

ORDERED UNSEALED on 01/11/2024 sf dominicfr

~~SEALED~~

s/ dominicfrank

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ARREST ON OUT-OF-DISTRICT OFFENSE


CASE NUMBER: **24mj0089-JLB**

The person charged as Jenna McGrath now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the District of Columbia with: Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. § 1752(a)(1); Disorderly or Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Disorderly or Disruptive Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and Parading, Picketing, or Demonstrating, in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).


The charging documents and warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED: 01/11/24


Andrew Schalin
Special Agent, FBI

Reviewed and Approved
Dated: 1/11/24


RONALD SOU
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ADAM KOVSKY,
JENNA MCGRATH, and
LAURA MCGRATH,
Defendants.

Case: 1:23-mj-00347

Assigned To : Harvey, G. Michael

Assign. Date : 12/12/2023

Description: COMPLAINT W/ARREST WARRANT

VIOLATIONS:

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, Picketing or Demonstrating in
a Capitol Building)

ORDER

This matter having come before the Court pursuant to the Application of the United States to seal the criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrants are executed.

2. IT IS FURTHER ORDERED that the Clerk’s office shall delay any entry on the public docket of the arrest warrants until they are executed.

Date: December 12, 2023

G. Michael
Harvey



Digitally signed by G.

Michael Harvey

Date: 2023.12.12 13:32:24

-05'00'

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Adam Kovsky
Jenna McGrath
Laura McGrath

Defendant(s)

Case: 1:23-mj-00347

Assigned To : Harvey, G. Michael

Assign. Date : 12/12/2023

Description: COMPLAINT W/ARREST WARRANT

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 or Remaining in any Restricted Building or Grounds Without Lawful Authority,

18 U.S.C. § 1752(a)(2) Disorderly or Disruptive Conduct in a Restricted Building or Grounds,

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

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

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Mara R. Schneider
Issuing Officer's signature

Mara R. Schneider, 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: 12/12/2023

Complainant's signature

City and state: Washington, D.C.

Honorable G. Michael Harvey
United States Magistrate

STATEMENT OF FACTS

Your affiant, Mara R. Schneider, is a Special Agent assigned to the FBI Detroit Field Office, Ann Arbor Resident Agency. In my duties as a special agent, I am responsible for investigating Domestic Terrorism (“DT”) cases (including Racially Motivated Violent Extremism, Anti-Government Extremism, Anarchist Extremism, and Militia Extremism), as well as DT Threat Assessments, Threat to Life matters, and Hate Crimes. 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 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.

These persons included: (1) a white male, wearing a dark gray hoodie layered over a red hoodie, believed to be ADAM KOVSKY (“KOVSKY”); (2) a white female with brown hair, wearing a knee-length, black winter jacket with a hood-lined with fur, believed to be JENNA MCGRATH; and (3) a white female with shoulder-length blonde hair, wearing jeans, a black, waist-length black jacket, and a gray beanie, believed to be LAURA MCGRATH, collectively referred to as “the subjects.”

KOVSKY is a resident of Michigan. JENNA MCGRATH and LAURA MCGRATH previously resided in Michigan but now reside in California and Georgia, respectively. The three subjects know each other through a former employer in Michigan. LAURA and JENNA MCGRATH are sisters.



Image 1: Screenshot from an open source video depicting KOVSKY, L. MCGRATH, J. MCGRATH (from left to right) standing in the vicinity of the Washington monument on January 6, 2021

In August 2021, the FBI received two separate tips from two individuals whose identities are known to the FBI that the tipsters had heard from friends that ADAM KOVSKY had participated in the January 6 riot at the Capitol. One tipster, Witness 1, shared that other friends of KOVSKY had seen him in publicized videos from the riot; the other, Witness 2, shared that KOVSKY himself had social media pictures of himself at the riot that he had shown other people.

In February 2022, the FBI interviewed a third individual, Witness 3, who was personally familiar with KOVSKY who positively identified KOVSKY in three photographs: Image 10, below, showing KOVSKY inside the Capitol Building near the Senate Wing Door; Image 12, below, showing KOVSKY posing for a photograph that was ultimately posted to social media; and a similar screenshot from the same open source video as Image 1, above, showing KOVSKY standing near the Washington Monument on January 6, 2021.

In March 2022, the FBI interviewed a fourth individual, Witness 4, who is personally familiar with KOVSKY and the MCGRATHS. Witness 4 identified KOVSKY in the same three photographs as Witness 3. In addition, Witness 4 identified JENNA MCGRATH as the brunette woman in a screenshot from the same open source video as Image 1, and identified the blonde woman as JENNA MCGRATH's sister.

In April 2022, the FBI interviewed a fifth individual, Witness 5, who is personally familiar with KOVSKY and JENNA MCGRATH. Witness 5 stated that they learned KOVSKY went to the U.S. Capitol on January 6 when JENNA MCGRATH posted about it on Instagram. Witness 5 had not spoken directly with KOVSKY about travelling to Washington, D.C., but had heard through other associates of KOVSKY that KOVSKY, JENNA MCGRATH, her sister, and a fourth individual had driven to Washington, D.C. together on January 6, 2021. Witness 5 identified KOVSKY in the same three photographs that Witnesses 3 and 4 had (Images 10, 12, and a similar screenshot from the same video as Image 1). In addition, Witness 5 identified JENNA MCGRATH in a similar screenshot from the same video as Image 1.

Open source footage from January 6 show KOVSKY, JENNA MCGRATH, and LAURA MCGRATH present on the National Mall, with the Washington Monument in the background. *See* Image 1. Open source video footage shows KOVSKY in the amassing crowd on the west front of the Capitol. *See* Image 2. An open source image later shows KOVSKY and JENNA MCGRATH on the Northwest Stairs of the U.S. Capitol Building, which lead from the West Plaza to the Lower West Terrace. KOVSKY and JENNA MCGRATH appear to be assisting LAURA MCGRATH to scale the bannister of the staircase. *See* Images 3 and 4.

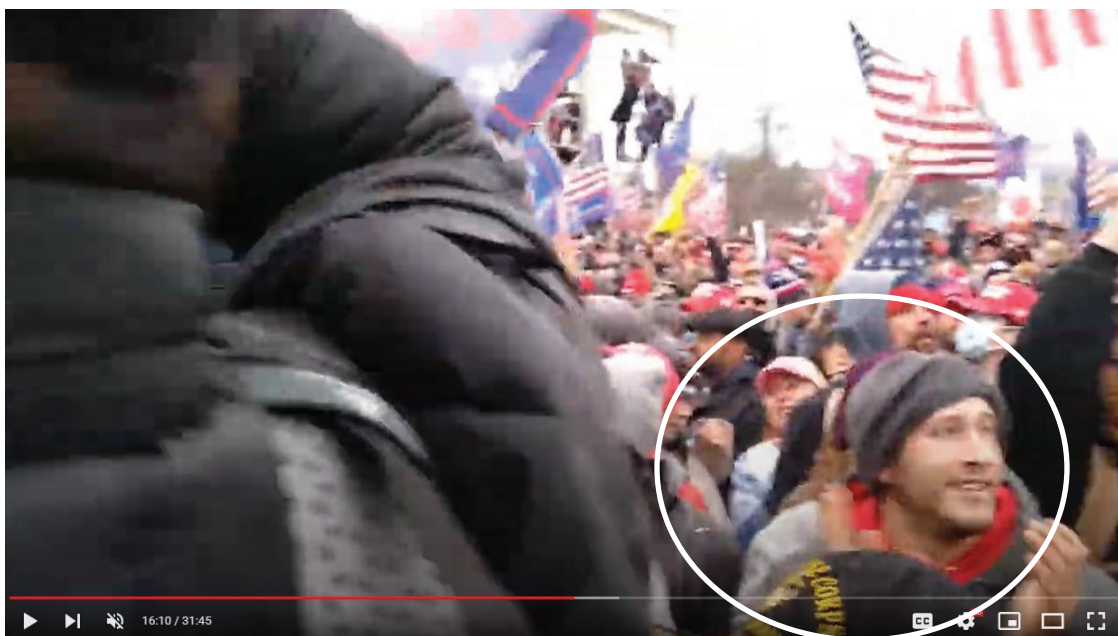


Image 2: Screenshot from open source video footage showing KOVSKY (circled in white) chanting and clapping with the crowd on the west front of the Capitol



Image 3: Open source image showing KOVSKY and J. MCGRATH ASSISTING L. MCGRATH over a bannister on the west side of the Capitol Building (all three subjects are highlighted by a white box; the subjects' faces are circled in yellow)



Image 4: Zoomed in and cropped version of Image 2 above, showing KOVSKY on the Northwest Stairs of the Capitol and JENNA MCGRATH assisting LAURA MCGRATH over the bannister

The U.S. Capitol Police (“USCP”) maintains a system of surveillance cameras (“CCTV”) throughout the U.S. Capitol Building and in and around its perimeter. CCTV recordings from January 6, 2021 show KOVSKY entering the building through a window next to the Senate Wing Door at approximately 3:26 p.m. *See* Image 5. A few frames later, CCTV shows JENNA MCGRATH and LAURA MCGRATH entering through the Senate Wing Door. *See* Image 6.

Later, open source footage show KOVSKY, JENNA MCGRATH, and LAURA MCGRATH exiting the building through the same door. *See* Image 7 (LAURA MCGRATH), Image 8 (JENNA MCGRATH), Images 9 and 10 (KOVSKY).

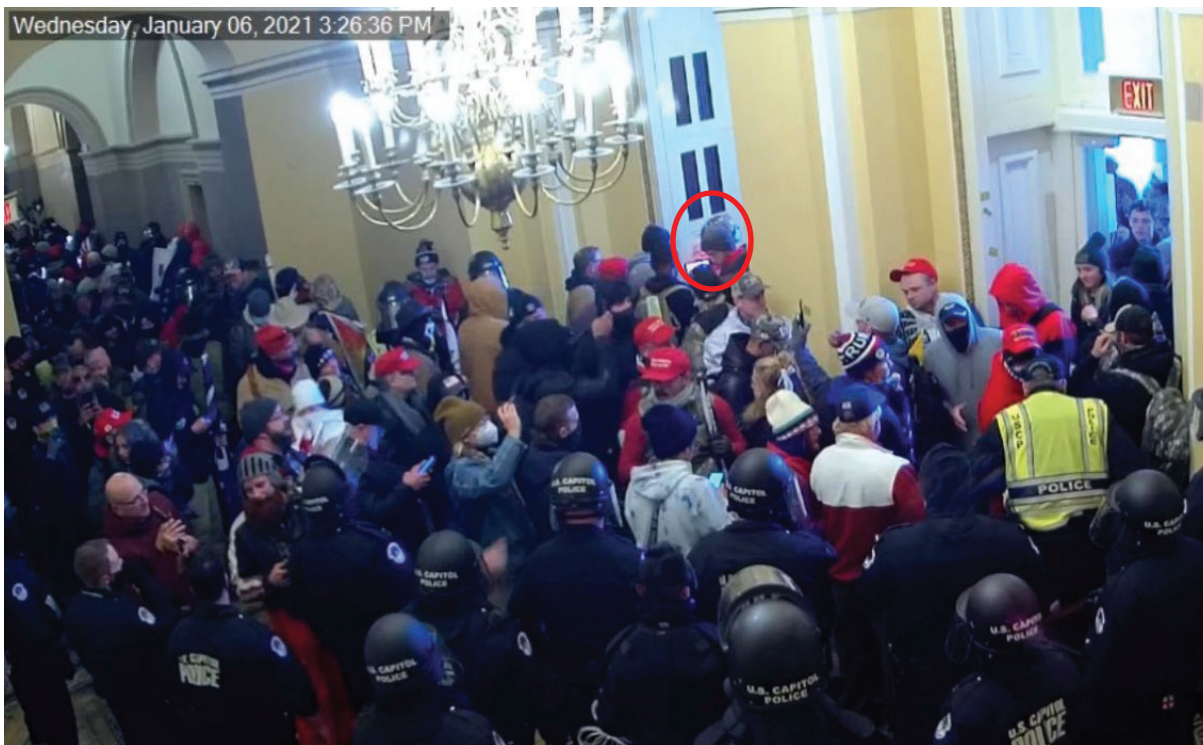


Image 5: Screenshot of CCTV showing KOVSKY (circled in red) entering the Capitol Building through a broken window next to the Senate Wing Door

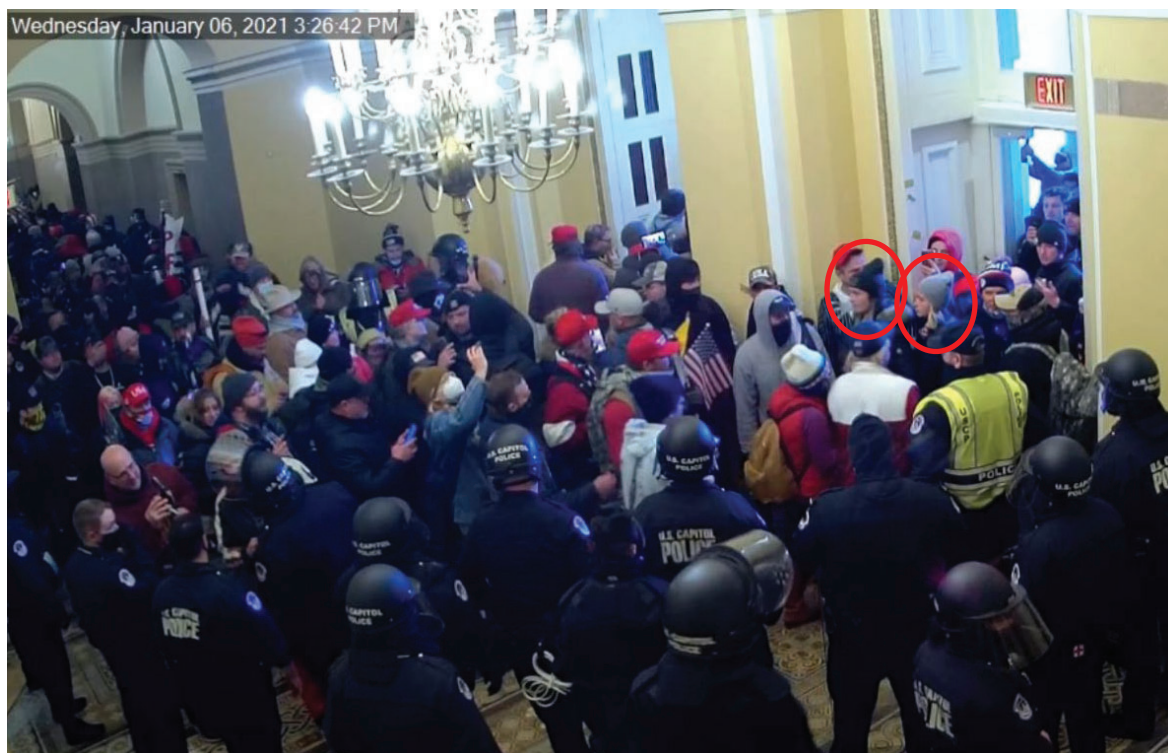
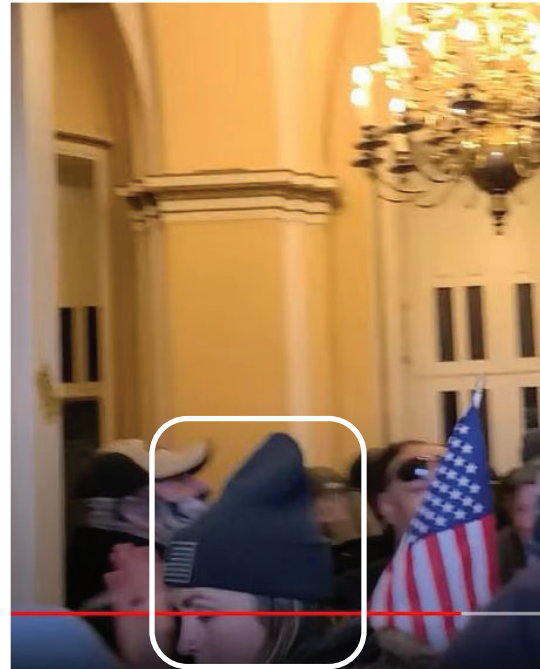
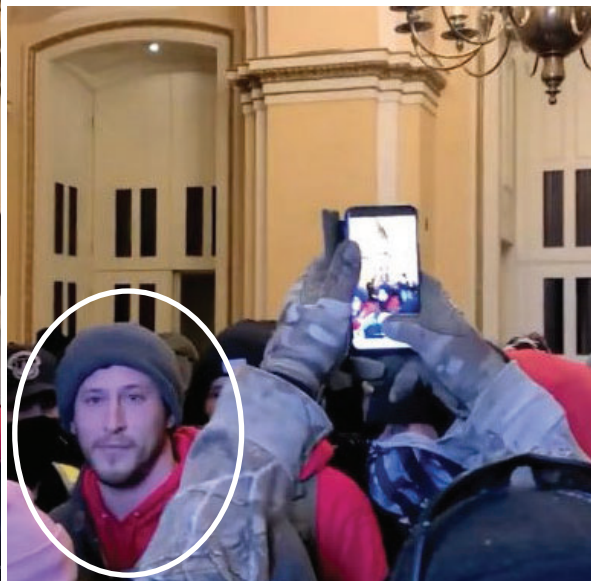


Image 6: Screenshot of CCTV showing L. and J. MCGRATH (circled in red) entering the Capitol Building through the Senate Wing Door



Images 7 and 8: L. MCGRATH (circled) and J. MCGRATH (boxed) exiting the Capitol Building



Images 9 and 10: KOVSKY exiting the Capitol Building

After exiting the building, the three subjects remained on the Upper West Terrace of the Capitol and joined the amassed crowd in chanting “Our house, our house!” See Image 11.



Image 11: KOVSKY, J. MCGRATH, and L. MCGRATH (all highlighted in the white box) on the Upper West Terrace while the crowd chants “Our house, our house!”

Social media posts from January 6, 2021 also depict the three subjects on the Grounds of the U.S. Capitol. *See Images 12 and 13.*


 21h · 🌐
No idea who this guy is, but he breached the building and came out with some souvenirs... Pieces of a cabinet. He gave me permission to share this pic on Facebook. 🇺🇸 🇺🇸 🇺🇸



Image 12: Social media post depicting KOVSKY posing with pieces of wood from broken furniture from inside the U.S. Capitol Building



Image 13: Social media post depicting L. MCGRATH, KOVSKY, and J. MCGRATH (left to right) speaking to another individual on the Grounds of the U.S. Capitol

In June 2022, the FBI interviewed KOVSKY with his lawyer present. KOVSKY reported that he planned to travel to Washington, D.C. to see former President Trump's speech. He travelled to the Capitol with JENNA MCGRATH, LAURA MCGRATH, and a fourth individual by car on January 5, 2021. They attended the former President's speech at the ellipse. Following the speech, KOVSKY, JENNA MCGRATH, and LAURA MCGRATH walked to the Capitol Building. KOVSKY identified himself, JENNA MCGRATH, and LAURA MCGRATH in a similar screenshot from the same video as Image 1, above. KOVSKY also identified himself, LAURA MCGRATH, and JENNA MCGRATH in Images 3 and 4, above. In addition, KOVSKY identified himself, LAURA MCGRATH, and JENNA MCGRATH in USCP CCTV showing the three subjects entering the Capitol Building. He further identified himself and LAURA MCGRATH in the same video from which Image 11, above, was derived.

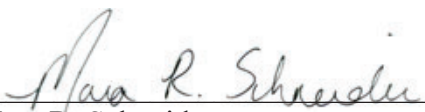
In January 2023, the FBI interviewed JENNA MCGRATH. MCGRATH reported that she, KOVSKY, and her sister LAURA MCGRATH travelled to the Capitol to see former President Trump speak and to protest for a free and fair election. They attended the former President's speech

at the ellipse. At approximately 2:00 p.m., they walked to Capitol Building and entered the building. JENNA MCGRATH confirmed that she and LAURA MCGRATH entered the building through a doorway while KOVSKY entered through a broken window. JENNA MCGRATH identified herself, her sister LAURA MCGRATH, and KOVSKY in photographs from inside the Capitol Building, near the Senate Wing Door. JENNA MCGRATH further confirmed that she wore the same black jacket she wore on January 6, 2021 to the interview with FBI agents in January 2023.


Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that ADAM KOVSKY, JENNA MCGRATH, and LAURA MCGRATH 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 ADAM KOVSKY, JENNA MCGRATH, and LAURA MCGRATH 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.


Mara R. Schneider
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 12th day of December 2023.

G. Michael Harvey  Digitally signed by G. Michael Harvey
Date: 2023.12.12 13:29:07 -05'00'

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Jenna McGrath

Case: 1:23-mj-00347
Assigned To : Harvey, G. Michael
Assign. Date : 12/12/2023
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) Jenna McGrath,
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) Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
- 18 U.S.C. § 1752(a)(2) Disorderly or Disruptive Conduct in a Restricted Building or Grounds ;
- 40 U.S.C. § 5104(e)(2)(D) Disorderly or Disruptive Conduct in a Capitol Building ;
- 40 U.S.C. § 5104(e)(2)(G) Parading, Picketing, or Demonstrating in a Capitol Building .

Date: 12/12/2023

G. Michael Harvey
Digitally signed by G. Michael Harvey
Date: 2023.12.12 13:33:37 -05'00'

Issuing officer's signature


City and state: Washington, D.C.

Honorable G. Michael Harvey
U.S. Magistrate Judge

Return

This warrant was received on (date) 12/21/23, and the person was arrested on (date) 01/11/24
at (city and state) _____.

Date: 01/11/24



Arresting officer's signature
SA Andrew Schelin
Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: Jenna McGrath _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____er: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency: Federal Bureau of Investigation _____

Investigative agency address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____