

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.

Vaughn Gordon
DOB: 11/01/1966

) Case: 1:21-mj-00056
) Assigned to: Judge Robin M. Meriweather
) Assign Date: 1/14/2021
) 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
District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. 1752 (a)(1) and 40 U.S.C. 5104(e)(2)(G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Andrew Berger

Complainant's signature

Andrew Berger, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).

Date: January 14, 2021



Handwritten signature of Robin M. Meriweather

Robin M. Meriweather
2021.01.14 11:30:44 -05'00'

Judge's signature

City and state: Washington, DC

Robin M. Meriweather, United States Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Andrew Berger, is a Special Agent with the Washington Field Office of the Federal Bureau of Investigation, where I investigate a variety of white collar matters. 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 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 after 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 January 6, 2021, photographs were posted on a Facebook page with the username of “Vaughn Gordon,” that appeared to have been taken inside the rotunda of the U.S. Capitol. Your Affiant was unable to view the photographs on GORDON’s Facebook page, but images of the photographs that had been posted were captured and provided to law enforcement. They show “selfie” style images of GORDON outside the U.S. Capitol wearing goggles and inside the U.S. Capitol, goggles now around his neck, and wearing a backwards cap bearing “USA” with a caption stating, “Live inside the Congress building. It was worth the tear gas[.]” Additional posts from the Facebook page described being at the U.S. Capitol, including one alleging that at some point officers ushered people into the building and that he was never asked to leave but was limited to the Rotunda area of the building.



On January 9, 2021, Louisiana-based news organization *The Advocate* published an article entitled “Lafayette man was among those in U.S. Capitol during riot, says he was peaceful amid the ‘mayhem.’”¹ According to the article, on January 9, 2021, GORDON, addressed a crowd in front of the Louisiana State Capitol, during which time GORDON told the crowd “[y]ou’re looking at what by mandate is a felon because I entered into the Capitol during the riot,” and that he was in the building for nearly two hours. GORDON indicated he had traveled to Washington, D.C., with a friend to attend the January 6, 2021, “Stop the Steal” rally and afterwards marched to the Capitol. According to the article, GORDON further indicated he had entered the building because tear gas drove him inside.

The article further reported that GORDON had shared additional photographs from the Capitol, and photographs included in the article are captioned “Courtesy of Vaughn Gordon.” Your affiant recognizes the location shown in the photographs as the interior of the U.S. Capitol. Specifically, the picture on the left-hand side below appears to show GORDON in front of the

¹ The article is available in its entirety at https://www.theadvocate.com/baton_rouge/news/article_bebdcfa8-52c6-11eb-9bf1-63c58373a3e2.html.

George Washington statue in the Rotunda, and the picture on the right-hand side appears to show unidentified individuals in front of the Roger Sherman statue located in the Crypt:



Your affiant has confirmed these identifications of GORDON. First, the images of GORDON in the U.S. Capitol display unique attire and a clear view of the individual's face. Your affiant has reviewed GORDON's Louisiana operator's license photograph and other photographs posted to GORDON's Facebook page. The person in those photographs appears to be the same individual in the pictures at the U.S. Capitol on January 6, 2021.

Additionally, during the course of the investigation, your affiant has also spoken to other members of law enforcement, who interviewed W-1. W-1 was shown *The Advocate* article and identified the person in the backwards cap bearing "USA" as GORDON. W-1 advised that it has interacted face-to-face with GORDON on multiple occasions. Further, at least one image provided by GORDON to Louisiana local media appears to be the same as an image posted to the Facebook account using the name "Vaughn Gordon." Finally, your affiant has also reviewed multiple leads regarding GORDON received via the FBI's tipline, including additional posts from GORDON's Facebook account discussing his presence in the U.S. Capitol on January 6, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that GORDON violated 18 U.S.C. § 1752(a)(1) which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority 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 GORDON violated 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully parade, demonstrate, or picket in any of the Capitol Buildings.



Andrew Berger
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14th day of January 2021.



Robin M. Meriweather
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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE