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AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

JAKE MAXWELL

) Case: 1:22-mj-00025
) Assigned to: Judge Meriweather, Robin M.
) Assign Date: 2/9/2022
) 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) JAKE MAXWELL

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)(1)- Assaulting, Resisting, or Impeding Certain Officers.
- 18 U.S.C. § 231(a)(3)- Civil Disorder.
- 18 U.S.C. § 1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds.
- 18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds.
- 18 U.S.C. § 1752(a)(4)- Engaging in Physical Violence in a Restricted Building or Grounds.
- 40 U.S.C. § 5104(e)(2)(F)- Act of Physical Violence in the Capitol Grounds or Buildings.



Robin M. Meriweather
2022.02.09 15:54:06
-05'00'

Date: 02/09/2022

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 2/9/22, and the person was arrested on (date) 2/10/22
at (city and state) Flowerly Bluffs, GA

Date: 2/10/22



Arresting officer's signature

Sarah Floyd, Special Agent, FBI
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.

JAKE MAXWELL

DOB: XXXXXX

Case: 1:22-mj-00025

Assigned to: Judge Meriweather, Robin M.

Assign Date: 2/9/2022

Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

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

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

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 111(a)(1), 18 U.S.C. § 231(a)(3), 18 U.S.C. § 1752(a)(1), 18 U.S.C. § 1752(a)(2), 18 U.S.C. § 1752(a)(4), and 40 U.S.C. § 5104(e)(2)(F).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Joshua Floyd
Complainant's signature

Joshua Floyd, 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: 02/09/2022

Robin M. Meriweather
2022.02.09 15:55:16
-05'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

Case: 1:22-mj-00025

Assigned to: Judge Meriweather, Robin M.

Assign Date: 2/9/2022

Description: COMPLAINT W/ ARREST WARRANT

STATEMENT OF FACTS

Your Affiant, Joshua Floyd, is a Special Agent assigned to Federal Bureau of Investigation (“FBI”) Atlanta Field Office. In my duties as a special agent, I investigate a variety of federal crimes. Currently, my duties include investigating criminal activity in and around the United States 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, detection, investigation, or prosecution of a violation of Federal criminal laws.

The United States Capitol is secured 24 hours a day by United States Capitol Police. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by United States Capitol Police. Only authorized people with appropriate identification were allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States 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.

Video footage recorded at the Capitol on January 6, 2021, depicted numerous violations of federal law, including assaults on law enforcement officers.

On April 1, 2021, the FBI conducted a telephone interview of a family member of JAKE MAXWELL ("MAXWELL"). MAXWELL also was on the phone call during the interview. MAXWELL's family member stated that he, MAXWELL, and a third person traveled to Washington, DC, to attend the rally for President Trump that occurred on January 6, 2021. They traveled there on January 5, 2021, and left on January 7, 2021. MAXWELL's family member stated that after the three of them attended the rally on January 6, 2021, they followed the crowd to the U.S. Capitol.

In or about October 2021, the FBI received information from a confidential human source identifying MAXWELL as a person who was engaged in physical confrontations with law enforcement officers at the Capitol on January 6, 2021. FBI Atlanta obtained and reviewed copies of body-worn camera ("BWC") footage of two Metropolitan Police Department ("MPD") officers, which was recorded in the West Plaza area of the Capitol grounds on January 6, 2021. Those videos show a man whose appearance is consistent with the person shown in MAXWELL's driver's license photo, which I reviewed and compared to the person shown in the BWC footage. I am further able to identify MAXWELL in this BWC footage because I am familiar with his appearance from interviewing him in person on December 9, 2021. That interview is discussed below. The following describes what the BWC footage shows:

- a. MAXWELL banged his hands and pushed on the riot shield of a U.S. Capitol Police officer for several seconds as the officer tried to push him away with the shield:







- b. MAXWELL then moved toward an MPD officer, and got into a physical struggle with him. During that struggle, MAXWELL first hooked his arm around the officer's baton. The officer then got his baton away from MAXWELL and used it to keep MAXWELL away from the line of officers trying to protect the Capitol building from the mob of rioters:







c. MAXWELL then grabbed the officer's baton with his left hand and pulled on it for about two seconds.





The BWC footage discussed above shows MAXWELL wearing a tan Carhartt jacket and at times holding a black cowboy hat. A photograph posted on MAXWELL's father's Facebook page shows MAXWELL wearing what appears to be the same Carhartt jacket and black cowboy hat, and states "with Jake Maxwell" in the caption:



MAXWELL voluntarily came to FBI Atlanta on December 9, 2021, for an interview. During that interview, MAXWELL identified himself in the above-described BWC footage in which he is shown physically struggling with police officers protecting the Capitol during the riot and grabbing an officer's baton. He said he did not remember doing those things, but he confirmed the person shown doing those things was him. He said he was under the effects of being sprayed with an irritant, and that he had "started freakin' out."

Based on the foregoing, your Affiant submits that there is probable cause to believe that MAXWELL violated 18 U.S.C. § 111(a)(1), which makes it a crime to assault, resist, oppose, impede, intimidate, or interfere with 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. Section 1114 specifically lists United States Capitol Police (USCP) officers as federal law enforcement officers. This definition under Section 1114 is further extended to any person assisting such a federal officer or employee in the performance of his or her duties or on account of that assistance. USCP officers are Federal law enforcement officers, and MPD officers were assisting them in protecting the Capitol and the Members of Congress on January 6, 2021.

Your Affiant submits there is also probable cause to believe that MAXWELL 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 further submits that there is probable cause to believe that MAXWELL 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; (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 engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire 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.

Finally, your Affiant submits there also is probable cause to believe that MAXWELL 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.

Joshua Floyd

Joshua Floyd
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of February, 2022.

Rob M. Meriweather

Rob M. Meriweather
2022.02.09
15:55:44 -05'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

DATE: 2/10/2022 @ 3:06 p.m.

FTR: @

TIME IN COURT: 28 minutes

MAGISTRATE JUDGE JUSTIN S. ANAND COURTROOM DEPUTY CLERK: B. Evans

CASE NUMBER: 1:22-MJ-127 DEFENDANT'S NAME: Jake Maxwell

AUSA: Alana Black DEFENDANT'S ATTY: Takiya Wheeler

USPO / PTR: J. Alexander () Retained () CJA (x) FDP () Waived

ARREST DATE

x Initial appearance hearing held. X Defendant informed of rights.

Interpreter sworn:

COUNSEL

x ORDER appointing Federal Defender as counsel for defendant.

ORDER appointing as counsel for defendant.

ORDER: defendant to pay attorney's fees as follows:

IDENTITY / PRELIMINARY HEARING

x Defendant WAIVES identity hearing. x WAIVER FILED

Identity hearing HELD. Def is named def. in indictment/complaint; held for removal to other district.

x Defendant WAIVES preliminary hearing in this district only. x WAIVER FILED

Preliminary hearing HELD. Probable cause found; def. held to District Court for removal to other district

Commitment issued.

BOND/PRETRIAL DETENTION HEARING

Government motion for detention filed. Pretrial hearing set for @

Pretrial hearing set for @ (x In charging district.)

X Bond/Pretrial detention hearing held.

Government motion for detention () GRANTED () DENIED

Pretrial detention ordered. Written order to follow.

x BOND set at \$10,000 NON-SURETY SURETY

cash property corporate surety ONLY

x SPECIAL CONDITIONS: Def must surrender passport to PTS by Friday, Feb. 11, 2022; avoid DC area; must contact PTS weekly.

x Bond filed. Defendant released.

Bond not executed. Defendant to remain in Marshal's custody.

Motion (verbal) to reduce/revoke bond filed.

Motion to reduce/revoke bond GRANTED DENIED

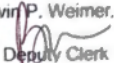
See page 2

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

FEB 10 2022

Kevin P. Weimer, Clerk
By  Deputy Clerk

United States of America)

v.)

Jake Maxwell)

Case No. 1:22-mj-127

Charging District's Case No. 1:22-mj-0025

Defendant)

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) _____

District of Colorado

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 10 days of my first appearance if I am in custody and 20 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- an identity hearing and production of the warrant.
- a preliminary hearing.
- a detention hearing.
- an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 02-10-22



Defendant's signature



Signature of defendant's attorney

Takiya Wheeler

Printed name of defendant's attorney

CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CRIMINAL DOCKET FOR CASE #: 1:22-mj-00127-JSA-1**

Case title: USA v. Maxwell

Date Filed: 02/10/2022

Other court case number: 1:22-mj-25 USDC for the District of Columbia Date Terminated: 02/10/2022

Assigned to: Magistrate Judge
Justin S. Anand

Defendant (1)

Jake Maxwell
TERMINATED: 02/10/2022

represented by **Takiya J. Wheeler**
Federal Defender Program, Inc.
101 Marietta Street NW
Ste 1500
Atlanta, GA 30303
404-688-7530
Email: takiya_wheeler@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18 U.S.C. § 111(a)(1)– Assaulting,
Resisting, or Impeding Certain
Officers, 18 U.S.C. § 231(a)(3)–
Civil Disorder, 18 U.S.C. §
1752(a)(1)– Entering and

Disposition

Remaining in a Restricted Building or Grounds, 18 U.S.C. § 1752(a)(2)– Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 18 U.S.C. § 1752(a)(4)– Engaging in Physical Violence in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(F)– Act of Physical Violence in the Capitol Grounds or Buildings.

Plaintiff

USA

represented by **Alana R. Black**
 Office of the United States Attorney–ATL600
 Northern District of Georgia
 600 United States Courthouse
 75 Ted Turner Dr., S.W.
 Atlanta, GA 30303
 404–581–6025
 Email: Alana.Black@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
02/10/2022			Arrest (Rule 40) of Jake Maxwell. (rsg) (Entered: 02/11/2022)
02/10/2022	<u>1</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER Takiya Wheeler as to Jake Maxwell. Signed by Magistrate Judge Justin S. Anand on 02/10/2022. (rsg) (Entered: 02/11/2022)
02/10/2022	<u>2</u>		Minute Entry for proceedings held before Magistrate Judge Justin S. Anand: Initial Appearance in Rule 5(c)(3) Proceedings as to Jake Maxwell held on 2/10/2022. Bond Hearing held and Non–Surety Bond set at \$10,000. Bond filed and defendant released. (Tape #FTR) (rsg) (Attachments: # <u>1</u> District of Columbia Criminal Complaint) (Tape #FTR) (rsg) (Entered: 02/11/2022)
02/10/2022	<u>3</u>		WAIVER of Rule 5 & 5.1 Hearings by Jake Maxwell. (rsg) (Entered: 02/11/2022)
02/10/2022	<u>4</u>		CJA 23 Financial Affidavit by Jake Maxwell (rsg) (Entered: 02/11/2022)
02/10/2022	<u>5</u>		Appearance and Compliance Bond, Non–surety Bond Entered as to Jake Maxwell in amount of \$ 10,000.00. (rsg) (Entered: 02/11/2022)
02/10/2022	<u>6</u>		ORDER Setting Conditions of Release as to Jake Maxwell. Signed by Magistrate Judge Justin S. Anand on 02/10/2022. (rsg) (Entered: 02/11/2022)
02/10/2022	<u>7</u>		Arrest Warrant Returned Executed on 2/10/22 as to Jake Maxwell. (rsg) (Entered: 02/11/2022)

		02/11/2022)
02/10/2022		Magistrate Case Closed. Defendant Jake Maxwell terminated. (rsg) (Entered: 02/11/2022)
02/11/2022		Transmittal of Rule 5(c)(3) Documents as to Jake Maxwell, sent to District of Columbia. (rsg) (Entered: 02/11/2022)