

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Joseph Cattani
DOB: 05/05/1983

Defendant(s)

Case: 1:23-mj-243
Assigned To: Magistrate Judge Zia M. Faruqui
Date: 9/6/2023
Description: Complaint with 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:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 111(a)(1) - Assaulting, Resisting, or Impeding Certain Officers,	
18 U.S.C. § 231(a)(3) - Civil Disorder,	
18 U.S.C. § 1752(a)(1) and (a)(2) - Entering and Remaining 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, and Demonstrating in a Capitol Building.	

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Jeffrey A. Baker, 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: 09/06/2023



Zia M. Faruqui
2023.09.06 13:29:14
-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, Jeffrey A. Baker, is a Special Agent assigned to the Federal Bureau of Investigation (FBI). In my duties as a Special Agent, I am currently assigned to the Milwaukee Division's Joint Terrorism Task Force, where I investigate violations of federal law. I have investigated and assisted in the investigation of matters involving violations of federal law related to domestic terrorism, narcotics trafficking offenses, and firearms-related offenses including the preparation and service of criminal complaints and search and arrest warrants. During my career, my investigations have included the use of various surveillance techniques and the execution of various search, seizure, and arrest warrants. 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 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.

Several videos from various sources taken on January 6, 2021, at the United States Capitol, depict an individual identified as JOSEPH CATTANI assaulting a U.S. Capitol Police officer and entering the Capitol without lawful authority to do so.

Video footage taken on January 6, 2021, shows CATTANI wearing a black winter jacket with a gray hooded sweatshirt underneath, a baseball hat with a white back and black front and two white stripes along the lower bottom on the front of the hat, and a light blue gator, or scarf, around his neck. CATTANI is shown holding a black camera, with what appears to be a telephoto lens used to take photographs and wearing a backpack or camera bag slung across his shoulder. Through the FBI's investigation as detailed below, CATTANI was determined to be a resident of Wisconsin.

Agents with the FBI utilized investigative resources that developed a known photograph of the subject, JOSEPH CATTANI, which resulted in trained personnel determining a likely match with CATTANI's Wisconsin driver's license photograph. After comparing CATTANI's image to the image of the individual compared in the riot footage, agents conducted additional investigative steps to corroborate CATTANI's identity and involvement in the Capitol riot.

According to records obtained through a search warrant which was served on Google, on January 6, 2021, in and around the time of the riot, email address magic.shaman5577@gmail.com 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. Records provided by Google revealed the subscriber for the email address magic.shaman5577@gmail.com was JOSEPH CATTANI. Google records also provided records associating phone number XXX-XXX-6150 with JOSEPH CATTANI. The records further revealed that CATTANI'S phone was located within a geographic area that includes the interior of the United States Capitol building on January 6, 2021, at approximately 2:09 p.m. and last located within the area at approximately 4:51 p.m.

On November 1, 2021, CATTANI voluntarily agreed to be interviewed by law enforcement officers at a restaurant in Menomonee Falls, Wisconsin. Law enforcement officers contacted him to arrange the interview using phone number XXX-XXX-6150. Law enforcement officers conducting the interview identified CATTANI as the individual depicted in still images taken on January 6, 2021 at the United States Capitol. During the interview, CATTANI admitted that he entered the United States Capitol Building on January 6, 2021 and identified himself as the individual depicted in still images.

During the interview, CATTANI described how the crowd became more "hyped up" after President Trump stated that he would walk to the Capitol with everyone. CATTANI then joined

the crowd moving towards the Capitol Building. CATTANI said that there was tear gas in the air and that he observed a snow fence approximately 200 to 300 feet from the Capitol Building and a line of law enforcement officers making a barrier against the crowd. CATTANI said he walked up the stairs of the Capitol Building. He said he observed two police officers standing in front of the doors and, according to CATTANI, someone from inside the Capitol Building opened the doors. According to CATTANI, the group of people outside the doors moved inside and he was pushed inside the Capitol Building. CATTANI claimed that once inside, he approached someone who appeared to work in the Capitol Building to find out how to get out. CATTANI said the individual escorted him to a foyer and CATTANI crawled through a broken window to exit.

As part of this investigation, your affiant and other FBI agents have reviewed video footage and screenshots of events in and around the U.S. Capitol on January 6, 2021 from third-party sources and from U.S. Capitol Police CCTV.

I reviewed open-source video depicting U.S. Capitol Police Officer B.A. in front of the Rotunda Doors to the U.S. Capitol. CATTANI can be seen in the video smiling and high fiving another individual. The video shows CATTANI reaching over people in front of him in the crowd, moving his camera from his right hand to his left hand, and with his right hand grabbing the face shield of U.S. Capitol Police Officer B.A. The video shows CATTANI pull the face shield up and down as B.A.'s head twists and turns. The video then shows CATTANI pushing his way into the Capitol Building through the Rotunda doors.

The following screenshots from the video show CATTANI: outside the Rotunda Doors (Image 1); grabbing Officer B.A.'s face shield (Image 2); and after he pulled on B.A.'s face shield (Image 3).

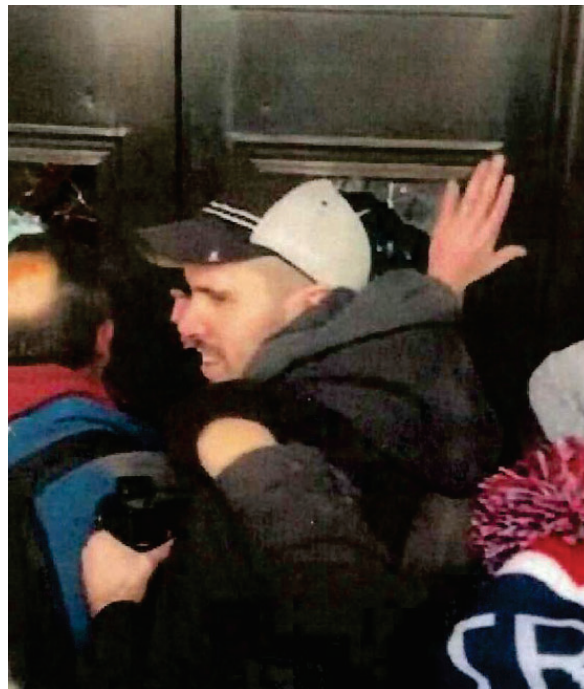


Image 1



Image 2



Image 3

Below as Image 4 is a screenshot from CCTV footage inside the Capitol Building showing CATTANI's hand on B.A.'s face shield. CATTANI is circled in yellow in the image.



Image 4

As described below, the footage and screenshots also show JOSEPH CATTANI entering the Capitol building. JOSEPH CATTANI can be seen in multiple screenshots below (Images 5-12, with yellow markings/circles indicating the presence of CATTANI).

In total, closed circuit surveillance video depicts CATTANI inside the Capitol for approximately 18 minutes. Video depicts CATTANI entering the Capitol through the Rotunda Doors at approximately 2:38 p.m., as shown below in Image 5.

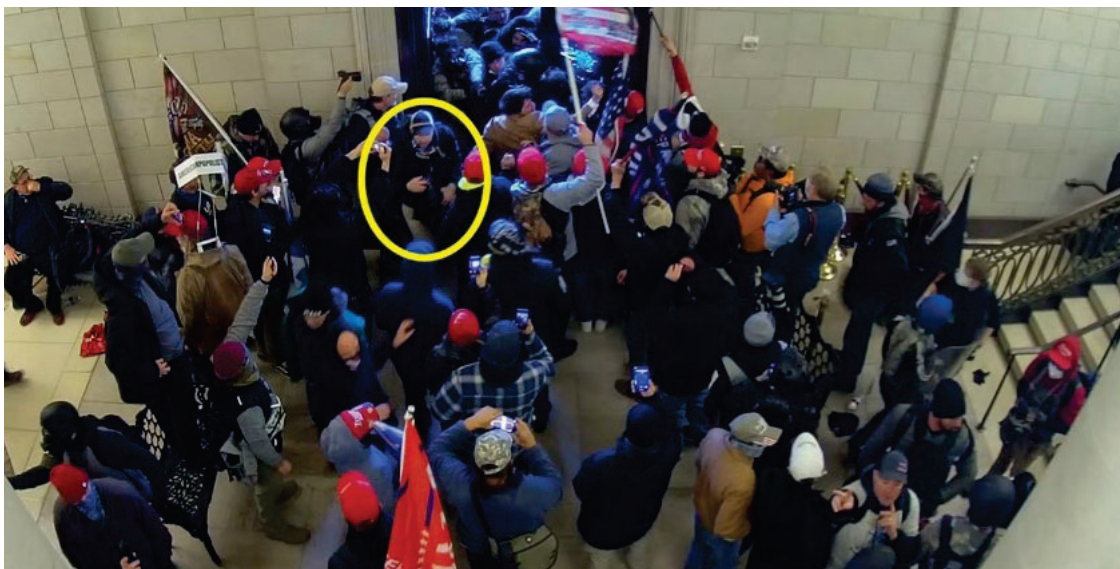


Image 5

Video then shows CATTANI traveled up the Gallery Stairs and to the area outside the Senate Gallery, as shown in Images 6, 7 and 8.



Image 6

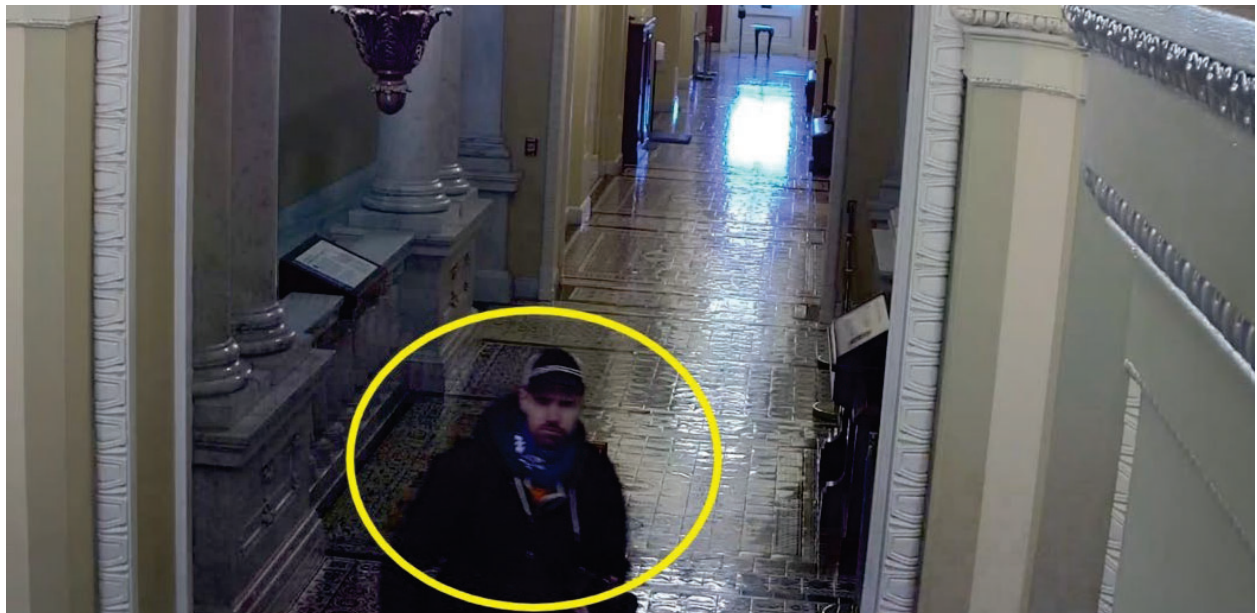


Image 7



Image 8

CATTANI traveled to other areas of the Capitol Building as well, including the area outside the Office of the Majority Whip, as shown in Image 9, and the area outside the Senate chamber, as shown in Image 10.



Image 9



Image 10

Finally, CATTANI walked through the hallway by the Senate Wing Door, as shown in Image 11.



Image 11

At approximately 2:56 p.m., CATTANI is observed exiting the Capitol Building through a window to the left of the Senate Wing Door, as shown in Image 12.

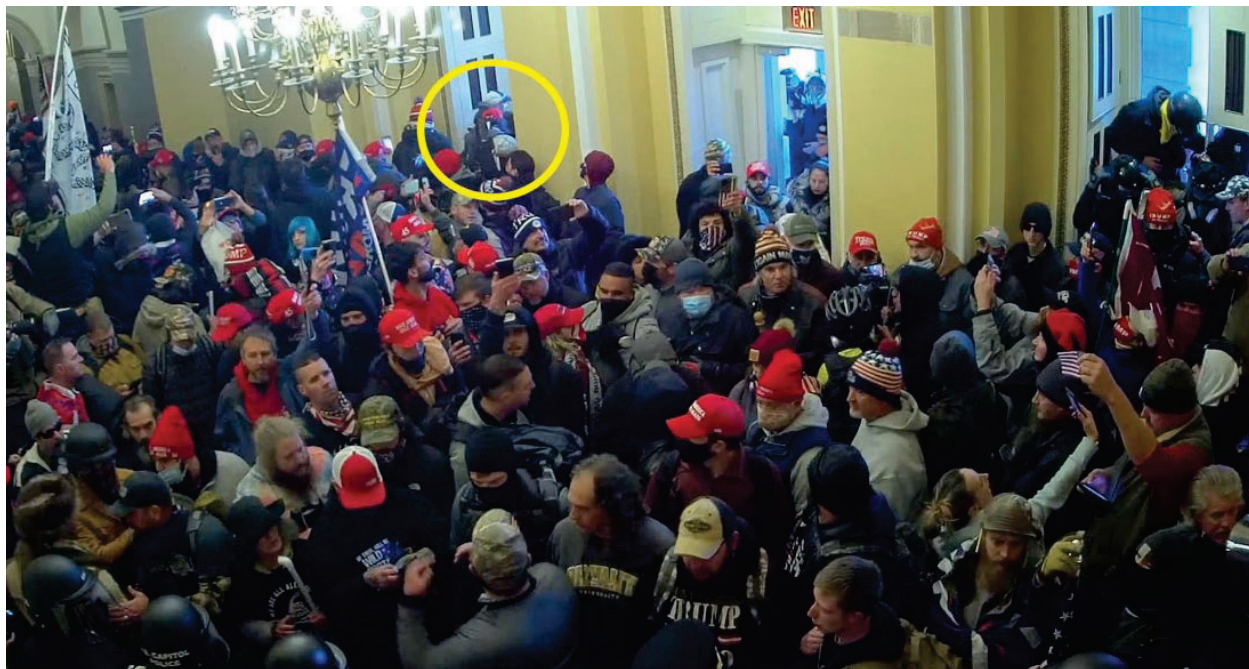


Image 12

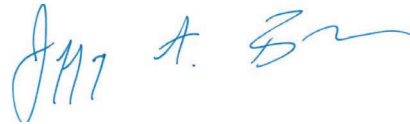
Based on the foregoing, your affiant submits there is probable cause to believe JOSEPH CATTANI violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault or interfere with any person designated in Section 1114 of Title 18 while such person is engaged in or on account of the performance of official duties and when the forcible assault or interference involved physical contact or the intent to commit another felony. Persons designated within Section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is also probable cause to believe that JOSEPH CATTANI 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 Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is also probable cause to believe that JOSEPH CATTANI 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 so; 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.

Finally, your affiant submits there is probable cause to believe that JOSEPH CATTANI 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.



Jeffrey A. Baker, 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 6th day of September 2023.



Zia M. Faruqi
2023.09.06
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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE