

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DOMINIC PEZZOLA,
Also Known As “Spaz,”
Also Known As “Spazzo,”
Also Known As “Spazzolini,”

WILLIAM PEPE, and

MATTHEW GREENE,

Defendants.

Case No. 1:21-cr-52 (TJK)

UNDER SEAL

Case No. 21-cr-52

Assigned to: Judge Timothy J. Kelly

Assign Date: 4/16/2021

Description: SUPERSEDING INDICTMENT (B)

Case Related to 21-CR-52 (TJK)

**GOVERNMENT’S MOTION TO SEAL FIRST SUPERSEDING INDICTMENT
AND RELATED DOCUMENTS**

The United States of America, moving by and through its undersigned counsel, respectfully moves the Court for an Order placing the above-captioned First Superseding Indictment, Arrest Warrant, and the application and affidavit in support thereof, and all attachments thereto and other related materials (collectively herein the “Complaint”) under seal. In support of this motion, the government states:

1. The Court has the inherent power to seal court filings when appropriate, including the Arrest Warrant. *United States v. Hubbard*, 650 F.2d 293, 315-16 (D.C. Cir. 1980) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)). More particularly, the Court may seal the Arrest Warrant to prevent serious jeopardy to an ongoing criminal investigation when, as in the present case, such jeopardy creates a compelling governmental interest in preserving the confidentiality of the Arrest Warrant. *See Washington Post v. Robinson*, 935 F.2d 282, 287-89 (D.C. Cir. 1991).

2. On April 16, 2021, the government returned the First Superseding Indictment and applied for an Arrest Warrant in this matter. The Indictment charges the defendants in ten counts with criminal violations related to the assault on the U.S. Capitol, which took place on January 6, 2021.

3. Although defendants Pezzola and Pepe have been arrested and charged in connection with this matter, defendant Greene has not. The FBI plans to move expeditiously to take Greene into custody once the indictment is returned, but early publication of the indictment's existence may prompt Greene to flee from law enforcement, destroy evidence, and/or tamper with witnesses. Indeed, the government is aware that in at least one message sent via encrypted communication method, Greene referred to an individual he believed to be a government informant as a "f***ing rat," and in other encrypted chat sessions, he was trying to discern the identity of a government witness referred to as "W-1" in an affidavit. Additionally, it appears, based on a prior search of Greene's phone, that he attempted to delete many chats that took place prior to January 6, 2021.


4. For the foregoing reasons, the government respectfully requests that the Complaint and Arrest Warrant be sealed until further order of this Court, except that it may be unsealed upon request by any judicial officer in any District before whom the defendant appears pursuant to this Complaint.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

Date: 4/16/2021

By:


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FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Case No. 21-cr-52 (TJK)
v.	:	
	:	<u>UNDER SEAL</u>
DOMINIC PEZZOLA,	:	
Also Known As “Spaz,”	:	Case No. 21-cr-52
Also Known As “Spazzo,”	:	Assigned to: Judge Timothy J. Kelly
Also Known As “Spazzolini,”	:	Assign Date: 4/16/2021
	:	Description: SUPERSEDING INDICTMENT (B)
WILLIAM PEPE, and	:	Case Relatd to 21 CR- 52 (TJK)
	:	
	:	
MATTHEW GREENE,	:	
	:	
Defendants.	:	
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ORDER

The United States has filed a motion to seal the above-captioned First Superseding Indictment, Arrest Warrant, and related documents, including the application and affidavit in support thereof and all attachments thereto and other related materials (collectively the “First Superseding Indictment”).

The Court finds that the United States has established that a compelling governmental interest exists to justify the requested sealing, and that there is reason to believe that disclosure of the First Superseding Indictment and Arrest Warrant would jeopardize the investigation by providing the subjects of the investigation an opportunity to destroy evidence, flee, or tamper with witnesses.

IT IS FURTHER ORDERED that, notwithstanding this Order to Seal, the Government may disclose the First Superseding Indictment and Arrest Warrant to (1) appropriate U.S. and

foreign law enforcement officials and other officials and personnel to the extent that such disclosure is in furtherance of national security or efforts to locate, arrest, detain, transfer, extradite, or expel the defendant, and (2) the court, court officials, and defense counsel in this district or any other appropriate district as necessary to conduct any court proceedings in that district.

It is, therefore, this 24th day of March, 2021,

ORDERED that the motion is hereby GRANTED, and that the First Superseding Indictment, Arrest Warrant, Affidavit, and related documents, the instant motion to seal, and this Order be SEALED until further order of the Court. It is

FURTHER ORDERED that the First Superseding Indictment remain sealed until further order of this Court, or until Matthew Greene is arrested pursuant to the warrant issued contemporaneously with this Indictment, whichever occurs first.

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE