

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

DAVID LEE JUDD,

Defendant.

Case: 1:21-mj-00334

Assigned To : Harvey, G. Michael

Assign. Date : 3/23/2021

Description: Complaint w/ Arrest Warrant

VIOLATIONS:

18 U.S.C. § 111(b)

**(Assaulting, Resisting, or Impeding
Certain Officers or Employees)**

18 U.S.C. § 231(a)(3)

(Civil Disorder)

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, [REDACTED], being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging DAVID LEE JUDD (“JUDD”) with violations of 18 U.S.C. §§ 111(b), 231(a)(3).

AGENT BACKGROUND

2. I have been employed as a Special Agent of the FBI since February 2002 and am currently assigned to the Washington Field Office’s Child Exploitation Task Force. Since joining the FBI, I have investigated violations of federal law involving organized crime, drug trafficking, extra-territorial crime and terrorism and I currently investigate federal violations concerning child pornography and the sexual exploitation of children. I have gained experience through training and work related to conducting these types of investigations.

3. I am one of the investigators assigned to an ongoing investigation by the FBI, United States Capitol Police (“USCP”), Metropolitan Police Department (“MPD”), and other law enforcement agencies, of riots and civil disorder that occurred on January 6, 2021, in and around

the United States Capitol grounds. Since I became involved in this investigation on January 6, 2021, I have conducted interviews, reviewed public tips, reviewed publicly available photos and video, and reviewed relevant documents, among other things.

4. The facts in this affidavit come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This affidavit is intended to show simply that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter.

BACKGROUND

5. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street Southeast, Washington, District of Columbia. During the joint session, elected members of the United States House of Representatives and Senate met in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took place on November 3, 2020.

6. The United States Capitol is secured 24 hours a day by security barriers and USCP occupy various posts throughout the grounds. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. USCP officers wore uniforms with clearly marked police patches, insignia, badges, and other law enforcement equipment. Only authorized people with appropriate identification are 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.

7. The January 6, 2021, 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 Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

8. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and USCP were present, attempting to keep the crowd away from the Capitol building and the proceedings underway inside. As the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured.

9. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and past officers of the USCP, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by the USCP or other authorized security officials.

10. A short time later, 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 Pence, were instructed to—and did—evacuate the chambers. As such, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the United States Capitol, including the danger posed by individuals who had entered the United States Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the United States Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had been secured. Vice President Pence remained in

the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

11. After the Capitol was breached, USCP requested assistance from MPD and other law enforcement agencies in the area to protect the Capitol, keep more people from entering the Capitol, and expel the crowd that was inside the Capitol. Multiple MPD officers and other law enforcement officers came to assist.

12. 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 United States Capitol building without authority to be there.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

13. By 2:40 p.m. on January 6, 2021, protesters had engulfed the west side of the United States Capitol and were climbing on the scaffolding in front of building as well as various features of the building. Although the Capitol Building had already been breached and protesters had flooded in through several entrances, a group of MPD officers and members of the USCP or other agencies had been able to hold their position and deny entry through the very prominent entrance of the Lower West Terrace. To enter the United States Capitol through the Lower West Terrace, one must walk through a short tunnel with a series of glass doorways. Around 2:40 p.m., a group of officers were maintaining a line at the second set of glass doors inside the tunnel. Officers reporting to the scene rushed to the tunnel from within the building while protesters outside of the tunnel continued to summon more men to push their way through the tunnel. A growing number of protesters made their way into the tunnel with a variety of tools and weapons. The tunnel became the point of an intense and prolonged clash between protesters and law enforcement at the United States Capitol. Many of the protesters in the tunnel were

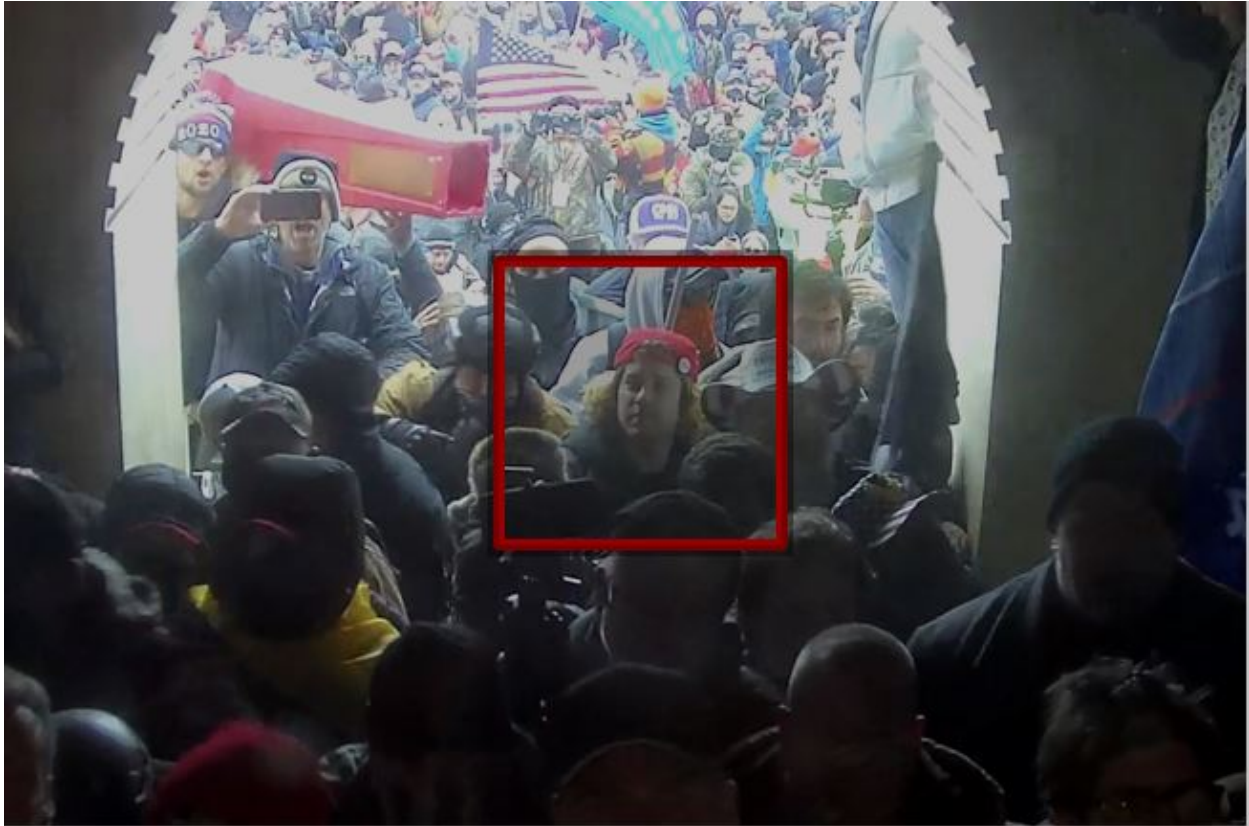
recording video and many of the videos circulated and continue to circulate on Internet channels, social media, and the news.

14. Portions of the rioters' effort in the tunnel to get through the Lower West Terrace doors were captured both in video surveillance from USCP camera in the tunnel and in video footage posted to YouTube (hereinafter, YouTube Video 1). In YouTube Video 1, which was reviewed by your affiant, a large group of rioters attempted to break through the line of uniformed law enforcement officers who were in place to prevent rioters from entering the Lower West Terrace door of the United States Capitol Building. Law enforcement officers were at the front of the doors inside the tunnel attempting to stop numerous rioters from gaining access to the U.S. Capitol.

15. Around 2:52 p.m.,¹ YouTube Video 1 shows a white male with curly blonde hair wearing a red "Make America Great Again" baseball hat backwards, a black hoodie and a grey vest, who was subsequently identified as JUDD, as explained below, to the side of the entrance of the tunnel.

16. Then, at approximately 2:56 p.m., JUDD can be seen in surveillance footage going into the tunnel with additional rioters walking toward the line of law enforcement guarding the Lower West Terrace doors, as shown in the still image below with a red rectangle added around JUDD.

¹ This time is approximate and based on a review of the EXIF data for the related video and a comparison to the timestamp for available surveillance video capturing the same events.



17. JUDD then joins the group as the rioters push in unison against the officers. As captured in video filmed on the phone held by a rioter standing next to JUDD in the tunnel, multiple rioters can be heard yelling “ready, heave” as the group pushes in unison.

18. Then, at approximately 2:58 p.m., JUDD can be seen in USCP surveillance footage turning around and exiting the tunnel. For the next few minutes, JUDD can be seen near the arch, occasionally waving others in and yelling.

19. Around 3:06 p.m., USCP surveillance video shows JUDD near the crowd outside the arch entrance of the Lower West Terrace tunnel. In another video filmed outside of the arch around the same time and posted to YouTube (hereinafter, YouTube Video 2), JUDD can be seen next to another rioter (RIOTER 1) yelling for the crowd to pass back the stolen riot shields in order to make a “shield wall.” JUDD can also be seen yelling “shield wall” as he pumps his fist in the air in YouTube Video 2, as shown in the still below with a red box added around

JUDD. (The same can then be heard and seen inside the tunnel in YouTube Video 1, where RIOTER 1 can be heard instructing the front line of rioters to make a “shield wall” and “organize,” as rioters behind them pass up shields to those facing line of law enforcement officers guarding the Lower West Terrace doors.)



20. On the surveillance video looking out through the arch, around 3:06 p.m., JUDD is seen helping move at least two shields into the tunnel and pass them to another rioter in front of him, as shown in the still below with a red circle around JUDD.



21. Moments later JUDD can be seen on the surveillance footage walking into the tunnel. He then lights an object on fire and throws it at the line of law enforcement officers who are guarding the Lower West Terrace doors to the United States Capitol Building, as shown in the three stills below. He then immediately turns and walks out of the tunnel. As captured in another video filmed inside the tunnel and originally posted to YouTube (hereinafter, “YouTube Video 3”), an unidentified member of the crowd (who can be seen standing next to JUDD in surveillance video when he throws the item) can be heard yelling: “You going to do that and run away! What the fuck.” When asked what the individual did, the unidentified member of the crowd states: “He threw a firecracker, a big giant, what the”



22. As seen on USCP surveillance video, JUDD then stays at the entrance to the tunnel and appears to be directing the crowd to the tunnel by waiving them forward.

23. Additional USCP surveillance footage and many different videos posted online show JUDD present at various locations near the arch entrance of the Lower West Terrace tunnel for approximately the next hour. During these various videos, JUDD can be seen chanting with the crowd, encouraging people to enter the tunnel, and assisting the rioters exiting the tunnel wash the OC spray from their faces with water.

24. One of these videos was posted to YouTube (hereinafter, “YouTube Video 4”) covers multiple clips showing the entrance to the tunnel on the Lower West Terrace. The clips do not include time stamps but do correspond to USCP surveillance footage of the same events. Around timestamp 58:30 of YouTube Video 4, which corresponds to approximately 3:27 pm based on a comparison to USCP surveillance footage showing the same events from a different angle, JUDD can be seen standing to the side of the arch, as indicated in the red box below.



25. Similarly, in a video posted to Parler and then posted online, which corresponds to USCP surveillance from around 4:14 p.m., JUDD can be seen lifting an American flag in the air triumphantly moments after another rioter throws a long projectile at officers, as shown in the stills below (with the projectile highlighted in a yellow rectangle and JUDD in a red rectangle).



26. Then, around 4:16 p.m., as can be seen in USCP surveillance footage, JUDD once again joins a large group of rioters pushing against law enforcement officers guarding the Lower West Terrace doors, as shown in the still below with a red rectangle around JUDD. The rioters push as a group against the officers for a few minutes until they are forced back out of the tunnel by law enforcement.



27. The same events are captured near the end of YouTube Video 4, where unidentified rioters can be heard yelling “push” as the crowd all tries to push into the tunnel and past the line of law enforcement. JUDD can be seen joining the crowd at the tunnel entrance pushing forward toward the police line, as shown in the still below.



Identification of JUDD

28. On January 25, 2021, Agents in Texas spoke with Witness 1 who has met JUDD personally. Witness 1 indicated JUDD had posted an advertisement on social media asking for a ride to the rally and provided a contact telephone number. Witness 1 provided the following copy of the advertisement, which is copied below with the phone number partially redacted:



29. Subscriber records for the phone number listed in the advertisement (XXX-XXX-5770) show that the phone number listed is used by JUDD.

30. Witness 1 provided additional details about JUDD, that have all been corroborated by law enforcement.

31. Witness 1 stated Photograph 137 from the FBI website is definitely JUDD. Although Witness 1 was not shown any photos during the interview, the following is Photograph 137 that was posted to the FBI website in connection with “Seeking Information” Photograph #137 - AFO.



Photograph #137 - AFO

32. After this identification was made, Agents in Texas reached out to Witness 2, who had known JUDD personally for several years. Witness 2 was interviewed on March 4, 2021, and shown Photograph 137 with the agent making no mention of JUDD's name. Witness 2 identified the individual from Photograph #137 as JUDD.

33. In addition, your affiant and other investigators examined several photographs extracted from videos recorded by protestors inside or just outside of the tunnel with photographs of JUDD from his online accounts, as well as photos from known government sources. Based on those comparisons, your affiant concurs that JUDD resembles the individual pictured above.

CONCLUSION

For the reasons set forth above, I submit there is probable cause to believe that JUDD violated:

1. **18 U.S.C. § 111(b)**, which makes it a crime to forcibly assault or interfere with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties and uses 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, and

2. **18 U.S.C. § 231(a)(3)**, which makes it a crime 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. (“Civil disorder” means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual. “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; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails. 18 U.S.C. §232(1).)

As such, your affiant respectfully requests that the court issue an arrest warrant for JUDD. The statements above are true and accurate to the best of my knowledge and belief.



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 23rd day of March 2021.

A handwritten signature in black ink, appearing to read "G. Michael Harvey".

Digitally signed by
G. Michael Harvey
Date: 2021.03.23
15:14:51 -04'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE