

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Kaleb Dillard)

DOB: XXXXXX)

Case: 1:22-mj-00189)

Assigned To : Magistrate Judge Meriweather, Robin M.)

Assign. Date : 8/19/2022)

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)- Assaulting Resisting or Impeding Certain Officers
 18 U.S.C. § 231(a)(3)- 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
 18 U.S.C. § 1752(a)(4)- Engaging in Physical Violence in a Restricted Building or Grounds
 40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building
 40 U.S.C. § 5104(e)(2)(F)- Act of Physical Violence in the Capitol Grounds or Buildings
 40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating, or Picketing in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.*Issuing Officer's signature*David Elias, 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: 08/19/2022*Judge's signature*City and state: Washington, D.C.Robin M. Meriweather, United States Magistrate Judge*Printed name and title*

STATEMENT OF FACTS

Your Affiant, David Elias, is a Special Agent assigned to Federal Bureau of Investigation Washington Field Office, Northern Virginia Resident Agency (“NVRA”). In my duties as a Special Agent, I investigate federal public corruption. 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, 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 individuals 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.¹ 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.

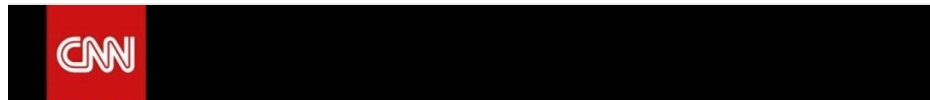
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals 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.

¹ All times in this document are Eastern Standard Time (“EST”).

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 8, 2021, a tipster ("Tipster 1") submitted the photograph below from CNN, which Tipster 1 had recorded and identified KALEB DILLARD as the individual circled in yellow below.



The FBI wants your help identifying Capitol rioters



The FBI is asking for information, photos and videos to help them identify the people who participated in Wednesday's riot and insurrection at the US Capitol

Image 1

Tipster 1 was subsequently interviewed and again identified DILLARD as the individual circled in yellow in the photograph above. Tipster 1 personally knew DILLARD through a religious group in the Virginia area.

Tipster 1 additionally indicated that DILLARD posted images related to the Capitol riot to his Instagram account on January 6, 2021. Tipster 1 identified DILLARD's Instagram account as kalebdillard1138 (the "kalebdillard1138 Instagram account"). Tipster 1 recalled two specific posts on DILLARD's Instagram story on the kalebdillard1138 Instagram account.² The first of these stories depicted a parade in Washington D.C. Tipster 1 was not certain of the exact location. The second was a panorama of a large crowd in Washington D.C. Tipster 1 noted that DILLARD took down these posts before Tipster 1 could take a screenshot or otherwise record them.

Tipster 1 identified a phone number ending in -0028 as DILLARD's phone number. Tipster 1 also identified DILLARD in the photograph below captured from security footage obtained from inside the U.S. Capitol.³

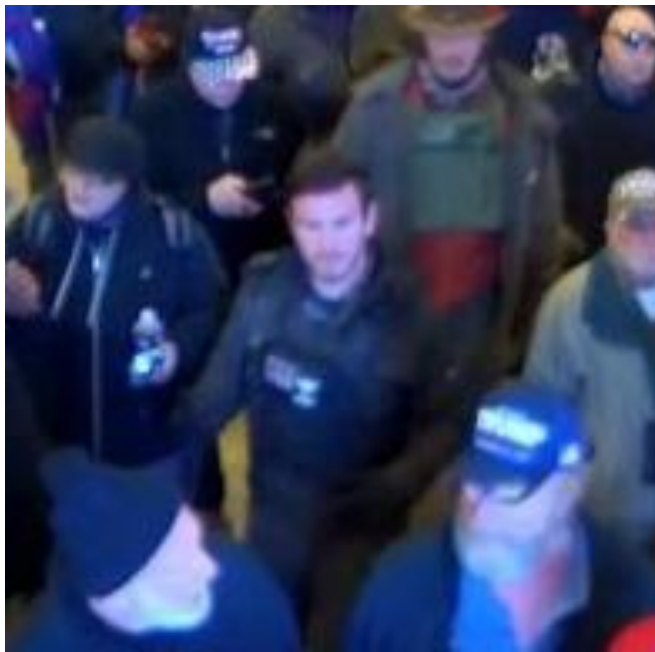


Image 2

According to records provided by Instagram, the phone number ending in -0028 is registered to the kalebdillard1138 Instagram account. Instagram allows a user to register a phone number to connect it to a specific Instagram account. Instagram then allows a further step to "verify" this number (this is accomplished when Instagram sends a text message directing a user

² An Instagram story is a temporary photograph or video that is available for viewing on a poster's Instagram page. A typical Instagram story appears for a 24-hour period and then is automatically removed by Instagram. Once the 24-hour period lapses, the story is no longer visible to the public. As discussed more below, stories are automatically saved to the creator's "Stories Archive" and remain on Facebook's servers unless manually deleted.

³ Throughout the review of the Capitol security video, Dillard is seen both with and without his hat. Dillard is also seen on video removing his hat to adjust his hair. Tipsters were able to identify photos of Dillard with and without his hat on.

to verify the user's identity). According to records from Instagram, DILLARD verified the phone number ending in -0028 as well.

On or about January 11, 2021, a second tipster ("Tipster 2") contacted the U.S. Capitol Police's tip line and identified DILLARD as an individual who entered the Capitol on January 6, 2021. Tipster 2 was subsequently interviewed by FBI agents. Tipster 2 indicated that he/she knew DILLARD through a religious organization in Virginia. Tipster 2 was close personal friends with DILLARD. Tipster 2 saw DILLARD in a news clip, a photograph of which is presented immediately below.



Image 3

Tipster 2 identified the phone number ending in -0028 as DILLARD's cell phone number. Tipster 2 also identified DILLARD in the following two photographs taken from an independent camera source and security footage obtained from inside the U.S. Capitol from January 6, 2021.



Image 4

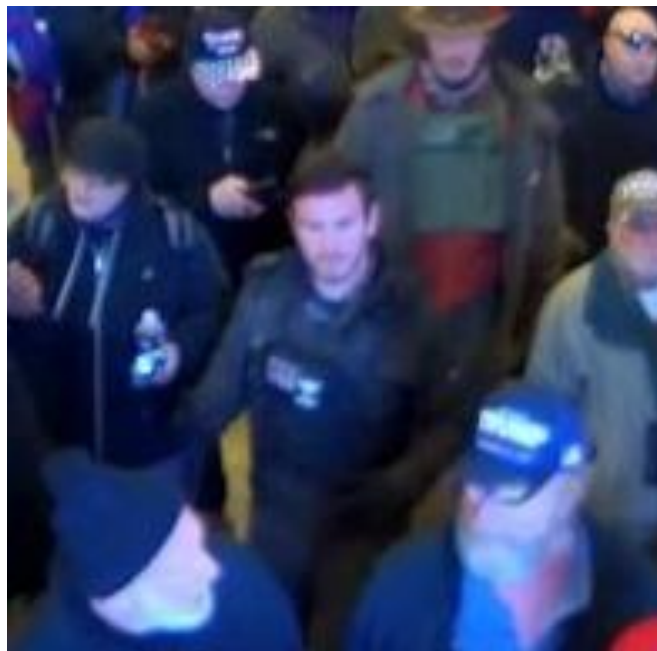


Image 5

Tipster 2 reported that he/she contacted DILLARD on January 7, 2021, by telephone on the phone number ending in -0028 and spoke with DILLARD. During this conversation, DILLARD admitted to entering the Capitol on January 6, 2021. DILLARD additionally stated he was at the Capitol to strike fear into the politicians. A subsequent review of phone records for the phone number ending in -0028 obtained from AT&T confirmed the phone call described by the Tipster 2 on January 7, 2021.

Agents also interviewed a witness (“Witness 1”) about DILLARD’s actions on January 6, 2021. Witness 1 met DILLARD several years ago at a religious organization and have remained friends for several years. Witness 1 reported communicating with DILLARD over Instagram chat on January 6, 2021, about his presence at the Capitol during the riot.

Witness 1 provided the following screenshot of the conversation and verified that the screenshot was of a conversation with DILLARD on the kalebdillard1138 Instagram account.



Image 6

In this chat, DILLARD confirmed his identity in the photograph Witness 1 sent to DILLARD.

Based on Tipster 1's, Tipster 2's, and Witness 1's identifications of DILLARD, your Affiant compared the images provided above to DILLARD's United States passport application, driver's license photo, known social media, and Military Defense Personal Property System profile, and all are consistent (see military profile picture in Image 7 below, left, and known social medial image in Image 8 below, right). Your Affiant then began locating public images and videos and security footage of DILLARD inside the U.S. Capitol on January 6, 2021, based on this familiarity and recognition of his physical appearance and clothing. In particular, this clothing includes a black ballistic style vest with a white patch on the chest, dark pants, and a maroon beanie-style hat.



Image 7⁴



Image 8⁵

Security footage from the East Rotunda doors captures DILLARD entering through the door that was forced open on January 6, 2021, at approximately 2:26:44 p.m. (see below). DILLARD is circled in red.

⁴ Image 7 is from DILLARD's Military Defense Personal Property System Profile.

⁵ Image 8 is from DILLARD's social media profile.



Image 9

DILLARD remains in that area until approximately 2:28:52 p.m. During this time, DILLARD is seen on camera making physical contact with two Capitol Police Officers.

During the first instance of contact, DILLARD approaches a Capitol Police Officer from behind. DILLARD proceeds to grab the officer from behind and throws him to the ground. A screenshot of this conduct is below in Image 10. DILLARD is circled in red while the green arrow points to the officer. DILLARD is also circled in red in Image 11, below. In Image 11, DILLARD is standing in front of a bench, and the green arrow points to the officer on the ground.

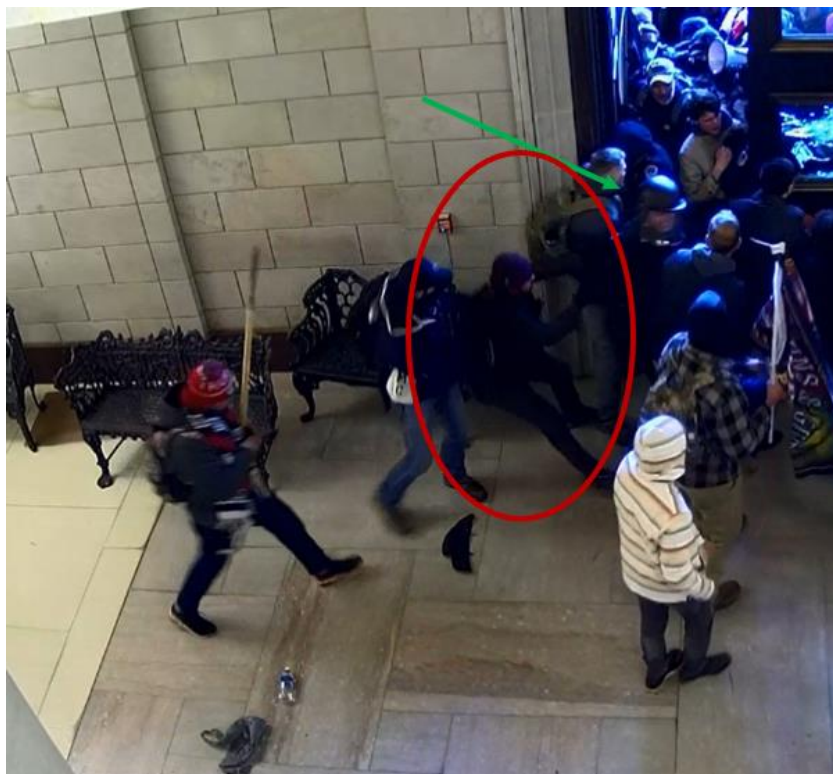


Image 10

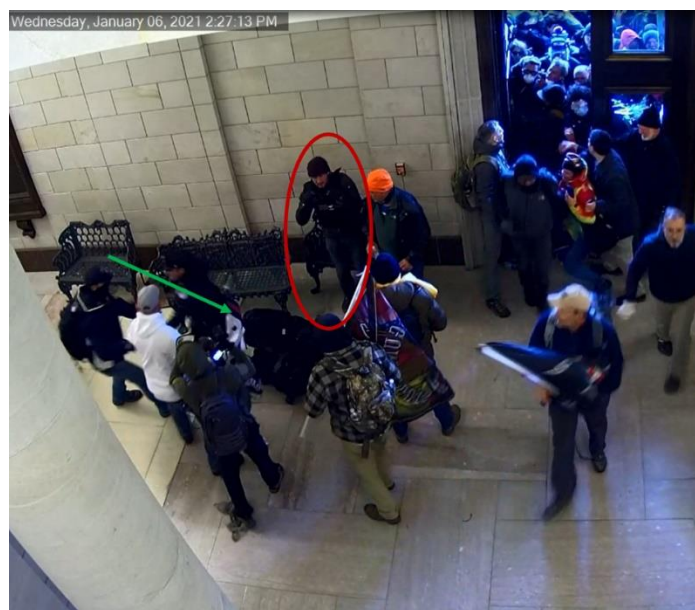


Image 11

Investigators identified the officer in question as Officer B.A., who was interviewed regarding the events of January 6, 2021. Officer B.A. is a Capitol Police officer who responded to the Capitol during the riot. Officer B.A. initially was part of a police line outside of the Rotunda doors. Officer B.A. noticed the door to the Rotunda had been opened and entered the Capitol Rotunda through the outer doors. Officer B.A. identified himself in the photo below.

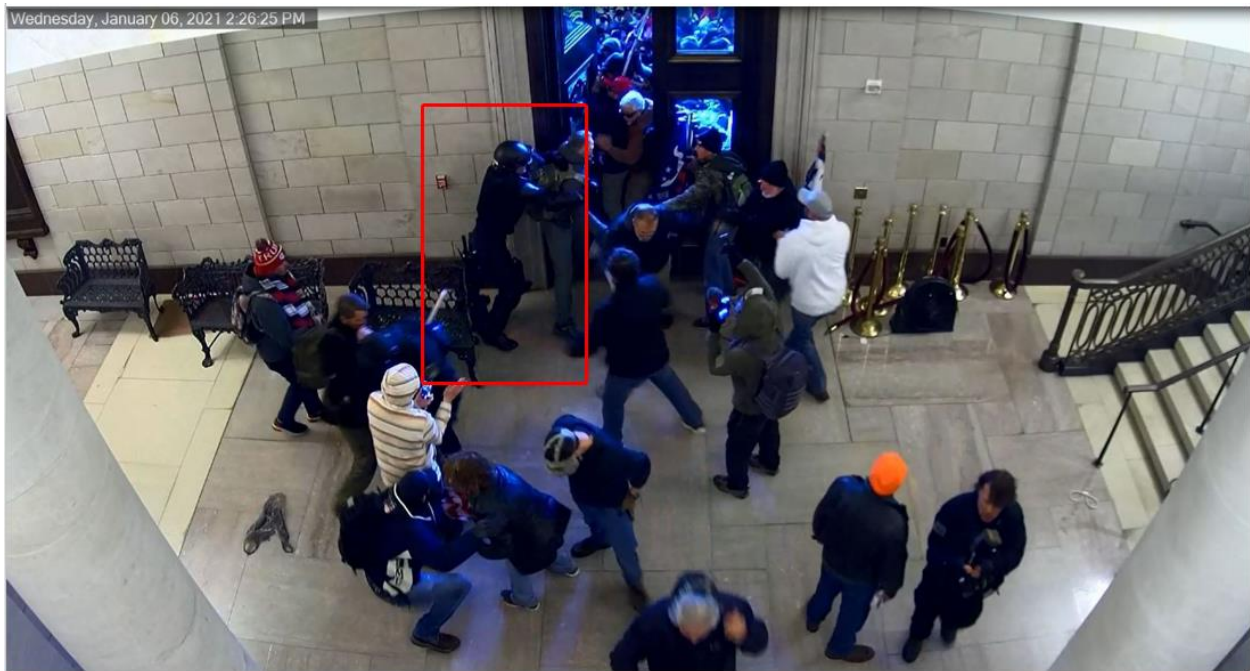


Image 12

Officer B.A. stated he was attempting to secure the Rotunda doors when he was approached from behind and thrown to the ground. Officer B.A. did not see the individual who threw him prior to hitting the ground. Investigators have identified this individual as DILLARD. Officer B.A. identified himself in surveillance videos of the incident as well as the photos below.

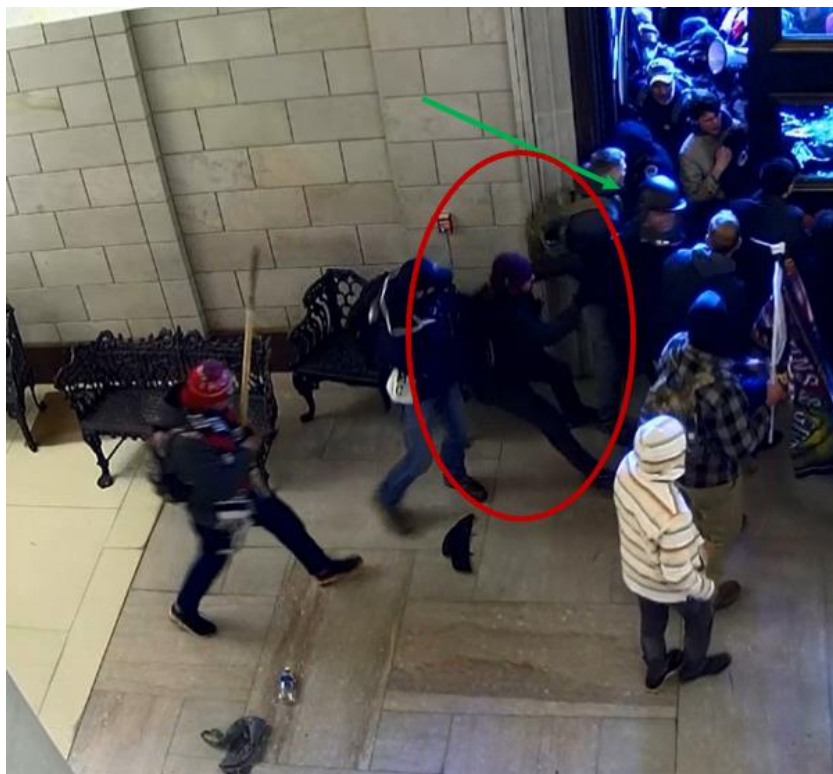


Image 13

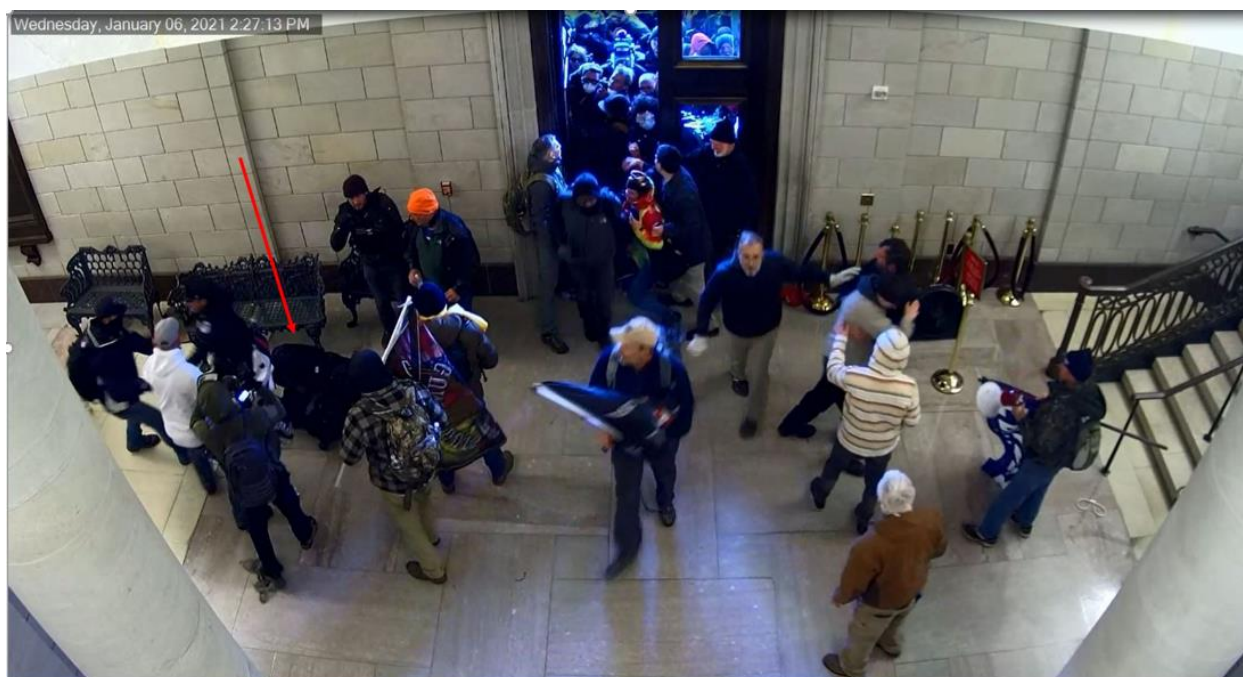


Image 14

Officer B.A. did not seek any medical attention after being thrown to the ground. Officer B.A. stated that “that’s when it got hazy for me.” Officer B.A. was pulled to the side by another

officer. Officer B.A. identified himself in the photo below shortly after being pulled aside by the other officer.



Image 15

During the second instance of physical contact, DILLARD approaches a second Capitol Police Officer from the front. It appears that DILLARD then pushes the second officer in the chest. DILLARD is circled in red in the screenshot below with his hands on the chest of the second officer.



Image 16

Independent camera footage then captures a video of DILLARD near the second Capitol Police Officer. A screenshot of that independent camera footage is below.

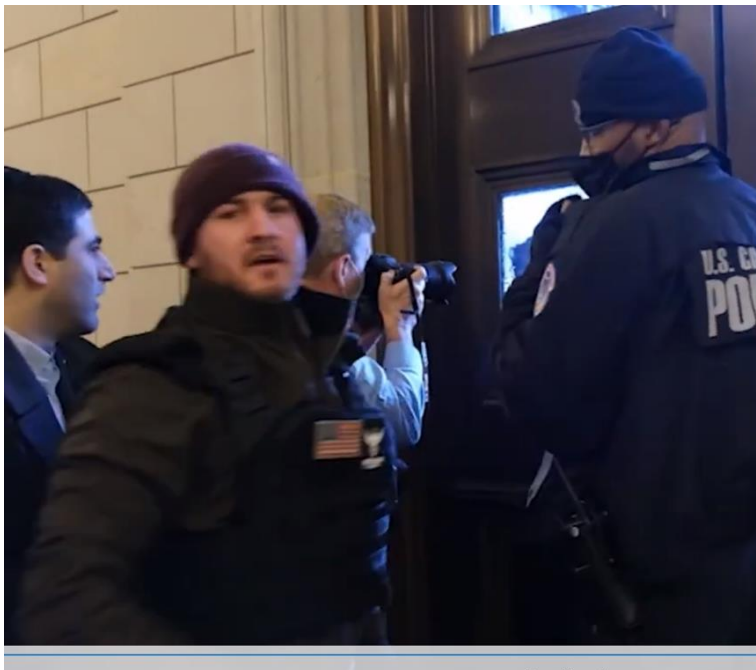


Image 17

Investigators identified the officer in question as Officer A.W., who was also interviewed regarding January 6, 2021. Officer A.W. recalls entering the Capitol Rotunda from an open door outside. Officer A.W. attempted to secure the door from the inside. While securing the door, Officer A.W. came into contact with an individual wearing a maroon hat. Officer A.W. identified himself and this individual in the photo above.

Officer A.W. stated this person, identified by investigators as DILLARD, approached Officer A.W. and began yelling at him. DILLARD stated, among other things, that he had been in the military prior to this date. After this confrontation, DILLARD left the Rotunda area.

About two minutes later, DILLARD is captured on security cameras in the Rotunda. DILLARD was inside the Rotunda at approximately 2:30:50 p.m. DILLARD is circled in red in the screenshot below.

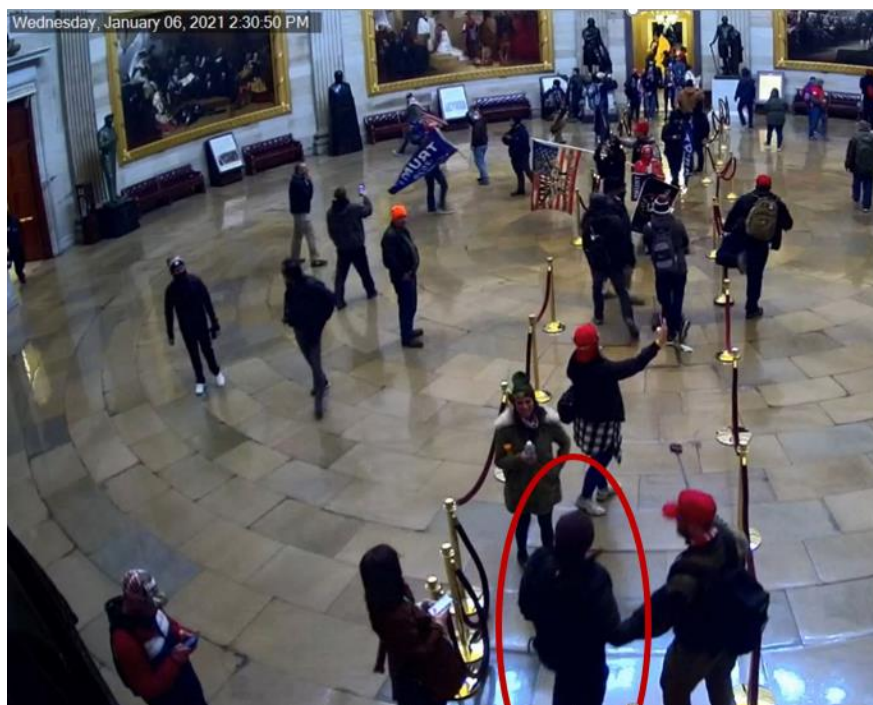


Image 18

DILLARD is next captured on security cameras in Statuary Hall at approximately 2:31:25 p.m. DILLARD is circled in red in the screenshot below.



Image 19

At approximately 2:47:21 p.m., DILLARD is captured on security cameras in the Statuary Hall Connector. DILLARD is circled in red in the screenshot below.



Image 20

DILLARD is next captured on security cameras in Statuary Hall at approximately 2:47:36 p.m. DILLARD is circled in red in the screenshot below.



Image 21

A few minutes later, DILLARD is captured on security cameras in the Rotunda at approximately 2:50:00 p.m. DILLARD is circled in red in the screenshot below.



Image 22

DILLARD is subsequently captured on security cameras outside of the Rotunda heading toward the East Rotunda doors at approximately 2:51:14 p.m. DILLARD is circled in red in the screenshot below.

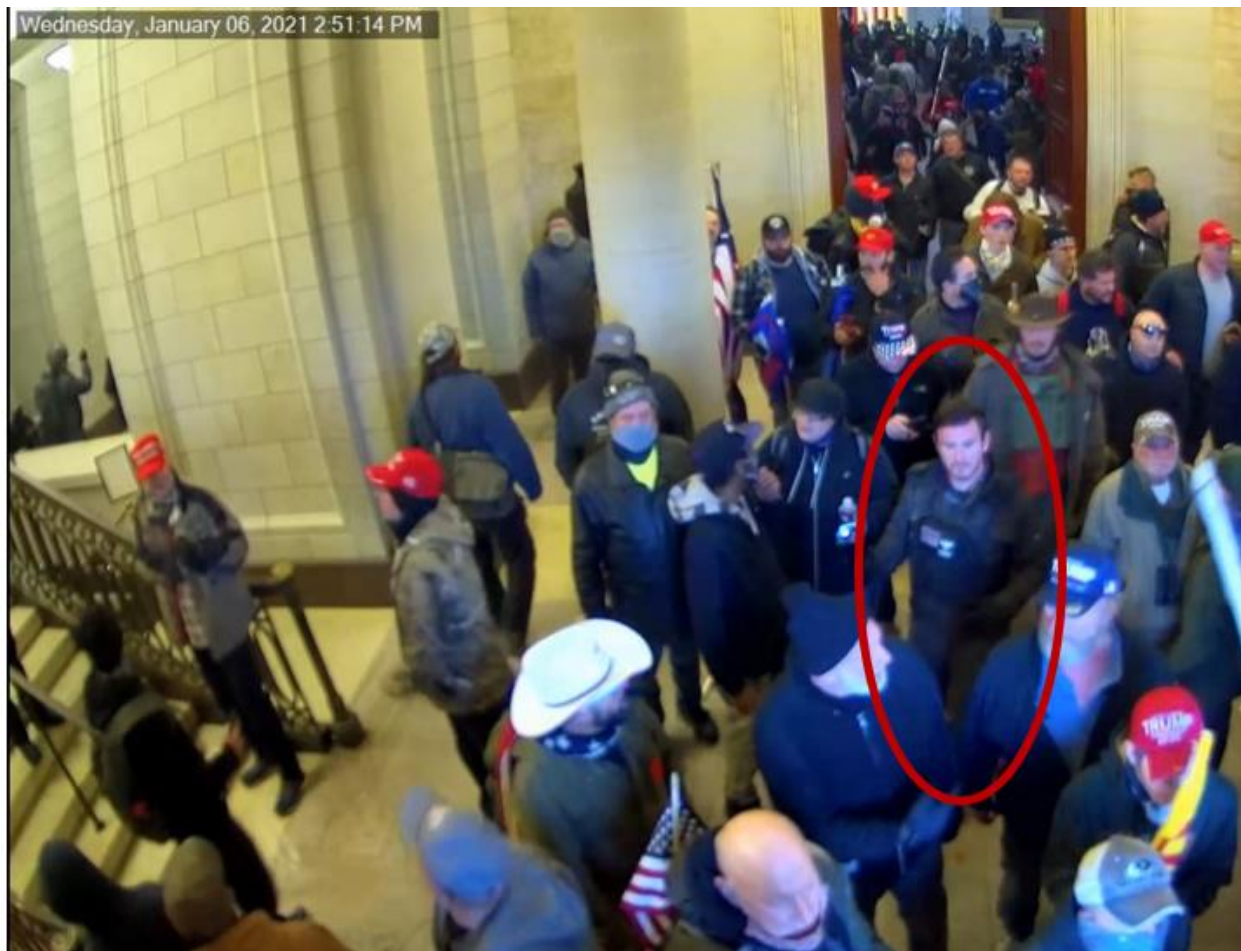


Image 23

An FBI Agent reviewed Instagram records for the kalebdillard1138 Instagram account, which were received on December 22, 2021, pursuant to a federal search warrant. This account is registered to KALEB DILLARD and lists the primary phone number to the account as the phone number ending in -0028. Some pertinent conversations are listed below as sent, and have not been corrected for typos or misspellings.

In responding to the below image, kalebdillard1138 commented “I am like 10ft from that guy in this pic lol”.



Image 24

On January 4, 2021 username kalebdillard1138 messaged username javidsquad⁶ and asked, “Can we still stay with you budddy?”

On January 6, 2021, a second Instagram user asked, “Bro you in DC?” Username kalebdillard1138 responded, “Sure am”. The other Instagram user asked, “It crazy there??” Username kalebdillard1138 responded, “Yeah man it was pretty crazya”.

On January 6, 2021, a third Instagram user asked, “Where yall goin??” Username kalebdillard1138 responded, “Went to the capital”.

On January 6, 2021, a fourth Instagram user messaged, “Omg my dad is there too”. Username kalebdillard1138 asked, “Did he storm the capital too?”

⁶ Further investigation revealed that username javidsquad is a social media account for Iraj JAVID. The investigation has determined that JAVID was a friend of DILLARD’s who lives in the Northern Virginia area. JAVID has been charged with breaching the Capitol on January 6, 2021. *United States v. Iraj Javid*, Case No. 22-CR-00077(BAH).

In reviewing DILLARD's Instagram record, the below story from January 1, 2021, 13:30UTC, was archived and available for review.



Image 25

On February 3, 2022, a search warrant was sworn out telephonically for information related to the AT&T phone number ending in -0028 and the corresponding historical cell site data for that account. On February 4, 2022, the search warrant was served on AT&T. On February 7, 2022, the records provided by AT&T pursuant to this search warrant were received by the FBI. Historical cell site analysis of the phone number ending in -0028 showed that it travelled from Alabaster, Alabama, to Gainesville, Virginia, on January 5, 2021, and was in the District of Columbia on January 6, 2021, at 8:25 a.m. Historical cell site analysis showed that phone number ending in -0028 was in the vicinity of the U.S. Capitol between 12:01 p.m. and 2:45 p.m. on January 6, 2021. On January 7, 2021, the phone number ending in -0028 returned to Alabaster, Alabama.

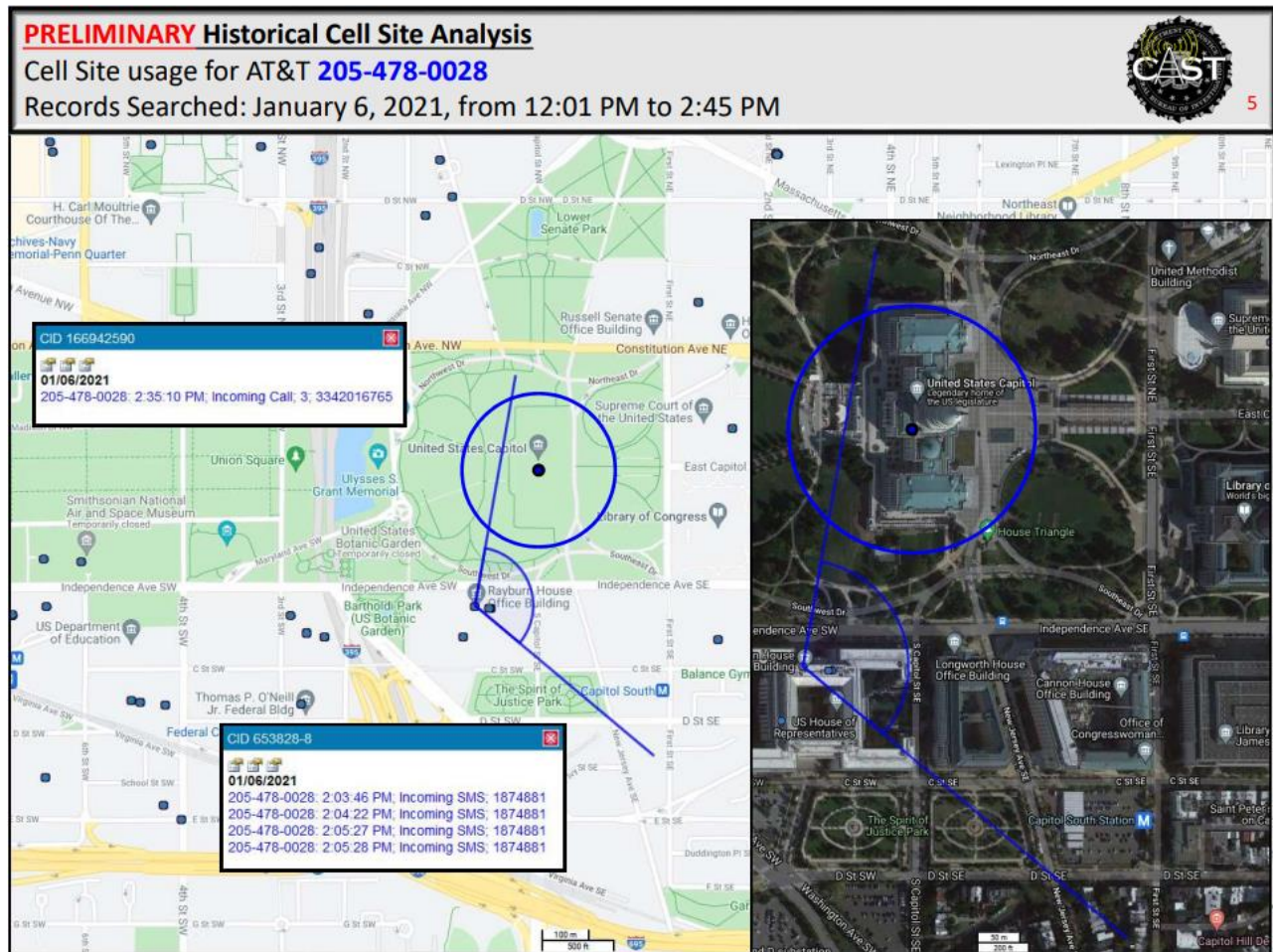


Image 26

Your Affiant also reviewed DILLARD's military records. In the records, DILLARD identifies the phone number ending in -0028 as his cellular telephone number to military and medical staff.

Subscriber information for the phone number ending in -0028 was obtained from AT&T. Based off the subscriber and billing information provided from AT&T, the financially liable party is listed as Barbara Dillard, whom your Affiant knows is DILLARD's mother from his birth certificate. On June 12, 2021, a credit card linked with DILLARD made a payment on this account.

Based on the foregoing, your Affiant submits that there is probable cause to believe that KALEB DILLARD violated 18 U.S.C. § 111(a), which makes it a crime to forcibly assault or interfere with any person designated in Section 1114 of Title 18 while engaged in or on account of the performance of official duties and involved physical contact. Persons designated within Section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your Affiant submits there is also probable cause to believe that KALEB DILLARD 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.

Your Affiant submits that there is also probable cause to believe that KALEB DILLARD violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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 engage 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.

Finally, your Affiant submits there is also probable cause to believe that KALEB DILLARD violated 40 U.S.C. § 5104(e)(2)(D), (F), & (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; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



DAVID ELIAS

Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 19th day of August 2022.

HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE