

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
ERIK RAU
DOB: [REDACTED]
Case No.
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 [REDACTED] in the
District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 18 U.S.C. § 1752(a)(1) and (2), knowingly enter or remain in any restricted building or grounds without lawful authority to do; knowingly, and with intent to impede or disrupt the orderly conduct of Government business. Row 2: 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct; parade, demonstrate, or picket in any of the Capitol Buildings

This criminal complaint is based on these facts:

See attached statement of facts

[X] Continued on the attached sheet.

[REDACTED SIGNATURE]

Complainant's signature

[REDACTED] Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/13/2021

[REDACTED SIGNATURE]

2021.07.13
15:55:25 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, Special Agent

Printed name and title

## STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent assigned to FBI's Joint Terrorism Task Force (JTTF) in Cincinnati, Ohio, Columbus Resident Agency. In my duties as a special agent, I investigate International and Domestic Terrorism Offenses. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

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

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

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

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

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

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On 02/23/2021, Derek JANCART was arrested for violations of federal laws to include violations of 18 U.S.C section 1752 and 40 U.S.C. section 5104 issued out of the District of Columbia. During JANCART'S interview, he admitted to entering the U.S. Capital on January 6, 2021 and was accompanied by Erick RAU. JANCART was shown the following photographs and positively identified the person circled in red as Erik RAU. Jancart provided Erik RAU's telephone number: [REDACTED] 6719.



Photo 1

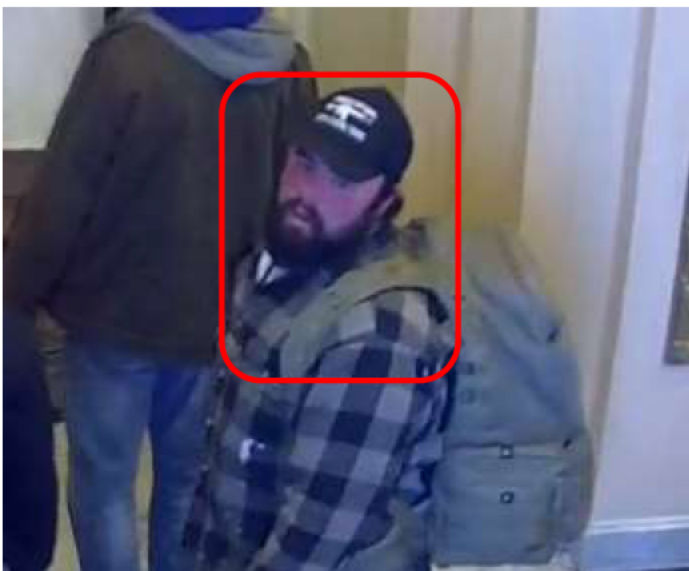


Photo 2

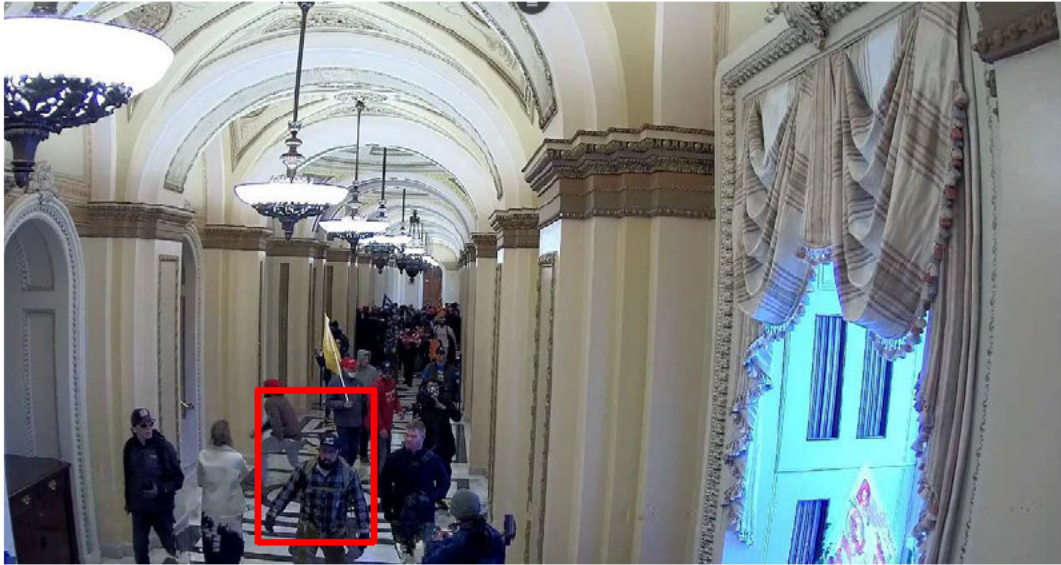


Photo 3



Photo 4



Photo 5

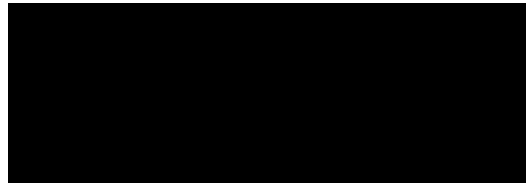
On 02/23/2021, your affiant received a phone call from a Deputy United States Marshal, who advised that RAU had called the US Marshal's service in Columbus, OH. RAU advised the Deputy Marshal that his friend (JANCART) was arrest on 02/23/2021 for being in the U.S. Capitol on January 6, 2021. RAU told the Deputy Marshal he was also in the building with JANCART and would like to speak to someone about turning himself in. RAU provide telephone number [REDACTED]-6719.

According to records obtained through a search warrant served on Google, a mobile device associated with [REDACTED]@gmail, which is associated with recovery phone number [REDACTED]-6719, was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a "maps display radius" for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a "maps display radius" of 10 meters to the location data point. Finally, Google reports that its "maps display radius" reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with [REDACTED]@gmail was within the U.S. Capitol from 2:15 PM to 2:54 PM. Google records show that the "maps display radius" for this location data was less than or equal to 100 feet, which encompasses an area that is entirely within the U.S. Capitol Building.

Based on the foregoing, your affiant submits that there is probable cause to believe that ERIK RAU violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that ERIK RAU violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and (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 13<sup>th</sup> day of July 2021.

A handwritten signature in blue ink, appearing to read "Robin M. Meriweather", written over a circular official seal.

2021.07.13  
15:54:33 -04'00'

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Robin M. Meriweather  
U.S. MAGISTRATE JUDGE