

3pm??

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Justin McAllister)

DOB: [REDACTED])

Defendant(s)

1:24mj 060

Case: 1:23-mj-00069

Assigned to: Judge Meriweather, Robin M.

Assign Date: 3/31/2023

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

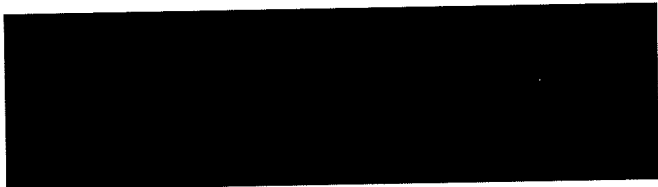
Offense Description

- 18 U.S.C. § 1752(a)(1) - Entering 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 the Capitol Grounds or Buildings,
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building,
18 U.S.C. § 111(a)(1) - Assault on a Federal Officer,
18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 03/31/2023

Judge's signature

2023.03.31

11:49:36 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the Atlanta Division. 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 violations of Federal criminal laws. Currently, I am assisting in the investigation of criminal activity in and around the United States Capitol on January 6, 2021.

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 assault against federal officers and scores of individuals inside the U.S. Capitol building without authority to be there.

Among the images of individuals who assaulted federal officers and who entered the United States Capitol without authority was an individual with a dark-colored beard wearing a black and white baseball cap with a red brim and white lettering that read “Trump Train.” As seen in the Image 1 below, the individual was dressed in a dark-colored, long-sleeved shirt displaying the American Flag with wording that read, “I stand for the Flag.” He was also wearing a backpack with black and red straps. As described below, that person has been identified as JUSTIN MCALLISTER, of Douglasville, Georgia.

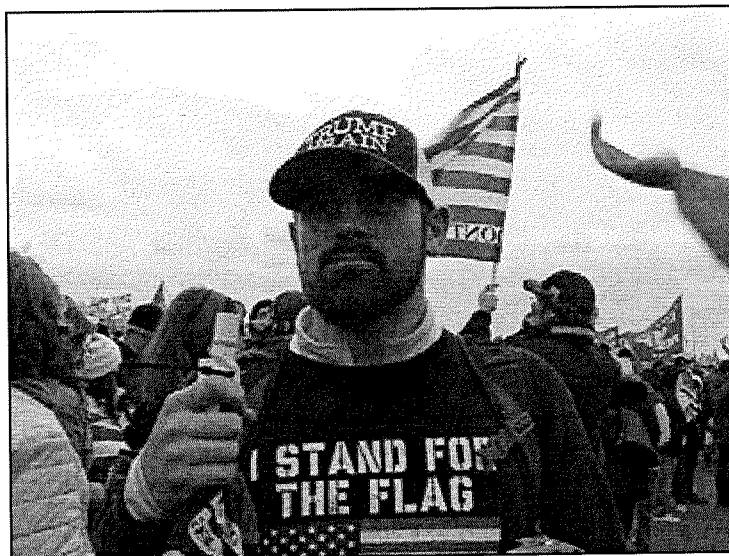


Image 1

MCALLISTER's Assault on Law Enforcement

Your affiant has reviewed open-source video posted to YouTube that shows MCALLISTER among the crowd of rioters who had gathered near a police line on the West Front of Capitol grounds as law enforcement attempted to prevent rioters from advancing towards the building. Wearing the black and white baseball cap with red brim, MCALLISTER approached the police line holding a flagpole with a dark colored flag which read "Jesus is My Savior" and "Trump is My President." In addition, MCALLISTER can be seen holding a second white flagpole as seen in Image 2.



Image 2

The red straps of MCALLISTER's backpack are visible as he wields the two white poles behind his head, as seen in Image 3.



Image 3

MCALLISTER then repeatedly uses both poles to strike at officers from the Metropolitan Police Department (MPD), and he makes contact with the helmet of an MPD officer holding the line, as seen in Image 4.



Image 4

MCALLISTER's Unlawful Entry in the U.S. Capitol

Your affiant has also reviewed CCTV footage taken on January 6, 2021, from inside the Capitol building including footage showing the breach of the Senate Parliamentarian Door, which is also known as the Senate Fire door. CCTV footage from inside the building shows MCALLISTER entering the Capitol through the Senate Parliamentarian Door at approximately 2:53 p.m. as seen in Images 5 and 6.



Image 5



Image 6

Surveillance footage and open-source video further shows MCALLISTER interacting with law enforcement while inside of the Capitol, Images 7, 8 and 9.



Image 7



Image 8



Image 9

Surveillance footage shows that MCALLISTER left the Capitol Building by exiting out the North Door at approximately 3:02 PM, as seen in Image 10.



Image 10

In total, MCALLISTER was inside the Capitol for approximately nine minutes.

Identification of MCALLISTER

In July 2021, the FBI created a profile for an unidentified bearded male with a “Trump Train” baseball cap in its “Be On The Lookout” (BOLO) Assault on Federal Officer (AFO) list for the ongoing U.S. Capitol Riot investigations. The unidentified male was assigned BOLO AFO #429. The FBI posted the image of AFO #429 to its website, www.FBI.GOV, and to social media, to garner public assistance in identifying AFO #429, as seen in Image 11.

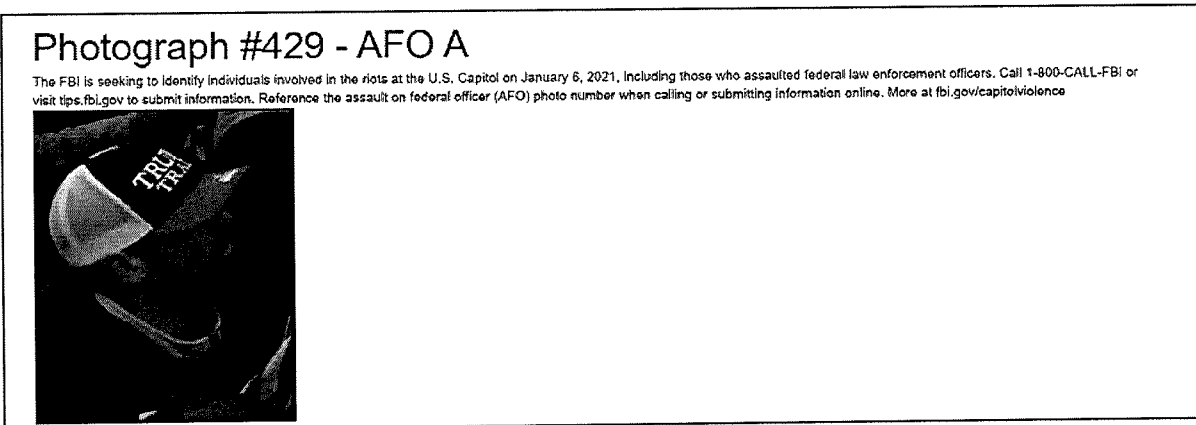


Image 11

In early August 2021, the FBI received information from a Confidential Human Source (CHS) that BOLO AFO #429 was Justin McCallister from Douglasville, Georgia. This CHS was an established source who led a team of open-source researchers who collaborated after January 6, 2021, to identify Capitol rioters. This CHS group was motivated by a desire to assist law enforcement regarding the events of January 6, 2021. The CHS did not have personal knowledge of the subjects of reporting, but rather derived the information through open-source research. The CHS provided photos to the FBI from MCALLISTER’s Facebook account.

The FBI subsequently confirmed that the photos were still available on MCALLISTER’s Facebook page. The photos corroborated MCALLISTER’s presence in Washington, D.C. on January 6, 2021. For example, the following photograph, Image 12, was posted to MCALLISTER’s Facebook page on January 7, 2021, the day after the Capitol riot.



Image 12

In response to a photo that MCALLISTER had posted from January 6, someone publicly commented “You went?!” to which MCALLISTER replied, “Yes, I’ll try to post more pics and videos.” A screenshot of the conversation is seen in Image 13.

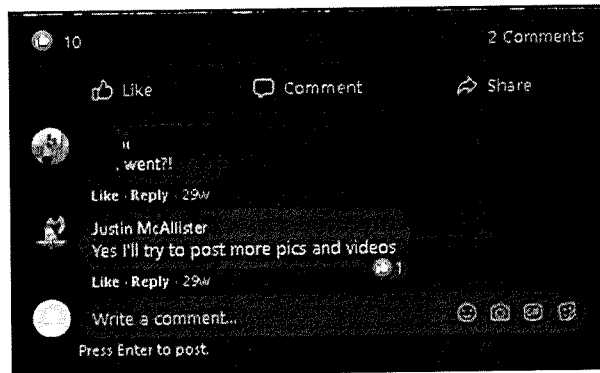


Image 13

Also included on MCALLISTER’s Facebook page was the following picture, posted on July 5, 2021, of an individual with a dark-colored beard shooting a rifle while wearing a black and white “Trump Train” baseball cap with red brim that appears to be the same style hat as the one worn by MCALLISTER on January 6, 2021, Image 14.



Image 14

MCALLISTER's profile page on Facebook stated that he was from Douglasville, Georgia, Image 15.

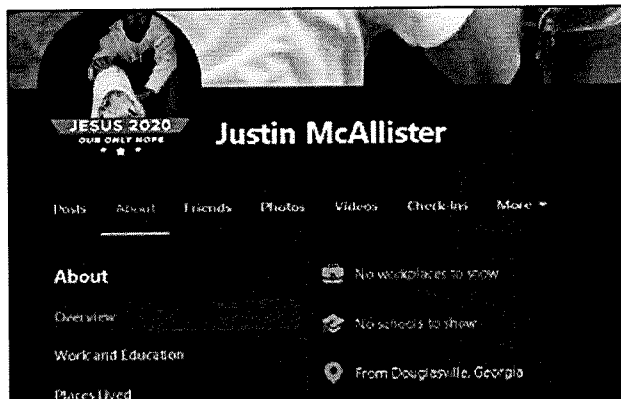


Image 15

Law enforcement subsequently located a Georgia driver's license record for MCALLISTER and obtained a driver's license photo. Open source and law enforcement database checks further revealed pertinent biographical data, such as MCALLISTER's date of birth and his home address in Douglasville, Georgia.

On December 30, 2021, law enforcement served Facebook, Inc with a search warrant requesting records for MCALLISTER's Facebook Account. In a private Facebook message exchange from January 8, 2021, an individual messaged MCALLISTER and wrote: "I believe a lot of people want things to get better but don't want to fight for it...Next time something like this happens, which will probably be soon, I'm coming up there and going with you." In response to this message—which your affiant interprets as a reference to the events of January 6—MCALLISTER wrote: "I pray and hope we don't have to rise up together and go further but its in our DNA like blood brothers. Shoot me a text if ya want so we got eachothers [REDACTED]." Data obtained from cell phone towers located near the United States Capitol, confirmed that telephone number [REDACTED] was located in the vicinity of the U.S. Capitol on January 6, 2021.

During the course of the investigation, law enforcement also reviewed an open-source video of an interview of MCALLISTER that was conducted on January 6, 2021. During the interview, MCALLISTER told the interviewer that his name was Justin McAllister and that he was from west of Atlanta, GA. Your affiant is aware that Douglasville, GA is about twenty miles west of Atlanta. Moreover, to further corroborate MCALLISTER's identity, law enforcement showed photographs of MCALLISTER, taken on January 6, 2021, to a former employer who identified MCALLISTER in the photographs.

Based on the foregoing, your affiant submits that there is probable cause to believe that MCALLISTER 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 MCALLISTER 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.

Your affiant submits there is also probable cause to believe MCALLISTER violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate or interfere with any person designated in 18 U.S.C. § 1114 or who formerly served as a person designated in § 1114, while engaged in or on account of the performance of his/her official duties.

Your affiant submits there is also probable cause to believe MCALLISTER violated 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. 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.

Respectfully Submitted,



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 31st day of March 2023.

Rob M. Meriweather


2023.03.31
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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE