

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Amarillo Resident Agency of the Dallas Division. In my duties as a special agent, I investigate national security matters, including domestic 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, detection, investigation, or prosecution of violations 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.

On or about April 23, 2021, an individual by the name of Kenneth Kelly (“Kelly”) was arrested for unlawfully entering the U.S. Capitol building on January 6, 2021, in violation of 18 U.S.C. § 1752(a)(1) and (2) and 40 U.S.C. § 5104(e)(2)(D) and (G).¹ The complaint filed against Kelly contained a photograph (see below) depicting Kelly and an Unknown Male (“UM1”) standing in front of what appears to be the Washington Monument in Washington, D.C.



Kelly’s complaint also contained screenshots from U.S. Capitol surveillance video depicting Kelly entering and exiting the Capitol building with the same UM1 depicted in the photograph above between approximately 3:00 p.m. and 3:07 p.m. The U.S. Capitol surveillance screenshots are provided below.

¹ See *United States v. Kenneth Kelly*, 21-CR-331 (CKK) (D.D.C.).



Following Kelly's arrest and the unsealing of Kelly's complaint, the FBI received three tips (one anonymous) from members of the public identifying UM1 in the above photographs as Leonard GRUPPO ("GRUPPO"), a physician's assistant at Plains Regional Medical Center ("PRMC") in Clovis, New Mexico. The FBI subsequently interviewed two of the tipsters ("T-1" and "T-2"), who each claimed to have previously worked with both GRUPPO and Kelly at PRMC.

T-1 claimed to recognize GRUPPO in the above photographs by his stocky build, bald head, and thick black glasses. T-1 further stated that while he/she no longer works at PRMC, he/she has heard from former co-workers that GRUPPO had been growing out his hair.

T-2 claimed to recognize GRUPPO in the above photographs by his bald head and distinct glasses. T-2 stated that he/she last saw GRUPPO at PRMC the first week of May 2021, and noticed that GRUPPO had grown out his facial hair and the hair on his head. T-2 stated that this was significant because GRUPPO was usually clean-shaven with a shaved head.

The FBI has spoken to a representative from PRMC, who confirmed that GRUPPO did not work at PRMC between January 2 and January 13, 2021.

On or about May 17, 2021, your affiant reviewed an email from an attorney claiming to represent the individual identified as UM1 in the photographs from Kelly's complaint. The email identified UM1 as GRUPPO.

Finally, your affiant has compared GRUPPO's New Mexico driver's license photo to the photographs of GRUPPO from Kelly's complaint and reasonably believes them to be the same person.

Based on the foregoing, your affiant submits that there is probable cause to believe that Leonard GRUPPO 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; and (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 Leonard GRUPPO violated 40 U.S.C. § 5104(e)(2)(D) and (G), 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 (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[REDACTED]

[REDACTED]

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 24th day of May 2021.



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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE