

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America )

v. )

Jonathan Gennaro Mellis (AKA: Jon Gennaro) )

DOB: XXXXXX )

Case: 1:21-mj-00224

Assigned to: Judge Faruqui, Zia M

Assign Date: 2/11/2021

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. § 111 (a)(1) and (b), § 2- forcibly assault, resist, oppose, impede, intimidate, or interfere Officers and aiding and abetting,

18 U.S.C. § 231(a)(3) and § 2 - Civil Disorder,

18 U.S.C. § 1752(a)(1), (2), and (4) - Restricted Building or Grounds,

40 U.S.C. § 5104(e)(2)(D)(E) and (F) - Violent Entry or Disorderly Conduct, obstruct, or impede passage, and engage in physical violence on Capitol Grounds ,

18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Richard Migliara signature

Complainant's signature

Richard Migliara, 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: 02/11/2021

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

Your affiant, Special Agent with the FBI, United States Department of Justice, and have served in that capacity since January of 2017. I was assigned to the FBI's Washington Field Office in June 2017, where I have served on a drug and violent crime squad. I am currently assigned to the Safe Streets Task Force, which conducts investigations relating to, among other things, narcotics violations and violent criminal acts. I have prior experience as an FBI Analyst from February 2010 through December of 2016. In my work with the FBI, your affiant has received training and experience in interviewing and interrogation techniques; arrest procedures; search and seizure; drug and money laundering investigations, including the illegal structuring of financial transactions; surveillance techniques; asset forfeiture; possession with intent to distribute and distribution of controlled substances; engaging in financial transactions to promote, disguise or conceal illegal drug trafficking and the source of the proceeds derived from it; unlawfully engaging in monetary transactions involving the proceeds of specified unlawful activity, practices commonly referred to collectively as "money laundering;" and conspiracies associated with the foregoing criminal offenses which are prohibited by Title 21, United States Code, Sections 841(a)(1), 843(b), and 846, and Title 18, United States Code, Sections 922(g), 924(c), 1956 and 1957. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021. As a Special Agent of the FBI, 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.

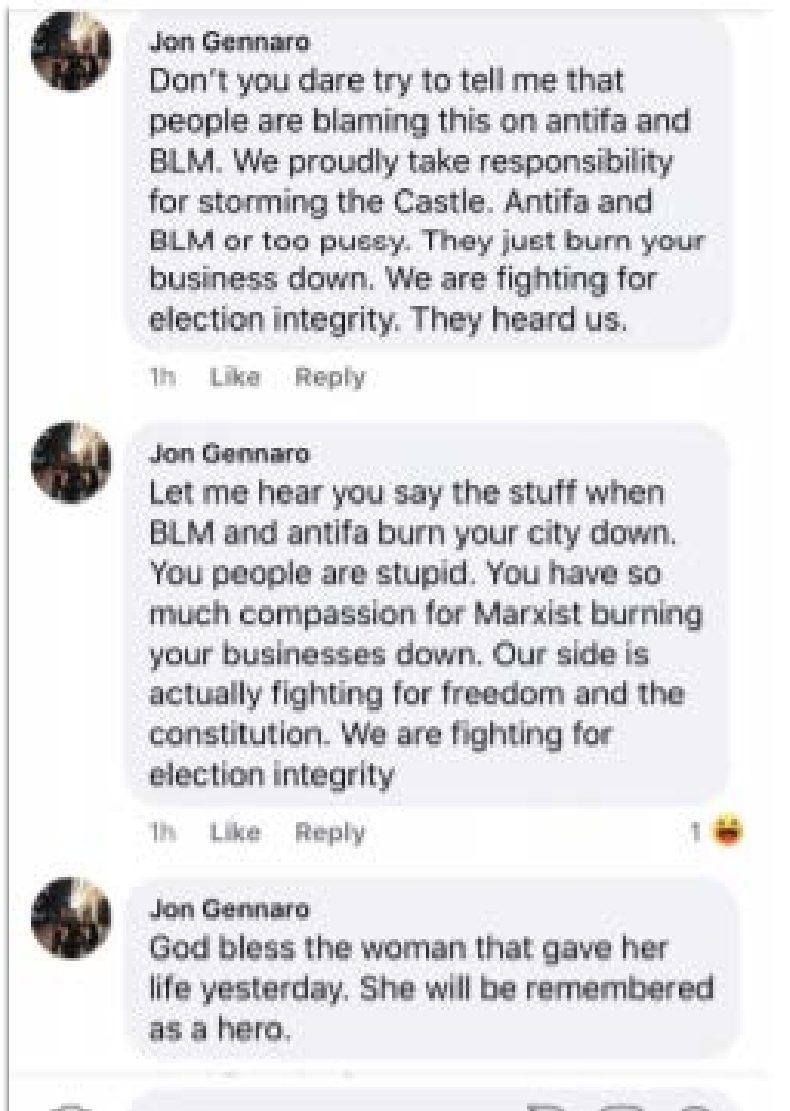
The FBI received information from multiple concerned citizens soon after the events at the U.S. Capitol Complex on January 6, 2021 stating that they had seen photographs, videos and statements on social media identifying one of the people that had been part of the incident at the Capitol as described above. Specifically, the person identified by photograph and social media was Jonathan Gennaro MELLIS. In telephonic interviews with your affiant, two of the tipsters, acquainted personally with MELLIS, each individually stated that photos they submitted were screenshots from MELLIS' personal public Facebook page under the name "Jon Gennaro" (<https://www.facebook.com/jonathan.mellis.754/>). In the photographs, MELLIS can be seen wearing a large white cowboy hat with a design on top, sporting thick, rimmed black glasses. In the images, MELLIS can be seen with dark brown wavy shoulder length hair, sporting a beard, goatee and mustache and wearing a black quilted jacket as seen in the image below.



Law enforcement reviewed MELLIS' public Facebook page at the link above and observed the same photos of MELLIS at various locations. In the images, MELLIS was seen on the National Mall approaching the U.S. Capitol Building Complex, on the grounds of the U.S. Capitol, and

inside the west-facing entryway to the U.S. Capitol Building (at the top of the western steps). The photos on MELLIS' Facebook page included captions stating, among other things, "Storming the Castle. The world heard US!!! Finally not ignored."; "We proudly take responsibility for storming the castle."; and "We are fighting for election integrity. They heard us." During interviews with your affiant, the tipsters both stated that MELLIS, who they both knew as "Jon", posted on his Facebook page with increasing frequency about the politics and media coverage surrounding the 2020 U.S. Presidential election.





During the insurrection at the Capitol, and to assist the U.S. Capitol Police in restoring order, uniformed members of the Washington, D.C. Metropolitan Police Department arrived at the Capitol. Your affiant was able to review portions of the body-worn camera (“BWC”) footage from the officers. This was also published in a New York Times article about the events at the U.S. Capitol on January 6, 2021. The video footage from the BWC showed MELLIS along with other identified and unidentified individuals, using sticks and other items as weapons to assault various police officers protecting the U.S. Capitol. In the footage, MELLIS is seen inside the west-facing entrance, or breach, at the top of the steps to the U.S. Capitol Building, wearing the same straw-colored he is pictured wearing above and in MELLIS’ own Facebook posts of himself at and around the U.S. Capitol Complex on January 6, 2021. MELLIS is seen conferring with another individual who is wielding a stick in front of officers. MELLIS takes the stick from the individual, and follows him toward the officers. MELLIS can be heard saying “Knock their masks off” before the BWC shows MELLIS’ hand – wielding the stick – come over the top of the first individual, striking at the officers who were protecting the entryway to the Capitol Building. Another video retrieved by law enforcement of that altercation clearly shows MELLIS’ actions, and even further



captures MELLIS repeatedly striking and making stabbing movements towards the officers with the weapon in his hand. MELLIS appears to be making at contact or attempting to strike the officers' necks between their helmets and body-armor where they are not protected. Based on your affiant's training and experience, forceful strikes to the neck with (or without) the aid of a weapon to enhance impact is more than sufficient to cause serious physical injury or death.

*MELLIS Assault Image 1 (Conferring with 2<sup>nd</sup> individual and taking weapon/stick):*



*MELLIS Assault Image 2 (Striking / Stabbing at Officers with blunt weapon):*



*MELLIS Assault Image 3 (Striking / Stabbing at Officers with blunt weapon):*



*MELLIS Assault Image 3 (Striking / Stabbing at Officer's neck):*





Based on the abovementioned conduct, your affiant believes there exists probable cause to believe that MELLIS violated multiple federal laws. Specifically:

Your affiant submits there is probable cause to believe that JONATHAN GENNARO MELLIS violated 18 U.S.C. § 111(a)(1) and (b) and 18 U.S.C. § 2 which make it unlawful to (1)

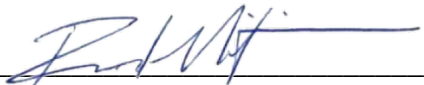
forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer or employee of the United States or of any agency in any branch of the United States Government while engaged in or on account of the performance of official duties, or aid, abet, counsel, command, induce or procure its commission.

Your affiant submits there is also probable cause to believe that JONATHAN GENNARO MELLIS violated 18 U.S.C. § 231(a)(3) and § 2 which make 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, or aid, abet, counsel, command, induce or procure its commission. 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.

Additionally, your affiant submits that there is probable cause to believe that JONATHAN GENNARO MELLIS violated 18 U.S.C. § 1752(a)(1), (2), and (4) which make 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; and (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; 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 JONATHAN GENNARO MELLIS violated 40 U.S.C. § 5104(e)(2)(D)(E) and (F), which make 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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that JONATHAN GENNARO MELLIS 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

  
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Special Agent Richard A. Migliara  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11<sup>th</sup> day of February 2021.

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE