 p.m. on Friday, January 15, 2021 to object to either condition. In the absence of objection, both additional conditions shall take effect at midnight on January 15, 2021. Signed by Magistrate Judge Stephen L. Crocker on 1/14/2021. (rks) (Entered: 01/14/2021)

Transaction Receipt			
08/10/2021 12:12:59			
PACER Login:	BrittanyBryant:6635828:0	Client Code:	
Description:	Docket Report	Search Criteria:	3:21-mj-00005-slc
Billable Pages:	2	Cost:	0.20
Exempt flag:	Exempt	Exempt reason:	Always

PACER fee: Exempt