

EXHIBIT 1

Capitol Riots Case Submission
176-WF-3366759

Subject Information:

Name:	James Ray Epps
DOB:	[REDACTED]
SSAN:	[REDACTED]
FBI #:	
Address:	20325 E. Superstition Drive, Queen Creek, AZ 85142
Criminal History:	No criminal history found
Communication Accounts:	[REDACTED]

Summary:

Evidence supports the subject (EPPS) knowingly trespassed beyond an outside barricade fence-line around the U.S. Capitol building on 1/06/2021. Thus far, no evidence has been found indicating EPPS was inside the Capitol, no evidence has been found indicating EPPS was involved in the destruction of property, and no evidence has been found indicating EPPS was involved in law enforcement altercation.

Evidence:

- A video, posted to Twitter, on or about 1/5/2021, depicted an individual resembling EPPS being interviewed on the street by “Baked Alaska” in what appears to be Washington, DC. During the interview, the individual resembling EPPS states, “In fact, tomorrow, I don’t even like to say it because I’ll be arrested, we need, we need – I’ll say it, we need to go in to the Capitol.”
- A video, posted to Twitter, on or about 1/6/2021, depicted an individual resembling EPPS, among other protestors at a barricade with law enforcement outside of the U.S. Capitol building. Other individuals appear to begin violently breaking past the barricade fencing. The individual resembling EPPS appears to be present during the time of this breach but does not appear in the video to be engaged in the forceful acts of breaching the fencing.
- On or about 1/12/2021, an article, posted on azcentral.com, included an interview of EPPS who allegedly told The Arizona Republic, during a brief telephone interview, that he had traveled to the capital[sic] for the event, and that he had been advised by an attorney not to speak about it. EPPS stated, “I think the truth needs to get out”, and added, “I didn’t do anything wrong.”
- Additional video, appearing on social media, depicts an individual resembling EPPS at a barricade which is breached and then shortly thereafter, shows the individual resembling EPPS walking past the barricade towards the Capitol.
- Additional video, appearing on social media, depicts an individual resembling EPPS in a crowd outside of the Capitol building steps; EPPS appears to be coughing after the deployment of OC spray or tear gas and states, “Been a long time. Oh, I love it. Been a long time!”
- Additional video, appearing on social media, depicts an individual resembling EPPS who appears to be answering questions from an interviewer in DC on 1/6/2021. The individual resembling EPPS states, “As soon as President Trump is finished speaking, we are going to the Capitol. It’s

that direction. That's where our true problems lie." The video then cuts to the individual resembling EPPS on a sidewalk just outside of the DC Mall with the National Museum of African American History visible in the background where he appears to be directing crowds of people and saying, "President Trump is done speaking. We are going to the Capitol. That's where our problems are."

- Additional video, appearing on social media, depicts an individual resembling EPPS standing in front of a truck with his hands raised to his mouth yelling to a crowd, "We are going to the Capitol where our problems are! It's that direction."
- On 1/08/2021, an individual, identifying himself as James Epps called the FBI National Threat Operations Center (NTOC). In this recorded call, EPPS stated his picture is on the FBI website as a person of interest in regards to the events at the U.S. Capitol. EPPS clarified he's "photograph number 16". EPPS stated he was at the Capitol on January 6th and was trying to calm down a protestor at the barricade where the photograph was taken. EPPS stated other people got through the barricade shortly after, including the protestor he attempted to calm down. EPPS explained he was down at the rally and then told people they're going to the Capitol afterwards. In the recorded call, EPPS reiterated he was attempting to calm people down and remind them they were there because of the Constitution. EPPS explained he got to the Capitol and people began shaking a fence outside of the Capitol. EPPS observed others force the fence and an officer fell down. EPPS stated then it moved on up and the next thing he knew they were on the top. Looking at the Capitol, EPPS was on the right-hand side. EPPS reiterated he kept trying to calm people down. EPPS admitted to observing others tearing things up but stated, "that's not in my DNA, I can't do that, I'm sorry, that's not right." EPPS explains he was talking to the officers and they saw he was trying to calm people down. EPPS then goes on to state, "I am guilty of being there, and probably trespassing. But I had a reason. I was trying to calm them down. I wanted to be there, but I was trying to calm them down."
- A review of Officer ██████████ Body-Worn Camera (BWC) footage revealed an individual resembling EPPS visible in the crowd around video timestamp 13:12:44. Shortly thereafter, Law Enforcement can be heard yelling to the crowd to, "Move back" as they moved forward with fencing. At approximately 13:13:14, a male individual wearing a dark-colored "Bass Pro Shop" shirt and a dark-colored beanie yells at the Officers, "Don't fucking push me!". At approximately 13:13:21, the individual resembling EPPS appears and, while motioning towards the Officers, he states, "Hey guys, they're not the enemy. They're not the enemy." Shortly thereafter, the individual resembling EPPS looks towards one of the officers and states, "Appreciate you guys."
- A review of Officer ██████████ Body-Worn Camera (BWC) footage revealed an individual resembling EPPS visible in the crowd walking near a barricade fence-line at approximately 13:44:34.
- A review of Officer ██████████ Body-Worn Camera (BWC) footage revealed an individual resembling EPPS visible in the crowd around video timestamp 14:08:48. Shortly thereafter, at approximately 14:08:57, the individual resembling EPPS can be heard stating, "Stop. Stop.", as he appears to pull back an individual wearing a dark-colored hoodie from the barricade fence-line. At approximately 14:09:11, the individual resembling EPPS states, "Nobody needs to get hurt. Just stop. Back off man. Just stop. We don't need to get hurt. They don't need to get hurt."

- On 1/12/2021, FBI Phoenix Field Office received notification of legal representation from [REDACTED] for EPPS. On 1/28/2021, FBI Phoenix Field Office SA [REDACTED] spoke telephonically with [REDACTED]. [REDACTED] stated that EPPS continues to want to cooperate fully.
- On 3/03/2021, EPPS was interviewed at the law office of [REDACTED] in Phoenix, AZ by FBI SA [REDACTED] and TFO [REDACTED]. The interview was audio recorded. According to EPPS, he traveled to and arrived in DC on 1/04/2021 alone. On the evening of 1/05/2021, EPPS received a call from his son, [REDACTED], and ended up being downtown for a couple of hours. EPPS was aware of the video posted by "Baked Alaska" and confirmed that he stated on video that, "they need to go into the Capitol". EPPS was shown a still photograph taken from the video and confirmed that he is depicted in the video. EPPS claimed that he didn't mean break into the Capitol but go into the Capitol. EPPS stated that his plan was to go into the front door and let them know what they think. On 1/06/2021, EPPS had planned to stay for the duration of President Trump's speech but word began to spread through the crowd that everyone was going to head to the Capitol so EPPS began to spread the word as well. EPPS followed people to an area near the Capitol where there were barricades and he stated he observed a "kid" shaking the barricades. EPPS put his arm on him and tried to talk him out of what he was doing. EPPS was shown a still photograph from a video taken during this incident and confirmed that this was the incident he was referring to and that he was depicted in the photograph. EPPS confirmed that he was aware that that area was closed. EPPS was shown two still photographs depicting, "area closed" signs posted on the barricades in front of police officers. EPPS claimed to not have seen the restricted signs but he assumed that the area was closed. EPPS stated that he didn't recall exactly how long after the fence fell that he proceeded through that area but he confirmed that he eventually moved through that area because he felt that he could help. EPPS denied ever entering the Capitol. EPPS was shown two additional photographs which appear to depict EPPS near the Capitol steps; EPPS confirmed that he was depicted in the photographs. EPPS confirmed that he called into the FBI on or about 1/08/2021 and also confirmed that he stated that, "he was guilty of trespassing" during that call.

Source of Information:

- Videos and photographs posted to social media.
- Officer BWC footage.
- Recorded audio call of the subject on 1/08/2021.
- Recorded audio interview of the subject on 3/03/2021.

Current Location of Subject (if known): Queen Creek, Arizona

1 Agent Name: [REDACTED]
Phone Number: [REDACTED]
Email Address: [REDACTED]

Recommend for Prosecution:

Yes

No

Additional Comments:

AUSA:

Phone Number:

Email Address:



FD-1057 (Rev. 5-8-10)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U) Prosecution Declined

Date: 06/24/2021

From: PHOENIX

PX-NS-3

Contact: [REDACTED]

Approved By: SSA [REDACTED]

Drafted By: [REDACTED]

Case ID #: 176-PX-3374819

(U) JAMES RAY EPPS OF QUEEN CREEK, AZ;
UNITED STATES CAPITOL BUILDING,
WASHINGTON, DC INVESTIGATION

Synopsis: (U) To document receipt of prosecutorial declination

Enclosure(s): Enclosed are the following items:

1. (U) Declination Email
2. (U) Pros Packet

Details:

On 5/17/2021, SA [REDACTED] received notification via email from SA [REDACTED] that the case against James Ray Epps has been declined. The email notification is attached. SA [REDACTED] also provided the prosecution package that was submitted which is also attached. SA [REDACTED] notified SA [REDACTED] that Phoenix will be closing the case.

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UNCLASSIFIED

176-SU-3374819 Serial 63

FD-1057 (Rev. 5-8-10)

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FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U) CLOSING EC

Date: 07/29/2021

CC: [REDACTED]

From: PHOENIX

PX-NS-3

Contact: [REDACTED], [REDACTED]

Approved By: SSA [REDACTED]

Drafted By: [REDACTED]

Case ID #: 176-PX-3374819

(U) JAMES RAY EPPS OF QUEEN CREEK, AZ;
UNITED STATES CAPITOL BUILDING,
WASHINGTON, DC INVESTIGATION

Synopsis: (U) To close captioned Full Investigation.

Details:

(U) FBI Phoenix opened captioned Full Investigation based on photographic/and or video evidence that James Ray Epps conspired to and/or recruited others to storm the United States Capitol Building Complex, a Restricted area, on 6 January 2021, in violation of federal laws to include violations of 18 U.S.C. section 1752 and 40 U.S.C. section 5104.

(U) WATCHLIST STATUS:

(U) Subject should be removed from TSDB and all supported systems.

(U) SUMMARY / CONCLUSION:

Investigation of Epps revealed that Epps did travel to Washington, D.C. and was on the U.S. Capitol grounds on January 6, 2021.

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Title: (U) CLOSING EC
Re: 176-PX-3374819, 07/29/2021

Investigation did not reveal sufficient evidence that Epps entered the U.S. Capitol on January 6, 2021, engaged in acts of violence or committed any other criminal violations.

Voluntary interviews of Epps and his son James Ray Epps, Jr. were conducted. Neither interview revealed any criminal violations. Epps was queried in all available databases and systems relating to the Capitol Riot, none of which revealed criminal activity.

Sufficient personnel and financial resources were expended on this investigation. All logical and reasonable investigative measures were completed. All leads set have been completed.

The United States Attorney's Office in Washington, D.C. declined prosecution in this case. A declination email is documented in serial 62 of this case file.

(U) FBI Phoenix has completed baseline collection against this subject in accordance with established CTD guidance. No potential criminal violations or priority threats to national security warranting further investigation were identified. FBI Phoenix is closing captioned matter. In the event additional derogatory information is discovered regarding captioned subject, FBI Phoenix will consider re-opening this investigation.

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