

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Marcos Panayiotou
DOB: XXXXXX

)
) Case: 1:21-mj-00671
) Assigned To : Harvey, G. Michael
) Assign. Date : 11/30/2021
) 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:

Code Section

Offense Description

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

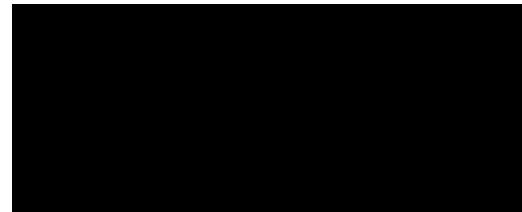
40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building

40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating, or Picketing in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Complainant's signature

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: 11/30/2021

G. Michael Harvey



Digitally signed by G. Michael Harvey
Date: 2021.11.30 11:21:23 -05'00'

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (“FBI”) and I am assigned to the Counterterrorism Division with the FBI Washington Field Office. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. I have served as a Special Agent since December 2007. 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 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.

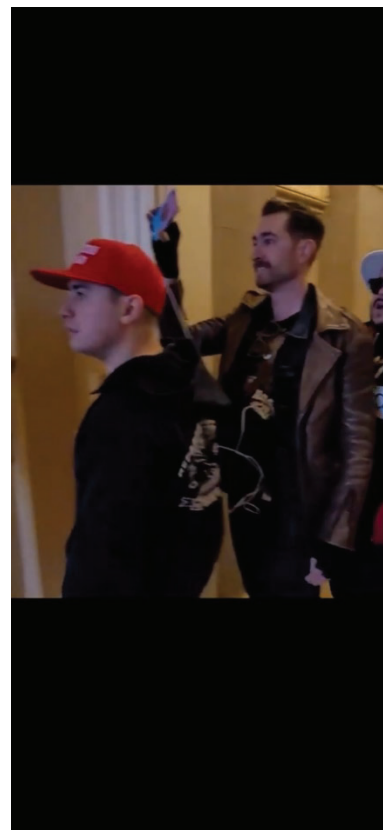
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals 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 January 9, 2021, an anonymous tipster contacted the District of Columbia Metropolitan Police Department (hereinafter “MPD”) through a text tip with the message, “Pics that could help identify those who attacked the Capitol.” In addition to a screenshot of what appears to be an internet search result webpage displaying two entries mentioning Repairable Management Company, the tip also provided the following three photographs, which depict a male wearing a dark, hooded sweatshirt that contained the following wording on the back, “Repairable Management Company – 1st Maintenance Battalion, Camp Pendleton, CA.”





On or about January 10, 2021, a Complainant called the FBI National Threat Operations Center to report that the Complainant's friend had viewed a video with the wife of MARCOS PANAYIOTOU (hereinafter "PANAYIOTOU") depicting PAYANIOTOU and his parents inside of the Capitol during the protest on January 6, 2021.¹ Complainant further reported that PAYANIOTOU is a member of the U.S. Marines and who moved from New Jersey to Philadelphia, Pennsylvania in or about October 2020.

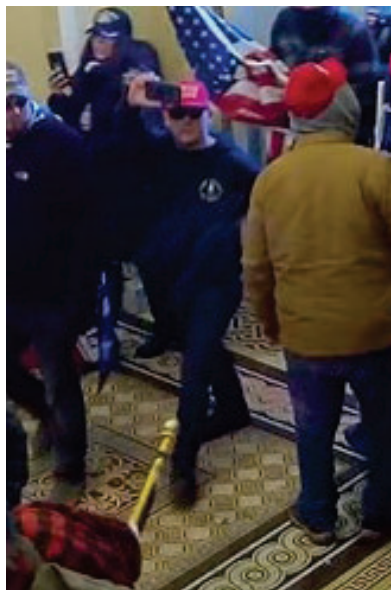
Your Affiant has reviewed PANAYIOTOU's Defense Enrollment Eligibility Reporting Systems photograph and Florida and New Jersey Department of Motor Vehicles driver's license photograph. The photographs provided to the MPD appear to depict the same individual known to your Affiant as PANAYIOTOU.

¹ The FBI's investigation to date has not confirmed if PANAYIOTOU's parents were with him at the Capitol nor have they viewed the referenced video.

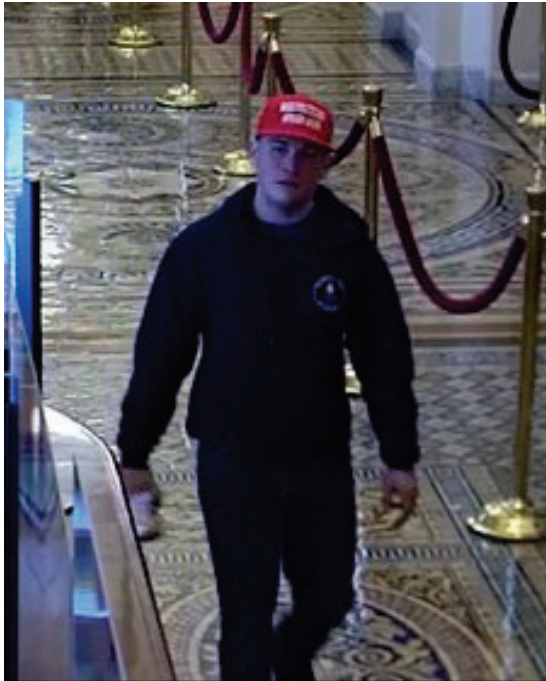
On or about January 26, 2021, the Department of Defense provided the FBI with PANAYIOTOU's military records, which confirmed that PANAYIOTOU was assigned to the 1st Maintenance Battalion in Camp Pendleton, California for the United States Marine Corps until approximately in or about February 2020. According to these records, PANAYIOTOU was released from active duty on or about May 8, 2020 and enrolled as a reservist. Additionally, these records listed PANAYIOTOU's telephone number.

Pursuant to a Court-authorized search warrant, law enforcement obtained records from AT&T for cell towers providing service to the United States Capitol. The telephone number listed for PANAYIOTOU within his military records was identified as having utilized a cell site, or cell sites, consistent with providing service to the geographic area that includes the interior of the United States Capitol building in and around the time of the incident. AT&T also confirmed that PAYANIOTOU was the subscriber for the identified telephone number on or about January 6, 2021.

Additionally, FBI personnel reviewed video footage from the U.S. Capitol security cameras during the times in which PANAYIOTOU's cellular telephone was identified as being located inside of the Capitol. In reviewing the video footage, FBI personnel identified PANAYIOTOU as being physically present inside the U.S. Capitol, specifically entering through the Senate Wing door, while holding what appears to be a cellular telephone phone in his hand, as though he was filming or photographing his entrance, at approximately 2:23 p.m. Eastern Standard Time.



Further review of footage from the Capitol security cameras revealed PANAYIOTOU in multiple locations within the Capitol building including, but not limited to, the hallways outside of the House Gallery and Rotunda. Footage from Capitol security cameras have also captured the back of PANAYIOTOU's dark colored sweatshirt, which depicts the Reparable Management Company logo, as depicted in the anonymous tip to MPD. Additionally, he wore a red hat with the phrase "MAKE POLITICIANS AFRAID AGAIN" on the front of the hat.



On or about February 24, 2021, FBI agents interviewed a close family member of PANAYIOTOU (hereinafter "Person #1"), who was shown a photograph of PANAYIOTOU from inside of the U.S. Capitol. Person #1 stated that the individual looked like PANAYIOTOU, but he/she could not confirm it was PANAYIOTOU since he/she has seen other men that looked like him. However, he/she later called the agents the same day to state that the individual in a San Diego Union Tribune news article (depicted below) "definitely looks like Marcos."

Person #1 also reported that he/she spoke with PANAYIOTOU's mother the same day. PANAYIOTOU's mother told Person #1 that PANAYIOTOU had been at the Capitol and was let in by police, which was likely a reference to the January 6, 2021 breach of the U.S. Capitol.

Man wearing Camp Pendleton Marine unit hoodie roamed Capitol building during insurrection, videos show



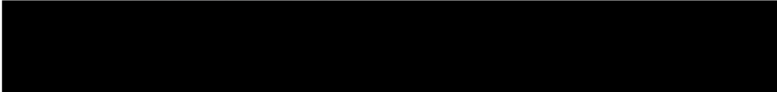
An unidentified man wears a hoodie featuring a Camp Pendleton Marine unit and a hat that says "Make Politicians Afraid Again" inside the U.S. Capitol Jan. 6. (Screenshot courtesy of John Sullivan)

On or about February 17, 2021, the FBI interviewed a close family member of PANAYIOTOU (hereinafter "Person #2"), who was shown the above photograph from the San Diego Tribune of PANAYIOTOU. Person #2 identified the individual as PANAYIOTOU.

On or about February 19, 2021, the FBI interviewed another close family member of PANAYIOTOU (hereinafter "Person #3"), who stated that PANAYIOTOU was in Washington, D.C. on January 6, 2021 and had been in the Capitol building. He/she further described PANAYIOTOU as very patriotic but "does stupid things sometimes." On or about March 3, 2021, the FBI reinterviewed Person #3, who explained that he/she had spoken to PANAYIOTOU approximately a week after January 6, 2021, which is when he/she learned that PANAYIOTOU had been in Washington, DC during the riots. However, due to his/her medication, Person #3 could not recall specifics of that conversation, including whether PANAYIOTOU actually stated that he went inside the Capitol.

Based on the foregoing, your affiant submits that there is probable cause to believe that PANAYIOTOU 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 PANAYIOTOU 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] 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 30th day of November 2021.

G. Michael
Harvey



Digitally signed by G.
Michael Harvey
Date: 2021.11.30 11:23:35
-05'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE