

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
William Gallagher

)
) Case: 1:24-mj-00153
) Assigned to: Judge Upadhyaya, Moxila A.
) Assign Date: 4/30/2024
) Description: COMPLAINT W/ ARREST WARRANT
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) William Gallagher,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
- 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.



Date: 04/30/2024

Issuing officer's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Thomas Gallagher

Case: 1:24-mj-00153
Assigned to: Judge Upadhyaya, Moxila A.
Assign Date: 4/30/2024
Description: COMPLAINT W/ ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Thomas Gallagher,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 04/30/2024

M. H. Upadhyaya (signature)

Issuing officer's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) , and the person was arrested on (date)
at (city and state) .

Date:

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

James Gallagher

2:24-MJ-08-JCF

Case: 1:24-mj-00153

Assigned to: Judge Upadhyaya, Moxila A.

Assign Date: 4/30/2024

Description: COMPLAINT W/ ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) James Gallagher

who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 04/30/2024

Issuing officer's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) and the person was arrested on (date) at (city and state)

Date:

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America v. William Gallagher, (DOB: XXXXXXXXX) Thomas Gallagher, (DOB: XXXXXXXXX) James Gallagher, (DOB: XXXXXXXXX) 2:24-MJ-08-JCF Case: 1:24-mj-00153 Assigned to: Judge Upadhyaya, Moxila A. Assign Date: 4/30/2024 Description: COMPLAINT W/ ARREST WARRANT Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

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

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 231(a)(3), 18 U.S.C. § 1752(a)(1), 18 U.S.C. § 1752(a)(2), 40 U.S.C. § 5104(e)(2)(D), and 40 U.S.C. § 5104(e)(2)(G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

[Redacted signature area]

Complainant's signature

[Redacted name and title area]

Printed name and title

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

Date: 04/30/2024

[Signature of M. A. Upadhyaya]

Judge's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED]

[REDACTED] In my duties as a Special Agent, I investigate various violations of federal law, including domestic and international terrorism, cybercrime, drug trafficking, public corruption, and white-collar crimes. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the U.S. Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the U.S. Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On or about January 16, 2021, the FBI received an anonymous tip that WILLIAM GALLAGHER of Ellijay, Georgia illegally entered the U.S. Capitol on January 6, 2021. The tip further advised that WILLIAM GALLAGHER was accompanied by his two adult sons, JAMES GALLAGHER AND THOMAS GALLAGHER.

According to records obtained through a search warrant served on Verizon, on January 6, 2021, in and around the time of the incident, the cell phones associated with the calling numbers XXX-XXX-8316 (the “8316” Number) and XXX-XXX-5618 (the “5618” Number) were identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the U.S. Capitol building. Subscriber information for the 8316 and 5618 Numbers revealed THOMAS GALLAGHER, and JAMES GALLAGHER, respectively, as the listed subscribers. Subscriber information further revealed WILLIAM GALLAGHER as the account holder for all three numbers.¹

During the investigation, your affiant also reviewed U.S. Capitol Police CCTV surveillance footage, open-source footage, and officer body-worn camera, which captured the GALLAGHERS’ activities on January 6, 2021.

Image 1 below is a screenshot from open-source video. Shortly before the Rotunda Doors were first breached at 2:25 p.m. EST, open-source video showed WILLIAM GALLAGHER, circled in yellow, outside the Rotunda Doors on the east side of the U.S. Capitol. Moments earlier, law enforcement appeared to deploy tear gas in WILLIAM GALLAGHER’s vicinity. At all times, WILLIAM GALLAGHER was wearing glasses, a grey hooded sweatshirt underneath a black jacket, khaki-colored pants, and light-colored gloves on his hands. He also has a grey beard.

¹ The cell phone with calling number XXX-XXX-8432 (the “8432” Number), which is registered to WILLIAM GALLAGHER, was not identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the U.S. Capitol. However, as described below, call records from Verizon show that WILLIAM GALLAGHER made calls to THOMAS GALLAGHER and JAMES GALLAGHER while inside the U.S. Capitol.



Image 1

At approximately 2:26 p.m. EST, CCTV surveillance footage captured WILLIAM GALLAGHER entering the U.S. Capitol building through the Rotunda Doors, shortly after they had been breached, as shown in Image 2 below.

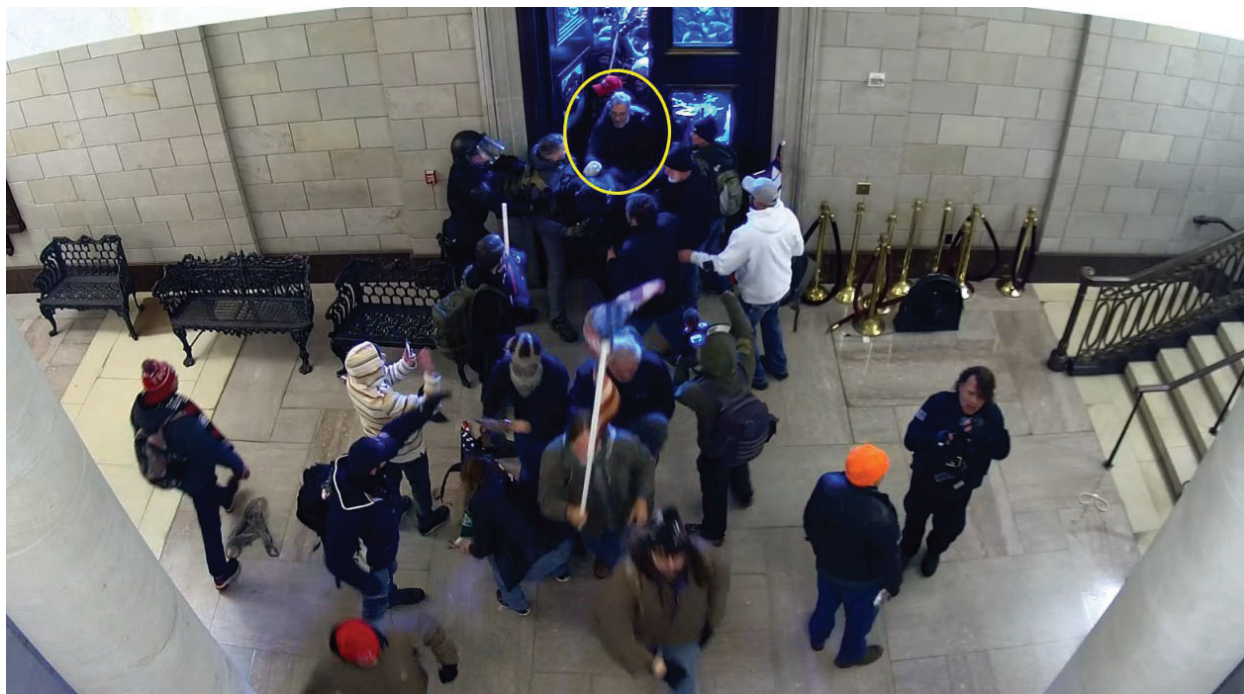


Image 2

Upon entering the U.S. Capitol, WILLIAM GALLAGHER (directly in front of the camera in Image 3 below taken from open-source video) appeared to yell, “open the other door,” while an alarm is sounding.



Image 3

About one minute later, CCTV surveillance footage depicted WILLIAM GALLAGHER entering the Rotunda of the U.S. Capitol, as shown in Image 4 below.



Image 4

Image 5 below shows WILLIAM GALLAGHER walking south from the Rotunda to Statuary Hall at approximately 2:28 p.m. EST.



Image 5

About one minute later, WILLIAM GALLAGHER reversed course, walking north through Statuary Hall back to the Rotunda, as depicted in Image 6 below.

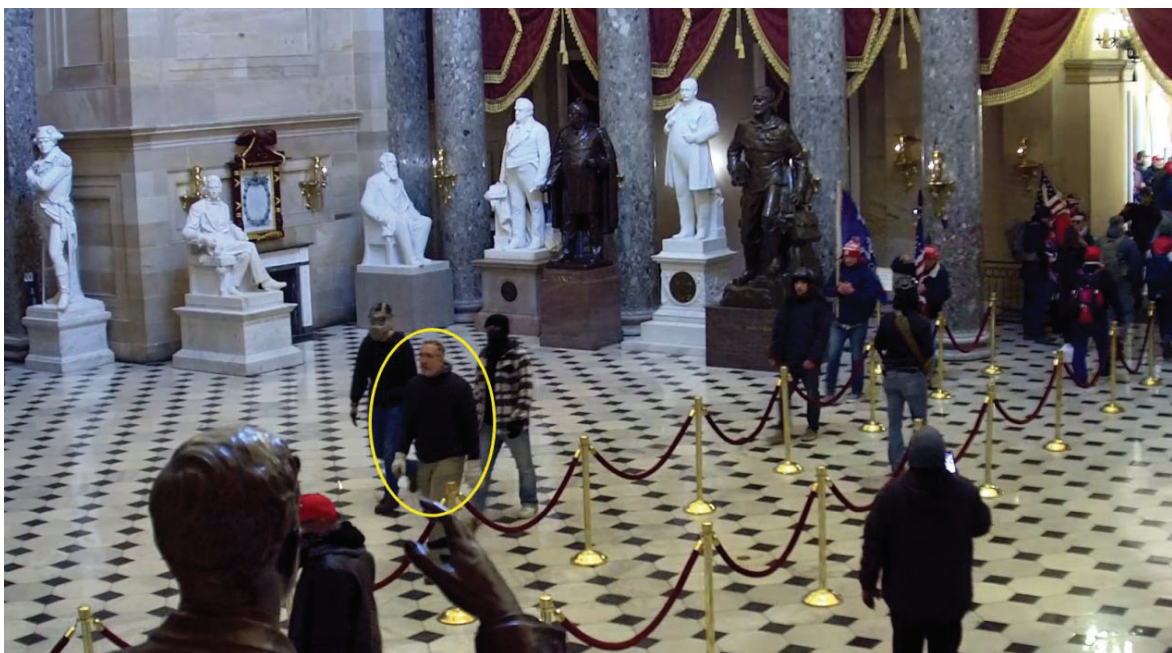


Image 6

For the next five minutes, from about 2:30 p.m. to 2:35 p.m. EST, WILLIAM GALLAGHER wandered around the Rotunda as a large crowd began to gather. During this time, WILLIAM GALLAGHER appeared to use his cell phone to make two phone calls, as shown in Image 7 below. Call records subpoenaed from Verizon confirm that WILLIAM GALLAGHER called the 8316 and 5618 Numbers, which are registered to THOMAS GALLAGHER and JAMES GALLAGHER, respectively, around this time.

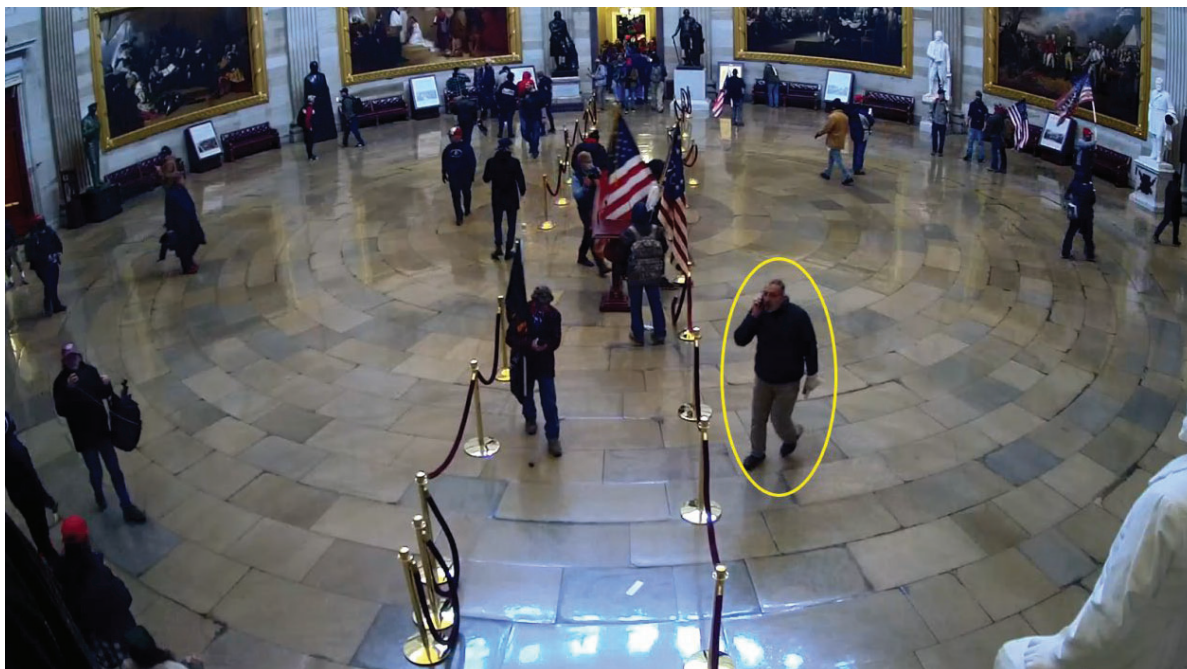


Image 7

At approximately 2:36 p.m. EST, WILLIAM GALLAGHER returned to the lobby area outside the Rotunda and near the Rotunda Doors, as shown in Image 8 below. By this time, the Rotunda Doors had been re-secured by U.S. Capitol Police. At this time, JAMES GALLAGHER AND THOMAS GALLAGHER were still outside the building.



Image 8

At approximately 2:38 p.m. EST, rioters began pushing the Rotunda Doors to open them from the inside. Despite the presence of U.S. Capitol Police officers guarding the doors, WILLIAM GALLAGHER participated in that effort for approximately 90 seconds.

During that time, as depicted in Images 9 and 10 below, WILLIAM GALLAGHER interfered with and impeded a U.S. Capitol Police officer guarding the Rotunda Doors. Specifically, WILLIAM GALLAGHER placed his gloved hands on the officer. Upon grabbing the officer, WILLIAM GALLAGHER proceeded to lean back and forcibly pull that officer off of the doors. After pulling the officer from his position, WILLIAM GALLAGHER placed his hands on the officer again and, with the assistance of another rioter (the one carrying a flagpole), pushed the officer out of the entryway. As a result, the Rotunda Doors were breached yet again, allowing rioters to stream into the U.S. Capitol building. After the altercation, WILLIAM GALLAGHER appeared to apologize to the officer.



Image 9

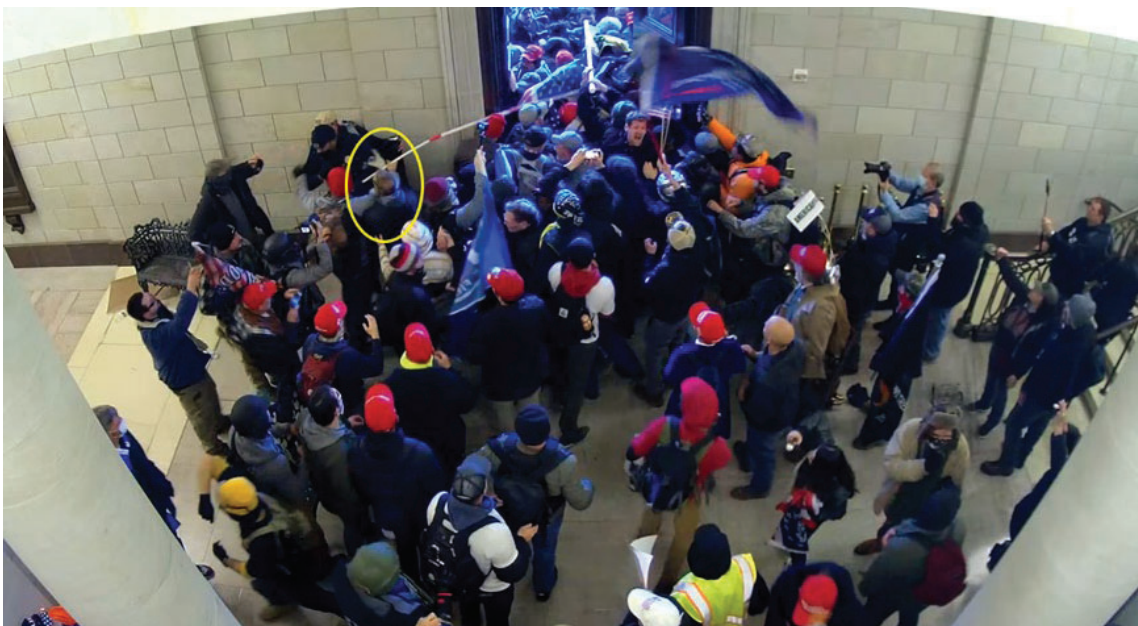


Image 10

At approximately 2:39 p.m. EST, about 45 seconds after pushing the officer out of the way, WILLIAM GALLAGHER went back to the entryway to help push open the Rotunda Doors, allowing rioters to stream in from the outside.

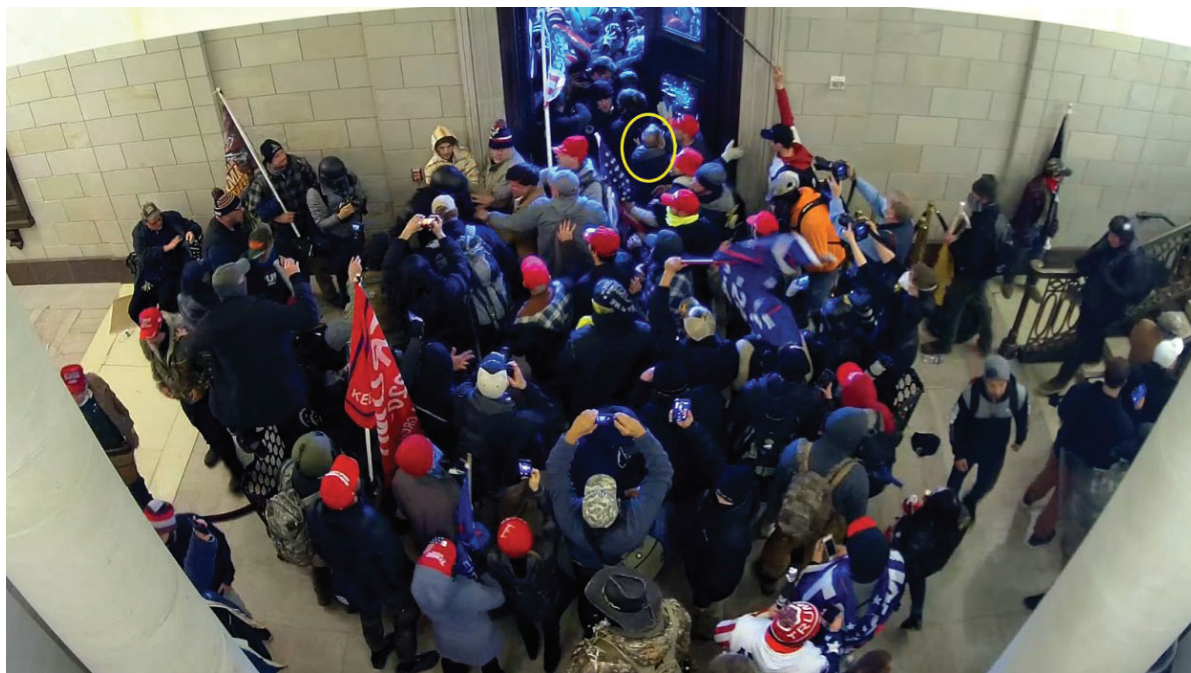


Image 11

At approximately 2:39 p.m. EST, WILLIAM GALLAGHER returned to the Rotunda. Several minutes later, he appeared to take out his mobile device, holding it above his head to take video and/or photographs, as shown in Image 12 below.

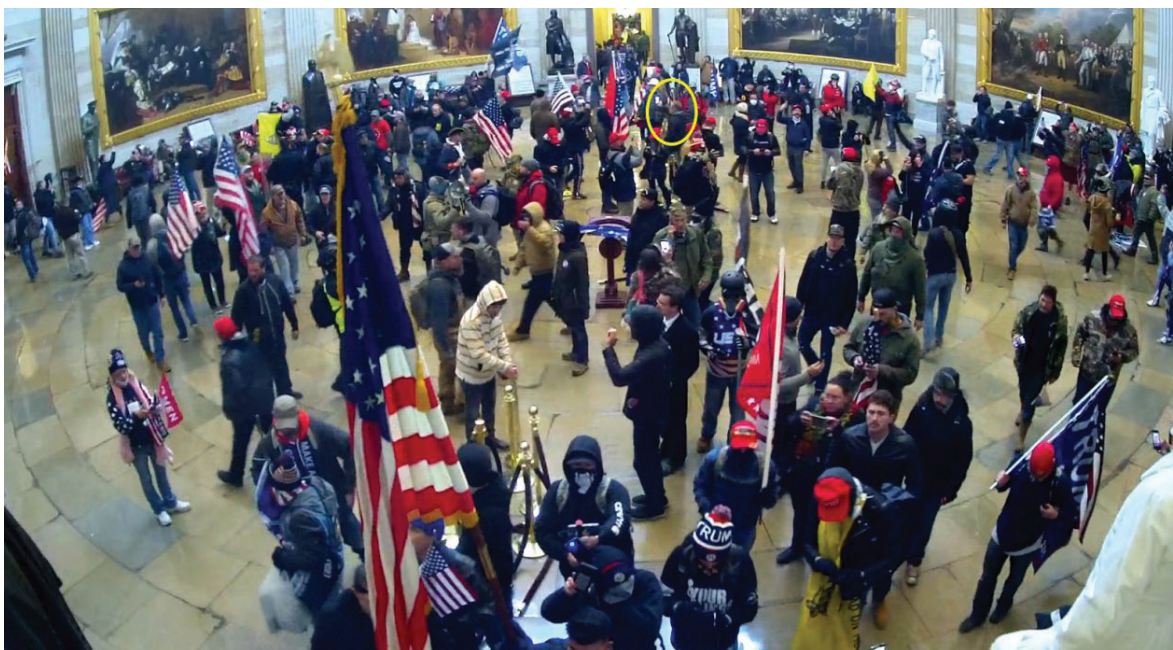


Image 12

At approximately 2:45 p.m. EST, JAMES GALLAGHER, circled in red, and THOMAS GALLAGHER, circled in orange, entered the U.S. Capitol building through the Rotunda Doors, as shown in Image 13 below. By that time, the windowpanes in the Rotunda doors had been smashed and an alarm was blaring. At all times, JAMES GALLAGHER was wearing a grey hooded sweatshirt under a black and white jacket and carrying a black sling bag. THOMAS GALLAGHER was wearing a black jacket, khaki-colored pants, gloves, and a grey backpack.



Image 13

At approximately 2:46 p.m. EST, JAMES GALLAGHER AND THOMAS GALLAGHER entered the Rotunda. A few moments later, WILLIAM GALLAGHER ran across to the Rotunda to meet up with them, as depicted in Image 14 below. The GALLAGHERS proceeded to walk together towards the Senate Chamber.

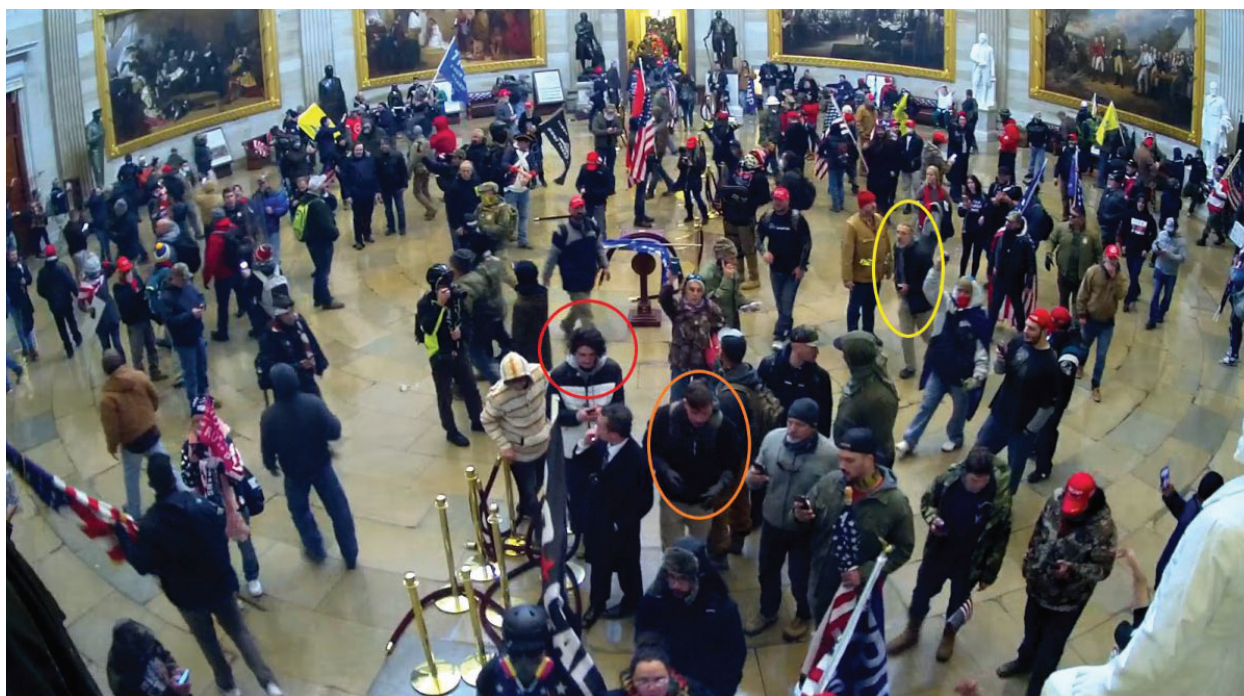


Image 14

More than ten minutes later, at approximately 2:57 p.m. EST, WILLIAM GALLAGHER, JAMES GALLAGHER, and THOMAS GALLAGHER reappeared in the Rotunda.



Image 15

At approximately 3:01 p.m. EST, officer body-worn camera captured WILLIAM GALLAGHER, JAMES GALLAGHER, and THOMAS GALLAGHER in front of a police line by the west entrance to the Rotunda, as shown in Images 17 and 18 below. Moments later, a scuffle ensued and chemical irritant spray was deployed in their vicinity.



Image 17

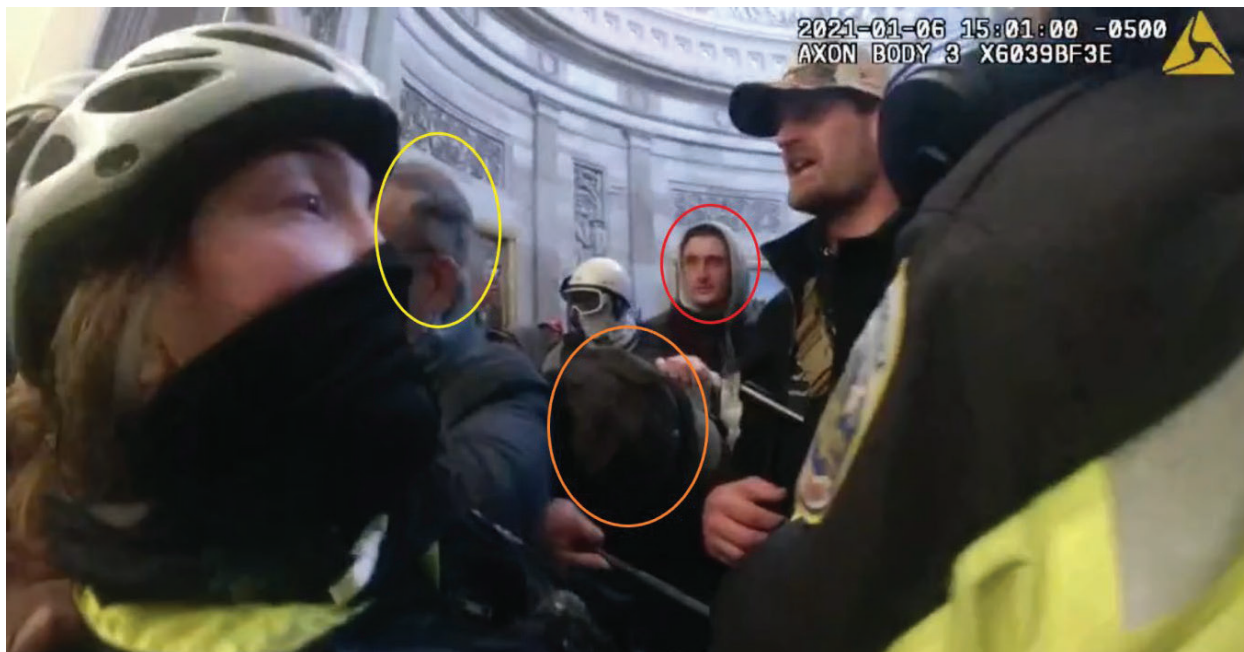


Image 18

Two minutes later, WILLIAM GALLAGHER AND JAMES GALLAGHER exited from the area around the west entrance to the Rotunda, as depicted in Image 19 below. Both WILLIAM GALLAGHER and JAMES GALLAGHER appeared to have been affected by the chemical spray.



Image 19

Image 20 below is a screenshot from CCTV surveillance footage. At approximately 3:04 p.m. EST, WILLIAM GALLAGHER AND JAMES GALLAGHER were still in the Rotunda as a police line formed. At one point, WILLIAM GALLAGHER can be seen blotting his eyes, presumably from the effects of the chemical spray.

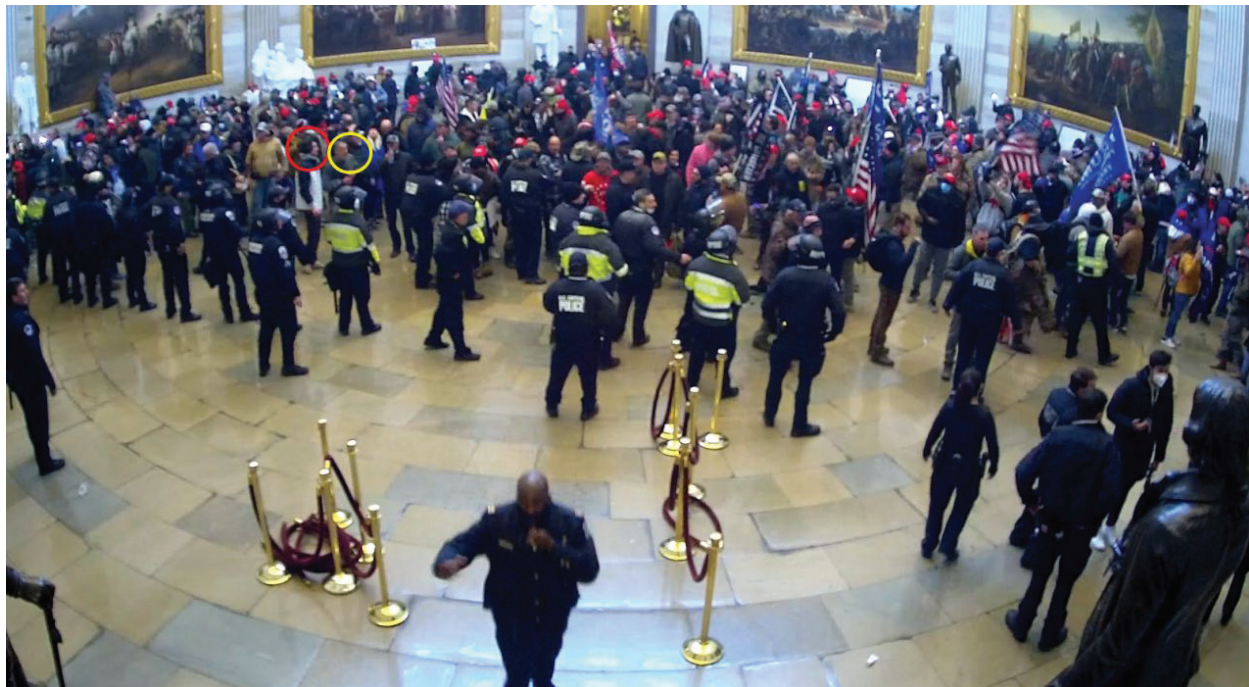


Image 20

After law enforcement began to clear the Rotunda of rioters, at approximately 3:07 p.m. EST, CCTV surveillance footage captured WILLIAM GALLAGHER and JAMES GALLAGHER in the lobby area outside the Rotunda and near the Rotunda Doors. A few minutes later, WILLIAM GALLAGHER and JAMES GALLAGHER were reunited with THOMAS GALLAGHER, as shown in Image 21 below.



Image 21

At approximately 3:12 p.m. EST, WILLIAM GALLAGHER, JAMES, GALLAGER, AND THOMAS GALLAGHER exited from the U.S. Capitol building through the Rotunda Doors. On the way out, all three individuals raised their fists in the air and chanted “USA,” as shown in Images 22 and 23 below. All together, WILLIAM GALLAGHER was inside the U.S. Capitol building for approximately 46 minutes, and JAMES GALLAGER and THOMAS GALLAGHER were inside the U.S. Capitol building for approximately 27 minutes.

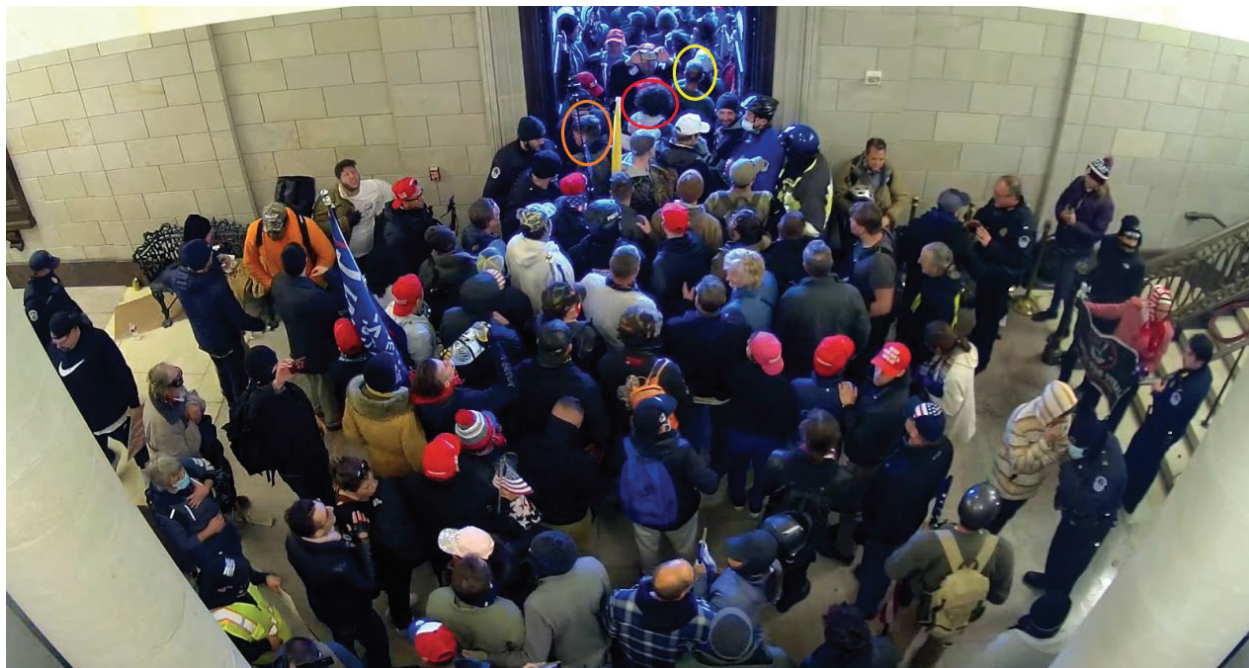


Image 22



Image 23

On January 26, 2021, your affiant and another agent attempted to interview WILLIAM GALLAGHER at his residence. Upon being advised of the identities of the interviewing agents at the front door of his residence, WILLIAM GALLAGHER spontaneously stated, “I’ve been waiting for you guys.” Your affiant interacted with WILLIAM GALLAGHER face-to-face. He shares a direct resemblance to the individual circled in yellow in the images above. The interview concluded shortly thereafter when GALLAGHER requested to speak with an attorney.


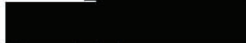
More recently, on March 27, 2024, your affiant interviewed an employee of the gated resort community where the GALLAGHERS reside in Ellijay, Georgia. The employee sees the GALLAGHERS regularly in the community. When shown three photographs from the U.S. Capitol on January 6, 2021, the employee immediately recognized the “the Gallagher family” and then individually identified JAMES GALLAGHER, THOMAS GALLAGHER, and their father as “Tommy and James’ dad.” The employee further clarified that both JAMES and THOMAS GALLAGHER have shorter haircuts than in the images from January 6, 2021.

Additionally, through my own investigation, including reviewing driver's license photographs, WILLIAM GALLAGHER, JAMES GALLAGHER, and THOMAS GALLAGHER appear to be the same individuals in the images above and other video footage collected on January 6, 2021.

Based on the foregoing, your affiant submits there is probable cause to believe that WILLIAM GALLAGHER violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Your affiant submits that there is probable cause to believe that WILLIAM GALLAGHER, JAMES GALLAGHER, and THOMAS GALLAGHER violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that WILLIAM GALLAGHER, JAMES GALLAGHER, and THOMAS GALLAGHER violated 40 U.S.C. § 5104(e)(2), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 30th of April 2024.



HON. MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE