

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

David Nicholas Dempsey

) Case: 1:21-mj-00578
) Assigned to: Judge Harvey, G. Michael
) Assign Date: 8/25/2021
) 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) David Nicholas Dempsey,

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. § 1512(c)(2) - Obstruction of an Official Proceeding,
- 18 U.S.C. § 111(a)(1) and (b) - Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon,
- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder,
- 18 U.S.C. § 1752(a)(1), (2), (4) and (b)(1)(A) - Entering or Remaining, Disorderly and Disruptive Conduct, and Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon,
- 40 U.S.C. § 5104(e)(2)(D) and (F) - Disorderly Conduct in a Capitol Building or Grounds and Act of Physical Violence in the Capitol Grounds or Buildings.

Date: 08/25/2021

Digitally signed by G. Michael Harvey
Date: 2021.08.25 10:50:59 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 8/25/21, and the person was arrested on (date) 8/26/21
at (city and state) VAN NUYS, CA.

Date: 8/26/21

Arresting officer's signature

Ryan Abbott Special Agent
Printed name and title

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

David Nicholas Dempsey

DOB: 4/6/1987

Defendant(s)

Case: 1:21-mj-00578

Assigned to: Judge Harvey, G. Michael

Assign Date: 8/25/2021

Description: COMPLAINT W/ ARREST WARRANT

21MJ03994

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1512(c)(2) - Obstruction of an Official Proceeding, 18 U.S.C. § 111(a)(1) and (b) - Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder, 18 U.S.C. § 1752(a)(1), (2), (4) and (b)(1)(A) - Entering or Remaining, Disorderly and Disruptive Conduct, and Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, 40 U.S.C. § 5104(e)(2)(D) and (F) - Disorderly Conduct in a Capitol Building or Grounds and Act of Physical Violence in the Capitol Grounds or Buildings.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Cody Crutchley (handwritten signature)

Complainant's signature

Cody Crutchley, 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: 08/25/2021

G. Michael Harvey (handwritten signature and seal)

Digitally signed by G. Michael Harvey Date: 2021.08.25 10:51:56 -04'00'

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Case .21-mj-00578
Assigned to: Judge Harvey, G. Michael
Assign Date: 8/25/2021
Description: COMPLAINT W/ ARREST WARRANT

STATEMENT OF FACTS

Your affiant, Cody Crutchley, is a Special Agent of the Federal Bureau of Investigation (FBI) assigned to Los Angeles Field Office Joint Terrorism Task Force (“JTTF”). My duties at the JTTF include investigating violations of the laws of the United States, specifically investigations of domestic and foreign terrorism. Currently, I am tasked with investigating criminal activity 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, 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 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.

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, 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.

After the attack that took place on the Capitol on January 6, 2021, the FBI began investigating an individual who was captured on numerous videos attacking police on the Lower West Terrace of the Capitol Building. In the videos, the individual is seen wearing several different outfits, but predominantly is shown wearing a black shirt, dark helmet, goggles and an American flag gaiter covering most of his face. Because of this attire, the individual was dubbed “#FlagGaiterCopHater” by individuals discussing the Capitol riots on social media and on websites.

In a video obtained by the FBI from YouTube, at <https://youtu.be/9hph5KkYw4E> (5:20 to 7:00), which, based on my experience in this investigation, I believe to have been filmed on January 6, 2021 on the National Mall in Washington D.C. prior to the riot at the Capitol Building, #FlagGaiterCopHater delivered a monologue in front of a wooden structure representing a gallows fitted out with a noose. He stated, in part:

Them worthless fuckin’ shitholes like Jerry Nadler, fuckin’ Pelosi They don’t need a jail cell. They need to hang from these motherfuckers [pointing to gallows]. They need to get the point across that the time for peace is over. For four, or five years really, they’ve been fuckin’ demonizing us, belittling us, ... doing everything they can to stop what this is, and people are sick of that shit. Hopefully one day soon we really have someone hanging from one of these motherfuckers....

Two still shots from this video of #FlagGaiterCopHater standing in front of the gallows are shown below.



In the above still shot, #FlagGaiterCopHater is wearing a distinctive yellow and black woven bracelet, along with a black shirt, dark helmet, goggles, flag gaiter and reinforced gloves.



In the above still shot, #FlagGaiterCopHater's hair, styled in a bun low on his neck, can be seen, as well as a distinctive mark on the back of his helmet.

As part of its investigation, the FBI discovered a video called “ANTIFA / BLM at the Capitol? Washington DC January 6, 2021 RAW footage (two guys let out, why?)” posted on seditionhunters.org on March 17, 2021 that was originally posted to YouTube on January 6, 2021. The video showed #FlagGaiterCopHater at the Lower West Terrace entrance to the Capitol Building that was being guarded by law enforcement officers trying to keep the rioters out of the Capitol.¹ Based on my experience as part of the investigation into the Capitol riots, I know that this video depicts events that occurred at the Capitol Building and Grounds in Washington, D.C. on the afternoon of January 6, 2021. Also based on my experience investigating the Capitol riots, I know that officers with the Capitol Police Department and the Metropolitan Police Department were defending the tunnel in front of the Lower West Terrace entrance against the advance of the rioters (the “police line”) and were clearly visible to anyone in the front of the crowd, as seen in the still shots from the Capitol surveillance video discussed below. It is clear #FlagGaiterCopHater is taking aim at the police line. Two still shots from this video are shown below, and the individual known as #FlagGaiterCopHater has been circled in red.



ANTIFA / BLM at the Capitol? Washington DC January 6, 2021 RAW footage (two guys let out, why???)

1,057 views · Jan 6, 2021

👍 51 🗨️ 21 📌 5 🔖 5 🔄 5 ⋮

¹ This video is no longer publicly available on YouTube, but was captured by the FBI.



ANTIFA / BLM at the Capitol? Washington DC January 6, 2021 RAW footage (two guys let out why???)
3,328 #CGA - JAN 6 2021

👍 43 🗨️ 20 ➡️ SHARE 📌 SAVE ...


In the below stills taken from the same video, #FlagGaiterCopHater can be seen receiving an object from a person in the crowd, which he then pointed toward the police line located inside the tunnel behind the arched doorway who were protecting the Capitol Building. Based on my review of this and other videos of the riot, as well as my experience investigating this case, I believe the object #FlagGaiterCopHater received was a form of lacrimal agent that he then used against the police line.



ANTIFA / BLM at the Capitol? Washington DC January 6, 2021 RAW footage (two guys let out, why???)

1,953 views · Jan 6, 2021

Like 45 · Comment 26 · Share · Save · ...

 United States
81 subscribers


Report



ANTIFA / BLM at the Capitol? Washington DC January 6, 2021 RAW footage (two guys let out, why???)

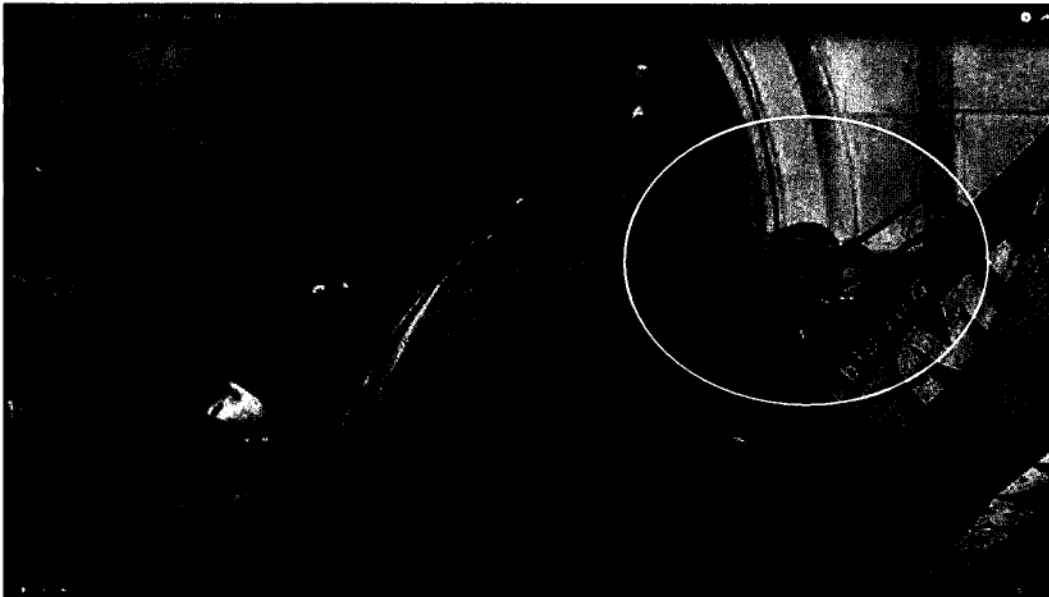
1,566 views · Jan 5, 2021

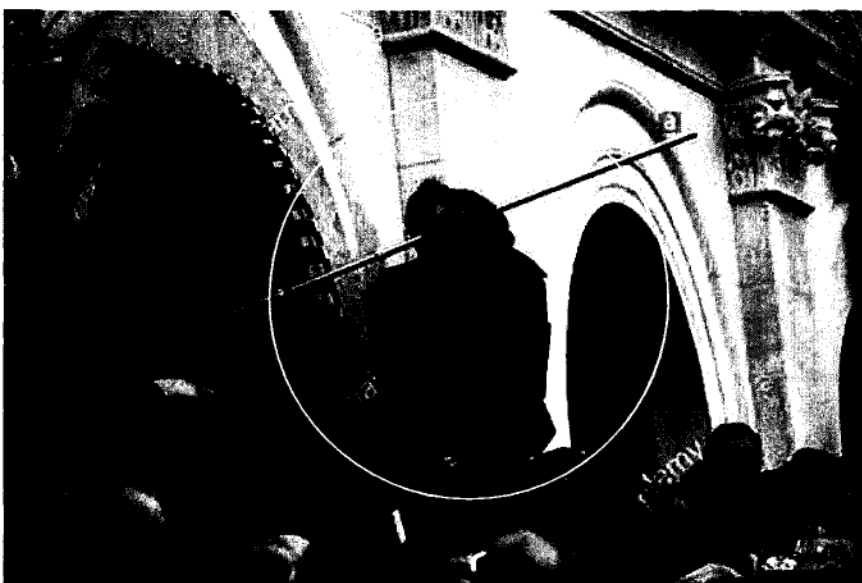
Like 11 · Comment 26 · Share · Save · ...

 Chase Jahn
13 subscribers

Report

In a number of photos discovered by the FBI on open-source website seditionhunters.org, #FlagGaiterCopHater can be seen using various objects, including a crutch and a metal pole, as bludgeoning weapons or projectiles against the line of law enforcement officers protecting the Capitol building. I know this is the same individual as shown in the images above because he is wearing the same gear, including the distinctive helmet and flag gaiter, and he is located in the same place and taking the same actions as in the videos of #FlagGaiterCopHater noted above and further described below. Four photos from this website are shown below:

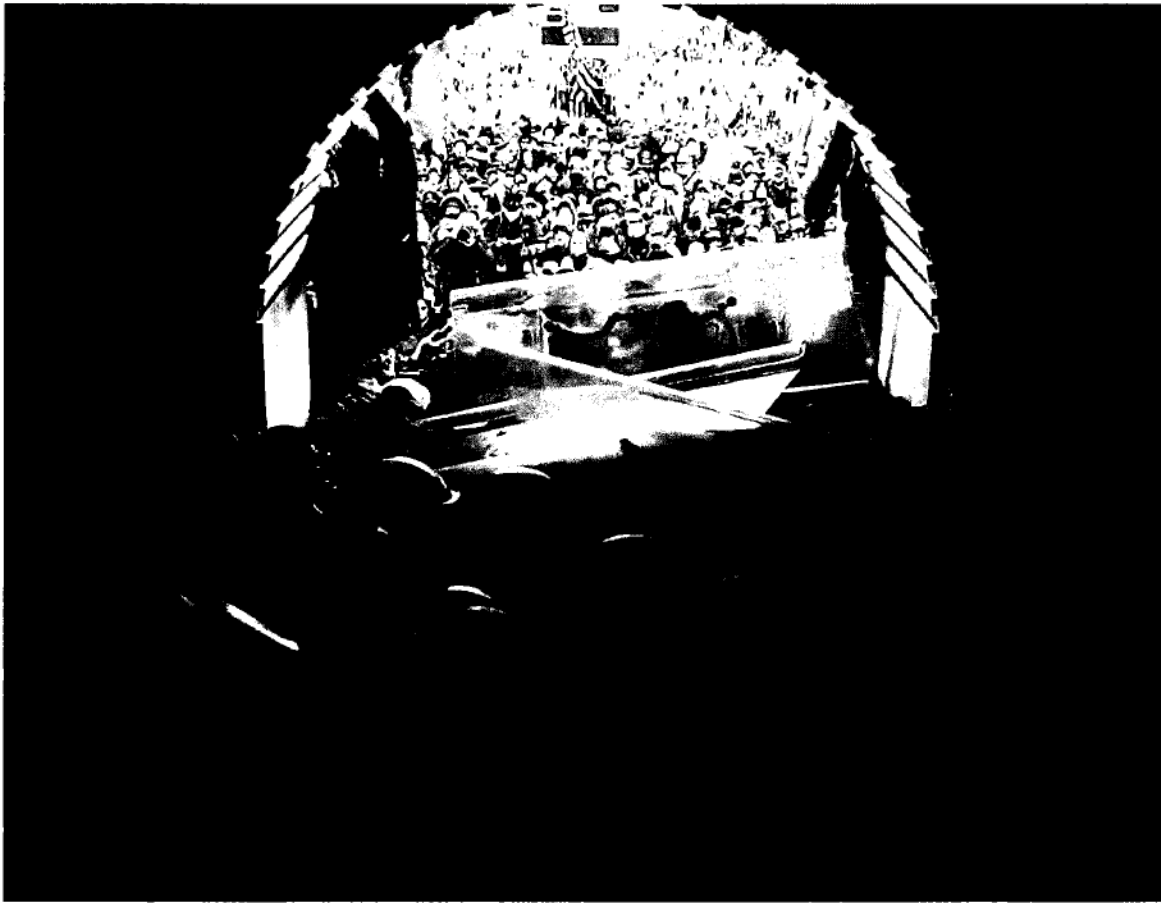




In a close-up image of #FlagGaiterCopHater on the West Terrace of the Capitol Building on January 6, his distinctive yellow and black bracelet, flag gaiter and bun are visible.



Surveillance footage of the Capitol Building on January 6, 2021 obtained from the Capitol Police Department also shows #FlagGaiterCopHater attacking law enforcement officers in the tunnel in front of the West Terrace entrance to the Capitol Building, including by spraying them with what appears to be a lacrimal agent and using a pole and a crutch to strike officers, as seen in the still shots from the surveillance footage below:







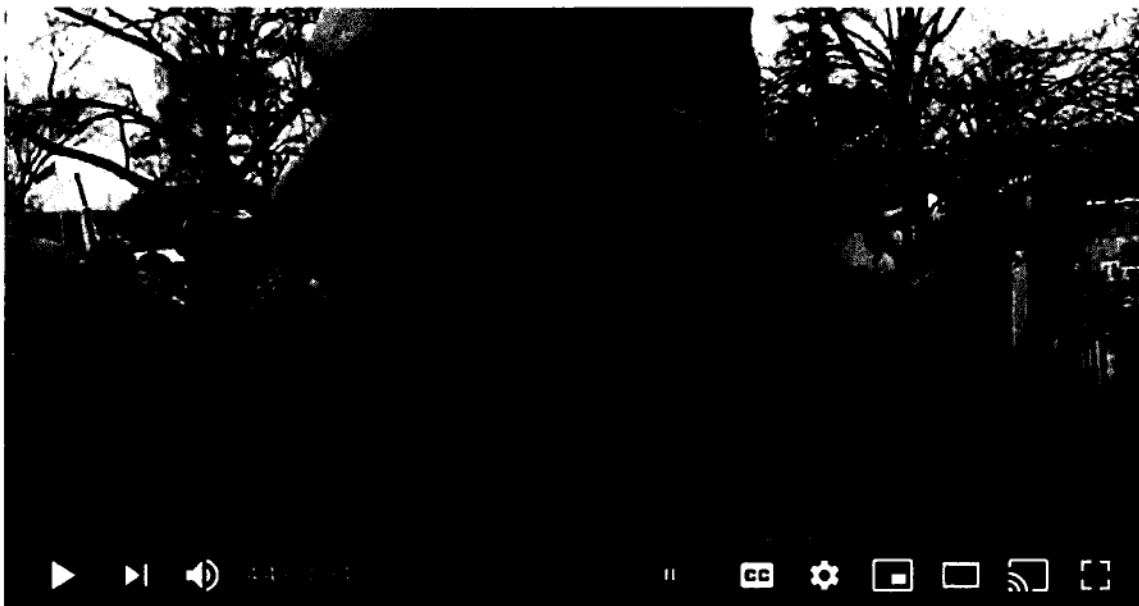
On March 12, 2021, an FBI Special Agent observed a number of Twitter users alleging that #FlagGaiterCopHater had been identified as David Nicholas DEMPSEY.

In a YouTube video posted January 10, 2021 titled “8 January 6th Heshy and Team... Deblabio...and the Composer” posted by the channel, UpsideDownWorld, at <https://www.youtube.com/watch?v=mjKWV68CLtE> (from 4:33 – 7:50), #FlagGaiterCopHater can be seen with his American flag gaiter pulled down at several points. Based on my knowledge of DEMPSEY’s appearance described above, I believe this to be DEMPSEY. Two screen shots from this video are shown below.

🔄 youtube.com/watch?v=mjKWV68CLtE

 YouTube

Search



📍 WASHINGTON

8 January 6th Heshy and Team... Deblabio...and the Composer

38 views · Jan 10, 2021

👍 5 💬 0 ➦ SHARE ≡+ SAVE ...



UpsideDownWorld
63 subscribers

SUBSCRIBE



The FBI has obtained and reviewed numerous videos of #FlagGaitorCopHater as part of its investigation, and we have identified several outfit changes that DEMPSEY makes during the course of the events that took place on January 6, 2021. These changes were also identified on various social media sites. The outfit changes identified to date are described below in the images taken from seditionhunters.org.

<https://seditionhunters.org/flaggaitercophater/>

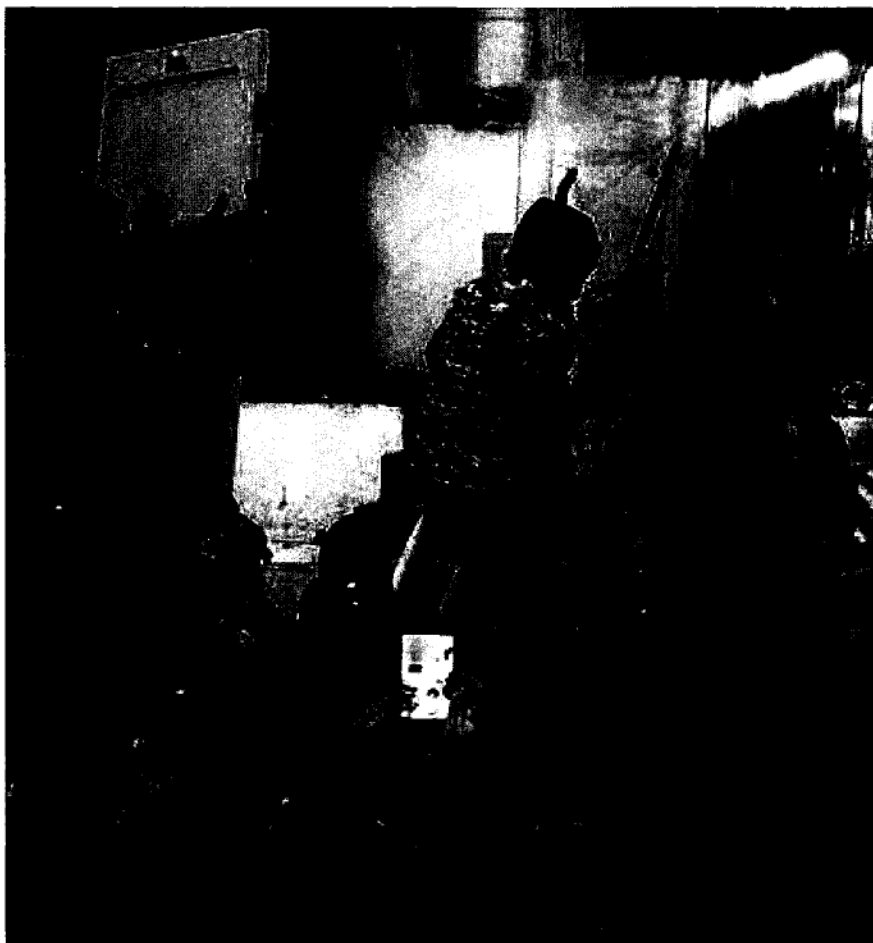
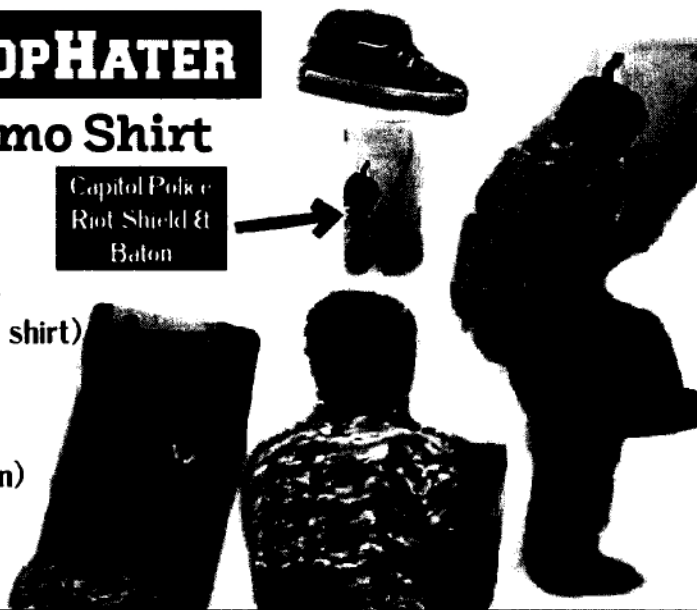


#FLAGGAITERCOPHATER

Outfit 3 - Blue Camo Shirt

- camo pants
- navy high top Chuck's
- long sleeve gray shirt under t-shirt
- black tactical vest (possibly under shirt)
- gaiter (possibly U.S. flag)
- black gloves
- bump at the base of neck (man bun)
- black beanie
- sunglasses

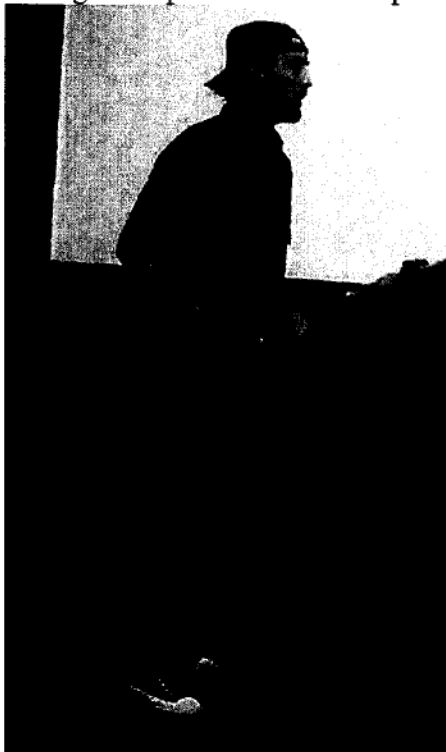
Capitol Police
Riot Shield &
Baton



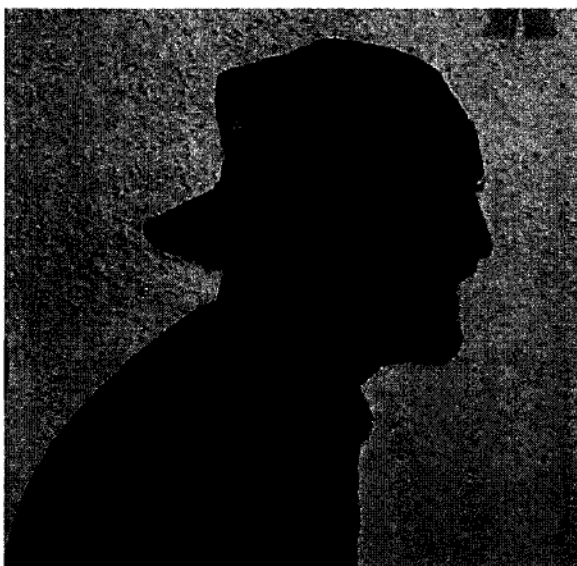
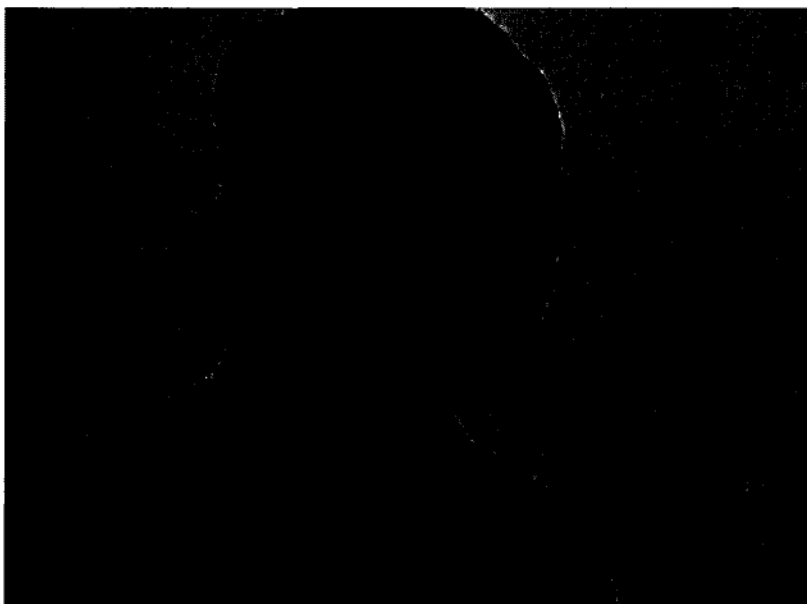
Based on the items of clothing and equipment that did not change for #FlagGaiterCopHater during the course of the day on January 6, 2021, like the camouflage pants and high-top tennis shoes, the physical characteristics of the wearer, and the fact that the same individual wearing the different outfits was captured on video with the same companion at different times and locations during day, I believe the person shown in all three outfits above to be DEMPSEY.

The FBI interviewed two witnesses who knew David Nicholas DEMPSEY from school. These witnesses had known DEMPSEY for at least seven years, though DEMPSEY dropped out of school during that time. Both witnesses positively identified #FlagGaiterCopHater from the gallows video and from the UpsideDownWorld video above as David DEMPSEY.²

The FBI further discovered that David Nicholas DEMPSEY had been arrested in Santa Monica, California on October 19, 2019 for allegedly spraying anti-Trump protestors on the pier with bear spray. This incident was captured on video at <https://www.nbcnews.com/news/us-news/man-charged-spraying-bear-repellent-anti-trump-protesters-santa-monica-n1071121>, among other places. Three still photos of DEMPSEY from the video are below:



² One witness had last seen DEMPSEY in approximately 2010, and the other in approximately 2008.



These images of DEMPSEY show the same body type, facial features, facial hair and bun at the back of the neck as #FlagGaiterCopHater.

The FBI obtained booking photos from the Santa Monica police from the arrest of David Nicholas DEMPSEY for the October 19, 2019 incident described above, one of which is shown below:



Two FBI agents also observed David Nicholas DEMPSEY enter the Los Angeles Airport Courthouse on May 17, 2021 to attend a scheduled hearing. At that time, they positively identified DEMPSEY as the individual known as #FlagGaiterCopHater from the videos and photos reviewed in this investigation.

In the images below, which were obtained from the Twitter feed of Person 1,³ an individual who appears to be #FlagGaiterCopHater can be seen in the image at right wearing a black and yellow woven bracelet on his right arm, similar to that worn by #FlagGaiterCopHater on January 6, 2021, as seen in the image on the left and in the photos above. In the picture on the right, which Person 1 alleged was taken at the March On Washington, D.C. on December 12, 2020, the individual dressed like #FlagGaiterCopHater is also wearing a yellow and black colored woven bracelet.⁴

³ The identity of Person 1 is known to the FBI.

⁴ The FBI does not believe that Person 1 has any personal relationship with DEMPSEY.



In the image below, which was also obtained from Person 1's Twitter feed on March 11, 2021, DEMPSEY, far left, can be seen wearing a yellow and black colored woven bracelet on his right wrist. Also present in the photo are two other males. The male on the right wearing glasses appears to be the same individual shown in the photo above on the right wearing glasses and a blue baseball cap. Person 1 alleged that this photo was taken on November 21 [2020], in Sacramento.



Based on the evidence shown above and my experience investigating this case, there is probable cause to believe that the individual known as #FlagGaiterCopHater is David Nicholas DEMPSEY.

Based on the foregoing, your affiant submits that there is probable cause to believe that David Nicholas DEMPSEY violated 18 U.S.C. § 1752(a)(1), (2) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; and (4) knowingly engages 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 (b)(1)(A) during and in relation to the offense, did use and carry a deadly and dangerous weapon, to wit: a crutch, a metal pole, lacrimal spray and a club-like object. 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 David Nicholas DEMPSEY violated 40 U.S.C. § 5104(e)(2)(D), and (F) which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Your affiant submits there is probable cause to believe that David Nicholas DEMPSEY 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 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.

Based on the foregoing, your affiant submits that there is probable cause to believe that David Nicholas DEMPSEY violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties and using a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component). Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Finally, your affiant submits there is probable cause to believe that David Nicholas DEMPSEY violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.



Special Agent Cody Crutchley
Federal Bureau of Investigation

Subscribed and sworn pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3), this 25th day of August 2021.



Digitally signed by G.
Michael Harvey
Date: 2021.08.25
10:54:41 -04'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

Western Division

vs.

Case Number: 2:21-MJ-03994-1

Initial App. Date: 08/26/2021

Initial App. Time: 1:00 PM

Out of District Affidavit
Custody

David Nicholas Dempsey

Defendant

Date Filed: 08/26/2021

Violation: 18 USC 1512 (c)(2), 18 USC 111

(a)(1) and (b), 18 USC 231 (a)(3), 18 USC

1752(a)(1), (2), (4) and (b)(1)(A) 40 USC

5104(e)(2)(D) and (F)

CourtSmart/ Reporter: CS 08/26/21

PROCEEDINGS HELD BEFORE UNITED STATES
MAGISTRATE JUDGE: Alka Sagar

CALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE

PRESENT:

Felix, Alma

Deputy Clerk

Reema El-Amany
Assistant U.S. Attorney

None

Interpreter/Language

INITIAL APPEARANCE NOT HELD - CONTINUED

Court issues Order under Fed. R. Crim. P. 5(f) concerning prosecutor's disclosure obligations; see General Order 21-02 (written order).

Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and

preliminary hearing OR removal hearing / Rule 20.

Defendant states true name is as charged is

Court ORDERS the caption of the Indictment/Information be changed to reflect defendant's different true name. Counsel are directed to file all future documents reflecting the true name as stated on the record.

Defendant advised of consequences of false statement in financial affidavit. Financial Affidavit ordered SEALED.

Attorney: Kim Savo, DFPD Appointed Prev. Appointed Poss. Contribution (see separate order)

Special appearance by:

Government's request for detention is: GRANTED DENIED WITHDRAWN CONTINUED

Contested detention hearing is held. Defendant is ordered: Permanently Detained Temporarily Detained (see separate order).

BAIL FIXED AT \$ (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS)

Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: GRANTED DENIED

Preliminary Hearing waived. Class B Misdemeanor Defendant is advised of maximum penalties

This case is assigned to Magistrate Judge. Counsel are directed to contact the clerk for the setting of all further proceedings.

PO/PSA WARRANT Counsel are directed to contact the clerk for

District Judge for the setting of further proceedings.

Preliminary Hearing set for at 4:30 PM

PIA set for: at 11:00 AM in LA; at 10:00 AM in Riverside; at 10:00 AM in Santa Ana

Government's motion to dismiss case/defendant only: GRANTED DENIED

Defendant's motion to dismiss for lack of probable cause: GRANTED DENIED

Defendant executed Waiver of Rights. Process received.

Court ORDERS defendant Held to Answer to District of

Bond to transfer, if bail is posted. Defendant to report on or before

Warrant of removal and final commitment to issue. Date issued: By CRD:

Warrant of removal and final commitment are ordered stayed until

Case continued to (Date) 08/31/21 (Time) 10:00 AM PM

Type of Hearing: Detention Hearing Before Judge /Duty Magistrate Judge.

Proceedings will be held in the Duty Courtroom Judge's Courtroom 540/Royal

Defendant committed to the custody of the U.S. Marshal Summons: Defendant ordered to report to USM for processing.

Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM.

Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM.

RELEASE ORDER NO:

Other:

PSA USPO FINANCIAL

CR-10 CR-29

READY

Deputy Clerk Initials

AF
07

FILED

2021 AUG 26 AM 9:50

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: *DM*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

21MJ03994

CASE NUMBER

1:21-mj-00578

UNITED STATES OF AMERICA

PLAINTIFF(S)

v.

DAVID NICHOLAS DEMPSEY

DEFENDANT(S)

DECLARATION RE
OUT-OF-DISTRICT WARRANT

The above-named defendant was charged by: ~~MAGISTRATE JUDGE G. MICHAEL HARVEY~~ COMPLAINT
in the _____ District of COLUMBIA on 8/25/2021
at 10:50 a.m. / p.m. The offense was allegedly committed on or about 1/6/2021
in violation of Title _____ U.S.C., Section(s) _____
to wit: _____

A warrant for defendant's arrest was issued by: MAGISTRATE JUDGE G. MICHAEL HARVEY


Bond of \$ _____ was set / recommended.

Type of Bond:

Relevant document(s) on hand (attach):

I declare under penalty of perjury that the foregoing is true and correct.

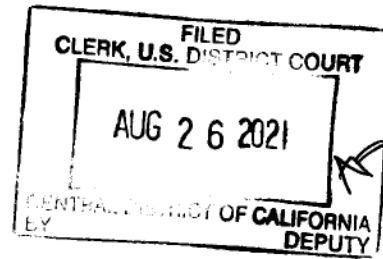
Executed on 8/26/2021
Date


Signature of Agent

Andrew Harris
Print Name of Agent

FBI
Agency

SPECIAL AGENT
Title



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

United States of America,

Plaintiff,

v.

DAVID NICHOLAS DEMPSEY

Defendant.

CASE NUMBER:

21 MJ 3994

**ADVISEMENT OF
DEFENDANT'S STATUTORY &
CONSTITUTIONAL RIGHTS**

You are in the United States District Court for the Central District of California because you have been charged with a crime against the United States or a violation of probation, supervised release, or pretrial release. The Court informs you that you have the following constitutional and statutory rights in connection with these proceedings:

You have the right to remain silent. Anything you say, sign, or write can be used against you in this or in any other case.

If you have not already received a copy of the charges, you will receive a copy today.

You have the right to hire and be represented by a lawyer of your choosing at each and every stage of these proceedings. If you cannot afford to hire a lawyer, you can apply to the Court to have a lawyer appointed to represent you for free from the office of the Federal Public Defender or the Indigent Defense Panel. The application for free counsel includes a financial affidavit, which you must sign under penalty of perjury. If you say something on the form that is not true or leave out material information, you could be charged with another crime, such as perjury or making a false statement.

If you are not a United States citizen, you may request that the prosecution notify your consular office that you have been arrested. Even without such a request, the law may require the prosecution to do so.

IF YOU ARE MAKING YOUR INITIAL APPEARANCE BEFORE THE COURT

You have a right to a bail hearing in which the Magistrate Judge will determine whether you will be released from custody before trial. If you disagree with the Magistrate Judge's decision, you can appeal that decision to another Judge of this Court. You or the prosecutor can request that the bail hearing be continued to another day.

If you have been charged by complaint, you are entitled to a preliminary hearing within 14 days if the Magistrate Judge orders that you be detained pending trial, or 21 days if the Magistrate Judge orders that you be released pending trial. In a preliminary hearing, the prosecution will attempt to show that there is probable cause to believe that you committed the crime charged in the complaint. You will not be entitled to a preliminary hearing, however, if the prosecution obtains an indictment in your case before the time set for the preliminary hearing. (Most often, the prosecutors in the Central District of California present their cases to the grand jury before the time set for the preliminary hearing and, therefore, no preliminary hearing is held.)

**IF YOU ARE CHARGED WITH A VIOLATION OF
YOUR CONDITIONS OF SUPERVISED RELEASE OR PROBATION**

If you are charged with a violation of the terms and conditions of your supervised release or probation and the Magistrate Judge detains you, you have the right to a preliminary hearing before a Magistrate Judge.

IF YOU ARE CHARGED IN ANOTHER DISTRICT

If you have been arrested on a charge from another district, you are entitled to wait until the prosecution produces a copy of the warrant authorizing your arrest. You are also entitled to an identity hearing in which the prosecution would have the burden of proving there is probable cause to believe that you are the person named in the charges. If you are charged in a complaint from another district, you may request to have a preliminary hearing held in the charging district. If you are charged with a violation of a term of supervised release or probation imposed in another district, you have a right to a preliminary hearing, which may, depending on where the alleged violation occurred, be held either here or in the charging district.

If you want to plead guilty in the Central District of California, you may request to have your case transferred to this district. To proceed in this district, the United States Attorneys for this district and the charging district must agree to the transfer.

IF YOU ARE APPEARING FOR ARRAIGNMENT

If you have been charged by indictment or information, you will be arraigned and may be asked to enter a not guilty plea today. After your arraignment, your case will be assigned to a District Judge of this Court for all further proceedings, unless a Judge has already been assigned.

You are entitled to a speedy and public trial by jury. The right to a jury trial can be waived.

You are entitled to see and hear the evidence and cross-examine the witnesses against you. You are entitled to the processes of the Court to subpoena witnesses on your behalf without cost to you if you are indigent. You do not have to prove your innocence. The prosecution has the burden to prove your guilt beyond a reasonable doubt.

ACKNOWLEDGMENT OF DEFENDANT:

I have read the above Advisement of Rights and understand it. I do not require a translation of this statement nor do I require an interpreter for court proceedings.

Dated: 8/26/2021

David Dempsey by authorization/KKS
Signature of Defendant

[or]

I have personally heard a translation in the _____ language read to me and understand the above Advisement of Rights.

Dated: _____

Signature of Defendant

STATEMENT OF THE INTERPRETER:

I have translated this Advisement of Rights to the Defendant in the _____ language.

Dated: _____

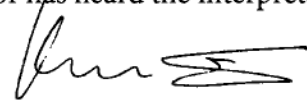
Signature of Interpreter

Print Name of Interpreter

STATEMENT OF COUNSEL:

I am satisfied that the defendant has read this Advisement of Rights or has heard the interpretation thereof and that he/she understands it.

Dated: 8/28/2021


Signature of Attorney

Submit this form by e-mail to:

CrimIntakeCourtDocs-LA@cacd.uscourts.gov For Los Angeles criminal duty.

CrimIntakeCourtDocs-SA@cacd.uscourts.gov For Santa Ana criminal duty.

CrimIntakeCourtDocs-RS@cacd.uscourts.gov For Riverside criminal duty.

FILED

2021 AUG 26 AM 9:50

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES OF AMERICA

v.

PLAINTIFF

DAVID NICHOLAS DEMPSEY

USMS#

DEFENDANT

CASE NUMBER:

1:21-mj-00578

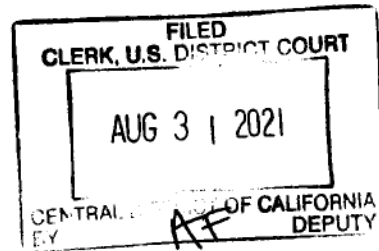
REPORT COMMENCING CRIMINAL
ACTION

21MJ03994

TO: CLERK'S OFFICE, U.S. DISTRICT COURT

All areas must be completed. Any area not applicable or unknown should indicate "N/A".

- The defendant was arrested in this district on 8/26/2021 at 6:20 AM PM
or
The defendant was arrested in the _____ District of _____ on _____ at _____ AM PM
- The above named defendant is currently hospitalized and cannot be transported to court for arraignment or any other preliminary proceeding: Yes No
- Defendant is in U.S. Marshals Service lock-up (in this court building): Yes No
- Charges under which defendant has been booked:
18 USC 1512(c)2; 18 USC 111 (a) (1) and (b); 18 USC 231 (a) (3);
18 USC 1752 (a) (1), (2), (4), and (b) (1) (A); 40 USC 5104 (c) (2) (D) + (F)
- Offense charged is a: Felony Minor Offense Petty Offense Other Misdemeanor
- Interpreter Required: No Yes Language: _____
- Year of Birth: 1987
- Defendant has retained counsel: No
 Yes Name: _____ Phone Number: _____
- Name of Pretrial Services Officer notified: Judy Bels
- Remarks (if any): _____
- Name: ANDREW HARRIS (please print)
- Office Phone Number: 703 719 1169
- Agency: FBI
- Signature: [Signature]
- Date: 2021-08-26



**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
DAVID DEMPSEY,
Defendant.

Case No. 21-MJ-3994
ORDER OF DETENTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I.

1
2 On August 26, 2021, Defendant made his initial appearance in this district –
3 by consent to video teleconference - on the criminal complaint filed in the District
4 of Columbia. Deputy Federal Public Defender Kim Savo was appointed to
5 represent Defendant. The Court granted the government’s request to continue the
6 matter for a detention hearing to August 31, 2021, to be conducted if necessary,
7 following an identity hearing.¹

8 A detention hearing was held on August 31, 2021. Defendant consented to
9 appear by video-teleconference.

10 On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case
11 allegedly involving Choose an item.

12 On motion by the Government or on the Court’s own motion
13 [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the
14 defendant will flee.

15 The Court concludes that the Government is NOT entitled to a rebuttable
16 presumption that no condition or combination of conditions will reasonably assure
17 the defendant’s appearance as required and the safety or any person or the
18 community [18 U.S.C. § 3142(e)(2)].

19 II.

20 The Court finds that no condition or combination of conditions will
21 reasonably assure: the appearance of the defendant as required.

22 the safety of any person or the community.

23 III.

24 The Court has considered: (a) the nature and circumstances of the offense(s)
25 charged, including whether the offense is a crime of violence, a Federal crime of

26 _____
27 ¹ The Court granted Defendant’s request for an identity hearing which
28 was scheduled for August 31, 2021, prior to the detention hearing.

1 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
2 or destructive device; (b) the weight of evidence against the defendant; (c) the
3 history and characteristics of the defendant; and (d) the nature and seriousness of
4 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
5 considered all the evidence adduced at the hearing including the arguments of
6 counsel, and the report and recommendation of the U.S. Pretrial Services Agency.

7 IV.

8 The Court bases its conclusions on the following:

9 As to risk of non-appearance:

10 Unverified and conflicting statements from Defendant, his brother, his
11 girlfriend and his Probation Officer regarding Defendant's place of residence.

12 Insufficient bail resources: Defendant has proffered his brother as a
13 bail resource but the government maintains that Defendant's brother was with the
14 defendant on October 19, 2019 when Defendant was arrested and subsequently
15 convicted of using pepper spray on persons who were peacefully protesting.
16 Having viewed a video account of the incident (admitted as Exhibit 1 during the
17 identity hearing), the Court declines to accept Defendant's brother as an acceptable
18 surety in this matter. The Court also finds the \$1,000 appearance bond proposed
19 by Defendant's girlfriend to be insufficient to assure against risk of flight.

20 Prior law enforcement contacts include a parole violations and
21 evading police

22 Allegations in the criminal complaint (see below). Although
23 Defendant is in compliance with the conditions of his parole in a pending state
24 court matter, the Court agrees with the Government that the allegations in the
25 criminal complaint are the most serious charges that Defendant has ever faced and
26 the possible penalty he faces if convicted of such charges, coupled with
27 Defendant's prior criminal history, may well provide an incentive to flee.

1 As to danger to the community:

2 Allegations in the criminal complaint include obstruction of an
3 official proceeding, assaulting, resisting, or impeding certain officers using a
4 dangerous weapon, obstruction of law enforcement during civil disorder, and
5 disorderly and disruptive conduct in a Capitol Building or grounds and act of
6 physical violence in the Capitol Grounds or Buildings.

7 Defendant is currently on probation for a conviction involving the use
8 of pepper spray on a crowd of persons on October 19, 2019 and was on probation
9 at the time he engaged in the conduct underlying that conviction. Defendant may
10 well face another probation violation if convicted of the allegations in the criminal
11 complaint.

12 Criminal history includes felony convictions for burglary (in 2006,
13 2009, 2013 and 2016), narcotics (2013), conspiracy involving use of access
14 accounts without consent (2012), and numerous law enforcement contacts to
15 include parole violations and evading police in 2017.

16
17 The Court finds the video depiction of the incident that led to Defendant's
18 arrest on October 19, 2019 for using pepper spray on a crowd of people
19 particularly concerning. Although the video clearly depicts Defendant engaging in
20 an unprovoked attack by the use of pepper spray targeting persons who were
21 peacefully protesting, when confronted by police, Defendant denied engaging in
22 any wrongful conduct. Given this blatant disregard for the welfare and safety of
23 others, the Court is not convinced that Defendant would abide by any condition or
24 combination of conditions the Court could set to assure the safety of others or the
25 community.

26
27
28

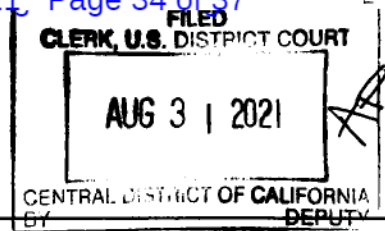
V.

1
2 IT IS THEREFORE ORDERED that the defendant be detained until trial
3 and be transported to the United States District Court for the District of Columbia
4 for further proceedings The Court directed both government counsel and
5 defendant's counsel to follow up with government counsel in the charging district
6 regarding Defendant's transportation to, and arrival in, the charging district for his
7 next appearance.

8 The defendant will be committed to the custody of the Attorney General for
9 confinement in a corrections facility separate, to the extent practicable, from
10 persons awaiting or serving sentences or being held in custody pending appeal.
11 The defendant will be afforded reasonable opportunity for private consultation
12 with counsel. On order of a Court of the United States or on request of any
13 attorney for the Government, the person in charge of the corrections facility in
14 which defendant is confined will deliver the defendant to a United States Marshal
15 for the purpose of an appearance in connection with a court proceeding.
16 [18 U.S.C. § 3142(i)]

17 Dated: August 31, 2021

18
19 _____ /s/
20 HON. ALKA SAGAR
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

United States of America, <p align="center">PLAINTIFF(S)</p> <p align="center">v.</p> David Nicholas Dempsey <p align="center">DEFENDANT(S).</p>	CASE NUMBER: <p align="center">MJ21-03994</p> <hr/> <p align="center">FINAL COMMITMENT AND WARRANT OF REMOVAL</p> District of <u>Columbia</u> At <u>Washington, D.C.</u> (City)
--	---

To: United States Marshal for the Central District of California

The above-named defendant is hereby remanded to your custody and you are hereby ORDERED to remove him/her forthwith, along with a certified copy of this Commitment, to the custodian of a place of confinement within the District of Origin, approved by the Attorney General of the United States, where the defendant shall be received and safely kept until discharged in due course of law.

This defendant was arrested in this District after the filing of a(n):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Indictment | <input type="checkbox"/> Information | <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Order of court |
| <input type="checkbox"/> Pretrial Release Violation Petition | <input type="checkbox"/> Probation Violation Petition | <input type="checkbox"/> Supervised Release Violation Petition | <input type="checkbox"/> Violation Notice |

charging him or her with (brief description of offense)

- in violation of Title 18 United States Code, Section (s) 1512(c)(2); 111(a)(1) and (b)
- in violation of the conditions of his or her pretrial release imposed by the court.
- in violation of the conditions of his or her supervision imposed by the court.

The defendant has now:

- duly waived arrival of process.
- duly waived identity hearing before me on _____.
- duly waived preliminary hearing before me on _____.
- had a preliminary hearing before me on _____, and it appears that there is probable cause to believe that the offense so charged has been committed and that the defendant has committed it.
- had an identity hearing before me on August 31, 2021, and it appears that the defendant is the person named as charged, and:
 - Bail has been set at \$ _____ but has not been posted.
 - No bail has been set.
 - Permanent detention has been ordered.
 - Temporary detention has been ordered.

August 31, 2021 / s / Alka Sagar
 Date United States Magistrate Judge

RETURN

Received this commitment and designated prisoner on _____, and on _____ committed him to _____ and left with the custodian at the same time a certified copy of the within temporary commitment.

United States Marshal, Central District of California

 Date Deputy

CLOSED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-03994-DUTY All Defendants**

Case title: USA v. Dempsey

Date Filed: 08/26/2021

Other court case number: 1:21-mj-00578 District of Columbia

Date Terminated: 08/31/2021

Assigned to: Duty Magistrate Judge

Defendant (1)

David Nicholas Dempsey
REG 61891-509
TERMINATED: 08/31/2021

represented by **Kim Savo**
Federal Public Defenders Office
321 East 2nd Street
Los Angeles, CA 90012-4206
213-894-2854
Fax: 213-894-0081
Email: Kim_Savo@fd.org
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

None

Disposition

Plaintiff

USA

represented by **US Attorney's Office**

AUSA - Office of US Attorney
Criminal Division - US Courthouse
312 North Spring Street 12th Floor
Los Angeles, CA 90012-4700
213-894-2434
Email: USACAC.Criminal@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
08/26/2021	1	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant David Nicholas Dempsey, originating in the District of Columbia. Defendant charged in violation of: 18:1512(c)(2), 18:231(a)(3). Signed by agent Andrew Harris, FBI, Special Agent. filed by Plaintiff USA. (cio) (Entered: 08/27/2021)
08/26/2021	2	REPORT COMMENCING CRIMINAL ACTION as to Defendant David Nicholas Dempsey; defendants Year of Birth: 1987; date of arrest: 8/26/2021 (cio) (Entered: 08/27/2021)
08/26/2021	3	Defendant David Nicholas Dempsey arrested on warrant issued by the USDC District of Columbia at Washington. (Attachments: # 1 Out-of-District Complaint)(cio) (Entered: 08/27/2021)
08/26/2021	4	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Alka Sagar as to Defendant David Nicholas Dempsey. Court issues Order under Fed. R. Crim. P. 5(f) concerning prosecutors disclosure obligations;see General Order 21-02 (written order). Defendant arraigned and states true name is as charged. Attorney: Kim Savo for David Nicholas Dempsey, Deputy Federal Public Defender, present. Court orders defendant Temporarily detained. Defendant remanded to the custody or currently in the custody of the US Marshal. Detention Hearing set for 8/31/2021 10:00 AM before Magistrate Judge Alka Sagar in CR 540/Roybal. Court Smart: CS 08/26/2021. (cio) (Entered: 08/27/2021)
08/26/2021	5	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant David Nicholas Dempsey. (cio) (Entered: 08/27/2021)
08/26/2021	6	FINANCIAL AFFIDAVIT filed as to Defendant David Nicholas Dempsey. (Not for Public View pursuant to the E-Government Act of 2002) (cio) (Entered: 08/27/2021)
08/26/2021	7	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant David Nicholas Dempsey (cio) (Entered: 08/27/2021)
08/26/2021	10	CONSENT to Video Conference/Telephonic Conference filed by Defendant David Nicholas Dempsey. (cio) (Entered: 08/31/2021)
08/30/2021	8	NOTICE of Manual Filing of Video Exhibit in Support of Government's Request for Detention filed by Plaintiff USA as to Defendant David Nicholas Dempsey (El-Amamy, Reema) (Entered: 08/30/2021)
08/30/2021	9	AMENDED DOCUMENT filed by Plaintiff USA as to Defendant David Nicholas Dempsey RE: Notice of Manual Filing (G-92) 8 . (El-Amamy, Reema) (Entered: 08/30/2021)
08/31/2021	11	MINUTES OF IDENTITY/FURTHER PROCEEDINGS RE Detention Hearing held before Magistrate Judge Alka Sagar as to Defendant David Nicholas Dempsey, Court finds defendant to be the person charged in the Complaint. IT IS ORDERED that the defendant

		return to the originating district and proceedings be terminated in this district. Court ORDERS defendant Held to Answer to District of Columbia. Final commitment and warrant of removal to issue directing the U.S. Marshal to return the defendant to the district of origin. Court Smart: ZOOM 08/31/2021. (cio) (Entered: 09/02/2021)
08/31/2021	12	ORDER OF DETENTION by Magistrate Judge Alka Sagar as to Defendant David Nicholas Dempsey, (cio) (Entered: 09/02/2021)
08/31/2021	13	NOTICE OF LODGING OF VIDEO EXHIBIT by Plaintiff USA as to Defendant David Nicholas Dempsey (cio) (Entered: 09/02/2021)
08/31/2021	14	LIST OF EXHIBITS AND WITNESSES as to David Nicholas Dempsey. (cio) (Entered: 09/02/2021)
08/31/2021	15	ORDER RE IDENTITY HEARING by Magistrate Judge Alka Sagar, On August 26, 2021, Defendant David Dempsey ("Defendant") made his initial appearance in this district following his arrest on a criminal complaint filed in the United States District Court for the District of Columbia, Case No. 21-MJ-00578 on August 25, 2021. At Defendant's request the matter was continued to August 31, 2021 for an identity hearing. (SEE MINUTE ORDER FOR ADDITIONAL DETAIL) as to Defendant David Nicholas Dempsey. Court Smart: ZOOM 08/31/2021. (cio) (Entered: 09/02/2021)
08/31/2021	16	WARRANT OF REMOVAL AND COMMITMENT by Magistrate Judge Alka Sagar that Defendant David Nicholas Dempsey be removed to the District of Columbia (cio) (Entered: 09/02/2021)
09/02/2021		Notice to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Defendant David Nicholas Dempsey. Your case number is: 1:21-mj-00578. The clerk will transmit any restricted documents via email. Using your PACER account, you may retrieve the docket sheet and any text-only entries via the case number link. The following document link(s) is also provided: 11 Detention Hearing,. If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (cio) (Entered: 09/02/2021)