



UNITED STATES DISTRICT COURT

for the

District of Columbia

21mj528-KK

United States of America

v.

Matthew Martin

DOB: [REDACTED]

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)
)

Case: 1:21-mj-00388

Assigned To : Faruqui, Zia M.

Assign. Date : 04/20/2021

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)- Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,

18 U.S.C. § 1752(a)(2)- Disorderly Conduct Which Impedes the Conduct of Government Business,

40 U.S.C. § 5104(e)(2)(D)- Disruptive Conduct in the Capitol Buildings,

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

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

[REDACTED SIGNATURE]

Complainant's signature

[REDACTED] 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: 04/20/2021



[Handwritten Signature]

2021.04.20

18:44:37 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation assigned to the Albuquerque Division, Santa Fe RA. 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, detention, 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 are 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, shortly 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.

One of the individuals who entered the U.S. Capitol unlawfully on January 6, 2021, was MATTHEW MARTIN (“MARTIN”), a resident of Santa Fe, New Mexico. Your affiant has spoken to W-1, who has known MARTIN for years and currently is employed with MARTIN at a defense contracting company that works with the federal government. According to W-1, MARTIN, who holds a security clearance, had indicated he would be taking leave on January 6, 2021.

Evidence obtained by your affiant shows that MARTIN went inside the U.S. Capitol unlawfully on January 6, 2021.

According to records obtained through a search warrant which was served on a cell provider, on January 6, 2021, in and around the time of the incident, the cell phone associated with MARTIN was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building.

On or about January 20, 2021, MARTIN appeared at the Santa Fe RA with an attorney and admitted to law enforcement that he was among the persons in the crowd that unlawfully entered the U.S. Capitol on January 6, 2021. MARTIN reported that he decided to travel to Washington, D.C. after reading then-President Donald Trump’s tweets regarding the election being stolen and a protest on January 6, 2021, flying to D.C. on January 5, 2021, and attending the rallies on January 6, 2021, and then heading to the U.S. Capitol where he entered along with a crowd of other individuals. According to MARTIN, Capitol guards opened the doors to the Rotunda and let them in, though MARTIN did acknowledge seeing smashed glass. MARTIN stated that he realized later that the protests were worse than he thought and that he returned home from D.C. on January 7, 2021.

MARTIN provided receipts reflecting purchases made in Washington, D.C., including airport parking from January 5 to January 7, 2021. MARTIN also provided photographs and videos taken on January 6, 2021, with his cell phone.

Those photos included “selfies” of MARTIN on the Mall near the U.S. Capitol. One photo shows MARTIN wearing a hunter-pattern camouflage cap emblazoned with a gold “USA” emblazoned across the top (Figure 1). While at the Santa Fe RA, MARTIN was wearing a leather jacket with a gray hood, which he stated he wore to the riot. Your affiant observed it to be consistent with the gray hood seen being worn by MARTIN in Figure 1. MARTIN is also depicted wearing a face mask, which is red in color with white lettering that spells “TRUMP.” Based on in-person observations of MARTIN, your affiant recognizes the person wearing a mask and hat in Figure 4 as MARTIN. W-1 also confirmed that the below depicts MARTIN.



Figure 1

One of the videos provided by MARTIN shows a police officer standing near a door to the U.S. Capitol. The video also shows that a pane of glass on the door has been smashed. Still images from that video are shown below (Figures 2 and 3).



Figure 2



Figure 3

Another video was produced from MARTIN's cell phone that recorded what your affiant recognizes as the U.S. Capitol rotunda. One person depicted in the video appears to be wearing a motorcycle helmet, and another appears to be grimacing. Still images from that video are included below (Figures 4 and 5).



Figure 4

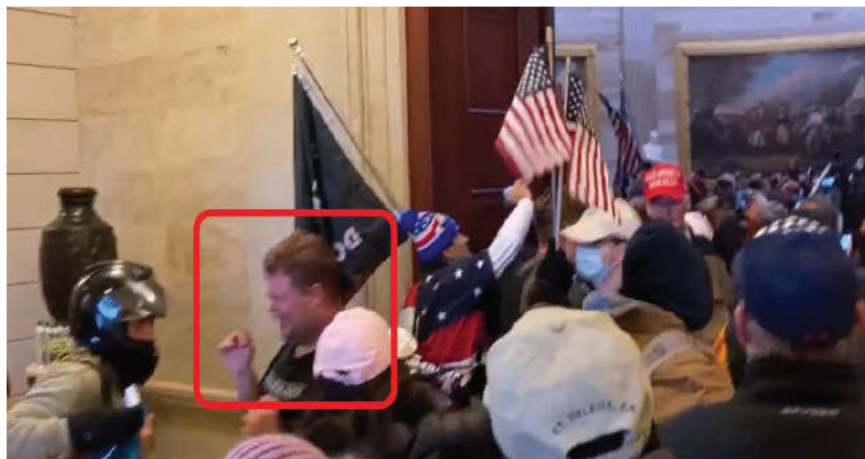


Figure 5

CCTV footage from inside the U.S. Capitol on January 6, 2021, also shows MARTIN inside the rotunda (Figures 6 and 7). As noted above, during an interview with law enforcement, MARTIN indicated that he wore a camo hat that said "USA" on it, a red Trump mask, and a black leather jacket with a gray hood to the riot, as seen in Figure 1; he also indicated he wore jeans and was carrying a United States flag. This attire is seen in the CCTV footage as depicted in the below figures.

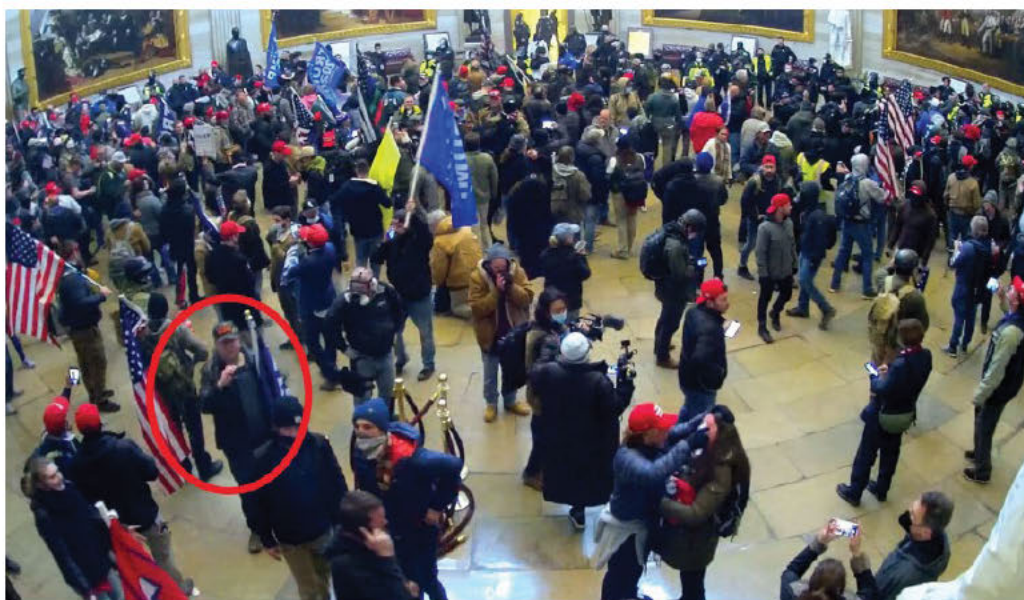


Figure 6

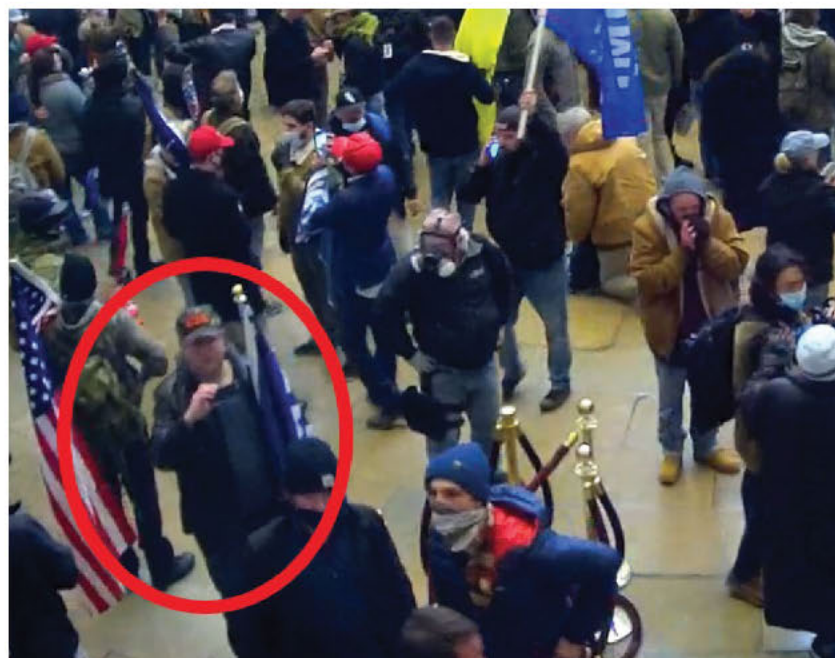


Figure 7

In addition, the CCTV footage captures MARTIN using his cell phone to record the videos described above. Specifically, CCTV footage appears to show MARTIN recording the individuals depicted in Figure 5. In Figure 8 below, MARTIN is circled on the right side of the image, wearing the “USA” hat and holding a cell phone as though recording the individuals circled in the center of the image and also depicted in Figure 5.



Figure 8

Based on the foregoing, your affiant submits that there is probable cause to believe that MARTIN 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 MARTIN 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 [REDACTED]
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 20th day of April 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

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21mj528

United States of America

v.

Matthew Martin

) Case: 1:21-mj-00388
) Assigned To : Faruqui, Zia M.
) Assign. Date : 04/20/2021
) 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) Matthew Martin

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. § 1752(a)(1)- Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
18 U.S.C. § 1752(a)(2)- Disorderly Conduct Which Impedes the Conduct of Government Business;
40 U.S.C. § 5104(e)(2)(D)- Disruptive Conduct in the Capitol Buildings;
40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating, or Picketing in the Capitol Buildings.

Date: 04/20/2021



2021.04.20 18:43:37 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) and the person was arrested on (date) at (city and state)

Date:

Arresting officer's signature

Printed name and title