

Case: 1:22-mj-00252
Assigned To : Harvey, G. Michael
Assign. Date : 11/14/2022
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, [REDACTED] is a special agent assigned to the Federal Bureau of Investigation (“FBI”) Philadelphia Division, South Jersey Resident Agency. In my duties as a special agent, I investigate national security matters. 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 people with appropriate identification are 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 U.S. 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 U.S. 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.

Open-source video and U.S. Capitol security cameras captured multiple images of DAVID KRAUSS of Sewell, NJ, NICHOLAS KRAUSS of Pitman, NJ, and RUSSELL DODGE, JR., (“DODGE”) of Pedricktown, NJ, participating in the riot at the U.S. Capitol on January 6, 2021.

Open-source video from Parler¹ shows NICHOLAS KRAUSS, wearing glasses, a light-green sweatshirt bearing the word “PUMA,” and a light-colored hooded shirt underneath, standing next to DODGE, wearing a tan hooded sweatshirt and a black mask, at the Washington Monument on January 6, 2021. NICHOLAS KRAUSS’S face is fully visible in this footage, as seen in **IMAGE 1**, which is a screenshot of said footage.

Open-source video from Facebook² shows NICHOLAS KRAUSS, standing behind DODGE and DAVID KRAUSS, wearing sunglasses and a dark-colored hooded jacket or sweatshirt, at the Capitol Reflecting Pool at approximately 2:03 p.m. **IMAGE 2** is a screenshot of said footage.

Security video surveillance from inside the U.S. Capitol shows that DAVID KRAUSS, NICHOLAS KRAUSS, and DODGE were inside the U.S. Capitol for approximately 17 minutes, and entered via the Senate Wing Door at approximately 2:22 p.m. DAVID KRAUSS and NICHOLAS KRAUSS entered first, as captured in **IMAGE 3**, and DODGE followed closely behind, as captured in **IMAGES 4** and **5**. Once they were inside, they walked south toward the Rotunda and Crypt. They entered the Crypt of the U.S. Capitol at approximately 2:36 p.m., as captured in **IMAGE 6**. DAVID KRAUSS used a cellphone to take a photograph of NICHOLAS KRAUSS and DODGE while they were there. They exited the U.S. Capitol via the Senate Wing Door at approximately 2:39 p.m., as captured in **IMAGE 7**.

NICHOLAS KRAUSS identified himself to the FBI in **IMAGES 1, 2, and 3** during a non-custodial interview on April 29, 2022.

DAVID KRAUSS identified himself to the FBI in **IMAGES 2 and 3** during a non-custodial interview on April 29, 2022.³

DODGE identified himself to the FBI in **IMAGES 1 and 2** during a non-custodial interview on May 17, 2022. Additionally, an individual familiar with DODGE identified him to the FBI in **IMAGE 2**.

¹ <https://web.archive.org/web/submit?url=https://video.parler.com/rT/aP/rTaPXgfP9jYA.mp4> at 21 seconds.

² <https://www.facebook.com/tony.ruiz.9659/videos/3358929100900935> at 27 minutes and 42 seconds.

³ The FBI interviewed DAVID KRAUSS and NICHOLAS KRAUSS separately.



IMAGE 1 – DODGE with NICHOLAS KRAUSS near the Washington Monument.



IMAGE 2 – NICHOLAS KRAUSS (left), DODGE (center), AND DAVID KRAUSS (right) near the Capitol Reflecting Pool.

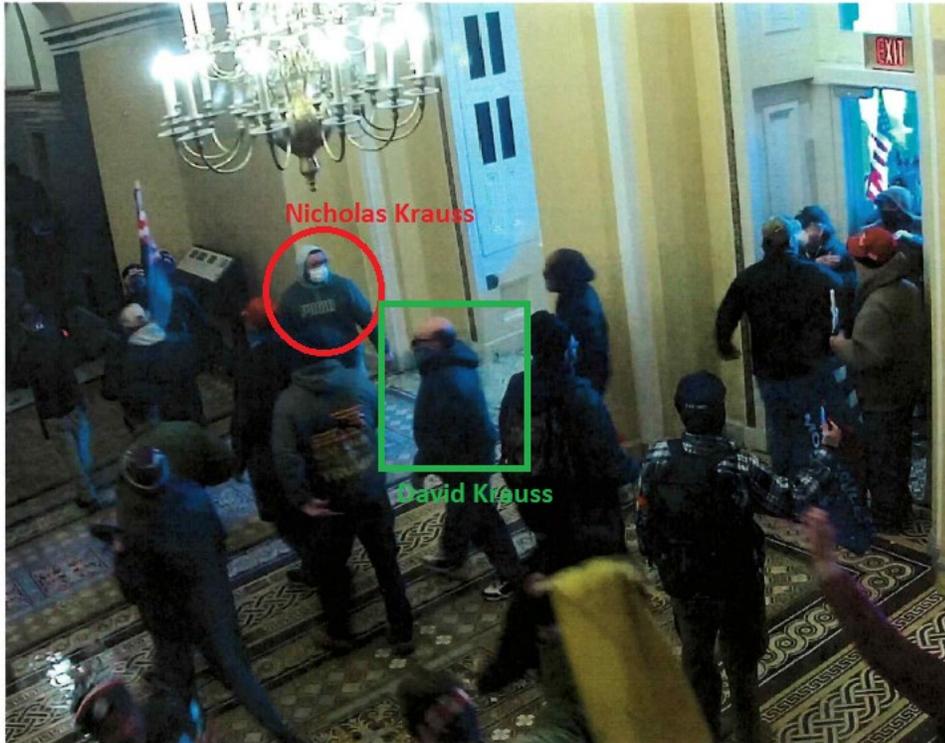


IMAGE 3 – NICHOLAS KRAUSS and DAVID KRAUSS entering the U.S. Capitol via the Senate Wing Door.

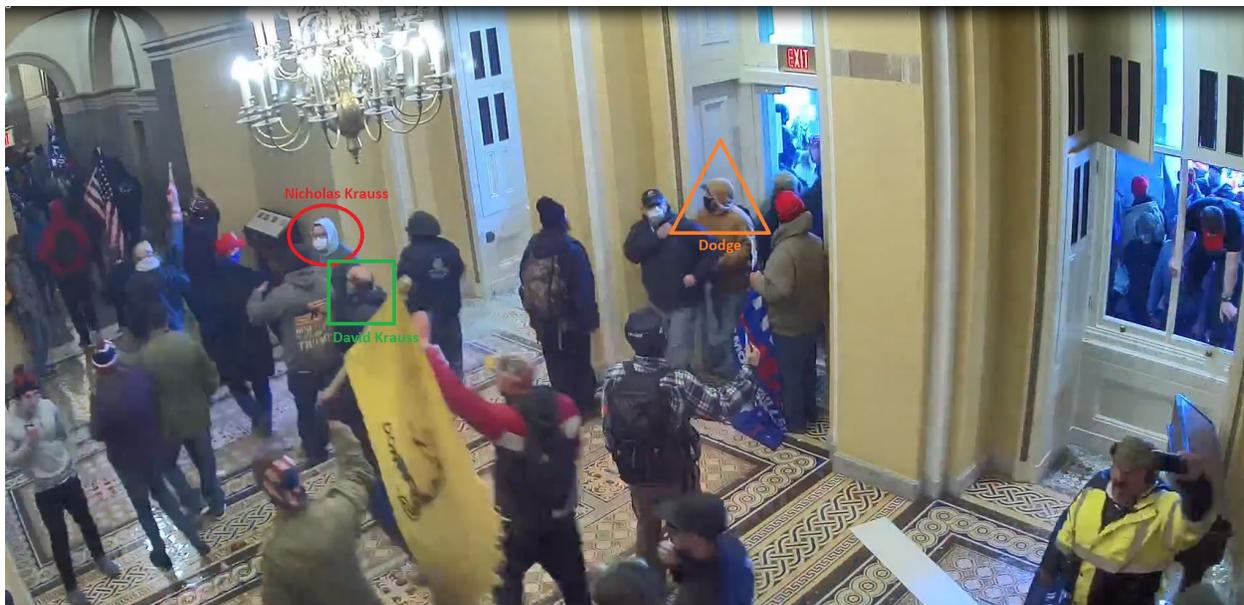


IMAGE 4 – DODGE entering the U.S. Capitol behind NICHOLAS KRAUSS and DAVID KRAUSS.



IMAGE 5 – NICHOLAS KRAUSS, DAVID KRAUSS, and DODGE inside the U.S. Capitol.



IMAGE 6 – NICHOLAS KRAUSS, DAVID KRAUSS, and DODGE inside the Crypt of the U.S. Capitol.



IMAGE 7 – NICHOLAS KRAUSS, DAVID KRAUSS, and DODGE lining up to exit the U.S. Capitol via the Senate Wing Door.

Based on the foregoing, your affiant submits that there is probable cause to believe that DAVID KRAUSS, NICHOLAS KRAUSS, AND DODGE 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 DAVID KRAUSS, NICHOLAS KRAUSS, AND DODGE violated 40 U.S.C. § 5104(e)(2), 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.



FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14th day of November, 2022.

G. Michael Harvey
U.S. MAGISTRATE JUDGE