

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Kenneth Giusini
DOB: XXXXXX

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Case: 1:24-mj-00067
Assigned To : Judge Zia M. Faruqui
Assign. Date : 2/21/2024
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:

Code Section

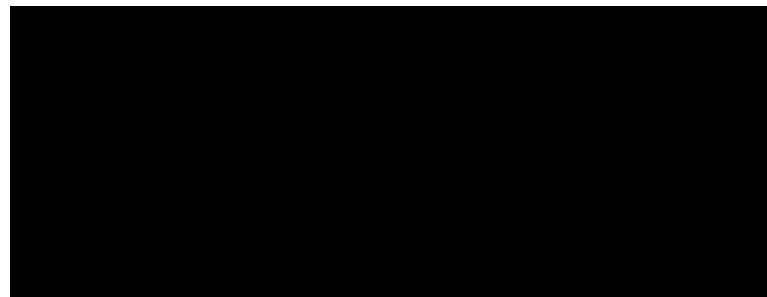
Offense Description

- 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,
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in the Capitol Grounds or Buildings,
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating or Picketing in the Capitol Grounds or Buildings,
- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Printed name and title

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

Date: 02/21/2024

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

I, [REDACTED], am a Task Force Officer assigned to the Federal Bureau of Investigation, Joint Terrorism Task Force. In my duties as a task force officer, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a task force officer, 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 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 Kenneth Giusini

Since January 6, 2021, the FBI has been investigating and identifying those who were inside of the Capitol without authority and disrupted the proceedings. The individual circled in yellow in Image 1, below, was preliminarily identified as “Insider2982.”



Image 1: Screenshot from open source video¹ showing Insider2982 (circled in yellow)

Insider2982 is wearing a red baseball hat, black hooded sweatshirt with white writing, black jacket, and dark neck gator pulled up over his mouth.

During the investigation, I learned that Image 2, below, was the profile picture for an individual with the username “Kengiusini” on Parler:

¹ <https://www.youtube.com/watch?v=9TshRdxXi9c&t=316s>, at 5:15.



Image 2: Image showing the profile picture associated with the user identified as “Kengiusini” on Parler

The individual depicted in Image 2 appears to be wearing the same a red baseball hat and black hooded sweatshirt with white writing as Insider2982 depicted in Image 1.

On December 13, 2023, I interviewed Person 1. Person 1 stated that they had known Kenneth Giusini for approximately five years before January 6, 2021. Person 1 stated that they traveled with a large group of people, including Giusini, to Washington, D.C., for the January 6, 2021, rally in support of the former president. Person 1 identified the individual depicted in Image 2 as Giusini. Person 1 stated that they took the photograph depicted in Image 2 while they were in Scranton, Pennsylvania. I also showed Person 1 an unredacted version of Image 3, below. Person 1 identified the individual in the white hat as Person 1 and the individual in the dark hat (on the left side of the image) as Giusini.

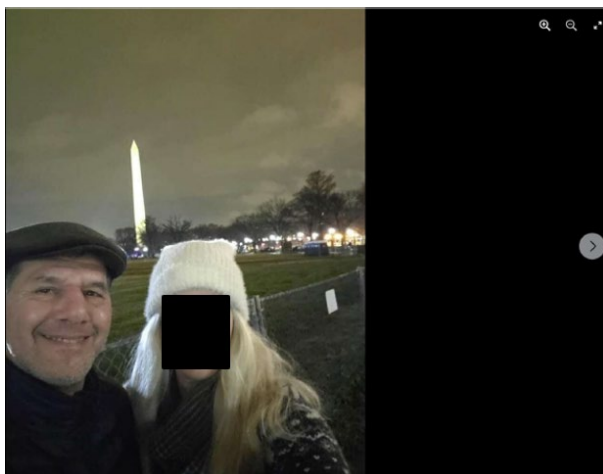


Image 3: Image from Person 1's Facebook Page with a post date of January 20, 2021

In addition, I showed Person 1 Image 4, below. Person 1 identified the individual circled in green as Person 1. Person 1 said they were unable to identify the male they were walking with, circled in yellow. Person 1 said that the person circled in yellow could be Giusini but with the mask Person 1 was unable to say for sure.



Image 4: Screenshot from an open source video.² The green and yellow follow circles were included in the image shown to Person 1.

Finally, I showed Person 1 Image 5, below. Person 1 said they did not know the identity of the person depicted in Image 5.

² <https://twitter.com/mattmiller757/status/1346912039864729610>, at 00:15.



Image 5: Image of Insider2982

On December 13, 2023, I interviewed Kenneth Giusini at his residence in Philadelphia, Pennsylvania. I showed Giusini Image 4, above. Giusini identified himself as the individual circled in yellow and identified the person circled in green as Person 1. I showed Giusini Image 5, above, and Giusini identified himself as the individual depicted in Image 5. In addition, I showed Giusini Image 6, below. Giusini identified himself as the individual circled in yellow in Image 6.



Image 6: Screenshot from security footage from the Capitol at approximately 3:10 p.m. on January 6, 2021

Giusini stated that he and Person 1 traveled together to Washington, D.C., and spent two nights there. Giusini stated that he and Person 1 were dating at the time and that no one else accompanied them. Giusini stated that they went to the rally in support of the former president. After the former president's speech, Giusini and Person 1 walked to the Capitol until they got close to the steps. Giusini stated that Person 1 did not go closer to the Capitol but that he, Giusini, continued. Giusini said that by the time he got there, it seemed like police were letting people in. He claimed that there were two officers by a very crowded door and they were not stopping people from entering. Giusini stated that he went to another door and that he, along with about a dozen other people, went inside that door. Giusini said that there was only one officer by the door and that the crowd was not pushing to get in. Giusini reported that shortly afterwards, more officers showed up and started pushing the group out of the Capitol. Giusini stated that there was a young officer in front of him and that he, Giusini, put hands on the officer's chest, telling the officer to wait a second as there was a man on the ground behind Giusini and Giusini was worried about his safety and was protecting the rioter on the ground.

Based upon the investigation, including my interviews with Giusini and Person 1, as well as reviewing security footage from the Capitol, open source videos, and Giusini's driver's license photograph, I believe that Insider2982 is Kenneth Giusini.

Giusini's Conduct on January 6, 2021

Footage from the Capitol's security cameras show that Giusini entered the Capitol through the north door at approximately 3:10 p.m. on January 6, 2021. A line of officers was in the hallway blocking rioters, including Giusini, from further entering the Capitol. Giusini stood in the hallway apparently filming officers for over one minute before officers were able to push the rioters, including Giusini, back out of the north door.



Image 7: Screenshot from security footage showing Giusini (circled in yellow) holding up his cellphone while in the Capitol near a line of police officers

Body worn camera footage shows officers clearing rioters out of the north door at approximately 3:12 p.m.. Footage from body worn camera shows Giusini in the north portico near steps leading down to the north terrace at approximately 3:12 p.m. The footage also shows another rioter, a man with no hair and wearing a red jacket, stumbles while being pushed out of the Capitol:



Image 8: Screenshot from Metropolitan Police Department Officer G.P.'s Body Worn Camera Footage showing Giusini (circled in yellow) while a rioter in red (circled in green) stumbles



Image 9: Screenshot from Metropolitan Police Department Officer C.C.'s Body Worn Camera Footage showing Giusini (circled in yellow) and the rioter in red (circled in green)

Body worn camera footage then shows Giusini approaching officers after that rioter is standing:



Image 10: Screenshot from Metropolitan Police Department Officer G.P.'s Body Worn Camera Footage showing Giusini (circled in yellow) approaching officers

Giusini then puts his arm on Officer G.P. and pushes into him:



Image 11: Screenshot from Metropolitan Police Department Officer G.P.'s Body Worn Camera Footage showing Giusini's arm on Officer G.P.

Officer G.P.'s body worn camera footage shows Giusini continue to try to approach Officer G.P., putting his hands on Officer G.P. at least once more:



Image 12: Screenshot from Metropolitan Police Department Officer G.P.'s Body Worn Camera Footage showing Giusini (circled in yellow)



Image 13: Screenshot from Metropolitan Police Department Officer G.P.'s Body Worn Camera Footage showing Giusini (circled in yellow) reaching towards Officer G.P.

Open source video show this from a different angle. As police officers expel rioters from the north door, some of the rioters fell, including a rioter in a red jacket who was pushing back on officers while officers were trying to get him out of the Capitol:



Image 14: Screenshot from open source video³ showing Giusini (circled in yellow) near the north door as law enforcement expel rioters from the building

Giusini approached the doorway and pushed one officer:



Image 15: Screenshot from open source video⁴ showing Giusini (head circled in yellow and hand circled in red) pushing an officer near the north door

³ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 4:51.

⁴ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 4:51.

As the rioter in red continued to use his back to push against officers, Giusini went to the other side of the north door:



Image 16: Screenshot from open source video⁵ showing Giusini (circled in yellow) near the north door

An officer then tries to pull Giusini away from the north door:



Image 17: Screenshot from open source video⁶ showing Giusini (circled in yellow) near the north door

⁵ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:05.

⁶ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:06.

After Giusini is pushed back from the door, he re-approaches the officers:

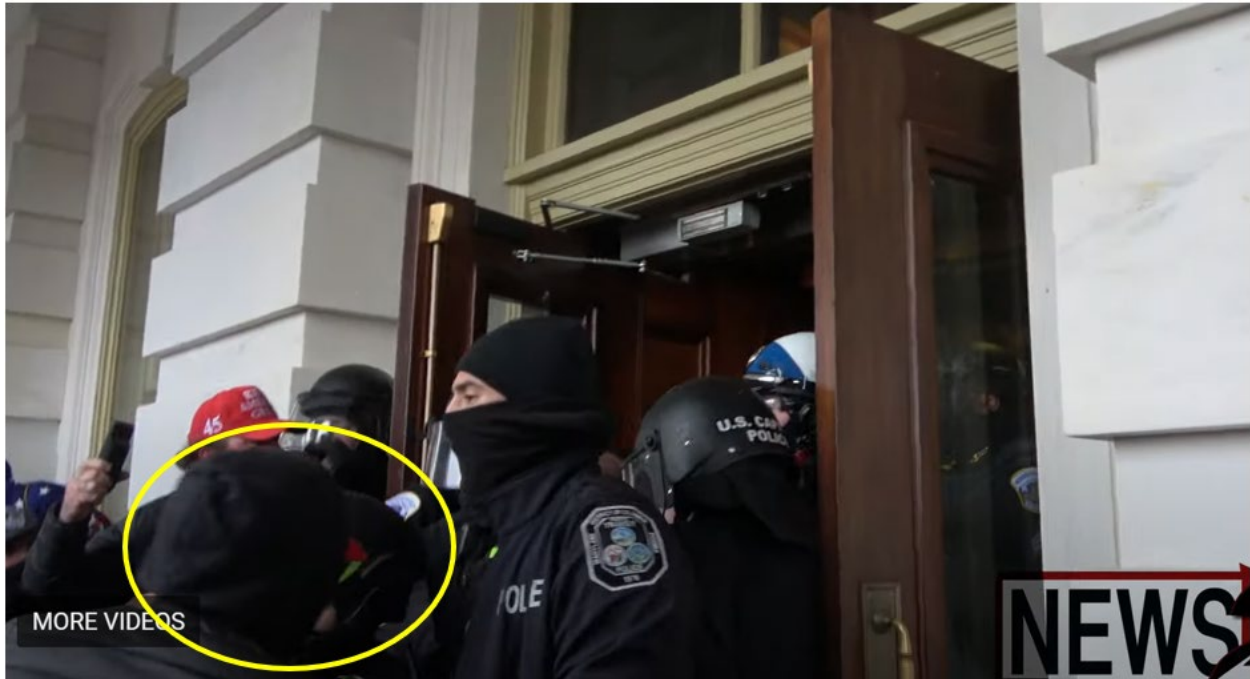


Image 17: Screenshot from open source video⁷ showing Giusini (circled in yellow) near the north door

Giusini continues to engage with officers, using his shoulder to push against Officer G.P.:

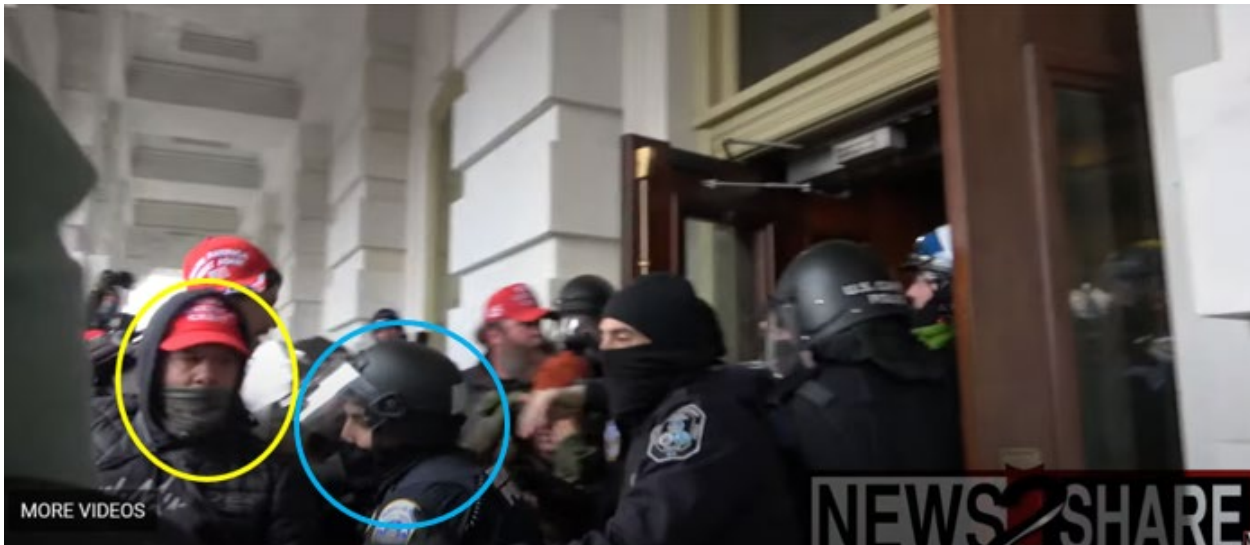


Image 18: Screenshot from open source video⁸ showing Giusini (circled in yellow) near the north door pushing against Officer G.P. (circled in blue)

⁷ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:13.

⁸ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:15.

As other officers try to pull Officer G.P. back into the Capitol, Giusini advances on Officer G.P.:

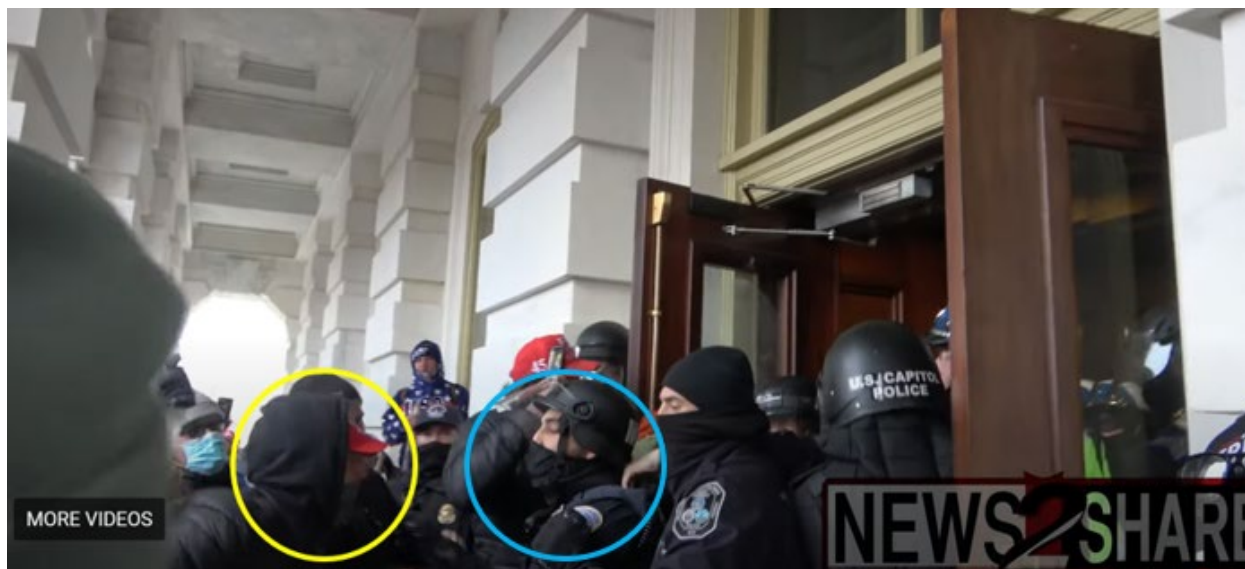


Image 19: Screenshot from open source video⁹ showing Giusini (circled in yellow) near the north door

At this point, there are no longer any rioters on the ground in front of the north door:



Image 20: Screenshot from open source video¹⁰ showing Giusini (circled in yellow) near the north door. No rioters appear to be on the ground in front of the north door.

⁹ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:16.

¹⁰ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:19.

Giusini initially positions himself immediately in front of the open north doors, but then moves to the side of the north doors:



Image 21: Screenshot from open source video¹¹ showing Giusini (circled in yellow) near the north door.



¹¹ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:20.

Image 22: Screenshot from open source video¹² showing Giusini (circled in yellow) near the north door.

Approximately 11 seconds later, another rioter then falls near Giusini's feet:



Image 23: Screenshot from open source video¹³ showing Giusini (circled in yellow) near the north door and another rioter who fell near Giusini's feet

Another open source video shows Giusini near the north door from a different angle.

¹² <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:39.

¹³ <https://twitter.com/PamelaEdwards/status/1666594796943581185>, at 5:50.



Image 24: Screenshot from open source video¹⁴ showing Giusini (circled in yellow) near the north door

Giusini appears to help move a metal banister towards officers:

¹⁴<https://vimeo.com/503397722>, at 58:28.



Image 25: Screenshot from open source video¹⁵ showing Giusini (circled in yellow) apparently helping to move a metal barricade towards officers

The rioter who later fell at Giusini's feet is standing at this point, as shown in Image 26, below, and the video shows that the rioter falls approximately 12 seconds after Giusini helps to move the metal barricade:

¹⁵<https://vimeo.com/503397722>, at 58:33.

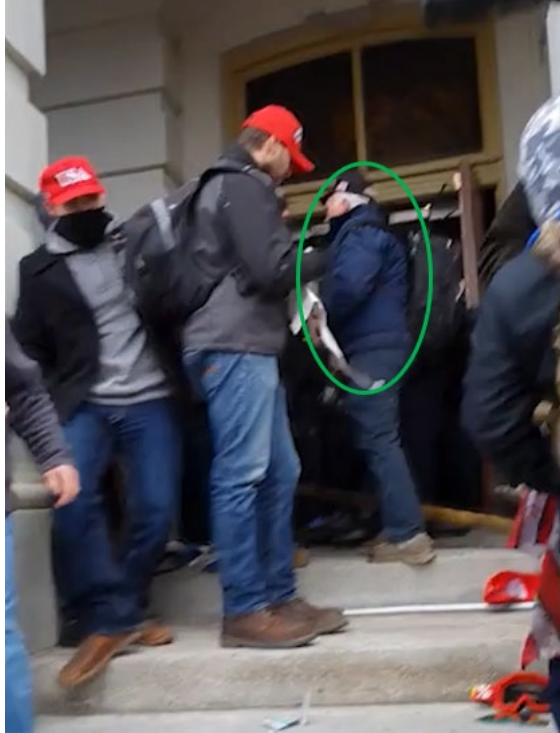


Image 26: Screenshot from open source video¹⁶ showing the rioter (circled in green) who later fell near Giusini's feet

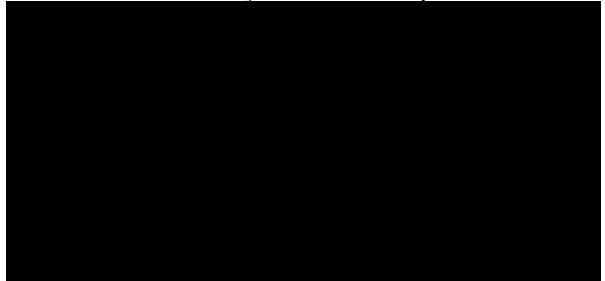
Based on the foregoing, I submit that there is probable cause to believe that Kenneth Giusini violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede 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.

I submit there is also probable cause to believe that Kenneth Giusini violated 40 U.S.C. § 5104(e)(2)(D) and (G), 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.

Finally, your affiant submits there is probable cause to believe that Giusini violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct,

¹⁶<https://vimeo.com/503397722>, at 58:39.

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.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of February 2024.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE