

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
MARK ANDREW MAZZA

Case: 1:21-mj-00655
Assigned To : Faruqui, Zia M.
Assign. Date : 11/12/2021
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.

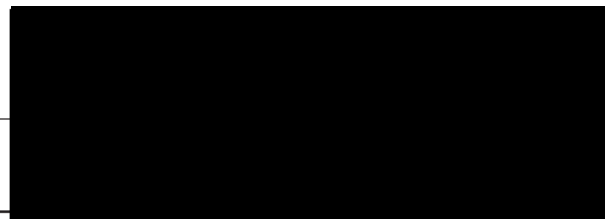
On or about the date(s) of January 6, 2021 in the county of in the
District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 18 U.S.C. § 1512(e)(2), 18 U.S.C. § 1752(a)(1), (2) (4) and § 1752(b) (1)(A), 18 U.S.C. § 231(a)(3), 40 U.S.C. § 5104(e)(1)(A)(i), (2)(D) and (F), and 22 D.C. Code § 4504, and 7 D.C. Code §§ 2502.01, and 2506.01.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

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 (specify reliable electronic means).

Date: 11/12/2021

Judge's signature

City and state: Washington, DC

U.S. Magistrate Judge Zia Faruqui

Printed name and title

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STATEMENT OF FACTS

1. Your affiant, [REDACTED] is a Special Agent with the United States Capitol Police. I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am currently assigned to the Criminal Investigations Section and authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violation of Federal criminal laws.

2. 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 closed to members of the public.

3. 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.

4. 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.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

6. 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.

7. 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, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

8. 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.

9. As part of the investigation into the attack on the United States Capitol, the FBI and U.S. Capitol Police located video and still images of multiple individuals that were associated with attacks on federal officers. These individuals in these images were designated as Assault on Federal Officer, or AFO, cases. Each individual AFO subject was identified by a specific number and at least one image.

10. On January 7, 2021, the Criminal Investigations Section of the U.S. Capitol Police was notified by a U.S. Capitol Police Sergeant (CW-1), that while supervising and being a member of the U.S. Capitol Police Civil Disturbance Unit (CDU) on January 6, 2021, CW-1 had been assaulted by an unidentified protester (S-1). CW-1 indicated he was on the West Front Terrace area at approximately 2:30 PM, when persons broke through the police line at the area near the steps of the U.S. Capitol building. CW-1 further stated that S-1, with others, attempted to physically overtake CW-1 and other members of the CDU who were attempting to stop them. CW-1 stated that S-1 grabbed him with both hands and pushed CW-1 backwards. CW-1 defended himself and struck S-1 with his baton, who then fell face down upon a wooden platform and when doing so, an object fell from the S-1's waistband area of his pants, landing at the feet of CW-1. CW-1 indicated the object was clearly a firearm, that being a pistol, and CW-1 picked up the weapon to remove the threat from other persons who were still assaulting law enforcement officers. Shortly thereafter, CW-1 inspected the firearm, located a serial number, and identified it as a loaded Taurus revolver branded as "The Judge" (hereinafter "Taurus Revolver"), which contained five (05) rounds of live ammunition. The ammunition consisted of three (3) .410 gauge shotgun shells and two (2) .45 caliber hollow point rounds. Your affiant is aware that the Taurus Revolver is one of a few handguns that can fire both shotgun shells and regular bullets through the barrel. When shotguns shells are fired through such a pistol, the effect is similar to the discharge of a short barreled or sawed-off shotgun. Your affiant is also aware that hollow point rounds expand on impact and can be more lethal than regular bullets. The fact that the weapon also contained shotguns shells indicates an intent to be able to use the weapon against multiple targets at the same time.

11. CW-1 indicated that after it recovered the Taurus Revolver, S-1 fled the area with assistance of others in the large crowd who blocked W-1 and other law enforcement officers.

preventing the Subject person from being apprehended. CW-1 then had the Taurus Revolver processed and placed into evidence by the U.S. Capitol Police Crime Scene Unit. The Taurus Revolver was fingerprinted and swabbed for DNA.

12. On January 11, 2021, your affiant initiated a criminal investigation and performed an ATF-E-Trace of the Taurus Revolver's serial number. On January 11, 2021, the serial number of the Taurus Revolver was checked against the records of the Gun Registration Unit within the District of Columbia, Metropolitan Police Department. This check revealed that no certificate of firearms registration, a prerequisite for firearms possession in the District of Columbia, existed for that firearm. A check of the National Crime Information Center (NCIC) law enforcement data base revealed that the firearm was not reported to be stolen from any jurisdiction at that time.

13. On January 28, 2021, I was contacted by the Alcohol Tobacco & Firearms (ATF) and was advised that the Taurus Revolver had been reported stolen by Mark Andrew Mazza (hereinafter MAZZA) on January 8, 2021, to the Shelbyville Police Department in the state of Indiana. An additional search of the ATF E-Trace on that same date revealed that the firearm's original purchaser was listed as MAZZA, with a specific address located in Franklin, Indiana.

14. According to the Shelbyville Police Department, on or about January 8, 2021, MAZZA called the department from phone number 317-727-7593, and claimed that his Judge Revolver had been stolen. According to MAZZA's statement to the Shelbyville Police Department, MAZZA claimed to have left his Judge Revolver in his rental car when he arrived at the Hard Rock Casino in Cincinnati, Ohio, on January 5, 2021, at approximately 10:30 am. MAZZA stated that he then went into the casino, and when he returned to the car on January 6, 2021, at 12:00 am, the Judge Revolver was missing.

15. MAZZA further stated to the Shelbyville Police Department that he drove home from Ohio to Shelbyville, IN, on January 6, 2021, because he did not want to report the missing firearm to the casino police, and after arriving home, he went to bed because he was tired. MAZZA also stated that he did not have the firearms serial number at the time but he would update the Shelbyville Police Department once he had it. On or about January 18, 2021, MAZZA provided the firearms serial number to the Shelbyville Police Department, and it was entered on the same day into the NCIC database as having been reported stolen on January 6, 2021. The serial number matched the serial number of the Taurus Revolver recovered at the U.S. Capitol on January 6, 2021.

16. Further criminal investigation confirmed MAZZA's cell phone was an Apple iPhone with cellular provider AT&T, with the same mobile phone number that MAZZA used to report the theft of the Taurus Revolver. MAZZA's subscriber records further confirmed the same address as MAZZA's Residence. Based on driver's license information, and the most recent DMV picture of MAZZA from 2017, MAZZA is a white male, 56 years old, with short brown hair, and brown/white goatee. MAZZA was further identified as having a residence in Shelbyville, IN ("MAZZA's Residence").

17. A photo array containing nine (9) photos, one being the above described DMV photo of MAZZA, was presented to CW-1 on January 28, 2021 in an effort to identify S-1. Upon

presentation of the array CW-1 was told the pictures of the individuals may appear different than they may be in real life, and may include different facial hair or color hair. The driver's license photograph shows MAZZA as a white male, approximately 56 years old, with a goatee, brown/white facial hair, and was taken approximately in 2017. The image of MAZZA used in the array is as follows:



CW-1 did not identify MAZZA from the nine (9) photos, but looked closely at one photo (S-2), not MAZZA, who is a white male, approximately 37 years old, and had a full beard, red / brown in color. S-2's picture in the array was:



CW-1 indicated that other person “looks very close to what I can recall,” and “I want to say this guy because he was wearing a hat. I will stick to this guy.” CW-1 was asked if he was positive, and he stated that he was not. CW-1 further stated “It’s real fricking hard, he had this look.”

18. In February 2021, a search warrant for the phone number that MAZZA used to call in the stolen Taurus Revolver (which was directed to his provider AT&T) was obtained. These results confirmed that the phone that MAZZA owned and utilized was an Apple 7 iPhone with an International Mobile Equipment Identity (IMEI) that starts with 355342088528. A review of the cell towers used by that phone on January 6, 2021 further confirmed that MAZZA was utilizing cell towers providing service in the area around the United States Capitol at the time of attack on the U.S. Capitol. The records do indicate that MAZZA’s phone was present in Ohio on January 5, 2021, and other states that indicate that MAZZA traveled to Washington, D.C. on January 6, 2021, and returned back to Indiana shortly thereafter. These records confirm that MAZZA was in Washington, D.C. on January 6, 2021, which is contrary to his statement to the Shelbyville Police Department

19. Further online investigation led to the discovery of a Twitter account with the user name “@MarkNunzios64” and the display name “Mark MAZZA” at <https://twitter.com/marknunzios64>. Also discovered was a Facebook account at <https://www.facebook.com/markmazza1964>. Subpoenas to Twitter and Facebook confirmed the accounts belonged to MAZZA, as it contained the known phone number and email address for MAZZA.

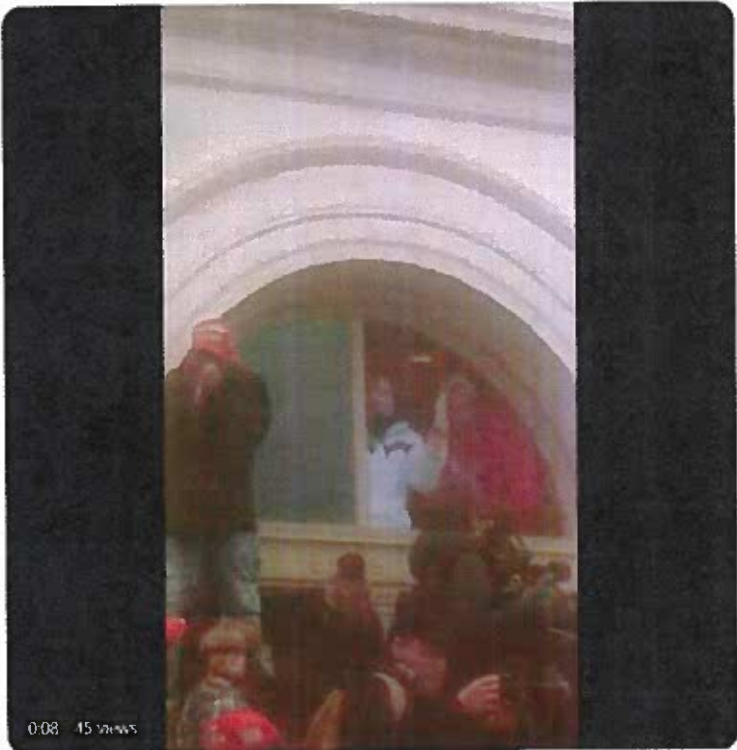
20. During a review of materials on the public feed of MAZZA’s Twitter account, your affiant observed a video that your affiant is aware was taken during the riot on January 6, 2021, from the area of the upper west Terrace of the U.S. Capitol Building, and area restricted to authorized persons only on January 6, 2021. The video depicted protesters entering the U.S. Capitol Building through a broken window on the west side Terrace of the U.S. Capitol. Screen shots of that video are as follows:



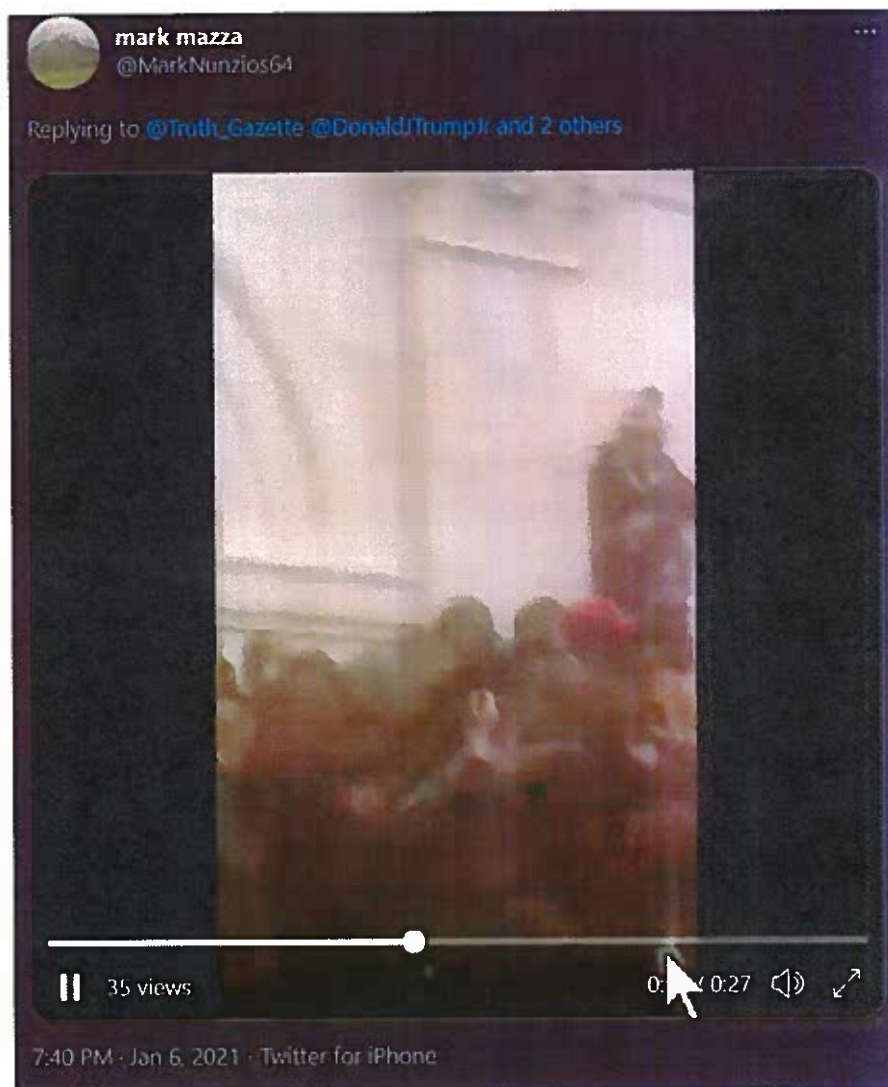
mark mazza
@MarkNunzios64

...

Replying to [Truth_Gazette](#) [Donald/Trumpjr](#) and 2 others



7:40 PM · Jan 6, 2021 · Twitter for iPhone



21. A search warrant of the Twitter account further confirmed that MAZZA uploaded the above video to his own Twitter account. The video was shared using “Twitter for iPhone” application that I know to be used on the Apple iPhone. Cell tower records placing MAZZA’s phone near the U.S. Capitol on January 6, 2021, are consistent with MAZZA filming the events at that time and location, and posting those videos to Twitter, using his Apple iPhone. Also found on the Twitter account were a number of self-portraits, commonly known as “selfies”, that appear to have been taken by MAZZA on January 6, 2021. One of the images is as follows:



22. On or about March 25, 2021, your affiant and a Supervisory Special Agent from the U.S. Capitol Police (SSA) traveled to Shelbyville, IN, to attempt to interview MAZZA. in a non-custodial interview, at his home. Your affiant also obtained a search warrant to obtain and search MAZZA's cellular phone from MAZZA and/or his residence prior to approaching MAZZA. On March 29, 2021, your affiant and the SSA went to MAZZA's Residence. and as we approached the home, we encountered MAZZA outside. As I and the SSA approached MAZZA, we identified ourselves as United States Capitol Police investigators and MAZZA replied, "Capitol Police... I was there... so were a million other people." Your affiant informed MAZZA about the search warrant for his property and asked to speak to him as the search warrant was being executed. MAZZA agreed to do so, as long as the interview took place on the front porch of his residence. MAZZA was not taken in custody, handcuffed, or otherwise physically restrained during the interview.

23. MAZZA was advised during the interview that he did not have to speak with myself or the SSA, and that the interview was completely voluntary. He was further warned not to make any false statements or "lie". The interview commenced at 4:28 P.M., and was audio recorded with a handheld recorder. MAZZA was asked to describe how his firearm was stolen and he replied "uhhh... do you want the official version?" and "I had it on me and I had stopped the crowd ok, they were trying to get in. I don't even know what entrance that is... you got the main

entrance... the other side." MAZZA further stated "that's where we all went... we were all there up on top everywhere." MAZZA was asked to clarify what he meant by "where" and replied "the Capitol."

24. During the interview MAZZA indicated he participated in the "Stop the Steal" Rally, and he went on to describe that when he got to the U.S. Capitol building, that there was a window broken out on the side of the entrance, a line of people trying to force their way in the entrance, and other people trying to break another window. MAZZA stated "we kept trying to pull them back down... we didn't want any of that."

25. MAZZA further stated that he got to the "hallway", which was where everyone was getting pepper sprayed. MAZZA stated "I go in the hallway because this is bullshit, what are we trying to do?" and "me and my buddy said what are they doing here... we knew it was Antifa because we are law abiding citizens, we don't do that... we don't loot." MAZZA went on to state that he "got up there", that there were two (2) glass doors open and eight (8) cops with protestors. MAZZA claimed to have stopped both sides and announced to the crowd, "what the hell are we doing? You're not gonna let us in and they said no." and "And you guys... what do you want? We're not gonna hurt anybody, were not here for that." MAZZA then claimed that he "had this door in my hand, I looked at the cop, I was getting ready to shut the door because there was another guy holding this one with his foot." MAZZA stated that he looked up and saw a cop who raised his bear spay prompting MAZZA to say "I'm out!" MAZZA claimed to jump behind the door as everyone else got sprayed. MAZZA stated that he was "caught... smashed into the door, I'm assuming it was a shoulder holster... the snap... I felt it come undone and I couldn't get me hands down." And "By the time I was forced out of the tunnel, it was gone." MAZZA asked "what am I gonna do? I couldn't get back in there... the police had pushed their way out, and I thought well then they just picked it up." MAZZA added "I was hoping... someone saw it and said we gotta get that now." MAZZA was asked what type of firearm he brought and he replied "Taurus Judge, it was a cammo with 45 long and 410 slugs."

26. MAZZA stated that he reported the gun stolen because in case something happened and if Antifa found it, someone might get killed and my name is all over it. MAZZA further stated "I did falsify a report" and "It's missing, not stolen." MAZZA was asked "When you were at D.C., did you at any time assault any police officers?" MAZZA replied "No." and "In fact... I helped two of them." MAZZA described helping a white officer with a beard and a black officer, both who had been drug out, being passed along. MAZZA claimed to have grabbed both of them and assisted in getting them out of there. MAZZA was asked again, after being warned of multiple cameras, "Did you at any point grab, push, shove, pull down a police officer?" MAZZA replied that he grabbed three people, two cops, to get them out of there. MAZZA stated "No, I did not injure anyone... didn't swing, didn't do nothing. I can barely make a fist because of my arthritis." And "I never injured any police officer or anyone... period." MAZZA was asked if had looked up the firearms laws prior to traveling to D.C. and he replied "No."

27. MAZZA was asked "Is there anything you told us that you want to change or add to?" MAZZA replied "It was cold as hell that day, that whole three days... never did get to talk to Nancy... I thought Nan and I would hit it off." And "I was glad I didn't because you'd be here

for another reason and I told my kids that if they show up, I'm surrendering, nope they can have me, because I may go down as a hero." MAZZA then added "I'm nonviolent, I'm a patriot and it pisses me off to see where we're at." MAZZA further stated that, "If you do have to come back and take me, put me in a fed... I just want three squares and a nice clean room. someone takes care of my health care and I'm good."

28. A review of available video footage, from law enforcement and social media, was conducted to identify MAZZA and verify his claims. Your affiant has reviewed the video and identified MAZZA in U.S. Capitol Police security camera moving through the crowd and entering the tunnel to the Lower West Terrace doors at approximately 3:08:29 p.m. During his initial appearance in the video, MAZZA is wearing a brown jacket, a blue and red "Trump" hat, and white and dark colored scarf over his face. This clothing in the video further matches the selfie photograph of MAZZA from January 6, 2021, found on his social media account. As MAZZA moves through the tunnel area, his scarf drops, and his face is visible at numerous parts of the video. I am able to identify MAZZA based upon my own personal familiarity with MAZZA. SSA further reviewed the video and identified MAZZA based on his familiarity with MAZZA. The area covered by the video footage is also consistent with the area that MAZZA stated he went to during the attack on the U.S. Capitol Riot.

29. The video footage from the Lower West Terrace Doors shows that numerous persons were assaulting officers at the front of the tunnel space, when MAZZA appears into the tunnel behind them. Images from the video footage include the following (with red circle added to show MAZZA's location):

30.





MAZZA is then observed assisting the group of protesters by pushing with others from behind, the group as a whole, towards D.C. Metropolitan Police Department Officers (“MPD Officers”) who were assisting the U.S. Capitol Police and defending the Lower West Terrace door entrance to the U.S. Capitol. The MPD Officers were wearing helmets, body armor, and distinctive police attire emblazoned with the words police and “Metropolitan Police Department.” At least 15 MPD Officers were assisting in blocking the attack inside the tunnel at the time of MAZZA’s presence inside the tunnel area, and include: Sergeant W.B., Officer M.F., Officer N.M., Officer H.F., Officer J.P., Officer D.H., and Officer B.M.

Images of MAZZA assisting the pushing against officers is in the following images:



31. The Lower West Terrace security footage shows that MAZZA continued to the front of the tunnel area with a baton in his hand, where he was physically present as he, and

others, assaulted the MPD Officers who were defending the front of the tunnel. A review of Body Worn camera (BWC) footage from multiple MPD Officers who were defending the inside of the Lower West Terrace doors at approximately 3:13:30 p.m. shows MAZZA behind one of the glass doors. MAZZA can be seen holding the glass doors open for other protesters with his right hand while clenching a black baton in his hand. As he held open the glass door, other rioters assaulted the MPD Officers who were defending the tunnel entrance and resisting the protestors. In one video from and in the MPD BWC, MAZZA is seen at this same moment while he is holding the glass door open as rioters used shields, flag poles, and batons as weapons to strike at and force their way through the MPD officers. Images from one of the public videos include:



MAZZA's hand is shown below holding open the door as other rioters pushed forward to assault multiple MPD Officers:



32. Additional BWC footage from another DC metropolitan Police Officer revealed MAZZA actively swinging the baton at police officers @ approximately 3:15:45 p.m.



33. At approximately 3:13:58 p.m., MAZZA is also observed and recorded on multiple videos as yelling at the officers, "This is our fucking house! We own this house! We want our house!" Images from one of the videos is as follows:



34. Shortly thereafter, MAZZA is seen moving from the front of the tunnel, where he had committed and witnessed violence against the MPD Officers, to the back of the tunnel area. There MAZZA showed other rioters his baton and pulled other rioters into the tunnel area to attack and push against the MPD Officers at the front of the tunnel, as many of the rioters yelled "heave-ho!" These "heave-ho" efforts - by which multiple rioters collectively used their body

mass for greater force in pushing back officers by gaining momentum through leaning back and then pushing forward while chanting “heave-ho” to coordinate their efforts - resulted in significant physical force and pressure being placed upon the MPD Officers at the front of the tunnel. While engaged in the “heave-ho” efforts, MAZZA was armed with the baton. An image from the video that shows MAZZA displaying the expandable baton for other rioters is below.



Images showing MAZZA pulling people into the tunnel area to assist it in the assault on MPD Officers shortly thereafter include the following:





Images of the video showing MAZZA pushing with the group yelling "heave-ho" while armed with a baton include the following:



35. Other images from the video showing MAZZA inside the tunnel area without a covering over his face include the following:





36. Several minutes after enduring multiple “heave-ho” pushes from the rioters MPD Officers moved forward to push the attackers from inside the tunnel area. As they did so, MPD Officers M.F. and M.M. were dragged into the crowd, assaulted and beaten. Some rioters eventually helped Officer M.F. back to the line of police officers, and Officer M.M. to escape from the specific area. Video footage from the area indicates that MAZZA had his baton extended in his hand and was near Officers M.F. and M.M. as they were being pulled into the crowd. The video footage reviewed does not show that MAZZA assaulted either officer with the baton but suggests he may have attempted to thwart other rioters from attacking the officers.

Review of Criminal Conduct

37. Based on the aforementioned information, your affiant can conclude the following:
- a. MAZZA has admitted that he brought the loaded Taurus Revolver across state lines to “Stop the Steal Rally” in the District of Columbia, and then onto restricted U.S. Capitol grounds in the District of Columbia on January 6, 2021. Even after he admitted possessing the firearm at the U.S. Capitol to your affiant.

he lied about where he lost the firearm. Contrary to MAZZA's statement that he lost the firearm from his holster in the tunnel area shortly after 3:00 PM on January 6, 2021, the Taurus Revolver was recovered by CW-1, around 2:30 PM on the West Front Terrace of the U.S. Capitol, after being assaulted by S-1. Your affiant is continuing to investigate the possibility that S-1 and MAZZA are one and the same. As noted above, the Taurus Revolver was not registered in the District of Columbia, and he did not have authority to carry it in the District of Columbia, or bring it onto the U.S. Capitol grounds.

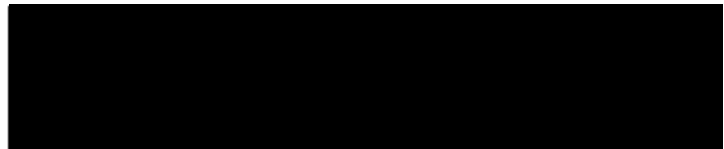
- b. MAZZA assaulted multiple MPD Officers who were assisting the U.S. Capitol Police to defend the U.S. Capitol while inside the tunnel. MAZZA did so first as a principal, while armed with a baton, by assaulting MPD Officers: striking at MPD Officers with the baton; pushing against MPD Officers with other confederates, and resisting, impeding and otherwise opposing MPD Officers inside the tunnel area. Further, MAZZA willfully aided and abetted others attackers, many of whom were armed with weapons, who assaulted, opposed, and resisted those same MPD Officers by: 1) holding open the door to the U.S. Capitol while other attackers physically hit, assaulted, threatened, pushed, and struck those MPD Officers; 2) recruiting and pulling other rioters into the tunnel area to assist in the assault on the MPD Officers; and 3) by engaging in the "heave-ho" efforts with other rioters, which resulted in further assault of the MPD Officers.
- c. MAZZA lied to Shelbyville law enforcement authorities, and the United States Bureau of Alcohol, Tobacco and Firearms ("ATF") on or about January 8, 2021 and January 15, 2021, by filing a false stolen firearm reports that claimed the firearm was stolen from his car in the state of Ohio, and which did not mention the attack at the U.S. Capitol. Your affiant believes that based on MAZZA's false statements occurred after the law enforcement investigation into the assault on the U.S. Capitol had been widely broadcast and law enforcement had indicated publicly it was looking to arrest perpetrators involved in the assault on the U.S. Capitol. MAZZA's Google account records include his YouTube viewing history, and show that on or about January 8, 2021, MAZZA's account searched "trump protest" and he viewed numerous news reports and videos about attacks on law enforcement officers during the assault on the U.S. Capitol. MAZZA's conduct also indicates he lied the U.S. Capitol Police in March 2021 about how and where he lost the Taurus Revolver at the U.S. Capitol, and also about his activities during that day, including when he denied assaulting any law enforcement officers. Your affiant is aware that MAZZA made these statements even after being advised about the instant case against him (and that a search warrant based on probable cause had been issued to search his devices). These statements are further evidence of MAZZA's intent to obstruct the grand jury investigation, and were part of a pattern of conduct committed in an effort to thwart law enforcement and corruptly obstruct the pending grand jury investigation.

Conclusion

38. Based on the foregoing, your affiant submits that there is probable cause to believe the following:
- a. MAZZA violated 18 U.S.C. §1512(c)(2), which makes it a crime to corruptly obstruct any official proceeding, in two ways. First, MAZZA corruptly obstructed a Congressional proceeding, that being the certification of the vote count of the Electoral College of the 2020 Presidential Election on January 6, 2021. Second, MAZZA corruptly obstructed the grand jury investigation into the attack on the U.S. Capitol between on or about January 8, 2021 and March 25, 2021, knowing that grand jury investigation had been, or was about to be initiated, by providing false information to state, local, and federal law enforcement investigators in an effort to thwart the grand jury's investigation into his own criminal conduct on January 6, 2021. An official proceeding includes a Federal grand jury and a proceeding before Congress, and need not be pending or about to be instituted at the time of the offense.
 - b. MAZZA violated 18 U.S.C. § 1752(a)(1), (2) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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 (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. There is also probable cause that MAZZA violated 18 U.S.C. §1752(b)(1)(A), which calls for additional punishment if the person committed the above offenses while carrying a deadly or dangerous weapon. 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. 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.
 - c. MAZZA violated 40 U.S.C. § 5104(e)(1)(A)(i), (2)(D) and (F), which makes it a crime for an individual or group of individuals to willfully and knowingly: (1)(A)(i) carry on or have readily accessible to any individual on the Grounds or in any Capitol Buildings, a firearm; (2)(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 (2)(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.
- d. MAZZA 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.
 - e. MAZZA violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime for anyone to forcibly assault, resist, oppose, impede, intimidate, or interfere with a person designated in 18 U.S.C. § 1114, which includes certain federal officers or employees or those assisting them, where such acts involve physical contact with the victim of that assault, while the officer or employee is engaged in or on account of the performance of official duties, while using a deadly or dangerous weapon.
 - f. MAZZA violated 22 D.C. Code §4504, and 7 D.C. Code §§ 2502.01, and 2506.01, which make it a crime for anyone to possess a pistol, firearm, or ammunition outside their home or place of business, in the District of Columbia, without a license and registration issued by the District of Columbia.

Respectfully submitted,



Special Agent
U.S. Capitol Police Department

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 12th day of November, 2021.



Zia M. Faruqi
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ZIA FARUQUI
UNITED STATES MAGISTRATE JUDGE