Case: 1:23-mj-24
Assigned To: Magistrate Judge Zia M. Faruqui
Assign. Date : 1/24/2023
Description: Complaint with Arrest Warrant

STATEMENT OF FACTS

Your affiant, Owen Nearhoof, is a Special Agent assigned to the FBI's Washington Field Office. In my duties as a Special Agent, I investigate Counterintelligence matters. 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.

Identification of Isaac Thomas

On January 11, 2021, an anonymous tip submitted through the FBI's online portal read: "[b]ragged to me about being let in and he has live videos and Snapchats about being in the capitol." Attached to the tip was a screen grab taken from a Facebook profile named "Isaac Thomas." (*See Image 1*)

Figure 1

On January 19, 2021, agents from the FBI met with Isaac Thomas at his residence. Also present during the interview was Thomas's girlfriend Christina Legros and Thomas's behavior and mental health clinician of Easterseals Mental Health Services. Thomas informed agents that he and Legros left Michigan for a vacation to the State of New York on December 27, 2020. During the trip, the two decided to travel to Washington D.C., and arrived in Washington on January 5, 2021. During the meeting, agents were able to compare photos of individuals on January 6, 2021 at the U.S. Capitol who were thought to be Thomas and Legros to their appearances in person and confirmed that Thomas and Legros were the individuals in the photos.

Thomas confirmed that he was at the Capitol during the protests. He told agents the protest was very calm and friendly. Thomas said he took several photographs and videos while inside the Capitol with his phone. Thomas told agents he believed former president Trump ordered police to allow entrance into the building. Thomas consented to a search of the contents of his phone.

Identification of Christina Legros

During the interview with Thomas, Legros also confirmed that she was present at the Capitol during the protest. Legros told agents she and Thomas departed Michigan on December 27, 2020 and traveled to New York City for New Years. Legros told agents that the two traveled in Legros's grandmother's 2017 grey Chevrolet Equinox. They traveled to Washington D.C. on January 5, 2021 and stayed in a hotel in the City of Alexandria, Virginia while in the area.

On January 6, 2021, Legros told agents that the two arrived at the United States Capitol and parked the 2017 Chevrolet Equinox on an unknown side street nearby. Legros stated that she was video-taping and photographing herself and others inside the Capitol building with her phone. Legros consented to a search of the contents of her phone.

Legros told agents that while in the Capitol, the two were separated and her phone died. She attempted to return to where the vehicle was parked only to discover that it was no longer present. Neither her nor Thomas could find the vehicle, and ultimately the two returned to Michigan on January 10, 2021 on a Greyhound bus.

Actions at the United States Capitol

Figure 2

Open-source video depicts the two with the first group of rioters present at the initial breach of the police line near Peace Circle. (*See Figure 2*). Open-source video, combined with exterior United States Capitol Surveillance depicts the two pushing through and climbing over fencing with signs that read: "AREA CLOSED By order of the United States Capitol Police Board." An example is seen in Figure 3.

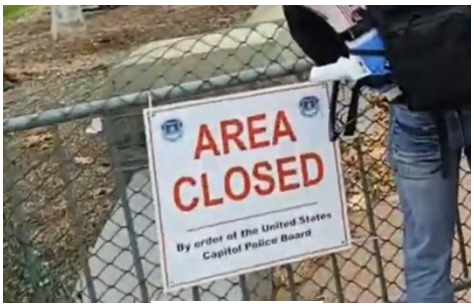

Figure 3

From this point, both individuals walk together in the grass and approach the west side of the building where an impromptu Capitol Police line has formed.

Thomas can be observed wearing a red hat, black leather-type jacket, and orange gloves. (*See Figure 4*) Legros can be observed wearing a black coat, and blue/black pants, with dark framed glasses. The two make their way to the an area near a raised platform. Each individual is carrying a blue flag with a pole.

Figure 4

Data seized from Legros's phone provided your affiant with a video depicting events around 1:39 p.m. Within the video, your affiant can hear Thomas yell to officers: "Don't do nothing dumb like that, because I will whack you upside your head with this pole!"

Figure 5

This video then depicts an officer with the Metropolitan Police Department deploying a spray on the crowd before Thomas can again be heard yelling: "Get him, guys get him!" During the chaotic recording, the video depicts Thomas doing precisely what he said he would to these officers with his flagpole. Thomas moved through the crowd and swung his flagpole at an officer's head. (*See Figure 5*)

In a video recorded nine minutes later, Thomas can be heard yelling to a crowd gathering at the stairwell to the Capitol's terrace, "Guys! Don't let them arrest him!" and "guys! Get him!" The video also depicts that Thomas has removed his orange gloves. The individual recording this video, presumably Legros, is pushed into the individual in front of her and the video does not capture further video, but still captures audio. There is an audible 'thunk' that can be heard in the video.

Your affiant reviewed contemporaneous open-source video depicting the events captured within this video recorded on Legros's phone. The open-source video depicts Thomas first throwing a Gatorade bottle at a fully-uniformed Capitol Police Officer before again using a flagpole to strike the officer. (*See Figure 6*)

Figure 6

The video also depicts the United States Capitol Police Officer able to grab the flagpole and throw it aside.

United States Capitol Survellance captures Legros entering the Capitol at 2:17 p.m. through the Senate Wing Door. Almost a minute after, Thomas enters through the same door. Neither are carrying flagpoles any longer. The two can be seen making their way to the Crypt where again, another impromptu police line has formed. When this line is pushed back by rioters, Thomas and Legros travel to the House side of the building together. (*Figure 7*)

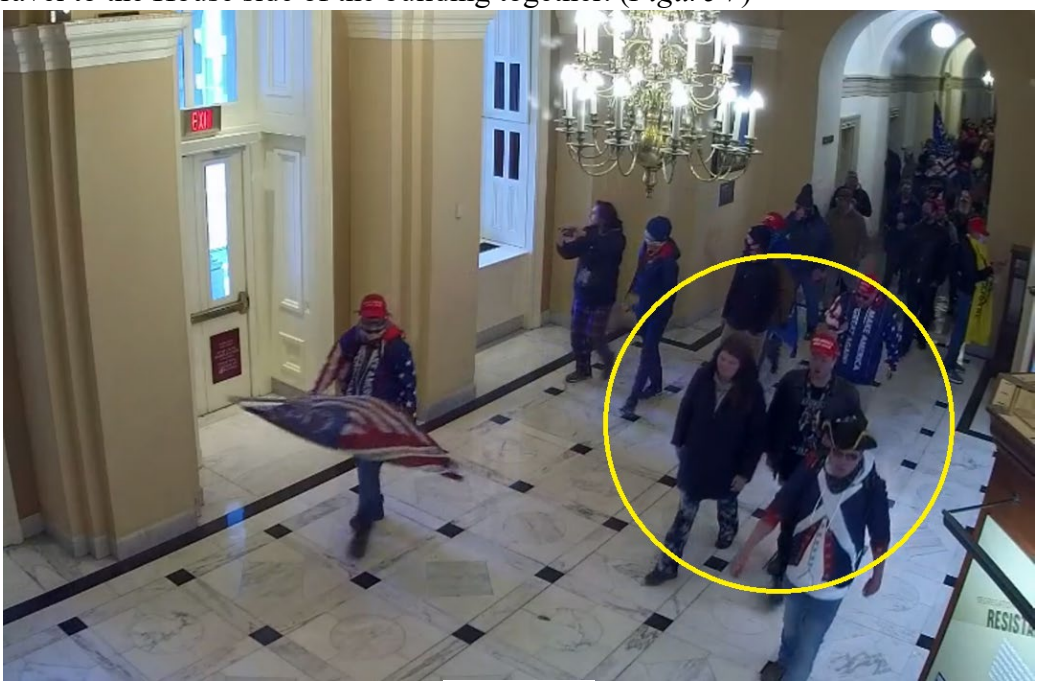

Figure 7

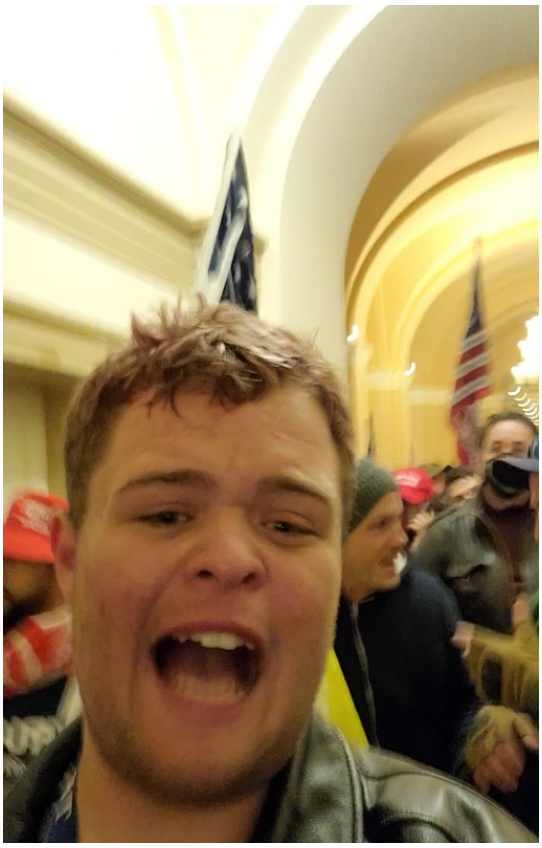

Figure 8

During this time, a series of recordings on Thomas's phone depict Thomas narrating their movements through the Capitol stating: "We managed to break our way in, pushed passed all these phony soldiers, some worked with us, some sprayed us or shot us with rubber bullets. But let me tell ya, we got through. And we are demanding an answer. For the United States of America. For the flag. And we're going right into Nancy Pelosi's doorstep."

Later, Thomas says: "Knocking on Nancy Pelosi's Door! Millions of us broke in, err, made our way into the Capitol rightfully. Umm and we are angry . . . Four million people are going to knock on this door." (*See Figure 8*)

Figure 9

Thomas and Legros get separated during the group's ascent up stairs into the Rotunda. But Thomas makes his way into the suite of offices designated for the Speaker of the House and continues his narration while sitting at a conference table within the suite.

"Sup ya'll. So we are sitting in the Speaker of the House's Office because umm the United States of America thinks we were playing. When we came up with four million at the doorstep, and came into Nancy Pelosi's [cut] and we said 'Fuck This we ain't' [cut] . . . Do not let them take our country. Mike Pence failed us today. Ya'll better take your country back. Take your freedom back for the sake of your families and your children!" (*See Figure 9*)

Thomas and Legros are then reunited back in the Rotunda and both move to a group of rioters outside of the Old Senate Chamber. There, another line of officers has formed. Thomas joins others in chants of "Our House!" before donning goggles to join others in a push against officers. Legros moves to the back of the

group and exits toward the Rotunda. During chants of, "U.S.A.! U.S.A.!" the group—with Thomas—pushes the line of officers down the hall toward the current Senate Chamber.

The officers deploy spray to disperse the crowd and ultimately retake the hall. Following this push, Thomas is captured on an officer's body-worn camera yelling at officers: "Ya'll are all going to pay for that. You'll see. Love ya. Hope you have a good day!" (*See Figure 10*)

Figure 10

Thomas can be observed following this interaction to be struggling with irritants on his skin and is led out of the Capitol by another individual. He is led from the Rotunda door lobby, down stairs, back through the Crypt, before leaving through the Senate Wing door at 3:15 p.m.

Legros, during this time, can be observed on surveillance—presumably waiting for Thomas—in the Rotunda Door lobby until she is eventually led out of the building at 3:33 p.m. (*See Figure 11*).

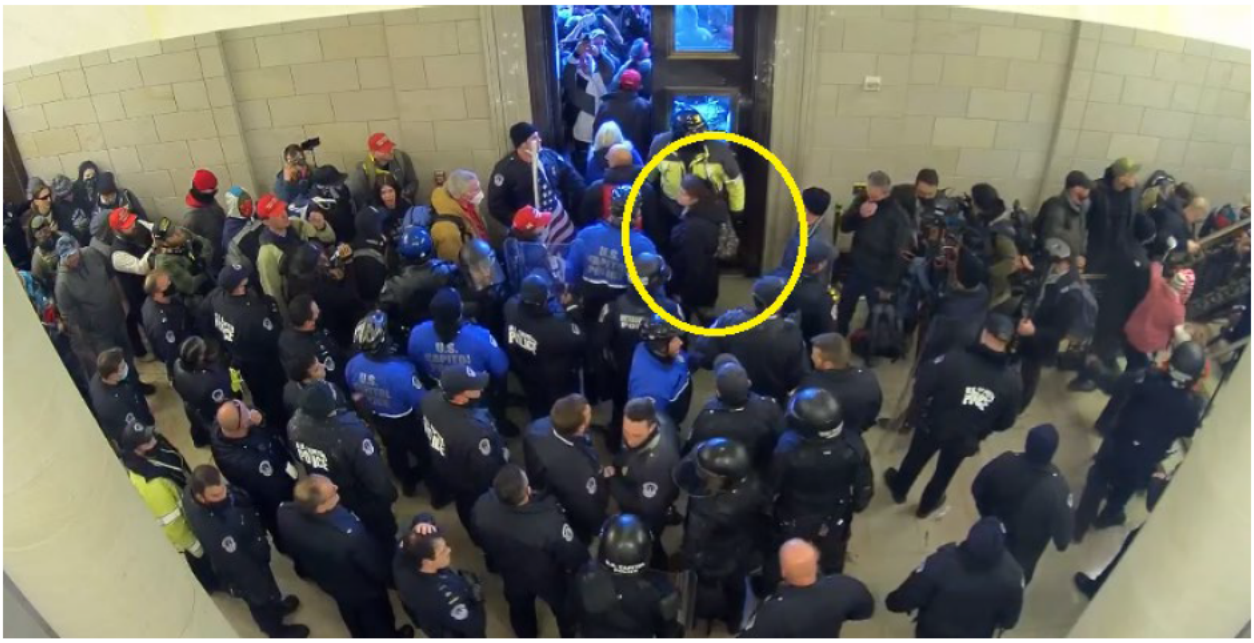

Figure 11

Christina Legros's Vehicle

A family-member of Legros informed agents that Legros owned a 2017 grey Chevrolet Equinox. Thomas's phone contains a video depicting a confrontation he had with police officers in Maumee, Ohio on December 28, 2020. On the same day, officers of the Maumee Police Department ran a vehicle check on a Michigan registration plate, EJH7310, following two individuals refusing to leave a hotel. On January 5, 2021, a Michigan registration plate bearing EJH7310 was observed in Washington D.C. near 14th and C Street SW at approximately 9:40 p.m. On January 16, 2021, a 2017 Grey Chevrolet Equinox was observed parked inside an emergency zone at 9th and Independence SW, and moved to the 600 block of E Street SW. This vehicle with

[redacted]

[redacted]

Based on the foregoing, your affiant submits that there is probable cause to believe that ISAAC THOMAS and CHRISTINA LEGROS 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; and probable cause to believe that ISAAC THOMAS, (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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. Further, there's probable cause to believe ISAAC THOMAS violated each provision during or in relation to using and carrying a deadly or dangerous weapon, thrice in violation of 18 U.S.C. § 1752(b)(1)(A).

Your affiant submits there is also probable cause to believe that ISAAC THOMAS and CHRISTINA LEGROS violated 40 U.S.C. § 5104(e)(2)(D) and (G), and that ISAAC THOMAS violated 40 U.S.C. § 5104(F); 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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

In addition, your affiant submits there is probable cause to believe that ISAAC THOMAS twice violated 18 U.S.C. § 111(a) and (b), which makes it unlawful to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties and who, in the commission of any acts described, uses a deadly or dangerous weapon or inflicts bodily injury. For purposes of section 111 of Title 18, United States Capitol Police Officers constitute persons designated in section 1114 of Title 18.

Further, your affiant submits there is probable cause to believe that ISAAC THOMAS violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Finally, your affiant submits there is probable cause to believe that ISAAC THOMAS violated 18 U.S.C. 231(a)(3), which makes it unlawful 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. For purposes of Section 231 of Title 18, a 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. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Special Agent Owen Nearhoof
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 24th day of January 2023.

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17:46:00 -05'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE