

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Ethan Mauck, (DOB: [redacted])
Peter Willey, (DOB: [redacted])
Defendant(s)

Case: 1:23-mj-234
Assigned To: Magistrate Judge Zia M. Faruqi
Assign. Date: 8/30/2023
Description: Complaint with Arrest Warrant

CRIMINAL COMPLAINT

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

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

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder, 18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds, 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds, and 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds.

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 name], Special Agent
Printed name and title

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

Date: 08/30/2023

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqi, U.S. Magistrate Judge
Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent assigned with the Federal Bureau of Investigation (“FBI”) and has been so employed since 2017. Specifically, I am assigned to the Washington Field Office (“WFO”), Northern Virginia Resident Agency and currently 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.

From 2017 until 2020, I was assigned to the Northern Virginia Violent Crimes Task Force, where I primarily investigated robberies. Since November 2020, I have been assigned to a squad that primarily investigates darknet-related narcotics trafficking. Before working for the FBI, I was a Deputy Sheriff with the Hillsborough County Sheriff’s Office in Tampa, Florida and was so employed from approximately March 2013 to April 2017. I have received formal training in the investigation of violent crimes, including specialized training in forensic evidence collection. I have investigated or assisted in the investigation of a number of cases involving violent criminal activity, narcotics and crimes against persons and property. I have been a sworn law enforcement officer during all times described in this Affidavit.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as “on or about.”

Background: Events at the U.S. Capitol on January 6, 2021

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, 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.

Identification of Peter Willey and Ethan Mauck

During the investigation, law enforcement made a preliminary determination that an individual suspected of assaulting a federal officer known as ██████████ may be an individual named ██████████. Based on a search of law enforcement databases, agents determined that ██████████ lived in ██████████.

On or about January 25, 2021, law enforcement contacted ██████████ at ██████████ residence in ██████████, and ██████████ voluntarily agreed to be interviewed. During the interview ██████████ admitted to being at the U.S. Capitol. ██████████ stated that ██████████ traveled to Washington, D.C. with ██████████ and a group of other individuals. ██████████ was shown photographs depicting ██████████, and ██████████ stated that ██████████ was the ██████████ in the photographs.

In particular, ██████████ was shown a photograph depicting ██████████ in the company of an adult white male wearing a grey-hooded “Champion” sweatshirt and a gray winter knit cap (Figure 1). ██████████ identified that male as ██████████, PETER WILLEY, previously referenced as “Be on the Lookout” (“BOLO”) #84. ██████████ refused to provide agents with a telephone number for WILLEY, but agents subsequently received a phone call from him later that same day.

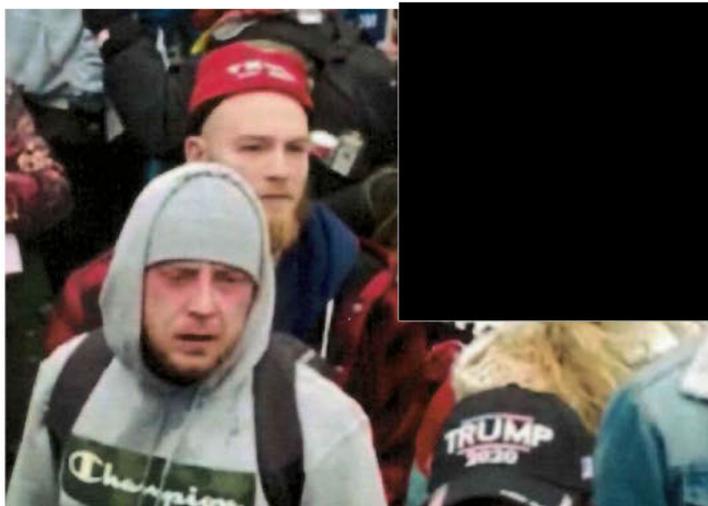


Figure 1: Photograph shown to [REDACTED] in which [REDACTED] identified the man in the grey-hooded Champion shirt as [REDACTED] PETER WILLEY.

The next day (January 26, 2021), Special Agents with the FBI Richmond Field Office conducted a consensual interview with WILLEY at his residence in Roanoke, Virginia. During the interview WILLEY admitted to being at the U.S. Capitol, along with [REDACTED], as well as WILLEY's [REDACTED] and [REDACTED]. Investigators showed WILLEY a photograph (Figure 1, above) depicting him (WILLEY), [REDACTED], and a white male wearing a red hat and a red-and-black jacket. WILLEY identified the other male as [REDACTED] but declined to provide additional information about [REDACTED] or [REDACTED].

WILLEY explained that he, [REDACTED], and [REDACTED] drove to Fairfax, Virginia on January 5, 2021, and took a train to Washington, D.C. on January 6, 2021. They arrived there at approximately 11:00 a.m. After listening to President Trump speak, WILLEY and the others followed the crowds to the U.S. Capitol building. He acknowledged getting sprayed in the face with pepper spray when members of the mob began grabbing a fence.

WILLEY also told the agents that he took photographs while at the U.S. Capitol, and sent copies of two photographs to the agents (Figure 2 and 3).



Figure 2: Photograph taken by WILLEY at the U.S. Capitol Building on January 6, 2021, and sent to the interviewing agents.



Figure 3: Photograph taken by WILLEY at the U.S. Capitol Building on January 6, 2021, and sent to the interviewing agents.

He also acknowledged taking a video near a “hallway” just outside of the U.S. Capitol building, which he also sent to the agents (Figure 4, below, shows a still from that video). Based on my familiarity with this investigation, I believe that the video depicts the archway leading from the Lowest West Terrace to a door accessing the U.S. Capitol Building.



Figure 4: Still from a video taken by WILLEY at the U.S. Capitol Building on January 6, 2021, and sent to the interviewing agents.

WILLEY stated that he understood that he had advanced into restricted areas around the U.S. Capitol Building that were being protected by police officers. WILLEY also showed the agents the sweatshirt and the hat he wore while at the U.S. Capitol grounds on January 6, which the agents photographed (Figure 5). Based on the interviewing agents' observations of WILLEY's appearance during the interview, they identified WILLEY as BOLO #84.



Figure 5: Photograph of WILLEY's clothing worn on January 6, 2021.

Investigators also reviewed WILLEY's Facebook account. That account showed a video of WILLEY recording himself on the steps of the U.S. Capitol on January 6. Over WILLEY's shoulder a second white male was observed (Figure 6). This same unidentified white male is visible in several videos and photographs standing next to WILLEY and ██████████, including Figure 1 above. A query of WILLEY's Facebook friends revealed the name ETHAN MAUCK ("MAUCK"). MAUCK was observed in several videos at the entrance of the tunnel on the west side of the U.S. Capitol near both ██████████ and WILLEY.

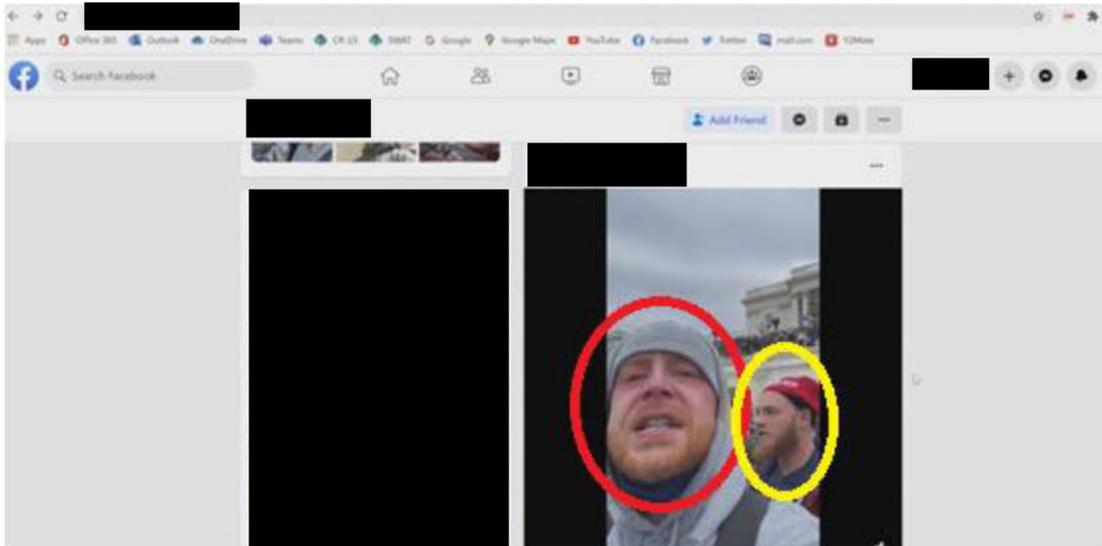


Figure 6: Screenshot from WILLEY's Facebook account, depicting WILLEY (circled in red) and MAUCK (circled in yellow).

On February 10, 2021, Special Agents with the FBI Richmond Field Office conducted a consensual interview with MAUCK at his residence in Troutville, Virginia. MAUCK acknowledged that he traveled to Washington, D.C., with "Pete" (WILLEY) and ██████████. After hearing then-President Trump's speech at the Washington Monument, MAUCK indicated that the group traveled to the U.S. Capitol Building in a crowd in order to speak with members of Congress and to show his support for then-President Trump.

The agents then showed MAUCK two photographs: Figure 6 above, and Figure 7 below. MAUCK identified himself in both photographs.



Figure 7: Photograph shown to MAUCK in which he identified himself (circled in red).

MAUCK stated that he observed members of the crowd assaulting police officers and striking windows. He also acknowledged entering a “hallway” where a police officer got stuck in a doorway. MAUCK recognized that he and the rest of the crowd crossed several barriers erected by the police and stated that he was pepper sprayed in the face several times, and that he entered into areas that were not open to the public.

MAUCK also showed the agents the clothing he was wearing on January 6, 2021, and the agents took photographs of the clothing (Figure 8). Based on interviewing agents’ observations of MAUCK’s appearance during the interview, agents identified MAUCK as the individual in the videos and photographs from January 6, 2021.



Figure 8: Photograph of MAUCK’s clothing worn on January 6, 2021.

Facts Specific to Peter Willey and Ethan Mauck

FBI Special Agents reviewed video that was obtained via open-source materials, law enforcement body cameras, and surveillance cameras located on the U.S. Capitol grounds. Video from these sources showed WILLEY and MAUCK on restricted Capitol grounds, obstructing, impeding, and interfering with law enforcement officials during the riots on January 6, 2021.

On January 6, 2021, WILLEY and MAUCK attended the “Stop the Steal” Rally on the National Mall. The two men stood amidst the large crowd of demonstrators, watching as former President Donald Trump and other speakers called on the crowd to march to the United States Capitol to protest the results of the 2020 Presidential Election. Open-source video shows WILLEY on the National Mall, singing along to “God Bless the USA” by Lee Greenwood, while holding up his cellular phone in a matter consistent with taking videos or photographs (Figure 9). MAUCK stood close by WILLEY. WILLEY and MAUCK left the demonstration at the National Mall, marched through Washington, D.C. toward the U.S. Capitol, and participated in the violent breach of the U.S. Capitol.



Figure 9: WILLEY (identified in red) participating in the “Stop the Steal” demonstration on the National Mall and holding up his cellular phone. MAUCK (identified in yellow) standing close by.

As MAUCK and WILLEY approached U.S. Capitol grounds from the west side, a growing group of rioters near them began to breach the secure perimeter set up by the United States Capitol Police (“USCP”). The rioters near MAUCK and WILLEY jumped over a ledge to the right of them, where several “AREA CLOSED” signs lined the ledge, blocking access to the grassy area on the west front of Capitol grounds. In the open-source video, the mob chanted “Fight for Trump!” (Figure 10).



Figure 10: MAUCK (identified in yellow) and WILLEY (identified in red) approaching the U.S. Capitol as rioters breached the secure perimeter to their right.

An open-source photograph shows MAUCK standing directly in front snow fencing, set up by USCP to demarcate restricted Capitol grounds. In the photograph, MAUCK is peering directly in front of him, where a large “Area Closed” sign is affixed to the snow fencing. A second “Area Closed” sign is visible to the right of MAUCK (Figure 11).



Figure 11: MAUCK (circled in yellow) standing directly in front of “Area Closed” signs (circled in blue) affixed to USCP snow fencing barriers.

MAUCK then marched to the West Lawn of the U.S. Capitol and waved his arms in celebration as he stepped over snow fencing, then climbed over a pony wall, reaching the Lower West Plaza (Figure 12). As MAUCK stood on the pony wall, he celebrated again, raising his arms up multiple times (Figure 13).



Figure 12: MAUCK (circled in yellow) celebrating and stepping over downed snow fencing (shown between the two blue lines).



Figure 13: MAUCK (circled in yellow) standing on a pony wall on the Lower West Plaza and celebrating.

WILLEY and MAUCK continued to advance toward the U.S. Capitol building, eventually making their way to the Lower West Plaza. There, law enforcement had established a police line and bike racks set up as barricades. A violent struggle ensued between the rioters and law enforcement, and law enforcement officials deployed pepper spray to disperse the crowd as they

simultaneously attempted to re-establish a police line and barricade. MAUCK is seen on open-source video in distress and rubbing his eyes, consistent with having been struck by pepper spray (Figure 14). Shortly thereafter, MAUCK approached the police line that had been reestablished and disappeared from the camera's view.



Figure 14: MAUCK (circled in yellow) rubbing his eyes after possibly being struck by pepper spray.

Another open-source video showed law enforcement deploying pepper spray in an effort to disperse the crowd. The camera panned to WILLEY covering his face with his hand and face mask and pointing his cell phone toward the police line in a manner consistent with recording or photographing. MAUCK stood nearby (Figure 15).

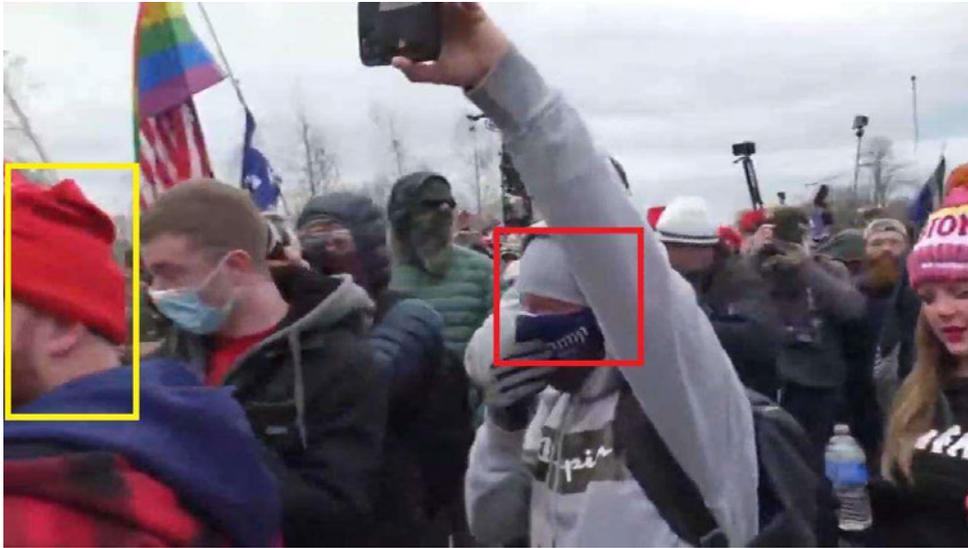


Figure 15: WILLEY (circled in red) and MAUCK (circled in yellow) participating in the riot on the Lower West Plaza.

At the Lower West Plaza, as seen on open-source footage, the mob violently confronted the officers standing guard in the police line. The bike racks became displaced and a struggle ensued. During the struggle, MAUCK picked up a downed police bike rack and shoved it toward an officer dressed in riot gear (Figure 16).



Figure 16: MAUCK (circled in yellow) picking up a downed bike rack and shoving it toward police officers on the Lower West Plaza.

On the Lower West Plaza, at approximately 1:40 p.m., WILLEY and other rioters began to move a large sign on wheels with a metal frame towards the police line and barricade, using it as a battering ram against the law enforcement officers attempting to hold the line. As the large sign passed over WILLEY's head, WILLEY placed his hands on the billboard's frame and pushed it toward the police line (Figure 17). As the officers gained control of the large metal sign, WILLEY is seen blocking his face with his arms and running away from an officer who deployed pepper spray at the rioters, including WILLEY (Figure 18).



Figure 17: WILLEY (circled in red) placing his hands on the large sign with a metal frame and pushing it toward the police line as a battering ram.

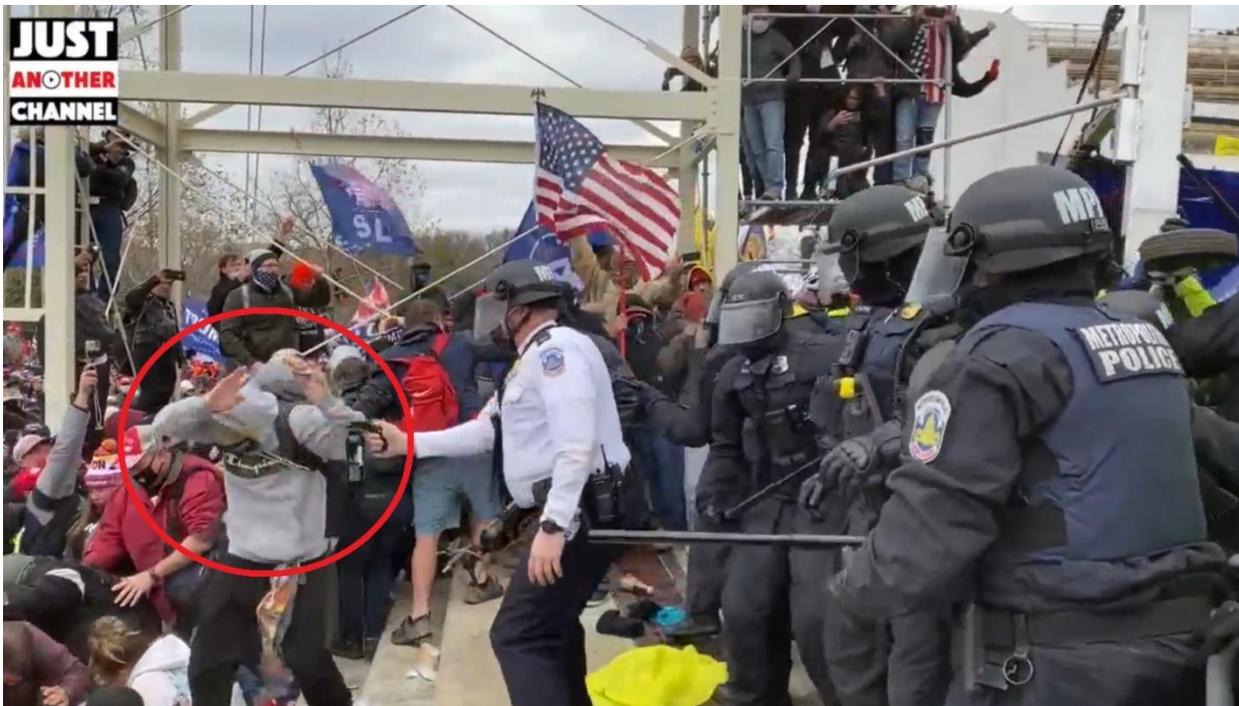


Figure 18: WILLEY (circled in red) blocking his face with his arms as an officer deployed pepper spray after a large billboard was rammed against the police line.

I reviewed CCTV footage from January 6, 2021 depicting a crowd of rioters attempting to enter the Lower West Terrace tunnel exterior entrance (hereinafter “tunnel”) to the U.S. Capitol. The activity depicted took place inside an exterior security perimeter established and manned by USCP that day and, thus, was within the restricted grounds of the U.S. Capitol building. The video footage depicts rioters pushing against law enforcement officers, who formed a police line in front of the tunnel for several hours until additional law enforcement officers arrived and forced the crowd away from the entrance and out of the tunnel.

At approximately 2:40 p.m. on January 6, 2021, rioters began amassing at the mouth of the tunnel in an attempt to enter the U.S. Capitol building through the doors at the end of the tunnel. At approximately 2:45 p.m., MAUCK and WILLEY are seen peering in at the mouth of the tunnel (Figure 19).



Figure 19: MAUCK (circled in yellow) and WILLEY (circled in red) at the mouth of the Lower West Terrace tunnel at 2:45 p.m.

By approximately 2:50 p.m., both MAUCK and WILLEY advanced further into the tunnel, closer to the police line and the entrance into the U.S. Capitol building. Based on my review, the CCTV appears to show rioters, including MAUCK and WILLEY, actively pushing against the police line in unison, known as a “heave-ho” (Figure 20).



Figure 20: MAUCK (circled in yellow) and WILLEY (circled in red) participating in the heave-ho in the Lower West Terrace tunnel.

Soon thereafter, by approximately 2:51 p.m., WILLEY and MAUCK retreated to the mouth of the tunnel. A minute later, both WILLEY and MAUCK re-entered the tunnel. CCTV footage showed a violent and chaotic scene inside the tunnel. Rioters near WILLEY and MAUCK shone a bright, strobing light at the police line, threw a large, square object from the mouth of the tunnel toward the police line, sprayed a yellow gas-like substance toward the police line, and stole several police shields and handed them back to the mob.

At approximately 2:55 p.m., WILLEY grabbed ahold of two police shields from another rioter and passed it forward, further into the tunnel and toward the rioters near the police line (Figures 21 and 22).



Figure 21: WILLEY (circled in red) grabbing a police shield and passing it further into the tunnel toward rioters near the police line.



Figure 22: WILLEY (circled in red) grabbing a second police shield and passing it further into the tunnel toward rioters near the police line.

At approximately 2:58 p.m., MAUCK, standing at the mouth of the tunnel, gained control of a large, black speaker, and handed it off to the rioters in the tunnel. Ultimately, that speaker was thrown at the police line by other rioters (Figure 23).



Figure 23: MAUCK (circled in yellow) grabbing a large, black speaker and passing it further into the tunnel toward rioters near the police line.

Both MAUCK and WILLEY exited the tunnel at approximately 3:04 p.m. At approximately 3:17 p.m., as law enforcement continued to push the rioters out of the tunnel, several rioters simultaneously grabbed ahold of two officers and violently dragged them away from the police line and into the mob. MAUCK and WILLEY are later seen in the crowd outside the tunnel shortly after this incident, watching as other rioters forcibly dragged the two law enforcement officers into the mob (Figure 24), consistent with the photographs WILLEY subsequently provided to investigators (Figures 2 and 3, above).



Figure 24: MAUCK (circled in yellow) and WILLEY (circled in red) watching outside of the tunnel while other rioters forcibly dragged a law enforcement officer (circled in blue) into the mob.

Conclusion

Based on the foregoing, your affiant submits that there is probable cause to believe that MAUCK and WILLEY 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 MAUCK and WILLEY violated 40 U.S.C. § 5104(e)(2)(D), 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.

Finally, your affiant submits there is probable cause to believe that MAUCK and WILLEY violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of

any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.



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 day of August 2023.

HON. ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE