



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

*Suite 5.400, 3CON Building
175N Street, NE
Washington, DC 20530*

(202) 252-6020

May 11, 2022

VIA

Mr. William Marshall
Judicial Watch
425 3rd Street, SW
Suite 800
Washington, DC 20024
bmarshall@judicialwatch.org

Re: Request Number: EOUSA-2022-001889

Date of Receipt: May 09, 2022

Subject of Request: Death of Ashli Babbitt in the Capitol on January 6, 2021

Dear William Marshall:

This is in reply to your Freedom of Information Act/Privacy Act request to the U.S. Department of Justice, Civil Rights Division. Records were referred to us by the government component above for direct response to you.

The referred material has been considered under both the FOIA and the Privacy Act to provide you the greatest degree of access. The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. We have processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. An enclosure to this letter explains the exemptions in more detail.

(b)(5)

(b)(6)

(b)(7)(C)

We have reviewed approximately 90 pages of material:

63 page(s) are being released in full (RIF);

19 page(s) are being released in part (RIP);

8 page(s) are withheld in full (WIF).

This is the final action on this above-numbered request. If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530 or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs
Assistant Director

Enclosure(s)

EXPLANATION OF EXEMPTIONS

FOIA: TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held i

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 1/13/2021 9:38:55 PM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]
Subject: Referral - EOUSA FW: Today's list
Attachments: (b)(5); (b)(6); (b)(7)(C)

Referral - EOUSA

From: Rakoczy, Kathryn (USADC)
Sent: Wednesday, January 13, 2021 4:01 PM
To: Mody, Saeed (CRT) (b)(6); (b)(7)(C)
Subject: Today's list

Kathryn L. Rakoczy
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W., Room 5239
Washington, D.C. 20530

(b)(6); (b)(7)(C)

Page 02 of 90

Withheld pursuant to exemption

(b)(5); (b)(6); (b)(7)(C)

of the Freedom of Information and Privacy Act

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
10	Gionet, Anthime Joseph	21-mj-14	Arizona	Aloi, Liz	Sweeten, Katie		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	Entered Pelosi's office, took photographs, and may have stolen hard drive	PCCR	Filed	No	Arrest Warrant Issued	
11	Ochs, Nick	21-mj-15	Hawaii	Rakoczy, Kate	Smith, Dave		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	Entered Capitol building; head of Proud Boys Hawaii	PCCR	Arrested	Yes	1/8/2021, we obtained SWs for a phone, suitcase, and laptop bag in Ochs' possession at the time of his arrest. To the extent you have room for such a note, among the notable things found in the suitcase/laptop bag were: protective gear (Kevlar vest, tournicut, helmet), walkie-talkies, laptop, GoPro, ideology journal.	
12	Evans, Derrick	21-mj-16	West Virginia	Gaston, Molly	Smith, Dave		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	West Virginia delegate who entered the Capitol	PCCR	Arrested	No	Defendant released on PR from West Virginia	
13	Meredith, Cleveland	21-mj-17	Georgia	Baset, Ahmed	Kraehe, George		1/7/2021	18 U.S.C. 875©; 7 D.C. Code 2506.01(a)(JA/UF)	Threatened Speaker of the House; Possessed firearms in D.C.	PCCR	Arrested	Yes	Held and awaiting detention hearing next week	
14	Chansley, Jacob (Angeli, Jake)	21-mj-18	Arizona	Paschall, Kimberly	Sweeten, Katie		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	Unlawfully entered U.S. Capitol Building wearing lion headdress	FMC	Arrested	Yes	Supposed to self-surrendering shortly	
15	Johnson, Adam	21-mj-20	Florida	Arco, Jessica	Smith, Dave		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2) and 641	Theft of the podium	FMC	Arrested	Yes	Held and awaiting detention hearing next week	19-Jan
16	Lolos, John	21-mj-22	Washington	Berridge, Christopher			1/9/2021	18 U.S.C. 1752(a); 40 U.S.C.	Inside of Capitol carrying flags, yelling	FMC	Arrested	Yes	Papered and released from D.C. Superior Court; Preliminary Hearing scheduled 1/28	
17	Colt, Josiah	21-mj-21	Idaho	Aloi, Liz	Kraehe, George		1/9/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	Traveled to DC with Firearm, inside Capitol	PCCR	Filed	No	Papering today (Saturday) and seeking his arrest	
18	Munchel, Eric; Rendell Brock, Larry	Pending	Tennessee/Texas	Baset, Ahmed	Sher, Justin		1/9/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	Zip tie guys	PCCR	Filed	No	Arrest warrants obtained and legal processs to find them in place	
19	Baranyi, Thomas	Pending		Vaughn, Amanda	Cora, David		1/7/2021	18 USC 1752; 40 USC 5104	UE; witness to Babbit shooting	PCCR	Arrested	No	Arrested 1/12, arraigned and released	1/18/2021
20	Loftus, Kevin	21-mj-31	Wisconsin	Cole, Emory	Viti, Phil		1/8/2021	18 USC 1752; 40 USC 5104	UE; Photos inside building, social media admission "wanted by FBI for illegal entry"	FMC	Filed			

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
21	Pepe, Will	21-mj-32	New York	Berridge, Christopher	Levy, Jenny		1/10/2021	18 USC 1752; 40 USC 5104		FMC	Arrested	Yes	Complaint and AW signed 1/11. Subscriber subpoena sent. Pen trap from SDNY; Arrested on 1/12/21 in White Plains New York, Presentment scheduled for 1/13	1/13/2021
22	Williams, Andrew	21-mj-30	Florida	Lallas, Peter	Dittoe, Mike		1/9/2021		Firefighter identified as having been present at the Capitol during the riots through two videos and a still photograph of him under the entrance to the Speaker's office.	Fraud	Arrested		D arrested, Middle District of FL coordinating presentment at 4.	
23	Ehmke, Hunter	21-mj-27		Baker, Dineen	Sigler, Andy		1/8/2021	18 U.S.C. 1361; 18 U.S.C. 1521c2; 18 USC 5104e2		VCNT	Filed			
24	Wrigley, Andrew	21-mj-26	Pennsylvania	Poulin, Jeff			1/8/2021	18 USC 1752; 40 USC 5104 <small>Page 1 of 1 Withheld pursuant to exemption (b)(7)(D) of the Freedom of Information and Privacy Act.</small>	Posted on social media about entering Capitol grounds. Videos depict him inside capitol.	FMC	Filed		Provided AW to Capitol Police to Process for Arrest	
25	Rodean, Nicholas	21-mj-28	Maryland	Birney, Kevin			1/8/2021	18 USC 1752; 40 USC 5104	Inside of Capitol.	FMC	Filed		Likely to self surrender on 1/13/2021	
26	Mostofsky, Aaron	21-mj-34	New York	Poulin, Jeff	Magnone, Rebecca		1/8/2021	18 USC 1752; 40 USC 5104; 18 USC 641 (felony)	Inside Capitol w/ US Capitol riot shield and bullet proof vest. Gives interview admitting that he found the items on the ground and was in the capitol to contest election.	FMC	Filed		D arrested in NY 1/12/21. Search Op revealed clothing worn while in Capitol, knife, ammo, cellphone.	
27	Fracker, Jacob; Robertson, Thomas	21-mj-36		Aloi, Liz	Kaster, Joe		1/10/2021	18 USC 1752(a); 40 USC 5104E2		PCCR			Anticipated search warrant filing (Facebook) 1/13/21	
28	Sullivan, John			Vaughn, Amanda	Cora, David		1/9/2021	18 U.S.C. 231(a)(3), 18 U.S.C. 1752(a), and 40 U.S.C. 5104(e)(2)		PCCR	Filed			
29	Ciarpelli, Albert		New York	Nestler, Jeffrey	Meeks, Taryn		1/8/2021	18 U.S.C. 1752(a)(1); 40 U.S.C. 5104(e)(2)		Fraud	Filed		Likely to self surrender in Syracuse, NY	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
30	Lyons, Kevin	21-mj-37	Chicago, IL	Battle, Nicole	Kraehe, George		1/10/2021	18 USC 1752; 40 USC 5104		VCNT	Filed		Lyons to be arrested in Chicago tomorrow 1/13/21	
31	Keller, Klete	21-mj-42	Colorado	Edwards, Troy	Burke, Jennifer		1/11/2021	18 USC 231(a)(3); 18 USC 1752(a)(1), (2); 40 USC 5104(e)(2)(D)(E),(G)		SC	Filed		Search warrants forthcoming; defendant expected to self surrender in Colorado	
32	Montgomery, Patrick	21-mj-44		Kelley, Beth			1/11/2021	18 U.S.C. 1752 (a)(1); 40 U.S.C. 5104(e)(2)(G)		SC	Filed			
33	Cudd, Jenny Louise; Rosa, Eiel	21-MJ-35	Texas	Kent, David	Viti, Phil		1/8/2021			Fraud	Arrested		Initial Appearances scheduled in TX for this afternoon (1/13/21); W.D. Tex. obtaining search warrant for 3 phone (2 from Cudd, 1 from Rosa) seized incident to arrest	
34	Bledsoe, Matthew			Carter, Jamie	Sher, Justin		1/11/2021	18 U.S.C. 1752 (a)(1), (2); 40 U.S.C. 5104(e)(2)(D),(G)		SC	Filed			

	A	B	C	D	E	F	G	H	I
1	Defendant Name	Case Agent	AUSA	CTS Attorney	CCSIPS Attorney	Assignment Date	Offense	Status/Remarks	Section
2	Shaffer, Elijah		Brown, Christopher	Sher, Justin		1/7/2021	18 USC 1752; 40 USC 5104	Entered Pelosi's office and removed computer thumbdrive	Fraud
3	Anderson, John		Wong, Candice	Nunnally, Kevin		1/7/2021	18 USC 1752; 40 USC 5104	Entered Capitol building	VCNT
4	McCall Calhoun, William; Daughtry, Michael Shane		Baset, Ahmed	Goddard, Lauren		1/8/2021	18 USC 1752; 40 USC 5104	Entered the Senate floor with zipties. Looking at their social media to confirm identities	PCCR
5	Ryan, Jenna		Paschall, Kimberly	Thornton, Brenda Sue		1/9/2021			FMC
6	Muntzer, Henry		Kent, David	Kaster, Joe		1/8/2021	18 USC 1752; 40 USC 5104	Video of four of them in the Capitol	Fraud
7	Cudd, Jenny; Rosa, Eliel		Kent, David	Viti, Phil		1/8/2021			Fraud
8	Newbold, Adam		Jones/McCullough	Sher, Justin	<small>Page 06 of 90 Withheld pursuant to exemption Reference of the Freedom of Information and Privacy Act</small>	1/8/2021	Rioting	Alleged leader of militia group that arranged for travel to and for assault on Capitol. Working with OH Field Office	NSS
9	Anderson, Brian		Iyengar, Janani	Burke, Jennifer		1/9/2021	UE	Inside the Capitol	FMC
10	Paradise, Megan		Crabb, John			1/9/2021			
11	Dresch, Karl		Ahn, Demian	Cook, Alicia		1/9/2021			Fraud
12	Harding, Peter; Thompsons		Allen, Stuart	Magnone, Rebecca		1/9/2021		complaint to be filed 1/11	NSS
13	Mish, David		Macey, Christine	Ward, Steve		1/9/2021			Fraud
14	Johnson, Lt. Tarik		Cooney, JP	Zimmerman,		1/9/2021			PCCR
15	Priola, Christinie		Jolie	Sher, Justin		1/8/2021		2021R00182	NSS
16	Ciarpelli, Albert		Nestler, Jeffrey	Meeks, Taryn		1/8/2021			Fraud
17	Wood, Lin		Sedky, Mona			1/9/2021		USSS in Charleston, SC, where Wood apparently is located. They plan to interview on 1/13/21 to do a threat assessment.	Fraud

	A	B	C	D	E	F	G	H	I
18	Sullivan, John Earle		Vaughn, Amanda	Cora, David		1/9/2021		Encouraged rioting just before Babbit shooting	PCCR
19	Black, Joshua		Baset, Ahmed	Sher, Justin		1/10/2021			PCCR
20	Eisenhart, Lisa		Baset, Ahmed	Sher, Justin		1/10/2021	18 USC 1752; 40 USC 5104		PCCR
21	Lollar, Joshua		Sedky, Mona	Ward, Steve		1/10/2021	18 USC 1752; 40 USC 5104	on 1/11/21, Lollar was interviewed (unexpectedly) by FBI Houston and gave consent to search his cell phone. We served a FB SW for his account and received records last night. We are currently processing FB records and awaiting cell phone forensics.	Fraud
22	Witzke, Lauren		Zimmerman, Jolie	Rosborough, Danielle		1/10/2021	18 USC 1752; 40 USC 5104		NSS
23	Revlett, Jordan		Wong, Candice			1/10/2021; reassignment	18 USC 1752; 40 USC 5104		FMC
24	Weeks, Bradley Wayne	Miller, Josh	Carter, Jamie			1/10/2021	18 USC 1752; 40 USC 5104		SC
25	Dubinin, Sergii Olegovich		Paschall, Kimberly	Slavin, Dmitriy		1/10/2021	18 USC 1752; 40 USC 5104		FMC
26	Grider, Christopher		Briggs, Kendra	Viti, Phil		1/10/2021	18 USC 1752; 40 USC 5104	Speaker's lounge	PCCR
27	Kelly, Leo		Davis, Kenya	Hughes, Alex; Sher, Justin		1/10/2021	18 USC 1752; 40 USC 5104		FMC
28	Lyons, Kevin James		Battle, Nicole	Kraehe, George		1/10/2021	18 USC 1752; 40 USC 5104		VCNT
29	Beckley, Damon		Lallas, Peter	Kraehe, George		1/10/2021	USC 5104		Fraud
30	Watson, Will		Vaughn, Amanda	Meeks, Taryn		1/10/2021		SDAL target; tattoos	PCCR
31	Pezzola, Dominic; Suspects TBD		Kenerson, Erik	Meeks, Taryn Goddard,		1/10/2021			NSS
32	Scheib, Scott		Birney, Kevin	Lauren		1/10/2021			FMC
33	Sidorski, Dennis		Poulin, Jeff	Burke, Jennifer		1/10/2021		2021R00178	FMC

Page 07 of 90
 Withheld pursuant to exemption
 Refer to
 of the Freedom of Information and Privacy Act.

	A	B	C	D	E	F	G	H	I
34	Packer, Robert Keith		Gaston, Molly	Sweeten, Katie		1/11/2021		"Auschwitz" T-Shirt	PCCR
35	Bennett, Andrew		Mohanty, Nihar	Smith, David		1/11/2021		Possible 2101 charges	VCNT
36	Gold, Simone		Jackson, Melissa	Sigler, Andy		1/11/2021			Fraud
37	Strand, John		Jackson, Melissa	Sigler, Andy		1/11/2021			Fraud
38	Marquez, Felipe		Nestler, Jeffrey	Ward, Steve		1/11/2021			Fraud
39	Haskins, Justin		Liebman, Michael	Magnone, Rebecca		1/11/2021			SC
40	Bledsoe, Matthew		Carter, Jamie	Sher, Justin		1/11/2021			SC
41	Balysany, Sammy		Nielsen, Kim	Rosborough, Danielle		1/11/2021			SC
42	North, Jacob		Edwards, Troy	Cook, Alicia		1/11/2021		AUSA to get SW for suspect's phone	SC
43	Gray, Kevin; Gray, Bryan		Briggs, Kendra			1/11/2021			PCCR
44	Keller, Klete		Edwards, Troy	Burke, Jennifer		1/11/2021		Anticipated complaint and arrest warrant filing 1/13	SC
45	Seefried, Kevin; Seefried, Hunter		Aloi, Liz			1/11/2021		Anticipated complaint and arrest warrant filing 1/13	PCCR
46	Montgomery, Patrick	Weeks, Jeffrey	Kelley, Beth			1/11/2021			SC
47	Crandell, Zach		Buckner, Angela	Kaster, Joe		1/11/2021			SC
48	Broadnax, Antionne		Liebman, Michael			1/11/2021			SC
49	Bauer, Robert Lynn;	Whittaker, Jennifer;							
49	Hemenway, Edward	Hamel, Matthew	Kelley, Beth	Kraehe, George		1/11/2021			SC
50	Rhodes, Elmer Stewart	Palian, Michael	Baset, Ahmed			1/11/2021			PCCR
51	Riley, Jorge	Camiliere, Kate	Edwards, Troy			1/11/2021			SC
52	Vargas, Hector	Horan; Mocello; Bonaparte; Scalcione	Buckner, Angela	Cora, David		1/11/2021			SC
53	Sommers, Krystle;								
53	Casserley, Janet	Burns, Clarke	Nielsen, Kim	Nunnally, Kevin		1/12/2021			SC
54	Quintavalle, David	Odom, Emily	Iyengar, Janani	Cook, Alicia		1/12/2021			FMC

	A	B	C	D	E	F	G	H	I
55	Vaughn, Gordon		Dohrmann, Mary	Burke, Jennifer		1/12/2021			FMC
56	Dragoo, Kim	Camiliere, Kate	Lucas, Diane	Poteat, Elisa		1/12/2021			Fraud
57	Kelly, Kash Lee	Biscardi, Michael	Cole, Emory	Hughes, Alex		1/12/2021			FMC
58	Ericson, Andrew	Ervin, Timothy	Macey, Christine	Sweeten, Katie		1/12/2021			Fraud
59	Reffitt, Guy		Nestler, Jeffrey			1/12/2021		3 preservation letters subitted on 1/13/21, gopro, microsoft, life360	PCCR
60	Ehrke, Valarie	Miller, Michael	Birney, Kevin	Sigler, Andy		1/12/2021			FMC
61	McCreary, Brian Patrick	Clark, Sean	Regan, Brandon			1/12/2021			FMC
62	Courtright, Gracyn	Hanna, Mariam	Fletcher, Rachel	Viti, Phil		1/12/2021			VCNT
63	Riddle, Jason	Helson, Kevin	Eliopoulos, George	Sweeten, Katie		1/12/2021			
64	Lara, John	Chase, Clay	Regan, Brandon			1/12/2021			FMC
								photo carrying a fractured piece of Speaker Pelosi's name plate; Anticipated complaint and arrest warrant filing 1/14	
65	Hernandez, Emily	Herrara, Jorge	Arco, Jessica			1/13/2021			FMC
66	Spisso, Daniel		Edwards, Troy			1/13/2021			SC
67	Hatley, Andrew	Smith, Cassidy	Birney, Kevin	Campbell, Kathleen		1/8/2021			FMC
68	Stager, Peter		Paschall, Kimberly			1/13/2021		Preliminarily ID'd as individual who attacked USCPO with flagpole	FMC
69	Ballesteros, Robert	Larkin, Kevin	Russo, April	Levy, Jenny		1/13/2021	1752(a) and 5104(e)(2)(G)		FMC
70	Camargo, Samuel	Attard, Michael	Poulin, Jeff			1/13/2021		Entered capitol building and stole a pole from the building	FMC
71	Hiles, Jacob	Merriman, Brandon	Dohrmann, Mary			1/13/2021			FMC
72	Green, Matt; Sauer, Aaron		McCullough, Jason			1/13/2021			NSS
73	Aguerro, Pedro		Miranda, Nicholas	Viti, Phil		1/13/2021		admitted in rotunda of capitol	FMC

	A	B	C	D	E	F	G	H	I
74	Abual-Ragheb, Rasha	Gailliard, Chris	Liebman, Michael			1/13/2021	1752; 5104	Screen shot of FB post; ID by friend; statements to CHS	
75	Bibiano, Juan	Senters, Dan	Carter, Jamie			1/13/2021		Overlap with defendants Anthony Reed and Bledsoe	SC
76	Reed, Anthony	Senters, Dan	Carter, Jamie			1/13/2021		Overlap with defendants Juan Bibiano and Bledsoe	SC
77	Garcia, Gabriel	Biscardi, Michael	Buckner, Angela	Ward, Steve		1/13/2021	1752; 5104	live stream from Garcia's social of him inside the capitol building	SC

	A	B	C	D	E	F
1	Case Name	AUSA reviewing	Follow up Needed?	Completed/Result?	Referred to Superior Court? Assigned AUSA?	Date Completed
2	Schaff, Erin	Ravindra	No suspect identified, FBI to investigate and interview CW. Note: CW is a NYT reporter			
3	Pope, Aaron	Kent	Superior Court to assign an AUSA to review and contact Agent Miller	Yes - referred to Superior Court	Yes	1/10/2021
4	In re: pipe bombs	Allen	Google geofence SW to be filed 1/11			
5	Jones, Alex	Aloi	Texas assigned 1/9/21; PCCR requested off list 1/10/21			
6	Fossey, Todd; Barton, Vikki;					
7	Stutts, Jordan In re: Steve Doudnik	Cheung Zimmerman	Needs FBI work up AUSA is investigating possible 1752. R#: 2021R00169			
8	Kelly, Chris	Cheung	SW 20-sc-64 for social media accounts for NYFO			
9	Ballestros, Robert	Cheung	SW 20-sc-65 for social media accounts for NYFO			
10	Vogel, William	Cheung	SW 20-sc-67 for social media accounts for NYFO			
11	West, Chris	Aloi	Needs FBI work up			
12	Gutenschwager, Brendan	McCullough	D is a journalist. Following up with OEO for guidance on how to handle prosecution of media persons. SW for D's facebook account to confirm he was in DC on Jan 6. CW ID'ed a photo as possibly being D.			
13	Skinner, Stephen	Poulin	Get an interview that corroborates the photo of the defendant in the			
14	Firlotte, James	Iyengar	Capitol			

	A	B	C	D	E	F
15	Pachowics, David		Requested additional information in order to assign to USAO - need to verify ID from photographs and resubmit FBI packet			

	A	B	C	D
1	Case Name	Reviewing AUSA	Disposition	Disposition Date
2	Dunn, Paul	Cheung, Denise		1/10/2021
3	Daube Kronen, Lauran	Nestler, Jeff	We do not believe this warrants prosecution at this time. If SA Wickham develops further evidence, advise us.	1/11/2021
4	Towers Parry, Tammy	Nestler, Jeff	At this time, we do not believe we have viable charges for Ms. Parry. Agent to continue investigation, including seeking to interview her, and let us know if any additional evidence develops.	1/11/2021
5	Otts, Chad	Kelley, Elizabeth	<small>Page 13 of 90</small> <small>withheld pursuant to exemption b</small> Tipster calls and says he saw a photo on FB of Chad Otts inside the Capitol. The photo is no longer on FB and the tipster did not screenshot it. FBI wants to do a knock-and-talk in the next few days. No PC for the warrant at this point.	1/11/2021
6	Dodds, Brian	Kent, David		1/9/2021
7	Schieb, Scott	Birney, Kevin; Rosen, Greg	Sent to Superior Court	1/12/2021

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 4/8/2021 8:09:00 PM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]
Subject: FW: (b)(5); (b)(7)(C)
Attachments: (b)(5); (b)(7)(C)

Jim and Paige,

(b)(5); (b)(7)(C)

(b)(5)

Thanks,

Saeed

From: Songer, Michael (CRT)
Sent: Tuesday, April 6, 2021 7:58 PM
To: Mody, Saeed (CRT) (b)(6)
Subject: (b)(5); (b)(7)(C)

Saeed-

(b)(5)

Mike

Page 15 of 90

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

I. OVERVIEW AND RECOMMENDATION

This memorandum recommends that the United States Attorney’s Office for the District of Columbia decline for criminal prosecution the fatal shooting of Ashli McEntee. The incident occurred inside of the United States Capitol, on January 6, 2021. Ms. McEntee, along with hundreds of demonstrators, illegally entered the United States Capitol in an attempt to obstruct Congress from certifying the results of the 2020 election. United States Capitol Police Department (“USCP”) Lieutenant Michael Byrd fired one round striking Ms. McEntee in the left shoulder, after she started to climb through a broken glass door to enter the Speaker’s Lobby which led directly to the floor of the House Chamber that was occupied by members of Congress and/or staff at the time. D.C. Fire and Emergency Medical Services transported Ms. McEntee to MedStar Washington Hospital Center where she later succumbed to her injuries.

This declination is based on a review of law enforcement and civilian eyewitness accounts, physical evidence, recorded radio communications, cell phone footage, MPD reports, forensic reports, and the autopsy report for Ms. McEntee. After a thorough review of the facts and circumstances in this case, there is insufficient evidence to prove beyond a reasonable doubt that Lieutenant Byrd violated Ms. McEntee’s civil rights by willfully using more force than was reasonably necessary, or was not acting in self-defense or the defense of others.

II. INVESTIGATIVE SUMMARY

When viewed as a whole, the evidence is most consistent with the following chronology of events:

Withheld pursuant to exemption
B7E - FOIA
Reference - EOUSIA
of the Freedom of Information and Privacy Act

On January 6, 2021, there was a large scale, pre-planned First Amendment Rally, “March to Save America,” permitted by the National Park Service that was held at The Ellipse, regarding the congressional certification of the Electoral College.² At some point during the rally, participants began to march to the United States Capitol. At approximately 1:15 p.m., several rally participants joined by other demonstrators became violent, and began to breach established police lines that surrounded the United States Capitol building. The rally participants and demonstrators then broke several windows, breached a number of entry points that led into the east side of the United States Capitol building, and then illegally entered the United States Capitol.

Several hundred demonstrators forcefully entered into the United States Capitol building and moved freely through different areas of the building. Demonstrators attempted to gain access to the floor of the House Chamber through the doors at the main point of entry, but their attempts to access the floor were unsuccessful. Some of the demonstrators then moved into a hallway area near the east stairwell that led directly into an area identified as the Speaker’s Lobby. The Speaker’s Lobby is also an access point that leads onto the floor of the House Chamber.³ Once in the hallway outside of the Speaker’s Lobby, the demonstrators attempted to breach the glass entry doors by utilizing, their hands, flagpoles, helmets and other objects to strike and break the glass.

² The Ellipse is the oval-shaped field between the Mall (Washington Monument) and the White House.

³ If the demonstrators had been successful in entering the Speaker’s Lobby, they would have had immediate access onto the floor of the House Chamber.

USCP Lieutenant Michael Byrd and USCP Sergeant Paul McKenna, both assigned to the House Chamber security detail, along with USCP Officer Reggie Tyson, and other unidentified officers, assigned to the House Chamber Division, were inside the Speaker's Lobby when the demonstrators arrived and started their attempts to breach the doors.⁴ Lieutenant Byrd and Officer Tyson, along with the unidentified officers, began to barricade the east side glass entry doors with desks, a couch, and chairs. The unidentified officers then responded onto the floor of the House Chamber to assist with escorting members of Congress off the floor.⁵ As the last members of Congress were being led off the floor of the House Chamber, Sergeant McKenna also exited the floor into the Speaker's Lobby. By that point, the demonstrators had broken out three of the four glass doors that led into the Speaker's Lobby using their hands, sticks, flagpoles, helmets and other unidentified objects, and were then able to reach through the broken glass doors and push the chairs off the top of the barricaded furniture.⁶

Once the demonstrators broke the glass, Lieutenant Byrd took up a tactical position to the immediate right of the barricaded entry doors, Officer Tyson took up a tactical position behind Lieutenant Byrd on the right side behind the third pillar and Sergeant McKenna took up a tactical position behind Officer Tyson and behind the fourth pillar on the right side of the Speakers Lobby. All three officers had their service pistols drawn, pointed them in the direction of the barricaded entry doors, and repeatedly instructed the "mob" to get back. The "mob" of demonstrators ignored the officers' commands and continued to break the glass on the doors in their attempt to breach the Speaker's Lobby. Suddenly, Ashli McEntee began to crawl through one of the doors where the glass was already broken out. As Ms. McEntee was climbing through the door, Lieutenant Byrd stepped forward from his tactical position towards Ms. McEntee and fired one round from his service pistol striking Ms. McEntee in her left shoulder, just below her clavicle. Ms. McEntee then fell back from the doorway and onto the floor.

Unbeknownst to Lieutenant Byrd or the other officers in the Speaker's Lobby, a USCP Containment Emergency Response Team (CERT) was coming up the east stairwell towards the Speaker's Lobby at the same time Ms. McEntee was climbing through the door. The CERT officers arrived right before Lieutenant Byrd fired the round and Ms. McEntee fell to the floor, and immediately began to administer aid. A short time later, the CERT officers carried Ms. McEntee down the east side stairwell into an area where members of the District of Columbia Fire and Emergency Medical Services (DCFEMS) Medic 10 were stationed. DCFEMS began to render medical aid and transported Ms. McEntee to MedStar, Washington Hospital Center. While at the hospital, Ms. McEntee succumbed to her injuries and was pronounced dead at 3:15 p.m.

⁴ Lieutenant Byrd and Sergeant McKenna were in business attire, the other officers were in uniform. None of the USCP personnel were equipped with BWC.

⁵ The members of Congress were escorted out through the west side doors of the Speaker's Lobby.

⁶ Three uniform USCP officers, Sergeant Timothy Lively, Officer Kyle Yetter, and Officer Christopher Lanciano, were standing in front of the entry doors, however the protestors still managed to break the glass by swinging objects at the glass around the officers.

III. EVIDENCE

1. BWC Footage

USCP officers are not equipped with BWCs.

2. Closed Circuit Television

There are several USCP operated Closed-Circuit Television Video (CCTV) cameras inside of the United States Capitol Building. However, there were no CCTV cameras observed or located in the Speaker's Lobby area.

3. Social Media Footage

Multiple videos from various social media and news outlets were received and reviewed. All the videos are captured from the vantage point of outside the Speaker's Lobby. The videos capture the "mob" using their hands and various weapons to break the glass doors leading into the Speaker's Lobby. Several of the videos depict Lieutenant Byrd with his service pistol drawn and pointing at the Speaker's Lobby doors (as depicted in the screenshot below), and several protestors are heard yelling "gun, gun!" Ms. McEntee is then seen climbing through the doorway on several videos (as depicted in the screenshot below), before a gunshot rings out and she is seen falling to the floor. There is a video that captures the CERT officers immediately attempting to render aid to Ms. McEntee after the shooting.

Lieutenant Byrd is not visible on any of the footage, although one recording does appear to show him stepping forward (arm and hand are the only visible portion of his body), and firing at Ms. McEntee as she enters the doorway.



4. Physical Evidence

Subsequent processing of the crime scene by members of the Department of Forensic Sciences (DFS) included the following tasks:

1. Photographs were taken of the scene;
2. LEICA scan of the Speakers Lobby;
3. Recovered numerous items of assorted clothing;
4. Recovered California driver's license in the name of Ashli McEntee;
5. Recovered a red, white and blue "JANSPORT" backpack;
6. Recovered numerous assorted flag poles;
7. Service Weapon of USCP Lieutenant Byrd was turned over to DFS by USCP CSS Officer West;
8. Glock Magazine and fifteen "SPEER .40 S&W" cartridges turned over to DFS by USCP CSS Officer West; and
9. Recovered one "SPEER .40 S&W" cartridge casing recovered from the floor of the Speaker's Lobby.

5. Medical Evidence

On January 7, 2021, an autopsy was performed by Francisco Diaz, M.D. of the Office of the Chief Medical Examiner (OCME) for the District of Columbia. Dr. Diaz determined that Ms. McEntee's death was caused by a gunshot wound to the left anterior shoulder. The bullet travelled left to right causing injuries to blood vessels, her trachea, and her right lung, before lodging in the right anterior shoulder area. The manner of death was ruled a homicide.

6. Civilian Witness Statements

On January 6, 2021, Mr. Jason Gandolph from the Office of the House Sergeant at Arms, along with three or four uniform USCP officers, attempted to keep the demonstrators from advancing towards the Speaker's Lobby after the Capitol was breached. According to Mr. Gandolph, the demonstrators were unruly, and the USCP officers were unsuccessful in stopping the demonstrators from proceeding to the doorway that led into the Speaker's Lobby. The doorway to the Speaker's Lobby, which is mostly glass with a wooden frame, had been barricaded from the inside with large pieces of furniture, and several USCP officers were behind the barricade as well. The demonstrators were very large in numbers, loud, and agitated. The demonstrators eventually began to utilize their flag poles and other objects, to strike the glass which eventually caused the glass to break and fall to the floor.

Ms. McEntee was directly in front of Mr. Gandolph during all of the unrest at the doorway, and he observed Ms. McEntee participate in breaking the glass to the doors. Mr. Gandolph recalled observing the CERT officers coming up the southeast stairs, and then heard a single gunshot, which was loud and appeared to be have come from over his right shoulder. Mr. Gandolph did not observe a gun, nor did he see any muzzle flash. Immediately after hearing the gunshot he observed Ms. McEntee fall to the floor. Mr. Gandolph described Ms. McEntee as "bleeding really bad," and he immediately began to administer aid along with the CERT officers. Mr. Gandolph indicated that

Ms. McEntee's clothing was cut away to expose a gunshot wound to the left shoulder area which he eventually covered with a chest seal.

Congressman Markwayne Mullin from Oklahoma was on the floor of the House Chamber on January 6, 2021. Congressman Mullin heard the USCP officers' radios going off, and started receiving notifications on his cell phone that something was happening outside the Capitol. Lieutenant Byrd addressed the members and "gave them some instructions on what needed to take place." Protestors started banging on the front doors to the House Chamber that had been locked. Congressman Mullin helped the USCP officers barricade the doors, and when the officers told him he needed to leave, he told them that he wanted to help because of what he did prior to joining Congress.⁷

Congressman Mullin heard glass breaking and then "people started yelling, shots, shots, shots!" He quickly recognized they were not shots and told the officers, who had taken a defensive position, that they were not shots. Congressman Mullin then engaged with the "rioters" at the door by asking "is it worth it? You almost got shot!" The rioters stopped beating on the glass, but then started shaking the doors. Congressman Mullin then started discussing evacuating the House Chamber with the USCP officers.⁸ At this point, members started being evacuated from the floor of the House Chamber, however, there were members still "trapped" in the balcony.

Congressman Mullin then heard the rioters banging on the doors to the Speaker's Lobby, and he looked over and saw Lieutenant Byrd in a defensive position behind a pillar.⁹ He heard Lieutenant Byrd yelling commands to the rioters, but does not recall exactly what he was saying. He then heard glass break, and heard what he thought was two gunshots. He did not see the woman coming through the door, he could only see Lieutenant Byrd.

In Congressman Mullin's opinion, Lieutenant Byrd did everything he could do to defend that position, and saved a lot of people's lives, because "if she had breached others would have followed...they could have also taken his gun away from him."

7. Officer Statements

Sergeant Paul McKenna USCP

On January 6, 2021, Sergeant McKenna arrived at his office at 1:00 p.m., and was advised that there may be a lockdown at the Capitol building due to a large demonstration. Sergeant McKenna started preparing for this potential lockdown, and went over plans for getting House Members out of the House Chamber if necessary. Sergeant McKenna was then advised that there was a breach at the Capitol building, and that demonstrators were approaching the House Chamber door, so he assisted in evacuating House Members out of that area. The east doors of the Speaker's Lobby, which are located just outside of the House Chamber, were subsequently barricaded.

⁷ Congressman Mullin was a former Mixed Martial Arts (MMA) fighter before becoming a member of Congress.

⁸ While Congressman Mullin made it clear he thinks the USCP officers did their best they could, he could tell there was no contingency plan in place for a scenario like this.

⁹ Congressman Mullin was still at the entry doors to the House Chamber, but had an elevated view and was able to see Lieutenant Byrd through the doors that lead from the floor of the House Chamber into the Speaker's Lobby.

Demonstrators began banging on the House Chamber's doors. A representative that was on the floor of the House Chamber shouted that shots had been fired. Sergeant McKenna was advised that the sound was breaking glass, not gunshots. Sergeant McKenna then radioed that the report of gunshots was incorrect, and that it was glass breaking. Sergeant McKenna was then approached by a USCP officer who advised that the sound was, in fact, gunshots. Sergeant McKenna went back over the radio and reported that there were gunshots on the House floor.¹⁰

Sergeant McKenna later walked out of the House Chamber and into the Speaker's Lobby, and observed glass being broken out of the doors at the east end of the Speaker's Lobby. Sergeant McKenna observed that an officer (USCP Officer Tyson) and Lieutenant Byrd had taken up tactical positions and had removed their service pistols. Sergeant McKenna then removed his service pistol and positioned himself behind a pillar in the Speaker's Lobby.

A glass panel came completely out of one of the windows on the far north side, and a demonstrator started to come through the opening. Sergeant McKenna reported hearing a lot of screaming, and then overheard someone yelling, "Get back! Get back!" As Sergeant McKenna observed the demonstrator climbing through the open area, he heard a gunshot. The demonstrator was then observed falling backwards onto the floor. The crowd on the outside of the barricaded east doors, began to step back, and some raised their hands in the air. Sergeant McKenna did not see anything in the demonstrator's hands prior to hearing the gunshot.

Sergeant McKenna advised that he was approximately three to four pillars back from Lieutenant Byrd, who was positioned closest to the barricaded doors. Sergeant McKenna explained that he did not know who had discharged their pistol until he spoke with Lieutenant Byrd a couple of moments after this incident occurred. Sergeant McKenna related that Lieutenant Byrd looked upset and stated, "I was the one who took the shot."

Officer Reggie Tyson USCP

On January 6, 2021, approximately 1:30 p.m., Officer Tyson was assigned to the Upper House door, when the demonstrators rushed the United States Capitol building. The demonstrators then entered the lower level of the building at which time USCP officers were directed to fall back into the building to institute a lock down of the building. Officer Tyson and other USCP officers then barricaded the Speaker's Lobby doors from inside of the Speaker's Lobby, as the demonstrators made their way up to the other side of the doors. Officer Tyson then heard, "Shots fired!" announced over the radio.

Officer Tyson and Lieutenant Byrd then took up positions near the first couple of pillars in the Speaker's Lobby. The demonstrators began breaking out the glass on the doors as well as the windowpanes, by using sticks, flags and helmets to break the windows that led into the Speaker's Lobby. The demonstrators were yelling, cursing at the officers, and making obscene gestures. Officer Tyson and Lieutenant Byrd then gave several commands to the crowd stating, "Stay back! Back up!" Officer Tyson then observed a demonstrator climbing through the far north window

¹⁰ This was later found to be inaccurate. There was no evidence of gunshots fired on the House floor.

pane, and he then heard a gunshot.¹¹ After hearing the gunshot, Officer Tyson observed the demonstrator fall backwards towards the floor.

Officer Tyson did not observe the demonstrator in possession of any weapons, but his attention was drawn to her because she was climbing through a broken out window pane. After he heard the gunshot, he and Lieutenant Byrd maintained their covered positions behind the pillars and continued scanning for other threats. Although no other demonstrators attempted to come through, the crowd did not disperse and continued to chant and yell.

Officer Tyson observed additional USCP officers on the outside of the barricaded doors, but he was unsure where those officers came from. Officer Tyson, along with Lieutenant Byrd and Sergeant McKenna then went back into the House Chamber, in order to continue to evacuate other members of Congress that were still present in the House Chamber.

USCP Uniform Officers

On January 6, 2021, Sergeant Timothy Lively was assigned to the civil disturbance unit at the west front of the Capitol. The Intel briefing received that morning was that there was a first amendment protest and a rally at The Ellipse planned for the day. Sergeant Lively was on the line at the very base of the stage outside the Capitol building, and had been pepper sprayed approximately five or six times by demonstrators. As Sergeant Lively was rinsing his eyes out with bottles of water, he heard a radio call that demonstrators were on top of the stairs of the west front, so he went over there to help out. There were about four or five USCP officers trying to hold everyone back there, as Sergeant Lively went to assist the officers, he was “bear sprayed,” and tossed or tackled down the stairs. Sergeant Lively crawled back up the steps, and another USCP officer grabbed him and ran inside.

When Officer Kyle Yetter arrived to work early on January 6, 2021, the “rioters” had already breached the building. Officer Yetter immediately responded to the southeast door of the Capitol and was sprayed by the rioters with a fire extinguisher. Officer Yetter and other officers retreated from the area and once he was able to catch his breath, he made his way towards the Speaker’s Lobby and linked up with Sergeant Lively and Officer Christopher Lanciano.

Officer Lanciano was assigned to the west front of the Capitol on January 6, 2021, before he was sprayed with a fire extinguisher, and then went inside before finding himself in front of the Speaker’s Lobby. When he arrived at the Speaker’s Lobby, he observed members of Congress exiting the floor of the House Chamber. The protestors were screaming and chanting and threatening the officers.

When Sergeant Lively arrived at the east entrance to the Speaker’s Lobby he observed that the doors were barricaded from the inside, and knew that they “need(ed) to hold this line as long as we can. To let people that are in there, that are evacuating, that need to get out.” Once the three officers were in front of the doors leading into the Speaker’s Lobby, Sergeant Lively told them to “hold there,” and after about ten seconds, 60 to 80 screaming and yelling “rioter(s) and protestors had filled that immediate hallway.” One of the rioters “punch(ed) the side- the glass on the door

¹¹ Although he heard the gunshot he did not see Lieutenant Byrd discharge his service pistol.

adjacent to the door” to Officer Yetter’s left. According to Sergeant Lively, they stayed there as long as they could, “the crowd just started surging towards us and I said we’re going to get trapped here.” Sergeant Lively and the other officers did not use force because “there was just so many of them there I just don’t think- I think they would have overpowered us.”

Sergeant Lively then observed the CERT officers coming up the stairs and saw an “escape route.” At that point Sergeant Lively was in the center of the door, Officer Yetter was to his right, and Officer Lanciano was to his left. Sergeant Lively pulled the officers close together and told them that the CERT officers were staged on the stairs. Sergeant Lively then grabbed the other officers to get them out, because “they were going to try and just blow through us. It was either- they were going to have to attack us.”

Once the officers passed the CERT officers as they were going down the stairs they heard a gunshot. The officers went back up the stairs and started assisting with crowd control while the CERT officers attended to Ms. McEntee. Officer Yetter described Ms. McEntee as passionate about what she was doing and screaming and yelling. Sergeant Lively recalls McEntee being at the front of the crowd at the doors to the Speaker’s Lobby. Ms. McEntee was the only woman in the front of the crowd, Officer Lanciano pushed her back at one point, but she returned back to the front of the crowd.

From the time they arrived at the east doors to the Speaker’s Lobby to the time they left the area, the three officers did not have contact with anyone on the other side of the doors of the Speaker’s Lobby.¹²

Page 22 of 90
Withheld pursuant to exemption
b(7) - E.O. 13526

USCP Containment Emergency Response Team (CERT)¹³

Officer Don Smith was the team leader of the CERT on January 6, 2021, and Officer Brandon Sikes, Officer Mike Brown and Officer Steven Robbs were assigned as members of the CERT. Officer Smith received a radio call for shots fired on the House floor. Once Officer Sikes and Officer Robbs arrived at the Capitol, they made contact with a lieutenant, and also heard a call came over the radio for shots fired. The CERT officers immediately headed up the east side stairs towards the Speaker’s Lobby, and three uniform USCP officers went past them in the opposite direction. When they got to the top of the stairs, they saw “a massive crowd of people who obviously aren’t supposed to be there,” and Officer Sikes observed “some individuals, protestors, hitting the glass.” The noise from the glass being broken was very loud. Officer Robbs described the area in front of the Speakers Lobby as “chaotic, it was ummm, felt very hostile.”

Officer Smith saw Mr. Jason Gandolph standing in the corner, and walked toward him to find out what was going on.¹⁴ As he was approaching Mr. Gandolph, Officer Smith saw a female protestor “jump up,” and then heard a loud noise that sounded like a gunshot, and saw a woman fall to the floor. Officer Sikes also heard a “noise and uh that’s when the individual, um I look over and she’s falling down and holding her chest.” Initially, Officer Sikes was not sure what had

¹² In fact, Sergeant Lively “tried to stay off the radio as much as possible cause I knew that everyone was you know, under attack and I just tried to-you know it just seemed that it was constantly going off.”

¹³ CERT members are responsible for higher level threats and tactical responses at the Capitol.

¹⁴ Officer Smith knew Mr. Gandolph worked with the House Sergeant at Arms office.

happened to Ms. McEntee, but quickly realized she had been shot. After Officer Robbs heard a “pop” and then saw Mr. Gandolph lay a woman on the floor. Officer Brown was last up the stairs, so by the time he reached the top, he just saw Ms. McEntee laying on the ground.

After the CERT officers heard the shot, Ofc Robbs then “saw several ummm plain clothes officers with their guns drawn, that they were actually in the Speaker’s Lobby. Their guns pointed back towards our direction and the direction of the protestors.” Officer Smith heard Officer Robbs yell “blue, blue, blue,” after determining that the shot was fired by a USCP officer. Officer Robbs then gave the officers in the Speaker’s Lobby “a thumbs up, trying to let them know there’s police out here.” Officer Sikes and Officer Robbs then started to render aid to Ms. McEntee.

Uniform USCP officers came and attempted to get the protestors under control while Officer Sikes and Officer Robbs applied a chest seal to Ms. McEntee. At some point CERT officers realized that the protestors were not moving, so Officer Robbs made the call to move Ms. McEntee out of there. The CERT officers were able to get her down the steps, clear of the crowd, and prevent anybody from following them down the stairs. Just inside the south door, a medic from FBI SWAT team started assisting with rendering aid to Ms. McEntee. Officer Sikes and Officer Robbs then escorted Ms. McEntee to the ambulance.

Officer Brown climbed through the broken glass door into the Speaker’s Lobby after he saw two other CERT officers inside the Speaker’s Lobby. According to Officer Brown. Lieutenant Byrd was “down and out and almost in tears” when he saw him inside the Speaker’s Lobby.

CERT officers did not see who fired the shot from inside the Speaker’s Lobby, and also did not communicate with any officers inside the Speaker’s Lobby prior to the shooting.

USCP Lieutenant Michael Byrd

Lieutenant Byrd has been employed by USCP for 27 years. He did not create any police reports or documents relating to the incident, and did not provide an official statement regarding the use of force.¹⁵ Lieutenant Byrd did agree to participate with his counsel, Mark Schamel, in a voluntary debrief and walk-through of the scene on January 29, 2021. According to Lieutenant Byrd, he was in charge of overseeing the USCP operations for the House Chamber on January 6, 2021.¹⁶ Part of his responsibility overseeing the operations was staffing USCP officers for the House Chamber. Due to COVID-19 and other issues, the normal staffing for a joint session was less than half of what Lieutenant Byrd usually has assigned to the House Chamber. Once he arrived that morning, he was informed that USCP operations had made the decision that the uniform officers needed to pick up riot gear.¹⁷

¹⁵ During the debrief of Lieutenant Byrd, he did recall writing a few sentences on an evidence bag the evening of January 6, 2021, at the request of a crime scene officer. To date, the bag has not been located by USCP or MPD.

¹⁶ When he arrived at work that day, he was also told that he would need to oversee the Senate Chamber operations as well since the person responsible did not come to work that day.

¹⁷ Lieutenant Byrd had participated in a walk through in the days leading up to January 6, 2021, which is standard practice in preparation for a joint session. However, there was no discussion about concerns regarding the rallies that were also scheduled to occur that day.

Later in the afternoon, Lieutenant Byrd starting hearing “chaos” on the radio channels, and had superiors calling him for officers to be sent to help stop rioters from breaching the Capitol. Lieutenant Byrd sent five to eight of the officers from the House Chamber to assist. Lieutenant Byrd was also tasked with updating the House Chamber about what was happening, and recalls addressing the members from a podium on the floor of the House Chamber two to three times.¹⁸ Lieutenant Byrd also recommended a lockdown of the House Chamber to the representatives from the House Sergeant at Arms. Lieutenant Byrd and several USCP uniform officers then started barricading the east side entry doors into the Speaker’s Lobby. While they were barricading the doors, a “mob of protestors” came to the doors, and calls went out over the radio that shots had been fired. Lieutenant Byrd drew his service weapon after the call for shots fired came over the radio, took a tactical position behind a wall in the Speaker’s Lobby, and started yelling at the mob of rioters to “get back!” Members of Congress started entering the Speaker’s Lobby to offer assistance, but Lieutenant Byrd told them multiple times to go back inside.¹⁹ At this point, Lieutenant Byrd knew that if the mob of rioters got into the Speaker’s Lobby, it “wasn’t going to go well,” and he knew that he and the other officers had to do everything they could to stop the rioters from entering the Speaker’s Lobby.

Lieutenant Byrd heard glass breaking and saw some of the items used to barricade the doors being pushed down. Lieutenant Byrd continued to tell the rioters to “get back, get back!” Lieutenant Byrd then saw a rioter with a backpack on start to climb through one of the broken glass doors. Lieutenant Byrd saw the rioter “as a threat,” so he stepped forward from his tactical position and fired one round at the rioter. The rioter fell back out of the opening and Lieutenant Byrd eventually stepped back into the seated area of the Speaker’s Lobby before confirming to other USCP officers that arrived on the scene that he was the one that fired his service weapon.²⁰

With the exception of information exempted under the Freedom of Information and Privacy Act

IV. USE OF FORCE/CRIMINAL HISTORY

1. Use of Force History

Lieutenant Michael Byrd has been an USCP officer since 1994. Prior to this incident Lieutenant Byrd had never been investigated by USAO-DC for any use of force incidents. Lieutenant Byrd had one prior use of force matter, that was originally sustained by USCP, but after Lt. Byrd appealed, he was found not guilty by the Disciplinary Review Board.

2. Criminal History

Ms. McEntee was convicted of reckless endangerment on August 6, 2016, in Calvert County, Maryland.

¹⁸ Lieutenant Byrd recalled making an announcement about the Capitol being breached, and telling the members where the gas masks were located.

¹⁹ Lieutenant Byrd did not remember the names of the members that tried to enter the Speaker’s Lobby to assist, but he recalled there being multiple different male members of Congress that made the attempt to enter at different times.

²⁰ Lieutenant Byrd did not find out that the rioter was a woman until sometime after the shooting.

V. RECOMMENDATION

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes or the District of Columbia homicide statutes. To show a violation of 18 U.S.C. § 242, the applicable federal criminal civil rights statute, the Government must prove beyond a reasonable doubt that an officer willfully used more force than was reasonably necessary under the circumstances. “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Graham v. Connor*, 490 U.S. 386, 396 (1989). In reviewing an officer’s use of force, allowance must be made for the fact that “police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Id.* at 396-97. Moreover, although the use of *deadly* force is not constitutionally reasonable to prevent the escape of *all* felony suspects, whatever the circumstances, if an officer has probable cause to believe that a suspect poses a threat of serious physical harm to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. *Tennessee v. Gardner*, 471 U.S. 1, 11 (1985). Thus, if a suspect threatens an officer with a weapon or “there is probable cause to believe that [the suspect] has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.” *Id.*

Even assuming there is evidence of unreasonable force, the government must show that an officer acted willfully, that is with the specific intent to deprive the victim of a constitutional right. *Screws v. United States*, 325 U.S. 91 (1945). “Willfully” in a § 242 prosecution means that an act was done “voluntarily and intentionally, and with the specific intent to do something the law forbids; that is, with a bad purpose either to disobey or disregard the law.” *United States v. Garza*, 754 F.2d 1202, 1210 (5th Cir. 1985); *see also United States v. Johnstone*, 107 F.3d 200, 209-10 (3d Cir. 1997) (for § 242, “willfully” requires specific intent to do what the law forbids, which is to violate a specific protected right); *United States v. Reese*, 2 F.3d 870, 885 (9th Cir. 1993) (same). The mere intention to use force that is later found to be unreasonable is not enough; rather, an officer must have “*intended to use unreasonable force* – that is, [the officer] intended not only the force, but its unreasonableness” as well. *Reese*, 2 F.3d at 885. Mistake, fear, misperception, and even poor judgment, do not constitute willful conduct prosecutable under the federal statute.

In addition to prosecution pursuant to 18 U.S.C. § 242, an officer could be prosecuted pursuant to the District of Columbia homicide statutes. An officer acting under color of law who is alleged to have used excessive force while engaged in legitimate law enforcement duties does not lose his or her status as an officer – and thus the right to use a reasonable amount of force in the performance of those duties – when local charges are filed instead. Accordingly, when pursuing a local charge against a police officer who was acting under color of law, the Government must start with the fact that officers are allowed to use a reasonable amount of force in performance of their duties, and then prove that the force used was unreasonable. *See Rogala v. District of*

Columbia, 161 F.3d 44, 57 (D.C. Cir. 1998); *Kotsch v. District of Columbia*, 924 A.2d 1040, 1047 (D.C. 2007); *accord* Criminal Jury Instructions for the District of Columbia 4.114 (5th ed. 2013) (in Assault on a Police Officer instruction, “officer may use the amount of force that appears reasonably necessary to make or maintain the stop”).

Although not couched in “Fourth Amendment” terms, this is the same objective reasonableness inquiry that is undertaken pursuant to *Graham* and the courts have treated it as such. *Arnbruster v. Frost*, 962 F. Supp. 2d 105, 117 (D.D.C. 2013) (noting standard for analyzing assault claim is “similar to the excessive force standard applied in the Section 1983 context,” and holding that defendant officer did not use excessive force under either the constitutional standards applicable to § 1983 action or under the District’s assault statute); *Rogala*, 161 F.3d at 57; *see also Smith v. District of Columbia*, 882 A.2d. 778, 790 (D.C. 2005) (relying on “reasonableness” principles articulated in *Graham* in a civil claim brought pursuant to D.C. statute alleging assault and battery by an officer acting under color of law); *District of Columbia v. Chinn*, 839 A.2d 701, 706 (D.C. 2003) (same). Moreover, the Government must also prove the elements of the crime charged.

To prove Second Degree Murder, the Government must prove beyond a reasonable doubt that the defendant caused the death of the decedent, intended to kill or seriously injure the decedent or “acted in conscious disregard of an extreme risk of death or serious bodily injury”, and did not injure the deceased in the heat of passion withheld pursuant to exemption of the Freedom of Information and Privacy Act by adequate provocation. *Jones v. United States*, 828 A.2d 169, 180 (D.C. 2003). Moreover, where there is some evidence of mitigation or self-defense, the Government must also prove beyond a reasonable doubt that there were no mitigating circumstances and that the defendant did not act in self-defense. *See* D.C. Code § 22-2103 (2013); *Comber v. United States*, 584 A.2d 26, 41 (D.C. 1990); Criminal Jury Instruction for the District of Columbia 4.202B (5th ed. 2013) (hereinafter “Crim. Jury Instr.”).

Mitigating circumstances may exist in two situations. The first situation is where a person acts in the heat of passion, including anger and fear, that is caused by “adequate provocation.” *See* Crim. Jury Instr. 4.202B. Adequate provocation is “conduct on the part of another that would cause an ordinary, reasonable person in the heat of the moment to lose his/her self-control and act on impulse and without reflection.” *Id.* The defendant’s response must not be “entirely out of proportion” to the seriousness of the provocation; an act of violence or an immediate threat of violence may be adequate provocation, but mere words are not. *Id.* The second situation where a mitigating circumstance can exist is where a person actually believes both that he is in danger of serious bodily injury, and that the use of force is necessary to defend against that danger, but where one or both of those beliefs is not reasonable. *Id.* Voluntary Manslaughter, which is based on common law in the District of Columbia rather than statute, is a killing that would otherwise be

Second-degree Murder but for the existence of one or both of these mitigating circumstances. *Id.*; *Comber*, 584 A.2d at 35, 42.²¹

To prove Involuntary Manslaughter, the Government must prove that the defendant unlawfully caused the death of another person, notwithstanding the fact that the killing was accidental or unintentional, and that the killing was not justifiable or excusable. *Comber*, 584 A.2d at 47-48. There are generally two species of Involuntary Manslaughter: “Misdemeanor Involuntary Manslaughter” and “Criminal-Negligence Involuntary Manslaughter.” *Id.* at 48-49.

Misdemeanor Involuntary Manslaughter requires (1) that the defendant engaged in conduct constituting a misdemeanor offense bearing an inherent danger of physical injury, and (2) that the offense resulted in the death of another person. *See id.* at 50.

Criminal-Negligence Involuntary Manslaughter creates criminal liability in a person who “unintentionally causes the death of another as the result of non-criminal conduct . . . only where that conduct both creates ‘extreme danger to life or of serious bodily injury,’ and amounts to ‘a gross deviation from a reasonable standard of care.’” *Id.* at 49 (quoting *Faunteroy v. United States*, 413 A.2d 1294, 1298-99 (D.C. 1980)). In order to prove that a defendant “causes the death of another,” the Government must prove (1) that the defendant’s conduct was a substantial factor in the fatal injury, and (2) that death was a reasonably foreseeable consequence of the defendant’s conduct. *Fleming v. United States*, 148 A.3d 1175, 1180 (D.C. 2016); *see also Roy v. United States*, 871 A.2d 498, 507-08 (D.C. 2005).

For a defendant to invoke self-defense as justification for homicide, the defendant must show that there was an actual or apparent threat to the defendant, the threat was unlawful and immediate, the defendant honestly and reasonably believed that he was in imminent danger of death or serious bodily harm, and the defendant’s response was necessary to save himself from danger. *Rorie v. United States*, 882 A.2d 763, 771 (D.C. 2005); *accord* Criminal Jury Instructions for the District of Columbia 9.501B (2018). A defendant loses his claim to self-defense if the defendant was the aggressor or if he provoked the conflict upon himself. *Swann v. United States*, 648 A.2d 928, 930 (D.C. 1994).

In the present matter, there is insufficient evidence to refute Lieutenant Byrd’s description of the circumstances, corroborated by the civilian and officer witness statements, under which he fired his weapon at Ms. McEntee and caused her death. The government would have to prove not only that Lieutenant Byrd used force that was constitutionally unreasonable, but that he did so “willfully,” which the Supreme Court has interpreted to mean he acted with a bad purpose to disregard the law. As this requirement has been interpreted by the courts, evidence that an officer

²¹ First Degree Murder pursuant to D.C. Code § 22-2101, which requires premeditation and deliberation, does not apply to the facts of this case. *See Comber*, 584 A.2d at 35-36; Crim. Jury Instr. 4.201A.

acted out of fear, mistake, panic, misperception, negligence, or even poor judgment cannot establish the high level of intent required under Section 242.

Because Ms. McEntee was an active participant in a “mob” that had just illegally entered the Capitol building, and then broke out the glass doors and removed barricades to forcefully gain entry into the Speaker’s Lobby, there is insufficient evidence to refute Lieutenant Byrd’s fear for his life or the life of others at the time he discharged his weapon. Therefore, there is insufficient evidence to prove beyond a reasonable doubt that he willfully deprived Ms. McEntee of a right protected by the Constitution or laws of the United States.

Accordingly, I recommend declination of this matter.

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 1/14/2021 5:47:29 PM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzer]
Subject: (b)(5); (b)(7)(C)
Attachments: [Redacted]

Jim and Paige,

[Redacted]

Thanks,

Saeed

Referral = EOUSA

From: Rakoczy, Kathryn (USADC)
Sent: Thursday, January 14, 2021 12:46 PM
To: Mody, Saeed (CRT) <(b)(6)>
Subject: (b)(5); (b)(6); (b)(7)(C)

Current as of 11am today it looks like.

Kathryn L. Rakoczy
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W., Room 5239
Washington, D.C. 20530

(b)(6)

Page 31 of 90

Withheld pursuant to exemption

(b)(5); (b)(6); (b)(7)(C)

of the Freedom of Information and Privacy Act

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
11	Ochs, Nick	21-mj-15	Hawaii	Rakoczy, Kate	Smith, Dave		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	Entered Capitol building; head of Proud Boys Hawaii	PCCR	Arrested	Yes	1/8/2021, we obtained SWs for a phone, suitcase, and laptop bag in Ochs' possession at the time of his arrest. To the extent you have room for such a note, among the notable things found in the suitcase/laptop bag were: protective gear (Kevlar vest, tournicut, helmet), walkie-talkies, laptop, GoPro, ideology journal.	1/15/21 before MJ Harvey	
12	Evans, Derrick	21-mj-16	West Virginia	Gaston, Molly	Smith, Dave		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	West Virginia delegate who entered the Capitol	PCCR	Arrested	No	Defendant released on PR from West Virginia		
13	Meredith, Cleveland	21-mj-17	Georgia	Baset, Ahmed	Kraehe, George		1/7/2021	18 U.S.C. 875©; 7 D.C. Code 2506.01(a) (UA/UF)	Threatened Speaker of the House; Possessed firearms in D.C.	PCCR	Arrested	Yes	Held and awaiting detention hearing next week		
14	Chansley, Jacob (Angeli, Jake)	21-mj-18	Arizona	Paschall, Kimberly	Sweeten, Katie		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)	Unlawfully entered U.S. Capitol Building wearing lion headdress	FMC	Arrested	Yes	Supposed to self-surrendering shortly	1/15/21 [DH]	
15	Johnson, Adam	21-mj-20	Florida	Arco, Jessica	Smith, Dave		1/7/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2) and 641	Theft of the podium	FMC	Arrested	Yes	Held and awaiting detention hearing next week	19-Jan	
16	Lolos, John	21-mj-22	Washington	Berridge, Christopher			1/9/2021	18 U.S.C. 1752(a); 40 U.S.C.	Inside of Capitol carrying flags, yelling	FMC	Arrested	Yes	Papered and released from D.C. Superior Court; Preliminary Hearing scheduled 1/28		
17	Colt, Josiah	21-mj-21	Idaho	Aloi, Liz	Kraehe, George		1/9/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(Traveled to DC with Firearm, inside Capitol	PCCR	Filed	No	Papering today (Saturday) and seeking his arrest		
18	Munchel, Eric; Rendell Brock, Larry	Pending	Tennessee/Texas	Baset, Ahmed	Sher, Justin		1/9/2021	18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(Zip tie guys	PCCR	Filed	No	Arrest warrants obtained and legal process to find them in place		
19	Baranyi, Thomas	Pending		Vaughn, Amanda	Cora, David		1/7/2021	18 USC 1752; 40 USC 5104	UE; witness to Babbit shooting	PCCR	Arrested	No	Arrested 1/12, arraigned and released	1/18/2021	
20	Loftus, Kevin	21-mj-31	Wisconsin	Cole, Emory	Viti, Phil		1/8/2021	18 USC 1752; 40 USC 5104	UE; Photos inside building, social media admission "wanted by FBI for illegal entry"	FMC	Filed				
21	Pepe, Will	21-mj-32	New York	Berridge, Christopher	Levy, Jenny		1/10/2021	18 USC 1752; 40 USC 5104		FMC	Arrested	Yes	<ul style="list-style-type: none"> Premises search warrant signed and executed Cell phone search warrant requested—will likely be signed and executed today Vehicle search warrant requested—will likely be signed and executed today, maybe tomorrow 	1/22/2021	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
22	Williams, Andrew	21-mj-30	Florida	Lallas, Peter	Dittoe, Mike		1/9/2021		Firefighter identified as having been present at the Capitol during the riots through two videos and a still photograph of him under the entrance to the Speaker's office.	Fraud	Arrested		D arrested, Middle District of FL coordinating presentment at 4.		
23	Ehmke, Hunter	21-mj-27		Baker, Dineen	Sigler, Andy		1/8/2021	18 U.S.C. 1361; 18 U.S.C. 1521c2; 18 USC 5104e2		VCNT	Filed				
24	Wrigley, Andrew	21-mj-26	Pennsylvania	Poulin, Jeff			1/8/2021	18 USC 1752; 40 USC 5104	Posted on social media about entering Capitol grounds. Videos depict him inside capitol.	FMC	Filed		Provided AW to Capitol Police to Process for Arrest		
25	Rodean, Nicholas	21-mj-28	Maryland	Birney, Kevin			1/8/2021	18 USC 1752; 40 USC 5104	Inside of Capitol.	FMC	Filed		Likely to self surrender on 1/13/2021		2/3/2021
26	Mostofsky, Aaron	21-mj-34	New York	Poulin, Jeff	Magnone, Rebecca		1/8/2021	18 USC 1752; 40 USC 5104; 18 USC 641 (felony)	Inside Capitol w/ US Capitol riot shield and bullet proof vest. Gives interview admitting that he found the items on the ground and was in the capitol to contest election.	FMC	Filed		D arrested in NY 1/12/21. Search Op revealed clothing worn while in Capitol, knife, ammo, cellphone.		
27	Fracker, Jacob; Robertson, Thomas	21-mj-36		Aloi, Liz	Kaster, Joe		1/10/2021	18 USC 1752(a); 40 USC 5104E2		PCCR			Anticipated search warrant filing (Facebook) 1/13/21		
28	Sullivan, John			Vaughn, Amanda	Cora, David		1/9/2021	18 U.S.C. 231(a)(3), 18 U.S.C. 1752(a), and 40 U.S.C. 5104(e)(2)	<small>Page 23 of 90 pursuant to exemption Deletion - EOLUSA of the Freedom of Information and Privacy Act</small>	PCCR	Filed				
29	Ciarpelli, Albert	21-mj-22	New York	Nestler, Jeffrey	Meeks, Taryn		1/8/2021	1752(a)(1); 40 U.S.C. 5104(e)(2)		Fraud	Arrested		Likely to self surrender in Syracuse, NY		1/25/2021 before MJ Harvey
30	Lyons, Kevin	21-mj-37	Chicago, IL	Battle, Nicole	Kraehe, George		1/10/2021	18 USC 1752; 40 USC 5104		VCNT	Arrested		Arrested in Chicago, had initial in NDIL		1/19/21 before MJ Harvey
31	Keller, Klete	21-mj-42	Colorado	Edwards, Troy	Burke, Jennifer		1/11/2021	18 USC 231(a)(3); 18 USC 1752(a)(1), (2); 40 USC 5104e(2)(D)(E),(G)		SC	Filed		Search warrants forthcoming; defendant expected to self surrender in Colorado		
32	Montgomery, Patrick	21-mj-44		Kelley, Beth			1/11/2021	18 U.S.C. 1752 (a)(1); 40 U.S.C. 5104(e)(2)(G)		SC	Filed				
33	Cudd, Jenny Louise; Rosa, Eliel	21-MJ-35	Texas	Kent, David	Viti, Phil		1/8/2021			Fraud	Arrested		Initial Appearances scheduled in TX for this afternoon (1/13/21); W.D. Tex. obtaining search warrant for 3 phone (2 from Cudd, 1 from Rosa) seized incident to arrest		
34	Bledsoe, Matthew			Carter, Jamie	Sher, Justin		1/11/2021	18 U.S.C. 1752 (a)(1)-(2); 40 U.S.C. 5104(e)(2)(D),(G)		SC	Filed				
35	Lollar, Joshua	21-mj-45	Texas	Sedky, Mona	Ward, Steve		1/10/2021	18 USC 1752; 40 USC 5104		Fraud	Filed		Defendant expected to self surrender tomorrow 1/14/20		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
36	Harding, Peter	21-mj-33	New York	Allen, Stuart				18 U.S.C. 1752 (a)(1) and (2) 40 U.S.C. 5104(e)(2)@		Fraud	Arrested	Yes	Initial likely tomorrow in WDNY		
37	Muntzer, Henry	21-mj-43		Kent, David	Kaster, Joe		1/8/2021	18 USC 1752; 40 USC 5104	Video of four of them in the Capitol	Fraud		Filed			
38	Seefried Hunter; Seefried Kevin	21-mj-46		Aloi, Liz			1/11/2021		Anticipated complaint and arrest warrant filing 1/13	PCCR		Filed			
39	Pezzola, Dominic; Greene, Matthew; Sauer, Aaron; Pete, Nicholas	21-mj-47 (under seal)		Kenerson, Erik	Meeks, Taryn		1/10/2021	1752(a), 1361, and 1512(c)(2)	prospective cell-site search warrant should be signed by PM 1/13/21	NSS		Filed			
40	Strand, John; Gold, Simone	21-mj-51		Melissa	Sigler, Andy		1/11/2021	1752; 5104		Fraud		Filed			
41	Sanford, Robert		Pennsylvania	Janani Iyengar				18 U.S.C. 111(a)(1); 18 U.S.C. 231(a)(3); 40 U.S.C.					Filed		
42	Packer, Robert Keith			Gaston, Molly	Katie		1/11/2021	"Auschwitz" T-Shirt		PCCR					

	A	B	C	D	E	F	G	H	I
1	Defendant Name	Case Agent	AUSA	CTS Attorney	CCSIPS Attorney	Assignment Date	Offense	Status/Remarks	Section
2	Shaffer, Elijah		Brown, Christopher	Hughes, Alex		1/7/2021	18 USC 1752; 40 USC 5104	Entered Pelosi's office and removed computer thumbdrive	Fraud
3	Anderson, John		Wong, Candice	Nunnally, Kevin		1/7/2021	18 USC 1752; 40 USC 5104	Entered Capitol building	VCNT
4	McCall Calhoun, William; Daughtry, Michael Shane		Baset, Ahmed	Goddard, Lauren		1/8/2021	18 USC 1752; 40 USC 5104	Entered the Senate floor with zipties. Looking at their social media to confirm identities	PCCR
5	Ryan, Jenna		Paschall, Kimberly	Thornton, Brenda Sue		1/9/2021			FMC
6	Muntzer, Henry		Kent, David	Kaster, Joe		1/8/2021	18 USC 1752; 40 USC 5104	Video of four of them in the Capitol	Fraud
7	Cudd, Jenny; Rosa, Eliel		Kent, David	Viti, Phil		1/8/2021			Fraud
8	Newbold, Adam		Jones/McCullough	Sher, Justin		1/8/2021	Rioting	Alleged leader of militia group that arranged for travel to and for assault on Capitol. Working with OH Field Office	NSS
9	Anderson, Brian		Iyengar, Janani	Burke, Jennifer		1/9/2021	UE	Inside the Capitol	FMC
10	Paradise, Megan		Crabb, John			1/9/2021			
11	Dresch, Karl		Ahn, Demian	Cook, Alicia		1/9/2021			Fraud
12	Harding, Peter; Thompsons		Allen, Stuart	Magnone, Rebecca		1/9/2021		complaint to be filed 1/11	NSS
13	Mish, David		Macey, Christine	Ward, Steve		1/9/2021			Fraud
14	Johnson, Lt. Tarik		Cooney, JP	Zimmerman,		1/9/2021			PCCR
15	Priola, Christinie		Jolie	Sher, Justin		1/8/2021		2021R00182	NSS
16	Carpelli, Albert		Nestler, Jeffrey	Meeks, Taryn		1/8/2021			Fraud
17	Wood, Lin		Sedky, Mona			1/9/2021		USSS in Charleston, SC, where Wood apparently is located. They plan to interview on 1/13/21 to do a threat assessment.	Fraud
18	Sullivan, John Earle		Vaughn, Amanda	Cora, David		1/9/2021		Encouraged rioting just before Babbit shooting	PCCR
19	Black, Joshua		Baset, Ahmed	Sher, Justin		1/10/2021			PCCR
20	Eisenhart, Lisa		Baset, Ahmed	Sher, Justin		1/10/2021	18 USC 1752; 40 USC 5104		PCCR
21	Lollar, Joshua		Sedky, Mona	Ward, Steve		1/10/2021	18 USC 1752; 40 USC 5104	on 1/11/21, Lollar was interviewed (unexpectedly) by FBI Houston and gave consent to search his cell phone. We served a FB SW for his account and received records last night. We are currently processing FB records and awaiting cell phone forensics.	Fraud
22	Witzke, Lauren		Zimmerman, Jolie	Rosborough, Danielle		1/10/2021	18 USC 1752; 40 USC 5104		NSS
23	Revlett, Jordan		Wong, Candice			1/10/2021; reassignment 1/13/2021	18 USC 1752; 40 USC 5104		FMC

Page 20 of 90
 Withheld pursuant to exemption
 (b)(7) - FOIA
 of the Freedom of Information and Privacy Act.

	A	B	C	D	E	F	G	H	I
24	Weeks, Bradley Wayne	Miller, Josh	Carter, Jamie			1/10/2021	18 USC 1752; 40 USC 5104		SC
25	Dubin, Sergii Olegovich		Paschall, Kimberly	Slavin, Dmitriy		1/10/2021	18 USC 1752; 40 USC 5104		FMC
26	Grider, Christopher		Briggs, Kendra	Viti, Phil		1/10/2021	18 USC 1752; 40 USC 5104	Speaker's lounge	PCCR
27	Kelly, Leo		Davis, Kenya	Sher, Justin		1/10/2021	18 USC 1752; 40 USC 5104		FMC
28	Lyons, Kevin James		Battle, Nicole	George		1/10/2021	18 USC 1752; 40 USC 5104		VCNT
29	Beckley, Damon		Lallas, Peter	George		1/10/2021	18 USC 1752; 40 USC 5104		Fraud
30	Watson, Will		Vaughn, Amanda	Meeks, Taryn		1/10/2021		SDAL target; tattoos	PCCR
31	Pezzola, Dominic; Suspects TBD		Kenerson, Erik	Meeks, Taryn		1/10/2021			NSS
32	Scheib, Scott		Birney, Kevin	Lauren		1/10/2021			FMC
33	Sidorski, Dennis		Poulin, Jeff	Burke, Jennifer		1/10/2021		2021R00178	FMC
34									
35	Bennett, Andrew		Mohanty, Nihar	Smith, David		1/11/2021		Possible 2101 charges	VCNT
36									
37									
38	Marquez, Felipe		Nestler, Jeffrey	Ward, Steve		1/11/2021	Page 26 of 90 Withheld pursuant to exemption Reference - EOUSA of the Freedom of Information and Privacy Act		Fraud
39	Haskins, Justin		Liebman, Michael	Magnone, Rebecca		1/11/2021			SC
40	Bledsoe, Matthew		Carter, Jamie	Sher, Justin		1/11/2021			SC
41	Balysany, Sammy		Nielsen, Kim	Danielle		1/11/2021			SC
42	North, Jacob		Edwards, Troy	Cook, Alicia		1/11/2021		AUSA to get SW for suspect's phone	SC
43	Gray, Kevin; Gray, Bryan		Briggs, Kendra			1/11/2021			PCCR
44	Lindsey		Edwards, Troy	Burke, Jennifer		1/11/2021		Anticipated complaint and arrest warrant filing 1/13	SC
45	Seefried, Kevin; Seefried, Hunter		Aloi, Liz			1/11/2021		Anticipated complaint and arrest warrant filing 1/13	PCCR
46	Montgomery, Patrick	Weeks, Jeffrey	Kelley, Beth			1/11/2021			SC
47	Crandell, Zach		Buckner, Angela	Kaster, Joe		1/11/2021		Likely arrest in Alexandria, VA 1/14/21	SC
48	Broadnax, Antionne		Liebman, Michael			1/11/2021			SC
49	Bauer, Robert Lynn; Hemenway, Edward	Whittaker, Jennifer; Hamel, Matthew	Kelley, Beth	Kraehe, George		1/11/2021			SC
50	Rhodes, Elmer Stewart	Palian, Michael	Baset, Ahmed			1/11/2021			PCCR
51	Riley, Jorge	Camiliere, Kate	Edwards, Troy			1/11/2021			SC
52	Vargas, Hector	Horan; Mocco; Bonaparte; Scalcione	Buckner, Angela	Cora, David		1/11/2021			SC
53	Sommers, Krystle; Casserley, Janet	Burns, Clarke	Nielsen, Kim	Kevin		1/12/2021			SC
54	Vaughn, Gordon		Dohrmann, Mary	Burke, Jennifer		1/12/2021			FMC
55	Dragoo, Kim	Camiliere, Kate	Lucas, Diane	Poteat, Elisa		1/12/2021			Fraud

	A	B	C	D	E	F	G	H	I
56	Kelly, Kash Lee	Biscardi, Michael	Cole, Emory	Hughes, Alex		1/12/2021			FMC
57	Ericson, Andrew	Ervin, Timothy	Macey, Christine	Sweeten, Katie		1/12/2021			Fraud
58	Reffitt, Guy		Nestler, Jeffrey			1/12/2021		3 preservation letters subitted on 1/13/21, gopro, microsoft, life360	PCCR
59	Ehrke, Valarie	Miller, Michael	Birney, Kevin	Sigler, Andy		1/12/2021			FMC
60	McCreary, Brian Patrick	Clark, Sean	Regan, Brandon			1/12/2021			FMC
61	Courtright, Gracyn	Hanna, Mariam	Fletcher, Rachel	Viti, Phil		1/12/2021			VCNT
62	Riddle, Jason	Helson, Kevin	George	Sweeten, Katie		1/12/2021			
63	Lara, John	Chase, Clay	Regan, Brandon			1/12/2021			FMC
64	Hernandez, Emily	Herrera, Jorge	Arco, Jessica			1/13/2021		photo carrying a fractured piece of Speaker Pelosi's name plate; Anticipated complaint and arrest warrant filing	FMC
65	Spisso, Daniel		Edwards, Troy			1/13/2021		1/14	SC
66	Hatley, Andrew	Smith, Cassidy	Birney, Kevin	Campbell, Kathleen		1/8/2021			FMC
67	Stager, Peter; Sabol, Jeffrey	Coe, Jason; Benoit, Kristy	Kukowski, Colleen	Paschall, Kimberly;		1/13/2021		Preliminarily ID'd as individual who attacked USCPD with flagpole	FMC/Homicide
68	Ballesteros, Robert	Larkin, Kevin	Russo, April	Levy, Jenny		1/13/2021	1752(a) withdrawn pursuant to exemption and 5104(e)(2)(G) EDUSA of the Freedom of Information and Privacy Act		FMC
69	Camargo, Samuel	Attard, Michael	Poulin, Jeff	Dohrmann,		1/13/2021		Entered capitol building and stole a pole from the building	FMC
70	Hiles, Jacob	Merriman, Brandon	Mary			1/13/2021			FMC
71	Green, Matt; Sauer, Aaron		McCullough, Jason			1/13/2021			NSS
72	Aguerro, Pedro		Nicholas	Viti, Phil		1/13/2021		admitted in rotunda of capitol	FMC
73	Abual-Ragheb, Rasha	Farrar, Anthony	Michael			1/13/2021	1752; 5104	Screen shot of FB post; ID by friend; statements to CHS	
74	Bibiano, Juan	Senters, Dan	Carter, Jamie			1/13/2021		Overlap with defendants Anthony Reed and Bledsoe	SC
75	Reed, Anthony	Senters, Dan	Carter, Jamie			1/13/2021		Overlap with defendants Juan Bibiano and Bledsoe	SC
76	Garcia, Gabriel	Biscardi, Michael	Buckner, Angela	Ward, Steve		1/13/2021	1752; 5104	live stream from Garcia's social of him inside the capitol building	SC
77	Miller, Garret		Kelley, Beth	Dittoe, Michael		1/13/2021	1752; 5104	Video inside capitol; statements on social media; social media in given name	SC
78	Black, Gary Dirk		Ahn, Demian			1/13/2021			

	A	B	C	D	E	F	G	H	I
79	Goodwyn, Daniel	Flores	Berridge, Chris			1/13/2021	1752; 5104	self-identified in a video taken by Baked Alaska, which is in the Capitol. We have very strong ID by a person who has known him since he was 9 years old, and WFO-FBI SA Flores has spoken with that source.	FMC
80	Michetti, Richard		Larson, Amy	Rosborough, Danielle		1/13/2021	1752; 5104	videos of the defendant inside the building	FMC
81	Mazzocco, Matthew	Hyland, Tristan	Nielsen, Kim	Viti, Phil		1/13/2021		twitter video that the agent from San Antonio has that shows the defendant inside the halls of the capitol with a uniformed police officer inside	
82	Boyd Camper; Stanley Roder; Regina Haworth; Cameron Haworth	Jynika Craig [TBD]	Kent, David			1/13/2021		Connected to Henry Muntzer (21-MJ-43)	Fraud
83	Montoya, Sam		Briggs, Kendra; Wong, Candice; Baset, Ahmed			1/13/2021			PRRC
84	Hansen, Tayler		Briggs, Kendra; Wong, Candice; Baset, Ahmed	Nunnally, Kevin		1/13/2021			PRRC
85	Moncada, Nicolas	Attard, Michael	Cole, Emory			1/13/2021			FMC
86	Medina, David	Grubb, Michael	Brown, Christopher	Poteat, Elisa		1/13/2021			Fraud
87	Vincent, Ronnie & Riva	Marsh, Victoria; Saladin, Michael	Lucas, Diane	Viti, Phil		1/13/2021			Fraud
88	Watkins, Jessica	Butcher, Charles	Ravindra, Tara	Hughes, Alex		1/13/2021			FMC
89	Ibrahim, Mark	Higley, Jason	Nelson, Jim			1/13/2021			FMC
90	Perna, Matt		Mohanty, Nihar	Rosborough, Danielle		1/13/2021			VCNT
91	Spark, Michael; Howe, Joseph; Gray, Ryan; Gray, Eric; Duncan, Mark	Hamel, Matt	Kelley, Beth			1/13/2021		group of five individuals from Kentucky. We have identified one of the individuals in the Capitol, he was one of the individuals running up the stairway, chasing the officer.	SC
92	Baker, Stephen	Thrift, Scott	Battle, Nicole			1/13/2021			VCNT
93	Capsel, Matthew	Ramsden, Madison	Davis, Kenya			1/13/2021		possible 231 charges and assault on a national guardsman	FMC
94	Howell, Annie	Mason, Andrew	Fletcher, Rachel			1/13/2021		could involve larger obstruction statutes; recommendation to add CCSIPs Atty	VCNT
95	Thompson, Dustin	Thomas, Brian	Buckner, Angela			1/13/2021		video that was sent to his friend of him in the Capitol and a picture of him with a coat rack from the Capitol	SC
96	Jones, Chad	Hill, Travis	Lallas, Peter			1/13/2021			Fraud

Page 38 of 90
 Withheld pursuant to exemption
 B7E - E.O. 13526
 of the Freedom of Information and Privacy Act

	A	B	C	D	E	F	G	H	I
97	Straka, Brandon	Desor, Jeremy	Russo, April			1/13/2021		documented voice of the crowd and incited a lot of the actions, including taking a riot shield from an officer	FMC
98	Fee, Thomas	Haggans, Matthew	Miranda, Nicholas			1/13/2021		unlawful entry and EDNY wants to do a search warrant	FMC
99	Phipps, Daniel	Orndorff, Kathleen	Liebman, Michael			1/13/2021		unlawful entry	SC
100	Steele-Smith, Melody	Kruger, Amanda	Jackson, Melissa			1/13/2021		connected with violent ideology, but mental health issues, and prior convictions	Fraud
101	Lang, Edward Jacob	Taylor, Lanard	Jackson, Melissa			1/12/2021		engaged in violent group attack on police guarding arch entrance to capitol	Fraud
102	Fellows, Brandon	Taylor, Lanard	Jackson, Melissa			1/12/2021		Bloomberg article confessed to going into Capitol and smoking a joint in Senator Jeff Merkley's office)	Fraud
103	Balyasny, Sammy	Ramsden, Maddison	Kim Neilson	Daniel Rosboro				sat in chair of Pelosi	
104	Wagner, Joshua	Ryan Romack	Mary Dohrmann	Alex Hugs		1/14/2021			

	A	B	C	D	E	F
1	Case Name	AUSA reviewing	Follow up Needed?	Completed/Result?	Referred to Superior Court? Assigned AUSA?	Date Completed
2	Schaff, Erin	Ravindra	No suspect identified, FBI to investigate and interview CW. Note: CW is a NYT reporter			
3	Pope, Aaron	Kent	Superior Court to assign an AUSA to review and contact Agent Miller	Yes - referred to Superior Court	Yes	1/10/2021
4	In re: pipe bombs	Allen	Google geofence SW to be filed 1/11; sought 3 search warrants and were granted			
5	Jones, Alex	Aloi	Texas assigned 1/9/21; PCCR requested off list 1/10/21			
6	Fossey, Todd; Barton, Vikki; Stutts, Jordan	Cheung	Needs FBI work up			
7	In re: Steve Doudnik	Zimmerman	AUSA is investigating possible 1752. R#: 2021R00169			
8	Kelly, Chris	Cheung	SW 20-sc-64 for social media accounts for NYFO			
9	Ballestros, Robert	Cheung	SW 20-sc-65 for social media accounts for NYFO			
10	Vogel, William	Cheung	SW 20-sc-67 for social media accounts for NYFO			
11	West, Chris	Aloi	Needs FBI work up			
12	Gutenschwager, Brendan	McCullough	D is a journalist. Following up with OEO for guidance on how to handle prosecution of media persons. SW for D's facebook account to confirm he was in DC on Jan 6. CW			
13	Skinner, Stephen	Poulin	ID'ed a photo as possibly being D. Get an interview that corroborates the photo of the defendant in the			
14	Firlotte, James	Iyengar	Capitol			

	A	B	C	D	E	F
15	Pachowics, David		Requested additional information in order to assign to USAO - need to verify ID from photographs and resubmit FBI packet			
16	Vincent, Ronnie & Riva		Subjects are a couple who were part of the group who stormed the capital; Currently being reviewed			
17	Perna, Matt	Ravindra				
18	Palm, Hunter	Edwards, LT	Follow up re: son's activities and whether this should be District Court case or Superior			

	A	B	C	D
1	Case Name	Reviewing AUSA	Disposition	Disposition Date
2	Dunn, Paul	Cheung, Denise		1/10/2021
3	Daube Kronen, Lauran	Nestler, Jeff	We do not believe this warrants prosecution at this time. If SA Wickham develops further evidence, advise us.	1/11/2021
4	Towers Parry, Tammy	Nestler, Jeff	At this time, we do not believe we have viable charges for Ms. Parry. Agent to continue investigation, including seeking to interview her, and let us know if any additional evidence develops.	1/11/2021
5	Otts, Chad	Kelley, Elizabeth	Tipster calls and says he saw a photo on FB of Chad Otts inside the Capitol. The photo is no longer on FB and the tipster did not screenshot it. FBI wants to do a knock-and-talk in the next few days. No PC for the warrant at this point.	1/11/2021
6	Dodds, Brian	Kent, David		1/9/2021
7	Schieb, Scott	Birney, Kevin; Rosen, Greg	Sent to Superior Court Sent to Superior Court; the suspect appears to be near the homicide victim near the door in the evidence the Agent in GA collected	1/12/2021
8	Winchel, Justin Dawn Bancroft; Diana	Ravindra, Tara		1/13/2021
9	Santos-Smith	Ravindra, Tara	Sent to Superior Court	1/13/2021

	A	B	C	D
10	Tammy Power Parry	Berridge, Chris	Sent to Superior Court	1/13/2021
			Not individual in surveillance	
11	Daniel Quintavalle	Iyengar, Janani	footage	1/13/2021
12	Sean Termini	Berridge, Chris	Sent to Superior Court	1/13/2021

- USAO Team
 - J.P. Cooney (USAO)
 - David Goodhand (Appellate)
 - Luke Jones (Nat Sec)
 - Jason McCullough (Nat Sec) – Proud Boys focus
 - Denise Cheung
 - Kate Rakoczy (PC)
 - Molly Gaston (PC)
 - Para Amanda Rody
- FBI WFO
 - CT Side
 - ASAC Lyonel Myrthel
 - Supervisor DT Squad David Goldkopf
 - Michael Gly?
 - Leanna Saler (Crim)
 - PC and Civil Rights Supervisors
 - CI Side Foreign Nexus component
- NSD – CT Side
 - Bridget Bheling
 - Alex Hughes
- NSD – CES Side
 - Julie Edelstein Deputy Chief Counter-Intelligence
 - They own seditious-conspiracy
 - David Aaron
- PIN
 - John Keller – Principal Deputy Chief
 - Jen
 - Conspiracy involving public officials obstruction 1/6 proceedings
- FINSIN involved as well
- CCIPS

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 4/11/2021 9:15:48 PM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]
CC: Songer, Michael (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7cb00ad0ff341abaedde6dd6dc289c6-msonger]
Subject: (b)(5); (b)(7)(C)
Attachments: [Redacted]

I wanted to flag this one again, before I lost track of it. (b)(5)
(b)(5)

From: Mody, Saeed (CRT)
Sent: Thursday, April 8, 2021 4:09 PM
To: Felte, James (CRT) <(b)(6)>; Fitzgerald, Paige (CRT) (b)(6)
Subject: FW: (b)(5); (b)(7)(C)

Jim and Paige,

(b)(5); (b)(7)(C)

[Large redacted area]

Thanks,

Saeed

From: Songer, Michael (CRT)
Sent: Tuesday, April 6, 2021 7:58 PM
To: Mody, Saeed (CRT) (b)(6)
Subject: (b)(5); (b)(7)(C)

Saeed-

(b)(5)

[Redacted area]

(b)(5)

Mike

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 4/13/2021 2:34:59 AM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]; Songer, Michael (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7cb00ad0ff341abaedde6dd6dc289c6-msonger]
Subject: FW: McEntee -- Press Statement
Attachments: mcentee-press statement-(b)(5)

Jim,

(b)(5)

Thanks,

Saeed

Referral – EOUSA

From: Cooney, Joseph (USADC)
Sent: Monday, April 12, 2021 11:12 AM
To: Mody, Saeed (CRT) <(b)(6)>
Subject: McEntee -- Press Statement

Saeed:

(b)(5)

J.P.

J.P. Cooney
Chief, Public Corruption & Civil Rights Section
U.S. Attorney's Office for the District of Columbia

(b)(6)

Page 48 of 90

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 49 of 90

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 4/13/2021 2:41:03 AM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]; Songer, Michael (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7cb00ad0ff341abaedde6dd6dc289c6-msonger]
Subject: RE: McEntee -- Press Statement
Attachments: mcentee-press statement (b)(5)

(b)(5)

Duplicate
From: Mody, Saeed (CRT)
Sent: Monday, April 12, 2021 10:35 PM
To: Felte, James (CRT) <(b)(6)>; Fitzgerald, Paige (CRT) <(b)(6)>; Songer, Michael (CRT) <(b)(6)>
Subject: FW: McEntee -- Press Statement

Jim,

(b)(5)

Thanks,
Saeed

From: Cooney, Joseph (USADC)
Sent: Monday, April 12, 2021 11:12 AM
To: Mody, Saeed (CRT) <(b)(6)>
Subject: McEntee -- Press Statement

Saeed:

(b)(5)

J.P.

J.P. Cooney
Chief, Public Corruption & Civil Rights Section
U.S. Attorney's Office for the District of Columbia

(b)(6)

Page 52 of 90

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Speaker's Lobby fired one round from his service pistol, striking Ms. McEntee in the left shoulder, causing her to fall back from the doorway and onto the floor. A USCP emergency response team, which had begun making its way into the hallway to try and subdue the ~~crowd~~ mob, administered aid to Ms. McEntee, who was transported to Washington Hospital Center, where she succumbed to her injuries.

The focus of the criminal investigation was to determine whether federal prosecutors could prove that the officer violated any federal laws, concentrating on the possible application of 18 U.S.C. § 242, a federal criminal civil rights statute. In order to establish a violation of this statute, prosecutors must prove, beyond a reasonable doubt, that the officer acted willfully to deprive Ms. McEntee of a right protected by the Constitution or other law, here the Fourth Amendment right not to be subjected to an unreasonable seizure. Prosecutors would have to prove not only that the officer used force that was constitutionally unreasonable, but that the officer did so "willfully," which the Supreme Court has interpreted to mean that the officer acted with a bad purpose to disregard the law. ~~As this requirement has been interpreted by the courts, evidence that an officer acted out of fear, mistake, panic, misperception, negligence, or even poor judgment cannot establish the high level of intent required under Section 242.~~

The investigation revealed no evidence to establish beyond a reasonable doubt that the officer willfully committed a violation of 18 U.S.C. § 242. Specifically, the investigation revealed no evidence to establish that, at the time the officer fired a single shot at Ms. McEntee, the officer did not reasonably believe that it was necessary to do so in self-defense or in defense of the Members of Congress and others evacuating the House Chamber. The U.S. Attorney's Office and U.S. Department of Justice have therefore closed the investigation into this matter.

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 4/14/2021 1:13:11 AM
To: Mitchell, Kendall M. (PAO) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=36743d3792b949c9a36e259f06c3f5a9-Mitchell, K]
CC: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Songer, Michael (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7cb00ad0ff341abaedde6dd6dc289c6-msonger]
Subject: Fwd: mcentee-press statement (b)(5)
Attachments: mcentee-press statement (b)(5)

Hi Kendall,

(b)(5)

Thanks!

Saeed

Begin forwarded message:

From: "Mody, Saeed (CRT)" (b)(6)
Date: April 13, 2021 at 6:51:00 PM EDT
To: "Cooney, Joseph (USADC)" (b)(6); Songer, Michael (CRT)" (b)(6); "Briggs, Kendra (USADC)" (b)(6)
Subject: mcentee-press statement (b)(5)

J.P.,

(b)(5)

Thanks,

Saeed



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney
District of Columbia
Judiciary Center
555 Fourth Street, N.W.
Washington, D.C. 20530

PRESS RELEASE

FOR IMMEDIATE RELEASE
Wednesday, April 14, 2021

For Information Contact:
Public Affairs
(202) 252-6933
<http://www.justice.gov/usao/dc/index.html>

U.S. Attorney's Office Department of Justice Closes Investigation Into the Death of Ashli McEntee

WASHINGTON – The U.S. Attorney's Office for the District of Columbia and the Civil Rights Division of the U.S. Department of Justice will not pursue criminal charges against the U.S. Capitol Police officer involved in the fatal shooting of 35-year-old Ashli McEntee, also known as Ashli Babbitt, the Office announced today.

The U.S. Attorney's Office for the District of Columbia's Public Corruption and Civil Rights Section and the Department of Justice Civil Rights Division's Criminal Section, with the Metropolitan Police Department's Internal Affairs Division (IAD), conducted a thorough investigation of Ms. McEntee's shooting. Officials examined video footage posted on social media, statements from the officer involved and other officers and witnesses to the events, physical evidence from the scene of the shooting, and the results of an autopsy. Based on that investigation, officials determined that there is insufficient evidence to support a criminal prosecution. Officials from IAD informed a representative of Ms. McEntee's family today of this determination.

"It is always tragic whenever there is a loss of life, regardless of the circumstances," Channing Phillips, Acting U.S. Attorney for the District of Columbia, stated in announcing the investigation's conclusion. "We offer our condolences to Ms. McEntee's family."

The investigation determined that, on January 6, 2021, Ms. McEntee joined a crowd of people that gathered on the U.S. Capitol grounds to protest the results of the 2020 presidential election. Inside the Capitol building, a Joint Session of Congress, convened to certify the results of the Electoral College vote, was underway. Members of the crowd outside the building, which was closed to the public during the Joint Session, eventually forced their way into the Capitol building and past U.S. Capitol Police (USCP) officers attempting to maintain order. The Joint Session was stopped, and the USCP began evacuating members of Congress.

The investigation further determined that Ms. McEntee was among a group mob of people that entered the Capitol building and gained access to a hallway outside "Speaker's Lobby," which leads to the Chamber of the U.S. House of Representatives. At the time, the USCP was evacuating Members from the Chamber, which the crowd mob was trying to enter from multiple doorways. USCP officers used furniture to barricade a set of glass doors separating the hallway and Speaker's Lobby to try and stop the crowd mob from entering the Speaker's Lobby and the Chamber, and three officers positioned themselves between the doors and the crowd mob. Members of the crowd mob attempted to break through the doors by striking them and breaking the glass with their hands, flagpoles, helmets, and other objects. Eventually, the three USCP officers positioned outside the doors were forced to evacuate. As crowd members continued to strike the glass doors, Ms. McEntee attempted to climb through one of the doors where glass was broken out. An officer inside the

Speaker's Lobby fired one round from his service pistol, striking Ms. McEntee in the left shoulder, causing her to fall back from the doorway and onto the floor. A USCP emergency response team, which had begun making its way into the hallway to try and subdue the crowd, administered aid to Ms. McEntee, who was transported to Washington Hospital Center, where she succumbed to her injuries.

The focus of the criminal investigation was to determine whether federal prosecutors could prove that the officer violated any federal laws, concentrating on the possible application of 18 U.S.C. § 242, a federal criminal civil rights statute. In order to establish a violation of this statute, prosecutors must prove, beyond a reasonable doubt, that the officer acted willfully to deprive Ms. McEntee of a right protected by the Constitution or other law, here the Fourth Amendment right not to be subjected to an unreasonable seizure. Prosecutors would have to prove not only that the officer used force that was constitutionally unreasonable, but that the officer did so "willfully," which the Supreme Court has interpreted to mean that the officer acted with a bad purpose to disregard the law. As this requirement has been interpreted by the courts, evidence that an officer acted out of fear, mistake, panic, misperception, negligence, or even poor judgment cannot establish the high level of intent required under Section 242.

The investigation revealed no evidence to establish beyond a reasonable doubt that the officer willfully committed a violation of 18 U.S.C. § 242. Specifically, the investigation revealed no evidence to establish that, at the time the officer fired a single shot at Ms. McEntee, the officer did not reasonably believe that it was necessary to do so in self-defense or in defense of the Members of Congress and others evacuating the House Chamber. The U.S. Attorney's Office and U.S. Department of Justice have therefore closed the investigation into this matter.

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 1/19/2021 2:59:58 PM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]
Subject: (b)(5); (b)(6); (b)(7)(C)
Attachments: [Redacted]

Referral — EOUSA

From: Rakoczy, Kathryn (USADC)
Sent: Tuesday, January 19, 2021 9:56 AM
To: Mody, Saeed (CRT) <(b)(6)>
Subject: (b)(5); (b)(6); (b)(7)(C)

Sorry for the Outlook delays!

Kathryn L. Rakoczy
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W., Room 5239
Washington, D.C. 20530

(b)(6)
[Redacted]

Page 58 of 90

Withheld pursuant to exemption

(b)(5); (b)(6); (b)(7)(C)

of the Freedom of Information and Privacy Act

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
123	Facebook (Search Warrant: Vincent, Reva, Vincent, Romie)	21-SW-167		Lucas, Diane				18 U.S.C. § 1752; 40 U.S.C. § 5104; 18 U.S.C. § 1512		Fraud	SW Filed at 1/18/2021	1/18/2021 at 15:56pm (NJ Harvey)				
124	Perrin, Matthew		Pennsylvania	Mohanty, Nihar	Campbell, Kathleen		1/13/2021	18 U.S.C. 1752 (h)(1) and (2); 40 U.S.C. § 5104(e)(2)(A), (C), and (G)			Filed at 1/18/2021 at 3:05pm	1/18/2021 at 15:32pm (NJ Meriwether)				
125	Ianni, Suzanne		Massachusetts	Brooks, Jessica	Savin, Dmitry		1/14/2021	18 U.S.C. 1752 (h)(1) and (2); 40 U.S.C. § 5104(e)(2)(D)		NSS	Filed at 1/18/2021	1/18/2021 at 16:32pm (NJ Meriwether)				
126	Sahady, Mark		Massachusetts	Brooks, Jessica	Savin, Dmitry		1/14/2021	18 U.S.C. 1752 (h)(1) and (2); 40 U.S.C. § 5104(e)(2)(D)		NSS	Filed at 1/18/2021	1/18/2021 at 16:17pm (NJ Meriwether)				
127	Riley, Jorge		California	Edwards, Troy	Sigler, Andy		1/11/2021	18 U.S.C. 1512(c)(7); 18 U.S.C. 1752 (a)(1)&(2); 40 U.S.C. 5104(e)(2)(C) &(G)		SC	Filed at 1/18/2021 at 5:45pm	1/18/2021 at 21:00pm (NJ Meriwether)				
128	Spencer, Christopher		North Carolina	Carter, Jamie			1/16/2021	18 U.S.C. 1752 (h)(1)-(2); 40 U.S.C. 5104(a)(2)(C)(D); (G); 18 U.S.C. 1512(c)(2)			Filed at 1/18/2021 at 7:36pm	1/18/2021 at 21:35pm (NJ Meriwether)				
129	Search Warrant (Fruitt: 21-SW-06)	21-SW-06		Beridge, Chris				18 U.S.C. § 1361; 18 U.S.C. § 1752(a)(1); 18 U.S.C. § 1512(c)(2); 18 U.S.C. § 371		Fraud	SW Filed at 1/18/2021 at 6:38pm	1/18/2021 at 19:45pm (NJ Harvey)				
130	Jackson, Emanuel			Light, Gilead and Scarpetti, Anthony			1/16/2021	18 U.S.C. § 111 (a); 18 U.S.C. § 111 (a) and (b); 18 U.S.C. § 1512(c)(2); 18 U.S.C. § 1752 (a) and (b); 40 U.S.C. § 5104(e)(2)			Filed at 1/18/2021 Arrested on 1/18/2021					
131	McGaughey, Patrick		Connecticut	Jackson, Melissa			1/16/2021	18 U.S.C. 111(b); 18 U.S.C. 231(a)(3); 18 U.S.C. 1752(a) & (b); 40 U.S.C. 5104(e)(2)		Fraud	Filed at 1/18/2021 at 6:09pm	1/18/2021 at 20:09pm (NJ Meriwether)				
132	Young, Graydon		Florida	Nestler, Jeffrey	Ditton, Michael		1/17/2021	18 U.S.C. 1512(c)(2); 18 U.S.C. 3519; 18 U.S.C. 1752 (a); 40 U.S.C. 5104(e)(2)		Fraud	Filed at 1/18/2021 at 7:47pm	1/18/2021 at 21:45pm (NJ Meriwether)				
133	Mink, Jordan		Pennsylvania	Dilorenzo, Michael; Song, Soo	Reardon, Tim		1/17/2021	18 U.S.C. § 1752(a), (b)(1)(A); 40 U.S.C. § 5104(d); 40 U.S.C. § 5104(a)(2); 5104(e)(2)(D), (F) and (G); 18 U.S.C. § 1361; 18 U.S.C. § 641; 18 U.S.C. § 2(a)		NSS	Arrested at 1/18/2021	1/18/2021 at 22:08pm (NJ Meriwether)				

	A	B	C	D	E	F	G	H	I
1	Defendant Name	Case Agent	AUSA	CTS Attorney	CCIPS Attorney	Assignment Date	Offense	Status/Remarks	Section
2	Shaffer, Elijah	Rivera, Kathryn	Brown, Christopher	Rosborough, Danielle		1/7/2021	18 USC 1752; 40 USC 5104	Entered Pelosi's office and removed computer thumbdrive	Fraud
3	Anderson, John	Combs, Randy	Wong, Candice	Nunnally, Kevin		1/7/2021	18 USC 1752; 40 USC 5104	Entered Capitol building	VCNT
4	McCall Calhoun, William; Daughtry, Michael Shane	Walraven, Malagro	Baset, Ahmed	Goddard, Lauren		1/8/2021	18 USC 1752; 40 USC 5104	Entered the Senate floor with zip ties. Looking at their social media to confirm identities	PCCR
5	Ryan, Jenna; Schwab, Katherine; Bayse, Tyson; Miller, Brian; Hyland, Jason Lee	Powers, David; Stemen, Amie	Paschall, Kimberly	Thornton, Brenda Sue		1/9/2021			FMC
6	Muntzer, Henry	Jynika Craig	Kent, David	Kaster, Joe		1/8/2021	18 USC 1752; 40 USC 5104	Video of four of them in the Capitol	Fraud
7	Cudd, Jenny; Rosa, Eliel	Johannes, Jeff	Kent, David	Viti, Phil		1/8/2021			Fraud
8	Newbold, Adam	Desor, Jeremy	Jones/McCullough	Sher, Justin		1/8/2021	Rioting	Alleged leader of militia group that arranged for travel to and for assault on Capitol. Working with OH Field Office	NSS
9	Anderson, Brian	Dean, Roger	Iyengar, Janani	Burke, Jennifer		1/9/2021	UE	Inside the Capitol	FMC
10	Paradise, Megan	Hess, Marc	Crabb, John			1/9/2021			
11	Dresch, Karl	Drummond, Matthew	Ahn, Demian	Cook, Alicia		1/9/2021			Fraud
12	Harding, Peter; Thompsons	Stranahan, Jennie	Allen, Stuart	Magnone, Rebecca		1/9/2021		complaint to be filed 1/11	NSS
13	Mish, David	Butcher, Charles	Macey, Christine	Ward, Steve		1/9/2021			Fraud
14	Johnson, Lt. Tank		Cooney, JP			1/9/2021			PCCR
15	Priola, Christine	Draughn, Roland	Zimmerman, Jolie	Sher, Justin		1/8/2021		2021R00182	NSS
16	Carpelli, Albert	Mizell, Cameron	Nestler, Jeffrey	Meeks, Taryn		1/8/2021			Fraud
17	Wood, Lin		Sedky, Mona			1/9/2021		USSS in Charleston, SC, where Wood apparently is located. They plan to interview on 1/13/21 to do a threat assessment.	Fraud
18	Sullivan, John Earle	Ferriter, Andy	Vaughn, Amanda	Corra, David		1/9/2021		Encouraged rioting just before Babbit shooting	PCCR
19	Black, Joshua	Weeks, Jeffrey	Baset, Ahmed	Sher, Justin		1/10/2021			PCCR
20	Eisenhart, Lisa		Baset, Ahmed	Sher, Justin		1/10/2021	18 USC 1752; 40 USC 5104		PCCR
21	Lollar, Joshua	Bullington, Ben	Sedky, Mona	Ward, Steve		1/10/2021	18 USC 1752; 40 USC 5104	on 1/11/21, Lollar was interviewed (unexpectedly) by FBI Houston and gave consent to search his cell phone. We served a FB SW for his account and received records last night. We are currently processing FB records and awaiting cell phone forensics.	Fraud
22	Witzke, Lauren	Needler, Anthony	Zimmerman, Jolie	Rosborough, Danielle		1/10/2021	18 USC 1752; 40 USC 5104	UE/Delaware Senate federal candidate	NSS

	A	B	C	D	E	F	G	H	I
23	Revlett, Jordan	Thomas, Lynda	Wong, Candice	Viti, Phil		1/10/2021; reassignment 1/13/2021	18 USC 1752; 40 USC 5104		FMC
24	Weeks, Bradley Wayne	Miller, Josh	Carter, Jamie	Nunnally, Kevin		1/10/2021	18 USC 1752; 40 USC 5104		SC
25	Dubinin, Sergii Olegovich	Palli, Keith	Jones, Luke	Slavin, Dmitriy		1/10/2021	18 USC 1752; 40 USC 5104		NSS
26	Grider, Christopher	Marketos, Rose and Ball, Michelle	Briggs, Kendra	Viti, Phil		1/10/2021	18 USC 1752; 40 USC 5104	Speaker's lounge	PCCR
27	Kelly, Leo	McGillicuddy, Michael	Davis, Kenya	Hughes, Alex; Sher, Justin		1/10/2021	18 USC 1752; 40 USC 5104		FMC
28	Lyons, Kevin James	Horan, Jared; Burn, Mike	Battle, Nicole	Kraehe, George		1/10/2021	18 USC 1752; 40 USC 5104		VCNT
29	Beckley, Damon	Millett, Sean	Lallas, Peter	Kraehe, George		1/10/2021	18 USC 1752; 40 USC 5104		Fraud
30	Watson, William	Keefe, Christopher	Vaughn, Amanda	Meeks, Taryn		1/10/2021		SDAL target; tattoos	PCCR
31	Pezzola, Dominic; Suspects TBD	Kennelly, Daniel; Wilson, Sean; Ammons, Melissa	Kenerson, Erik	Meeks, Taryn		1/10/2021			NSS
32	Scheib, Scott	Flowers, Kimberly (USCP)	Bimey, Kevin	Goddard, Lauren		1/10/2021			FMC
33	Bennett, Andrew	Topoleski, Jan; Thoman, Alexandria	Mohanty, Nihar	Smith, David		1/11/2021		Possible 2101 charges	VCNT
34	Gold, Simone	Wall, Peter	Jackson, Melissa	Sigler, Andy		1/11/2021			Fraud
35	Strand, John	Taylor, Lanard	Jackson, Melissa	Sigler, Andy		1/11/2021			Fraud
36	Marquez, Felipe	Durand, Bart	Nestler, Jeffrey	Ward, Steve		1/11/2021			Fraud
37	Haskins, Justin	Fugitt, Jonathan	Liebman, Michael	Magnone, Rebecca		1/11/2021			SC
38	Bledsoe, Matthew	Hale, Kenneth; Combs, Randy	Carter, Jamie	Sher, Justin		1/11/2021			SC
39	Balysany, Sammy	Ramsden, Madison	Nielsen, Kim	Rosborough, Danielle		1/11/2021			SC
40	North, Jacob	Berta, Nick; Major, Mike	Edwards, Troy	Cook, Alicia		1/11/2021		AUSA to get SW for suspect's phone	SC
41	Keller, Klete	Barafski, Matt; Kimble, Brandon	Edwards, Troy	Burke, Jennifer		1/11/2021		Anticipated complaint and arrest warrant filing 1/13	SC
42	Seefried, Kevin; Seefried, Hunter	Pattillo, Katherine	Aloi, Liz	Rosborough, Danielle		1/11/2021		Anticipated complaint and arrest warrant filing 1/13	PCCR
43	Montgomery, Patrick	Weeks, Jeffrey	Kelley, Beth	Poteat, Elisa		1/11/2021			SC
44	Crandell, Zach	Novak, Will; Keefe, Christopher	Buckner, Angela	Kaster, Joe		1/11/2021		Likely arrest in Alexandria, VA 1/14/21; FBI conducted interview on 1/15/2021. Crandell presented evidence that he was not at the Capital.	SC
45	Broadnax, Antionne		Liebman, Michael	Kaster, Joe		1/11/2021			SC
46	Bauer, Robert Lynn; Hemenway, Edward	Whittaker, Jennifer; Hamel, Matthew	Kelley, Beth	Kraehe, George		1/11/2021			SC
47	Rhodes, Elmer Stewart	Palian, Michael	Baset, Ahmed	Rosborough, Danielle		1/11/2021			PCCR
48	Riley, Jorge	Camiliere, Kate	Edwards, Troy	Sigler, Andy		1/11/2021			SC
49	Sommers, Krystle; Casserley, Janet	Burns, Clarke	Nielsen, Kim	Nunnally, Kevin		1/12/2021			SC
50	Vaughn, Gordon	Berger, Andrew	Dohrmann, Mary	Burke, Jennifer		1/12/2021			FMC
51	Dragoo, Kim	Camiliere, Kate	Lucas, Diane	Poteat, Elisa		1/12/2021			Fraud
52	Kelly, Kash Lee	Biscardi, Michael	Cole, Emory	Hughes, Alex		1/12/2021			FMC

	A	B	C	D	E	F	G	H	I
53	Ericson, Andrew	Ervin, Timothy	Macey, Christine	Sweeten, Katie		1/12/2021			Fraud
54	Reffitt, Guy	Ryan, Thomas	Nestler, Jeffrey	Rosborough, Danielle		1/12/2021		3 preservation letters subitted on 1/13/21, gopro, microsoft, life360	Fraud/PCCR
55	Ehrke, Valarie	Miller, Michael	Birney, Kevin	Sigler, Andy		1/12/2021		Filed	FMC
56	McCreary, Brian Patrick	Clark, Sean	Regan, Brandon	Sweeten, Katie		1/12/2021			FMC
57	Courtright, Gracyn	Hanna, Mariam	Fletcher, Rachel	Viti, Phil		1/12/2021			VCNT
58	Riddle, Jason	Helson, Kevin	Eliopoulos, George	Sweeten, Katie		1/12/2021			
59	Lara, John	Chase, Clay	Regan, Brandon	Magnone, Rebecca		1/12/2021			FMC
60	Hernandez, Emily	Herrara, Jorge	Arco, Jessica	Poteat, Elisa		1/13/2021		photo carrying a fractured piece of Speaker Pelosi's name plate; Anticipated complaint and arrest warrant filing 1/14	FMC
61	Spisso, Daniel	Rowe, Chris	Edwards, Troy	Slavin, Dmitriy		1/13/2021			SC
62	Hatley, Andrew	Smith, Cassidy	Birney, Kevin	Campbell, Kathleen		1/8/2021	18 U.S.C. 1752(a)(1), (a)(2); 40 U.S.C. 5104(e)(2)(D), (G)		FMC
63	Stager, Peter; Sabol, Jeffrey	Coe, Jason; Benoit, Kristy	Paschall, Kimberly; Kukowski, Colleen	Magnone, Rebecca		1/13/2021		Preliminarily ID'd as individual who attacked USCPO with flagpole	FMC/Homicide
64	Ballesteros, Robert	Larkin, Kevin	Russo, April	Levy, Jenny		1/13/2021	1752(a) and 5104(e)(2)(G)		FMC
65	Camargo, Samuel	Attard, Michael	Poulin, Jeff	Ward, Steve		1/13/2021		Entered capitol building and stole a pole from the building	FMC
66	Hiles, Jacob	Merriman, Brandon	Dohrmann, Mary	Burke, Jennifer		1/13/2021			FMC
67	Green, Matt; Sauer, Aaron	Kennelly, Daniel	McCullough, Jason	Meeks, Taryn		1/13/2021			NSS
68	Aguerro, Pedro	Kelly, Albert	Miranda, Nicholas	Viti, Phil		1/13/2021		admitted in rotunda of capitol	FMC
69	Abual-Ragheb, Rasha	Farrar, Anthony	Liebman, Michael	Cora, David		1/13/2021	1752; 5104	Screen shot of FB post; ID by friend; statements to CHS	SC
70	Bibiano, Juan	Senters, Dan	Carter, Jamie	Sher, Justin		1/13/2021		Overlap with defendants Anthony Reed and Bledsoe	SC
71	Reed, Anthony	Senters, Dan	Carter, Jamie			1/13/2021		Overlap with defendants Juan Bibiano and Bledsoe	SC
72	Garcia, Gabriel	Biscardi, Michael	Buckner, Angela	Ward, Steve		1/13/2021	1752; 5104	live stream from Garcia's social of him inside the capitol building	SC
73	Miller, Garret	Frank, Nathan; D'Amico, Frank	Kelley, Beth	Dittoe, Michael		1/13/2021	1752; 5104	Video inside capitol; statements on social media; social media in given name	SC
74	Black, Gary Dirk	Truslow, Christopher	Ahn, Demian			1/13/2021			Fraud
75	Goodwyn, Daniel	Flores, Alex	Berridge, Chris			1/13/2021	1752; 5104	self-identified in a video taken by Baked Alaska, which is in the Capitol. We have very strong ID by a person who has known him since he was 9 years old, and WFO-FBI SA Flores has spoken with that source.	FMC
76	Michetti, Richard	McKinley, John	Larson, Amy	Rosborough, Danielle		1/13/2021	1752; 5104	videos of the defendant inside the building	FMC

	A	B	C	D	E	F	G	H	I
77	Mazzocco, Matthew	Hyland, Tristan	Nielsen, Kim	Viti, Phil		1/13/2021		twitter video that the agent from San Antonio has that shows the defendant inside the halls of the capitol with a uniformed police officer inside	
78	Boyd Camper; Stanley Roder; Regina Haworth; Cameron Haworth	Jynika Craig [TBD]	Kent, David	Kaster, Joe		1/13/2021		Connected to Henry Muntzer (21-MJ-43)	Fraud
79	Montoya, Sam	Chu, Kerry; Borromeo, William	Briggs, Kendra; Wong, Candice; Baset, Ahmed			1/13/2021			PRRC
80	Hansen, Tayler	Chu, Kerry	Briggs, Kendra; Wong, Candice; Baset, Ahmed	Nunnally, Kevin		1/13/2021			PRRC
81	Moncada, Nicolas	Attard, Michael	Cole, Emory	Burke, Jennifer		1/13/2021			FMC
82	Medina, David	Grubb, Michael	Brown, Christopher	Poteat, Elisa		1/13/2021			Fraud
83	Vincent, Ronnie & Riva	Marsh, Victoria; Saladin, Michael	Lucas, Diane	Viti, Phil		1/13/2021			Fraud
84	Watkins, Jessica	Butcher, Charles	Baset, Ahmed; Ravindra, Tara	Hughes, Alex		1/13/2021			FMC
85	Ibrahim, Mark	Higley, Jason	Nelson, Jim	Sigler, Andy		1/13/2021			FMC
86	Perna, Matthew	Farrar, Anthony	Mohanty, Nihar	Campbell, Kathleen		1/13/2021			VCNT
87	Sparks, Michael; Howe, Joseph; Gray, Ryan; Gray, Eric; Duncan, Mark	Hamel, Matt	Kelley, Beth	Viti, Phil	Page 66 of 90 Withheld pursuant to exemption B7E - FOIA of the Freedom of Information and Privacy Act.	1/13/2021		group of five individuals from Kentucky. We have identified one of the individuals in the Capitol, he was one of the individuals running up the stairway, chasing the officer.	SC
88	Baker, Stephen	Thrift, Scott	Battle, Nicole	Goddard, Lauren		1/13/2021			VCNT
89	Capsel, Matthew	Ramsden, Madison	Davis, Kenya	Goddard, Lauren		1/13/2021		possible 231 charges and assault on a national guardsman	FMC
90	Howell, Annie	Mason, Andrew	Fletcher, Rachel	Rosborough, Danielle		1/13/2021		could involve larger obstruction statutes; recommendation to add CCSIPs Atty	VCNT
91	Thompson, Dustin	Thomas, Brian	Buckner, Angela	Sweeten, Katie		1/13/2021		video that was sent to his friend of him in the Capitol and a picture of him with a coat rack from the Capitol	SC
92	Jones, Chad	Hill, Travis	Wong, Candice	Kraehe, George		1/13/2021			Fraud
93	Straka, Brandon	Desor, Jeremy	Russo, April	Cora, David		1/13/2021		documented voice of the crowd and incited a lot of the actions, including taking a riot shield from an officer	FMC
94	Fee, Thomas	Haggans, Matthew	Miranda, Nicholas	Magnone, Rebecca		1/13/2021		unlawful entry and EDNY wants to do a search warrant	FMC
95	Phipps, Daniel	Orndorff, Kathleen	Liebman, Michael	Dittoe, Michael		1/13/2021		unlawful entry	SC
96	Steele-Smith, Melody	Kruger, Amanda	Jackson, Melissa	Burke, Jennifer		1/13/2021		connected with violent ideology, but mental health issues, and prior convictions	Fraud

	A	B	C	D	E	F	G	H	I
97	Lang, Edward Jacob	Taylor, Lanard	Jackson, Melissa	Burke, Jennifer		1/13/2021			Fraud
98	Jones, Alex		Aloi, Liz					Info Wars; pending	PCCR
99	West, Chris		Aloi, Liz	Poteat, Elisa				Oklahoma Sheriff; need agent pending	PCCR
100	Evans, Derrick	Buida, Richard; Lafferty, James	Gaston, Molly	Smith, David				WV State Capitol	PCCR
101	Smith, Alex	Rolander, Megan	Eliopoulos, George			1/10/2021			VCNT
102	Fellows, Brandon	Taylor, Lanard	Jackson, Melissa	Magnone, Rebecca		1/12/2021		Bloomberg article confessed to going into Capitol and smoking a joint in Senator Jeff Merkley's office)	Fraud
103	Balyasny, Sammy	Ramsden, Maddison	Nielsen, Kim	Daniel Rosboro				sat in chair of Pelosi	SC
104	Wagner, Joshua	Ryan Romack	Mary Dohrmann	Alex Hughes		1/14/2021			FMC
105	Alberts, Christopher Michael		Regan, Brandon	Smith, David		1/14/2021			FMC
106	Gieswein, Robert	Graham, Cameron	Gaston, Molly	Poteat, Elisa		1/14/2021			PCCR
107	Crowl, Donovan	Lochner, David	Baset, Ahmed	Sher, Justin		1/14/2021			PCCR
108	Karriman, John	Palian, Michael	Baset, Ahmed	Sher, Justin		1/14/2021			PCCR
109	Cain, Trevor	Foytlin, Stephen	Nielsen, Kim	Sher, Justin		1/14/2021			SC
110	Betancur, Bryan	Montijo, Ian; Brown, Alexis	Johnson, Brenda			1/14/2021		UE /scaffolding; Brandishing flag; DT subject and suspected member of Proud Boys	NSS
111	Duong, Fi	Migliara, Rich	Nelson, Jim			1/14/2021			FMC
112	Palm, Hunter	Quintero, Adres	Edwards, Troy	Poteat, Elisa		1/14/2021			SC
113	Jensen, Douglas	Williams, Julie	Nelson, Jim	Alex Hughes		1/14/2021			FMC
114	Schaffer, Jon	Kath, Jon; Ward, Elizabeth	Nelson, Jim			1/14/2021			FMC
115	Croy, Glenn	Finley, Lukas	Macey, Christine			1/14/2021			Fraud
116	Lindsey, Terry	Finley, Lukas	Macey, Christine	Alex Hughes		1/14/2021			Fraud
117	Kurtbek, Dana	Hock, Brian	Kent, David	Rosborough, Danielle		1/14/2021			Fraud
118	Cantwell, Easton	Zachman, Corey (NC)	Yette, Fred	Goddard, Lauren		1/14/2021			NSS
119	Doudnik, Steven	Graham, Nash	Zimmerman, Jolie	Levy, Jenny		1/14/2021			NSS
120	Ianni, Suzanne	Linton, Jeremy	Brooks, Jessica	Slavin, Dmitriy		1/14/2021			NSS
121	Sahady, Mark	Linton, Jeremy	Brooks, Jessica	Slavin, Dmitriy		1/14/2021		CHS reports Sahady stated in advance of 1/6 that he was organizing 8 buses of armed individuals to storm Capitol; Associated with Suzanne Ianni	NSS
122	Smocks, Troy	Fugitt, Jonathan	Gaston, Molly	Rosborough, Danielle		1/14/2021		Interstate threats	NSS
123	UNSUB		Allen, Stuart			1/14/2021		Pipe Bombs at RNC/DNC	NSS
124	Castro, Mariposa	Camiliere, Kate	Buckner, Angela			1/14/2021			SC
125	Pham, Tam Dinh	Stemen, Amie	Miranda, Nicholas	Dittoe, Michael		1/14/2021			FMC
126	Hernandez, Joshua	Huie, Steven	Carter, Jamie			1/14/2021			SC
127	Bisignano, Gina	Burns, Clarke; Hicks, Kyle	Paschall, Kim			1/14/2021			FMC
128	Faulkner, Troy	Meyers, Ian	Cole, Emory	Alex Hughes		1/14/2021			FMC
129	Rivera, Jesus	Mardel, Adam	Borchert, John			1/14/2021			Fraud
130	Hale-Cusanelli, Timothy	Meyers, Daniel (NCIS)	Nelson, Jim	Kraehe, George		1/14/2021			FMC
131	Connell, Cody	Sahadi, Michael	Edwards, Troy	Goddard, Lauren		1/14/2021			SC
132	Christopher, Mark (aka Mark Sweeney)		Brown, Christopher			1/14/2021			Fraud
133	Stedman, Patrick	Kum, Jan (NY)	Lallas, Peter	Levy, Jenny		1/15/2021			Fraud

	A	B	C	D	E	F	G	H	I
134	Simon, Glen Mitch	Kilcommons, Elizabeth	Larson, Amy	Slavin, Dmitriy		1/15/2021			
135	Adams, Daniel	Sahadi, Michael	Edwards, Troy	Goddard, Lauren		1/15/2021			
136	Roland, David	Parrott, Neil	Iyengar, Janani	Cora, David					
137	Camargo, Samuel	Ritter, Heather	Cole, Emory	Rosborough, Danielle		1/15/2021			
138	Abram, Craig; Nichols, Michael	Palian, Michael	Baset, Ahmed	Sher, Justin		1/15/2021			
139	Sandlin, Ronnie	West, Paul	Arco, Jessica	Sigler, Andy		1/15/2021			
140	Cash, Brian Dean	Cappellini, Marc	Ahn, Demian	Campbell, Kathleen		1/15/2021			Fraud
141	Adams, Jeremy	Ramsden, Madison	Birney, Kevin			1/15/2021			
142	Cimino, Anthony	Fisher, Jed	DiLorenzo, Michael			1/15/2021		Def. took video from scaffolding/balcony	
143	Gossjankowski, Vitali	Ray, Christopher	Kleinman, Kondi	Slavin, Dmitriy		1/15/2021			Fraud
144	Loganbill, Matt	Brown, Michael	Chawla, Tej	Poteat, Elisa		1/15/2021		Admitted to FBI that he was in Capitol	NSS
145	Tarrio, Enrique		McCullough, Jason			1/15/2021			NSS
146	In re: Proud Boys		Kenerson, Eric; McCullough, Jason			1/15/2021			NSS
147	In re: Possible Money Laundering Through Bitcoin		Brooks, Jessica			1/15/2021			NSS
148	Revera Jr., Jesus		Borchert, John			1/15/2021			Fraud
149	Suarez, Melissa; Todisco, Patricia	Lanard, Taylor	Jackson, Melissa	Donnelly, Jim		1/15/2021			Fraud
150	Little, James	Nicoletti, Kevin; Sutherland, Richard	Yette, Fred	Goddard, Lauren		1/15/2021			NSS
151	Caputo, John	Rivera, David	Lal, Arvind	Cora, David		1/15/2021		possessed stolen Capitol property while in the building during the riots	Fraud
152	Gerding, Christina and Jason	Huie, Steven	Fletcher, Rachel	Cook, Alicia		1/15/2021			VCNT
153	Jackson, Emanuel	Palmertree, Riley	Light, Gilead and Scarpelli, Anthony			1/16/2021			VCNT
154	Griffin, Couy	Gabriel, David	Iyengar, Janani						
155	Purdy, Gregory Richard and Unsub	Jeng, Mike	Birney, Kevin	Levy, Jenny		1/16/2021			
156	Erick, Robert	Wilkens, Michael	Battle, Nicole	Levy, Jenny		1/16/2021			
157	Williams, Riley	Lund, Jon	Sedky, Mona	Rosborough, Danielle		1/16/2021		Sedky reported that agent tried to execute SW this morning but target is MIA.	Fraud
158	McGaughey, Patrick		Jackson, Melissa			1/16/2021			Fraud
159	McAuliffe, Kevin and McAuliffe, Justin	Battista, Gary	Russo, April			1/16/2021			FMC
160	Vargus, Hector	TFO Matthew Scalcione and SA Monique Y. Bonaparte	Buckner, Angela						
161	Allan, Tommy Frederick	Linton, Jeremy	Jacobs, Jonathan	Poteat, Elisa		1/16/2021			VCNT
162	Bradshaw, Stephen	TFO Matos, William; SA Moore, Kevin Det. Batko, Mathew	Ravindra, Tara; Gardner, Cara	Nunnally, Kevin		1/16/2021			FMC
163	Reed, Blake	Senters, Daniel	Carter, Jamie						FMC
164	Reis, Joshua	Dean, Roger	Borchert, John			1/16/2021			Fraud

	A	B	C	D	E	F	G	H	I
165	Medina, David	Rivera, David	Poteat, Elisa			1/16/2021			NSD
166	Winn, Dana	Jefferies, Darren	Regan, Brandon	Dittoe, Michael		1/16/2021			
167	Pert, Rachel	Jefferies, Darren	Regan, Brandon	Dittoe, Michael		1/16/2021			
168	St. Pierre, Michael	Napoli, Nicholas	Brooks, Jessica			1/16/2021			NSS
169	Spencer, Christopher	Parks, Deryck	Carter, Jamie			1/16/2021			
170	Merry, William "Bill"	Herrera, Jorge	Kleinman, Kondi			1/17/2021		co-defendant for Emily Hernandez (Arco)	Fraud
171	Facebook (identified by "Michael Wells")	Domin, Brock	Chawla, Tej					Facebook SW 21-sc-157	NSS
172	Brock Jr., Larry Rendall	Bornstein, Robert	Baset, Ahmed					Arrested in 1/9/2021	PCCR
173	Uptmore, Chance	Momberger, Hans	Kinsky, Matthew						
174	Montano, Wilmar	Defilippis, David	Brown, Christopher	Dittoe, Michael		1/17/2021			Fraud
175	Kelly, Chris			Levy, Jenny					
176	Kelly, George	Andretta, Michael	Chawla, Tej	Levy, Jenny					
177	Westbury, Jonah	Hendrix, Julie	Yvette, Frederick			1/17/2021			NSS
178	Caldwell, Thomas	Palian, Michael	Baset, Ahmed						PCCR
179	Blair, David	Fugitt, Jonathan	Liebman, Michael; Bhatia, Puja	Ward, Steve		1/17/2021			
180	Norseman, Ethan (aka Rufio Panman)	Napoli, Nicholas	Nelson, Jim	Meeks, Taryn		1/17/2021			NSS
181	Biggs, Joe	McGuire, Eric	McCullough, Jason	Meeks, Taryn		1/7/2021			
182	Hansen, Tayler Ray	Chu, Kerry	Lucas, Diane	Dittoe, Michael		1/17/2021			Fraud
183	Young, Graydon	Wren, James	Nestler, Jeffrey	Dittoe, Michael		1/17/2021		Florida	Fraud
184	Bingert, Craig Michael	Eckert, Emily	Buckner, Angela; Gopal, Gauri	Rosborough, Danielle		1/17/2021			
185	Fitzgerald, Michael Kristopher	Frank, Nathan	Mohanty, Nihar	Dittoe, Michael	Withheld pursuant to exemption Reference - E.O. 13526 of the Freedom of Information and Privacy Act	1/17/2021		Pennsylvania	VCNT
186	Nordeen, Ethan Michael	Napoli, Nicholas	Nelson, Jim	Burke, Jennifer		1/17/2021			NSS
187	Shively, Barton Wade	Ritter, Heather	Cole, Emory						
188	Mink, Jordan	Alfredo, Bryan; Warren, Mark	DiLorenzo, Michael; Song, Soo	Reardon, Tim		1/17/2021		Pennsylvania	NSS
189	Cookie, Nolan	Vera, Jamie	Zimmerman, Jolie			1/17/2021			NSS
190	Harkrider, Alex Krik		Jones, Luke						
191	Vinson, Lori and Vinson, Thomas	Wall, Peter	Dohrmann, Mary	Kraehe, George		1/18/2021		Kentucky	
192	Miller, Matthew	Horan, Jared	Vaillancourt, Kaitlin	Ward, Steve		1/18/2021		Maryland	
193	Hazelton, Stephanie (aka Ayla Wolf)	Glassford, Cheryl	Lal, Arvind	Donnelly, Jim		1/18/2021		New Jersey	Fraud
194	Albers, Chantelle; Christie, Eric; Almudarris, Khalid (subfiles to Paradise, Megan case)	Hess, Mark	Rakoczy, Kathryn; McCullough, Jason						
195	Weber, Jesse	Herrera, Jorge	Ravindra, Tara	Siegler, Andy		1/15/2021			FMC
196	Entrekin, Nathan	Culbert, Trevor; Noel, Louis	Voit			1/18/2021			
197	Southard, Audrey Ann	Harris, Rachelle	Davis, Kenya	Nunnally, Kevin		1/18/2021		Florida	FMC
198	Mariotto, Tony	Olohan, Thomas; Mayo, Chris	Nielsen, Kim	Bogle, Alex		1/18/2021		Florida	
199	DeCarlo, Nicholas Joseph		Berridge, Chris	Rosborough, Danielle		1/18/2021		Texas	
200	Bonet, James	Mustafa, Kutlu	Berridge, Chris	Meeks, Taryn		1/18/2021		New York	
201	Lewis, Jacob	Hart, Stephen	Miranda, Nicholas	Sigler, Andy		1/18/2021			FMC

	A	B	C	D	E	F	G	H	I
202	Alam, Zachary	Marketos, Rosmaria	Wong, Candice	Bogle, Alex		1/18/2021			
203	Stepakoff, Michael	Merriman, Brandon	Poulin, Jeff			1/18/2021			FMC
204	Cruse, Dalton	Frost, Jeremiah	Chawla, Tej	Reardon, Tim		1/18/2021		Kentucky	
205	Camper, Boyd; Roder, Stanley; Haworth, Regina; Haworth, Cameron; Whitford, William aka William Parker	Craig, Jynika	Kent, David			1/18/2021			Fraud
206	Simon, Mark	Desor, Jeremy; Salo, Jessica	Johnson, Brenda; Podesta, Gabe	Sigler, Andy		1/18/2021		California	NSS

	A	B	C	D	E	F
1	Case Name	AUSA reviewing	Follow up Needed?	Completed/Result?	Referred to Superior Court? Assigned AUSA?	Date Completed
2	Schaff, Erin	Ravindra	No suspect identified, FBI to investigate and interview CW. Note: CW is a NYT reporter			
3	Pope, Aaron	Kent	Superior Court to assign an AUSA to review and contact Agent Miller	Yes - referred to Superior Court	Yes	1/10/2021
4	In re: pipe bombs	Allen	Google geofence SW to be filed 1/11; sought 3 search warrants and were granted			
5	Jones, Alex	Aloi	Texas assigned 1/9/21; PCCR requested off list 1/10/21			
6	Fossey, Todd; Barton, Vikki; Stutts, Jordan	Cheung	Needs FBI work up			
7	In re: Steve Doudnik	Zimmerman	AUSA is investigating possible 1752. R#: 2021R00169			
8	Kelly, Chris	Cheung	SW 20-sc-64 for social media accounts for NYFO			
9	Ballestros, Robert	Cheung	SW 20-sc-65 for social media accounts for NYFO			
10	Vogel, William	Cheung	SW 20-sc-67 for social media accounts for NYFO			
11	West, Chris	Aloi	Needs FBI work up			
12	Gutenschwager, Brendan	McCullough	D is a journalist. Following up with OEO for guidance on how to handle prosecution of media persons.			
13	Skinner, Stephen	Poulin	SW for D's facebook account to confirm he was in DC on Jan 6. CW ID'ed a photo as possibly being D.			
14	Firlotte, James	Iyengar	Get an interview that corroborates the photo of the defendant in the Capitol			

Page 71 of 90

Withheld pursuant to exemption
Referral - EOUSA
of the Freedom of Information and Privacy Act

	A	B	C	D	E	F
15	Pachowics, David		Requested additional information in order to assign to USAO - need to verify ID from photographs and resubmit FBI packet			
16	Vincent, Ronnie & Riva		Subjects are a couple who were part of the group who stormed the capital; Currently being reviewed			
17	Perna, Matt	Ravindra				
18	Palm, Hunter	Edwards, LT	Follow up re: son's activities and whether this should be District Court case or Superior			

	A	B	C	D
1	Case Name	Reviewing AUSA	Disposition	Disposition Date
2	Dunn, Paul	Cheung, Denise		1/10/2021
3	Daube Kronen, Lauran	Nestler, Jeff	We do not believe this warrants prosecution at this time. If SA Wickham develops further evidence, advise us.	1/11/2021
4	Towers Parry, Tammy	Nestler, Jeff	At this time, we do not believe we have viable charges for Ms. Parry. Agent to continue investigation, including seeking to interview her, and let us know if any additional evidence develops.	1/11/2021
5	Otts, Chad	Kelley, Elizabeth	<small>Page 73 of 90</small> <small>Withheld pursuant to exemption of the Freedom of Information Act, 5 U.S.C. § 552(b)(7)(C).</small> Tipster calls and says he saw a photo on FB of Chad Otts inside the Capitol. The photo is no longer on FB and the tipster did not screenshot it. FBI wants to do a knock-and-talk in the next few days. No PC for the warrant at this point.	1/11/2021
6	Dodds, Brian	Kent, David		1/9/2021
7	Schieb, Scott	Birney, Kevin; Rosen, Greg	Sent to Superior Court	1/12/2021
8	Winchel, Justin	Ravindra, Tara	Sent to Superior Court; the suspect appears to be near the homicide victim near the door in the evidence the Agent in GA collected	1/13/2021
9	Dawn Bancroft; Diana Santos-Smith	Ravindra, Tara	Sent to Superior Court	1/13/2021

	A	B	C	D
10	Tammy Power Parry	Berridge, Chris	Sent to Superior Court Not individual in surveillance footage	1/13/2021
11	Daniel Quintavalle	Iyengar, Janani		1/13/2021
12	Sean Termini	Berridge, Chris	Sent to Superior Court	1/13/2021
	Crystle Sommers; Jeanette			
13	Hoza; Jeanette Casserley	Nielsen	Sent to superior court	1/14/2021
14	Sandlin, Ronald	Lazarus	Closing for better ID	1/14/2021
15	Griffin, Couy	Ravindra, Tara	Sent to Superior Court	1/14/2021
16	Montoni, Cori		Sent to Superior Court	Unknown date
17	Rios, Jorge	Berridge, Chris	Sent to Superior Court	1/15/2021
			Closed for DC due to FBI determination that the individual was with family, consented to an interview, and did not enter the restricted area	
18	Harper, Michael	Rosen, Greg	Withheld pursuant to exemption B7E - E.O. 13526	1/15/2021

From: Mody, Saeed (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=68210C8647934F78A06D368B8A2C5B65-SMODY]
Sent: 1/26/2021 2:33:10 AM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]; Bosserman, Barbara (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cac97bf5382947f797c81f9b65b28a77-bbosserm]
Subject: (b)(5)
Attachments: [Redacted]

Jim, Paige, and Barbara:

[Redacted]
[Redacted]

[Redacted]

Thanks,

Referral Saeed

From: Cooney, Joseph (USADC)
Sent: Monday, January 25, 2021 9:21 PM
To: Mody, Saeed (CRT) <(b)(6)>
Subject: ISF

Saeed:

[Redacted]

J.P.

J.P. Cooney
Chief
Public Corruption & Civil Rights Section
U.S. Attorney's Office for the District of Columbia
555 Fourth Street, NW (Fifth Floor)
Washington, D.C. 20001

[Redacted]

Cell: (b)(6)

Page 77 of 90

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Obtained via FOIA by Judicial Watch, Inc.

LEAD AUSAS	Berkower (White Nationalists/Militias), Jones/McCullough (Proud Boys), Rakoczy (Oath Keepers)	Aloi, Gaston, Rakoczy	Brooks, Jones	McCullough
CO-AUSAS	Baset, Kennerson, Nestler	Vaughn	Ahn, Aloi	
DOJ	CRT, NSD-CTS	CRT, PIN	NSD-CES/CTS, MLARS, CCIPS	NSD-CES
LEO	CT-4; CR-10	CR-10; CR-15	IRS-CI, FBI D-13 (CT Fin. Targeting Unit)	CI-18
ANALYST	Powell		FinCEN; Snitsellar, Powell	
PARALEGAL	Rohde	Dunn-Gordon		

BRANCH 2
PRIORITY INCIDENTS AND SUBJECTS

Withheld pursuant to exemption

Referral - EOUSA

Branch 2 is devoted to investigating specific incidents comprising the Capitol attack. Branch 2 investigations are staffed by Criminal Division sections with designated lead prosecutors reporting up to their section supervisors.

	PIPE BOMBS (NSS)	SPEAKER'S LOBBY (VCNT)	DEATH OF USCP SICKNICK (VCNT)	COLOR OF LAW (PCCR)	ASSAULTS ON FED. OFCS. (VCNT/FMC)
OBJECTIVE	To identify and prosecute the individuals and organizations responsible for planting pipe bombs at the DNC and RNC.	To identify and prosecute rioting activity in "Speaker's Lobby," and in particular to determine whether there is civilian criminal culpability for the death of Ashli Babbitt.	To identify and prosecute rioters responsible for the death of USCP Brian Sicknick.	To review force allegations against USCP and MPD officers, including the officer-involved shooting of Ashli Babbitt.	To prosecute individuals who participated in assaults on federal officers inside and around the Capitol.
LEAD AUSA	Allen	Wong	Light	Briggs	
DOJ	NSD-CTS	NSD-CTS	NSD-CTS	CRT	NSD-CTS
LEO				CR-10; CR-20	

Obtained via FOIA by Judicial Watch, Inc.

BRANCH 3

INTAKE, ASSIGNMENT, AND RAPID INDICTMENT

Branch 3 intakes proposed prosecutions against individual rioters and assigns them for horizontal prosecution; it also may channel individual defendants to Branches 1 and 2 based on those branches' responsibilities. Branch 3 is the fulcrum of our reactive prosecutorial effort.

	PHASE 1 COMMAND CENTER (FMC)	PHASE 2 COMPLAINTS (FMC/DETAILS)	PHASE 3 RAPID INDICTMENT (FMC)	PHASE 4 INDICTED PROSECUTIONS (CRIMINAL DIVISION)
ROLE	Co-located prosecutors and law enforcement agents in the command center screen referrals and assign them to Phase 2 or refer them/push up intelligence to Branches 1 and 2.	Cases referred from Phase 1 are assigned to AUSAs, a CTS attorney, and a WFO team who work in coordination with USAOs/FBI field offices throughout the country to obtain criminal complaints and appropriate process.	Cases charged out of Branch 3 are funneled to this unit, which will rapidly indict them. Only priority cases and Branch 2 and 3 cases are indicted by vertically organized AUSAs.	Indicted cases are returned/assigned for prosecution. Cases are centrally tracked with ticklers for Speedy Trial Act, discovery, intelligence gathering.
LEAD	Rosen (Supervisor)	Lazarus (Supervisor)	Regan, Vaillancourt	Supervising Section
DOJ	NSD-CTS	NSD-CTS	N/A	NSD-CTS
LEO	WFO-Violent Crime/Street Gang	WFO-Triage	WFO-Violent Crime/Street Gang	WFO as assigned

Page 75 of 90
Withheld pursuant to exemption
Referral - EOUSA
of the Freedom of Information and Privacy Act

BRANCH 4

ADVANCED LITIGATION SUPPORT

Branch 4 is a litigation, coordination, and technology branch that provides support to all three investigative branches. Branch 4 has both litigation and technological responsibilities.

	MASS DATA COLLECTION (PROCESS/LITIGATION)	MEDIA ISSUES (PROCESS/LITIGATION)	FILTER (SUPPORT/LITIGATION)	DISCOVERY (PLANNING/LITIGATION)	LITIGATION TECHNOLOGY (SUPPORT/ANALYSIS)
ROLE	This team will coordinate and handle sensitive search warrants and other process directed at collecting large scale data (e.g., Geofence/Ad Tech).	This team will coordinate evidence collection from the media under the Justice Manual and develop litigation strategy for media-related defenses.	This team will develop filter protocols, staff filter reviews, and support filter-related litigation.	This team will coordinate discovery, including protocols, Giglio, and litigation, focused on addressing "One Government" issues.	This team will stand up and maintain the apparatus tailored to store, process, analyze, and produce the unprecedented amount of data.
LEAD	Hooks (Supervisor)	Miller (Supervisor)			L/T Professionals (Vendor?)
DOJ	CCIPs	PSEU	CRT		NSD-CTS
LEO	WFO-Division Counsel	WFO-Division Counsel		N/A	

We are developing a proposal to obtain and deploy the technological support apparatus necessary to warehouse an unprecedented amount of data and integrate it for investigative and litigation needs, including criminal discovery. This will require a full-time, fully devoted litigation technology team to design, build, deploy, and maintain.

Categories of Data	Technological Needs	Database/Organizational Needs	Complicating Issues
<ul style="list-style-type: none"> • Cell phone toll records • Cell phone and device location data • Cell phone data dumps • Ad tech company locational data • Financial locational data • Social media accounts • Major media video coverage • CCTV • Still photographs • Email accounts • Cloud storage accounts • Financial records • Flight/travel records 	<ul style="list-style-type: none"> • Devoted cloud storage • Processing capacity to upload data to analytical and review platforms • Analytical tools (e.g., Palantir) • Devoted review platform accessible across multiple DOJ and law enforcement components • Integration capacity—for purposes of analysis and discovery 	<ul style="list-style-type: none"> • Integrated evidence, grand jury, discovery logs • Information collection tool accessible for input by AUSAs and FBIs across the country to share intelligence arising from individual cases/investigations • Cataloguing for discovery and intelligence 	<ul style="list-style-type: none"> • Unprecedented volume • Discovery obligations • High number of prosecutors, agents, analysts, and support staff involved • Data in varying native formats • Data collected by multiple FBI field offices • Work shared by DOJ and may USAOs • Trial presentations • Classified material • Filter issues • Need access <i>and</i> to protect sensitive data

Page 80 of 90
 Withheld pursuant to exemption
 Refer to -- EOUSA
 of the Freedom of Information and Privacy Act

From: Fitzgerald, Paige (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D980590846B04116816B08CB71C35E1B-PFITZGER]
Sent: 2/3/2021 7:00:06 PM
To: Felte, James (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c49e63dbbf146bb921a7405061ca1be-jfelte]; Mody, Saeed (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=68210c8647934f78a06d368b8a2c5b65-smody]
Subject: RE: Here you goFW: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

Indeed. Thanks, Saeed!

From: Felte, James (CRT)
Sent: Wednesday, February 3, 2021 1:56 PM
To: Mody, Saeed (CRT) <(b)(6)>
Cc: Fitzgerald, Paige (CRT) <(b)(6)>
Subject: RE: Here you goFW: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

That sounds like a good a set up!

From: Mody, Saeed (CRT)
Sent: Wednesday, February 3, 2021 1:48 PM
To: Felte, James (CRT) <(b)(6)>
Cc: Fitzgerald, Paige (CRT) <(b)(6)>
Subject: RE: Here you goFW: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

(b)(5)

(b)(5); (b)(7)(C)

From: Felte, James (CRT)
Sent: Tuesday, February 2, 2021 6:42 PM
To: Mody, Saeed (CRT) <(b)(6)>
Cc: Fitzgerald, Paige (CRT) <(b)(6)>
Subject: Re: Here you goFW: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

Thanks Saeed.

On Feb 2, 2021, at 6:19 PM, Mody, Saeed (CRT) <(b)(6)> wrote:

From: Penfield, Russell (USAALN)
Sent: Tuesday, February 2, 2021 6:18 PM
To: Mody, Saeed (CRT) <(b)(6)>
Subject: Here you goFW: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

From: Peeples, Lloyd (USAALN) <(b)(6)>
Sent: Thursday, January 28, 2021 8:32 AM
To: USAALN-CR-AUSAs (USA) <USAALN-CR-AUSAs@usa.doj.gov>
Subject: FW: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

Please see the attached recruitment notice and let me know if you are interested or have any questions. It would be a good chance to work on what are (hopefully) once-in-a-lifetime cases. Management will make any necessary adjustments to your caseload to accommodate your request if you are interested.

Lloyd C. Peeples, III
Chief, Criminal Division
U.S. Attorney's Office (NDAL)
1801 Fourth Avenue North
Birmingham, AL 35203

Page 02 of 90
Withheld pursuant to exemption
b(6) - E.O. 13526
at the Freedom of Information and Privacy Act

(b)(6)

<image001.jpg>

From: USAEO-OTD <USAEO.OTD@usa.doj.gov>
Sent: Wednesday, January 27, 2021 1:58 PM
Cc: Fliegel, Jason (USAEO) <(b)(6)>; Newbell, Melissa (USADC) <(b)(6)>
Subject: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

This is an unattended e-mail account. Please do not reply to this address.

MEMORANDUM - Sent via Electronic Mail

DATE: January 27, 2021

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL EXECUTIVE ASSISTANT UNITED STATES ATTORNEYS
ALL CRIMINAL CHIEFS

ALL CIVIL CHIEFS
ALL ADMINISTRATIVE OFFICERS

FROM: /s/
Norman Wong
Acting Director

SUBJECT: Recruitment Notice: Six-to-Nine-Month AUSA Details to the United States Attorney's Office for the District of Columbia to Handle Cases Involving the Breach of the United States Capitol Building

ACTION REQUIRED: Please volunteer AUSAs to assist with the significant influx of cases resulting from the recent breach of the United States Capitol Building.

DUE DATE: **Immediate, but no later than February 5, 2021.**

CONTACT PERSONS: Jason Fliegel (*for applications*)
Attorney Advisor
Legal Programs Office

(b)(6)

Melissa Newbell (*for district-specific questions*)
Human Resources Officer
United States Attorney's Office – District of Columbia

(b)(6)

On behalf of the United States Attorney's Office for the District of Columbia (USAO-DC), EOUSA seeks AUSAs for six-to-nine-month detail assignments to work full-time on criminal cases arising from the breach of the United States Capitol Building on January 6, 2021. The USAO-DC is facing a significant influx of cases relating to the events that occurred that day and is working diligently with investigators to gather evidence and enforce our nation's laws. The USAO-DC has an urgent need for assistance with prosecuting hundreds of criminal cases involving a variety of offenses including obstruction, entering a restricted building, assault on a federal officer, destruction of government property, rioting, and seditious conspiracy. Detailees may serve from their home districts or in the District of Columbia. Detailees who work from their home districts may be required to travel occasionally to the District of Columbia. Extensions of detail assignments will potentially be needed.

This is not a reimbursable detail. During the period of the detail, each detailee's home district will continue to cover the salary cost of the detailee. EOUSA will centrally fund other related costs, such as extended temporary duty travel allowances (EX-TDY).

Based on the importance and immediacy of the need, we ask each United States Attorney to consider whether he or she can offer critical assistance to the USAO-DC. We need to receive responses from each district **on or before February 5, 2021**.

Applicants who have the support of their United States Attorneys should submit via email to Jason Fliegel, Attorney Advisor, an informal resume and cover letter indicating whether the

applicant can work from their home district or in the District of Columbia. The cover letter must also indicate that the applicant's United States Attorney has approved the application. Please copy Diane Qualls at (b)(6) on all email application submissions.

cc: All United States Attorneys' Secretaries

<Recruitment Notice US Capitol AUSA Detailees 1-27-2021pdf.pdf>

<Recruitment Notice US Capitol AUSA Detailees memo.docx>

From: Felte, James (CRT) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3C49E63DBBF146BB921A7405061CA1BE-JFELTE]
Sent: 4/13/2021 1:56:16 PM
To: Moosy, Robert (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=55aba202588a468c81d55a3e66e8b67b-rmoosy]
CC: Fitzgerald, Paige (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d980590846b04116816b08cb71c35e1b-pfitzger]; Mody, Saeed (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=68210c8647934f78a06d368b8a2c5b65-smody]
Subject: McEntee -- Press Statement
Attachments: mcentee-press statement (b)(5)

Robert,

(b)(5)

(b)(5)

Jim

From: Mody, Saeed (CRT)
Sent: Monday, April 12, 2021 10:35 PM
To: Felte, James (CRT) (b)(6); Fitzgerald, Paige (CRT) (b)(6); Songer, Michael (CRT) (b)(6)
Subject: FW: McEntee -- Press Statement

Jim,

(b)(5)

Thanks,

Saeed

Referral - EOUSA
From: Cooney, Joseph (USADC)
Sent: Monday, April 12, 2021 11:12 AM
To: Mody, Saeed (CRT) (b)(6)
Subject: McEntee -- Press Statement

Saeed:

(b)(5)

J.P.

J.P. Cooney
Chief, Public Corruption & Civil Rights Section
U.S. Attorney's Office for the District of Columbia

(b)(6)

U.S. Department of Justice



Channing D. Phillips
Acting United States Attorney
District of Columbia
Judiciary Center
555 Fourth Street, N.W.
Washington, D.C. 20530

PRESS RELEASE

FOR IMMEDIATE RELEASE
Wednesday, April 14, 2021

For Information Contact:
Public Affairs
(202) 252-6933
<http://www.justice.gov/usao/dc/index.html>

U.S. Attorney's Office Department of Justice Closes Investigation Into the Death of Ashli McEntee

WASHINGTON – The U.S. Attorney's Office for the District of Columbia and the Civil Rights Division of the U.S. Department of Justice will not pursue criminal charges against the U.S. Capitol Police officer involved in the fatal shooting of 35-year-old Ashli McEntee, also known as Ashli Babbitt, the Office announced today.

The U.S. Attorney's Office for the District of Columbia's Public Corruption and Civil Rights Section and the Department of Justice Civil Rights Division's Criminal Section, with the Metropolitan Police Department's Internal Affairs Division (IAD), conducted a thorough investigation of Ms. McEntee's shooting. Officials examined video footage posted on social media, statements from the officer involved and other officers and witnesses to the events, physical evidence from the scene of the shooting, and the results of an autopsy. Based on that investigation, officials determined that there is insufficient evidence to support a criminal prosecution. Officials from IAD informed a representative of Ms. McEntee's family today of this determination.

"It is always tragic whenever there is a loss of life, regardless of the circumstances," Channing Phillips, Acting U.S. Attorney for the District of Columbia, stated in announcing the investigation's conclusion. "We offer our condolences to Ms. McEntee's family."

The investigation determined that, on January 6, 2021, Ms. McEntee joined a crowd of people that gathered on the U.S. Capitol grounds to protest the results of the 2020 presidential election. Inside the Capitol building, a Joint Session of Congress, convened to certify the results of the Electoral College vote, was underway. Members of the crowd outside the building, which was closed to the public during the Joint Session, eventually forced their way into the Capitol building and past U.S. Capitol Police (USCP) officers attempting to maintain order. The Joint Session was stopped, and the USCP began evacuating members of Congress.

The investigation further determined that Ms. McEntee was among a group mob of people that entered the Capitol building and gained access to a hallway outside "Speaker's Lobby," which leads to the Chamber of the U.S. House of Representatives. At the time, the USCP was evacuating Members from the Chamber, which the crowd mob was trying to enter from multiple doorways. USCP officers used furniture to barricade a set of glass doors separating the hallway and Speaker's Lobby to try and stop the crowd mob from entering the Speaker's Lobby and the Chamber, and three officers positioned themselves between the doors and the crowd mob. Members of the crowd mob attempted to break through the doors by striking them and breaking the glass with their hands, flagpoles, helmets, and other objects. Eventually, the three USCP officers positioned outside the doors were forced to evacuate. As crowd members continued to strike the glass doors, Ms. McEntee attempted to climb through one of the doors where glass was broken out. An officer inside the

Speaker's Lobby fired one round from his service pistol, striking Ms. McEntee in the left shoulder, causing her to fall back from the doorway and onto the floor. A USCP emergency response team, which had begun making its way into the hallway to try and subdue the crowd, administered aid to Ms. McEntee, who was transported to Washington Hospital Center, where she succumbed to her injuries.

The focus of the criminal investigation was to determine whether federal prosecutors could prove that the officer violated any federal laws, concentrating on the possible application of 18 U.S.C. § 242, a federal criminal civil rights statute. In order to establish a violation of this statute, prosecutors must prove, beyond a reasonable doubt, that the officer acted willfully to deprive Ms. McEntee of a right protected by the Constitution or other law, here the Fourth Amendment right not to be subjected to an unreasonable seizure. Prosecutors would have to prove not only that the officer used force that was constitutionally unreasonable, but that the officer did so "willfully," which the Supreme Court has interpreted to mean that the officer acted with a bad purpose to disregard the law. As this requirement has been interpreted by the courts, evidence that an officer acted out of fear, mistake, panic, misperception, negligence, or even poor judgment cannot establish the high level of intent required under Section 242.

The investigation revealed no evidence to establish beyond a reasonable doubt that the officer willfully committed a violation of 18 U.S.C. § 242. Specifically, the investigation revealed no evidence to establish that, at the time the officer fired a single shot at Ms. McEntee, the officer did not reasonably believe that it was necessary to do so in self-defense or in defense of the Members of Congress and others evacuating the House Chamber. The U.S. Attorney's Office and U.S. Department of Justice have therefore closed the investigation into this matter.

From: Visser, Tim (OAG) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E6AAFDA6055041468C424C7893D00366-VISSER, TIM]
Sent: 4/13/2021 4:24:45 PM
To: Moosy, Robert (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=55aba202588a468c81d55a3e66e8b67b-rmoosy]
Subject: RE: (b)(5)

Thanks, Robert.

From: Moosy, Robert (CRT) <(b)(6)>

Sent: Tuesday, April 13, 2021 11:47 AM

To: Braden, Myesha (ODAG) <(b)(6)>; Ruisanchez, Alberto (OASG) <(b)(6)>; Visser, Tim (OAG) <(b)(6)>

Cc: Karlan, Pamela (CRT) <(b)(6)>; Payton, Rayshon (OLA) <(b)(6)>

Mastropasqua, Kristina (PAO) <(b)(6)>

Subject: (b)(5)

Team,

FYI. (b)(5)

(b)(5)

The proposed press release, to be issued by the USAO is below. Because we don't have anything but stylistic edits, and it's a USAO document, we don't have anything to add.

(b)(5)

Joint Session of Congress, convened to certify the results of the Electoral College vote, was underway. Members of the crowd outside the building, which was closed to the public during the Joint Session, eventually forced their way into the Capitol building and past U.S. Capitol Police (USCP) officers attempting to maintain order. The Joint Session was stopped, and the USCP began evacuating members of Congress.

The investigation further determined that Ms. McEntee was among a mob of people that entered the Capitol building and gained access to a hallway outside "Speaker's Lobby," which leads to the Chamber of the U.S. House of Representatives. At the time, the USCP was evacuating Members from the Chamber, which the mob was trying to enter from multiple doorways. USCP officers used furniture to barricade a set of glass doors separating the hallway and Speaker's Lobby to try and stop the mob from entering the Speaker's Lobby and the Chamber, and three officers positioned themselves between the doors and the mob. Members of the mob attempted to break through the doors by striking them and breaking the glass with their hands, flagpoles, helmets, and other objects. Eventually, the three USCP officers positioned outside the doors were forced to evacuate. As crowd members continued to strike the glass doors, Ms. McEntee attempted to climb through one of the doors where glass was broken out. An officer inside the Speaker's Lobby fired one round from his service pistol, striking Ms. McEntee in the left shoulder, causing her to fall back from the doorway and onto the floor. A USCP emergency response team, which had begun making its way into the hallway to try and subdue the crowd, administered aid to Ms. McEntee, who was transported to Washington Hospital Center, where she succumbed to her injuries.

The focus of the criminal investigation was to determine whether federal prosecutors could prove that the officer violated any federal laws, concentrating on the possible application of 18 U.S.C. § 242, a federal criminal civil rights statute. In order to establish a violation of this statute, prosecutors must prove, beyond a reasonable doubt, that the officer acted willfully to deprive Ms. McEntee of a right protected by the Constitution or other law, here the Fourth Amendment right not to be subjected to an unreasonable seizure. Prosecutors would have to prove not only that the officer used force that was constitutionally unreasonable, but that the officer did so "willfully," which the Supreme Court has interpreted to mean that the officer acted with a bad purpose to disregard the law. As this requirement has been interpreted by the courts, evidence that an officer acted out of fear, mistake, panic, misperception, negligence, or even poor judgment cannot establish the high level of intent required under Section 242.

Page 90 of 90

Withheld pursuant to exemption

Under Exemption of Information and Privacy Act

The investigation revealed no evidence to establish beyond a reasonable doubt that the officer willfully committed a violation of 18 U.S.C. § 242. Specifically, the investigation revealed no evidence to establish that, at the time the officer fired a single shot at Ms. McEntee, the officer did not reasonably believe that it was necessary to do so in self-defense or in defense of the Members of Congress and others evacuating the House Chamber. The U.S. Attorney's Office and U.S. Department of Justice have therefore closed the investigation into this matter.