

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Clay Norris (AKA: Clayton Norris)

DOB: XXXXXX

Defendant(s)

Case: 1:24-mj-00161

Assigned To : Judge Zia M. Faruqui

Assign. Date : 5/2/2024

Description: COMPLAINT W/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:

Code Section

Offense Description

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)(F) (Act of Physical Violence in the Capitol Grounds or Buildings).

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

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

Date: 05/02/2024

Zia M. Faruqui
2024.05.02
11:00:49 -04'00'

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, [REDACTED], is a Special Agent assigned to the Cleveland Division, Canton Resident Agency of the Federal Bureau of Investigation. In my duties as a special agent, I have participated in investigations of, among other things, violent crimes, threats, gangs, drugs, domestic and international terrorism, and other federal offenses, including the execution of arrest and search warrants. 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 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 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.

FACTS SPECIFIC TO CLAY NORRIS

On January 6, 2021, Clay (a/k/a Clayton) Norris, identified further below, was located on the East Front of the U.S. Capitol grounds. Video evidence shows that he arrived sometime before 12:45 p.m. He could be seen wearing black pants, a black hoodie with the image of a fist and script reading “Resist” underneath, a black hat with red and white stripes and “Trump 2020” written across it, an American flag colored neck gaiter, black gloves, and tinted glasses. He was often holding a red and white megaphone, as shown in Image 1.



Image 1

From at least approximately 12:45 p.m., according to video evidence, Norris was present outside of the metal bike rack barricades marking the restricted perimeter of the U.S. Capitol on January 6, 2021. Until approximately 1:45 p.m., video from third parties shows that Norris walked around behind the barricades, chanting and yelling at officers, who were lined up on the opposite side of the barricades and in front of the Capitol building. Norris could be heard chanting, “Stop the steal!”, “Whose house?”, and “Fight for Trump!”, among other things, almost always projecting his voice through a megaphone, as shown in Image 2. Norris also directly yelled at officers during this time. He said things to officers such as, “We get bad news, let us drain that swamp. All we ask is you walk away. Let us bring it. Let us bring it,” and “We ain’t going to hurt you. We’re going to push through.” Norris also spoke with individuals in the crowd. Norris told one individual in the crowd, “I got bad news. We’re pushing through. You better get down

with us or back off because we're pushing through." He cautioned those around him to exercise discretion about the plan to go into the Capitol: Individual: "Get ready to storm the Capitol", Norris: "Hey discretion. Discretion is the word. Discretion. We're going to let it play out. We're going to let it play out." Norris also engaged in discussions about the certification of the 2020 election, which was underway inside the Capitol building at that time. One individual in the crowd stated, "We have two. We have two. Pennsylvania and Arizona have rejected," which your affiant understands to be a reference to objections to ballots submitted by certain states made by members of Congress during the certification proceeding. Norris responded, "Yeah, but who rejected them?"



Image 2

At approximately 1:45 p.m., together with other rioters, video taken by third parties in the crowd shows that Norris pushed metal fencing that formed the barricade against U.S. Capitol Police Officers, who were attempting to prevent rioters from advancing towards the Capitol building. Photos and videos from various angles depict Norris pushing the barricade against police officers, as shown in Images 3, 4, and 5.



Image 3

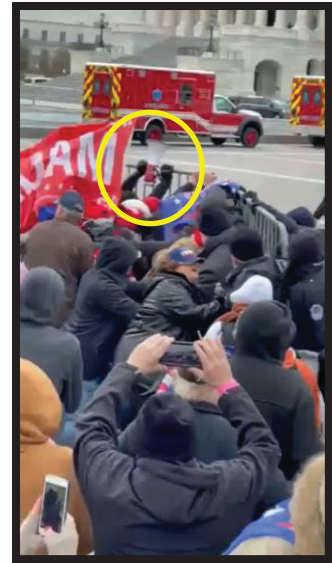


Image 4



Image 5

This video footage shows that Norris was able to breach the barricades after the push, as shown in Image 1, but officers were able to reestablish the police line and marshal rioters like Norris who had broken through back behind the barricades. While pointing to the Capitol building, Norris again yelled at police officers, as shown in Image 6. He stated, “We don’t want you guys. We want them,” your affiant believes he was referring to elected officials in the building.



Image 6

According to third party videos, Norris then moved away from the front of the barricade line but continued to yell words of encouragement to other rioters through a megaphone. To members of the crowd, Norris said, “Make a stand. Make a stand, while there is still time to make a stand . . . How long are you going to be peaceful and selfish? Think about the kids and future children. Make a stand. Make a stand for your country.”

At approximately 2:00 p.m., while Norris was still behind the barricades, third party video and closed circuit video from the Capitol shows that other rioters pushed the metal fencing against U.S. Capitol Police on a second occasion. As rioters pushed against the barricades some barricades were pushed back into the crowd where Norris was standing still speaking on the megaphone. Norris moved the pushed over barricades to the side. Rioters were able to successfully breach the barricades and move toward the Capitol. Norris moved forward to join the advancing crowd of rioters. Norris and other rioters advanced into the restricted area of the Capitol grounds and towards the Capitol building. According to third party video, Norris was one of the first rioters to reach the East Central Steps of the Capitol building. He ascended the East Central Steps where another police line had formed halfway to the top. Norris was directly in front of the police line and he continued to yell at police officers through a megaphone. Among other things, Norris motioned with his left hand towards the Capitol building and told police officers, “Send those motherfuckers out to talk to us,” your affiant believes that Norris is referring to elected officials in the Capitol. (Image 7.)



Image 7

Video footage shows that officers were unable to hold the police line established on the stairs and were forced to retreat to the terrace level of the Capitol building. Norris continued to advance toward the building. He was one of the first rioters to reach the top of the East Central Stairs. Norris, along with other rioters, surrounded police officers near the Rotunda door and continued to rush towards the building. Norris can be heard yelling, “Push forward!,” and chanting, “USA!” Norris pushed into at least one officer’s shield, as shown in Images 8 and 9.

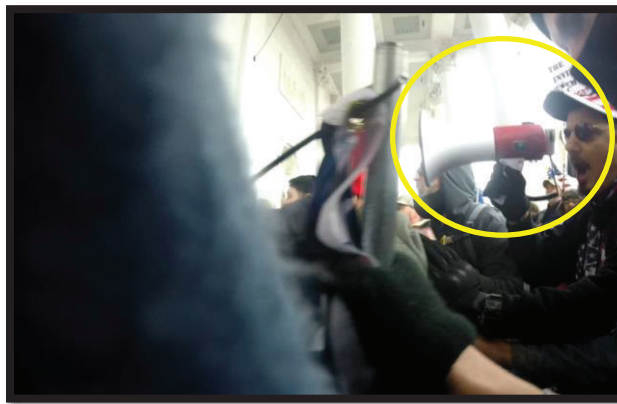


Image 8



Image 9

Eventually, Norris is seen in video footage close to the Rotunda door, as shown in Image 10. As Norris and other rioters appeared to be trying to get inside the building, U.S. Capitol Police deployed gas. The video footage shows that Norris retreated to the back of the crowd in response to the gas.



Image 10

IDENTIFICATION OF CLAY NORRIS

After the riot activity of January 6, 2021, FBI Cleveland, Canton Resident Agency opened an investigation into Canton, Ohio subject John Douglas Wright. Wright was arrested on May 3, 2021 and indicted by a Federal Grand Jury on May 5, 2021 on charges related to entering the U.S. Capitol Building, including Title 18 United States Code, Section 231(a)(3), Civil Disorder and Title 18, United States Code, Section 1512(c)(2), Obstruction of an Official Proceeding. On August 2, 2022, Wright plead guilty to Title 18, United States Code, Section 1512(c)(2), Obstruction of an Official Proceeding and was sentenced on March 6, 2023 to forty nine months in federal prison.

As part of the investigation into Wright, a federal search warrant was issued in the United States District Court for the District of Columbia for the Facebook account belonging to Wright, username [REDACTED]. The search warrant was executed on March 9, 2021, and results were returned on March 15, 2021.

A review of the Facebook search warrant results for [REDACTED] revealed Wright communicated with an account believed to belong to Norris. Two Facebook names were associated with the account allegedly belonging to Norris at different times: CT FREEDOMS and CLAYTON TRUMPER. Your affiant believes that this account belonged to Norris as “CT Freedoms” and “Clayton Trumper” are usernames that your affiant believes Norris has used on other platforms, specifically on X. An account on X with the username @ClaytonTrumper was discovered and the name associated with that account is CT Freedoms. On November 8, 2020, in

reply to a tweet from the X account belonging to Donald J. Trump, @ClaytonTrumper posted a photograph of the individual known to your affiant as Norris standing on a vehicle with megaphone in hand, as shown in Image 11.

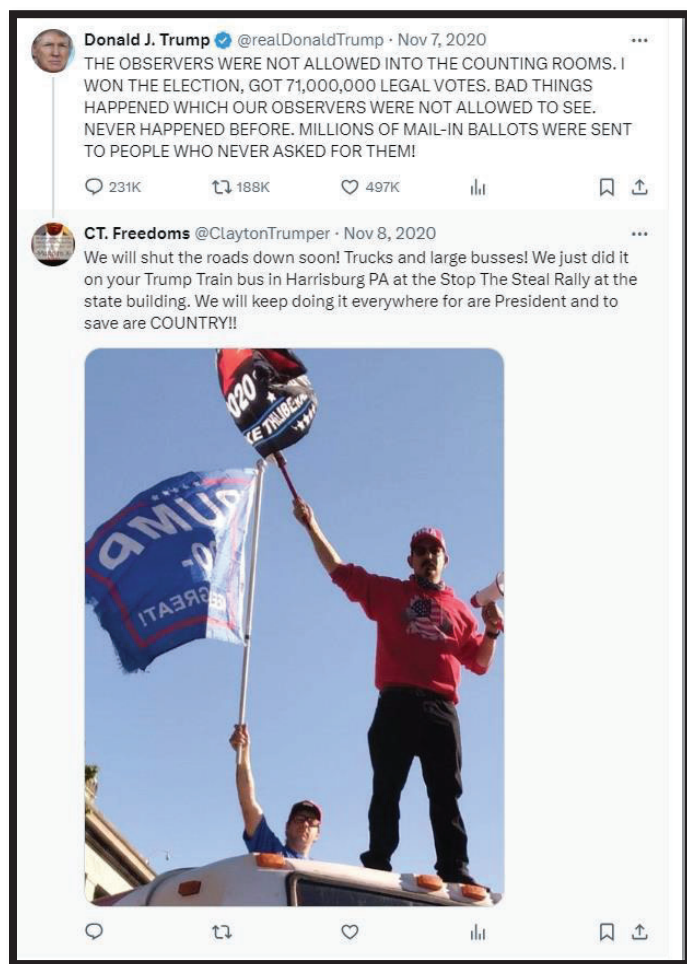


Image 11

On January 8, 2021, a few days after the riot, Wright shared a zoomed in version of Image 3, stating “I GOING TO SEND A PICTURE OF ME [REDACTED] CLAYTON TO SHOW TO HIM.” Based on this, your affiant believes that Wright purports that the photo shows him, [REDACTED]—and “Clayton”—who Your affiant believes is a reference to Norris—pushing a police barrier at the U.S. Capitol Building.

On January 6, 2021 at 7:56 a.m. the account believed to be associated with Norris said to Wright “Pence don’t stand up today what choice do we have but to Riot!!!” Later, at 2:45 p.m., Norris messaged in a group chat “I got mace we breached both sides of the white house brother.” Your affiant believes that Norris was referring to the U.S. Capitol Building, but mistakenly called it the “White House.”

Even prior to January 6, 2021, Norris and others appear to be discussing bringing weapons, such as bear spray, hornet spray, and “Raid” to the U.S. Capitol.

Statement by **NORRIS** in a Facebook Messenger Group Chat:

Author Individual 1
Sent 2021-01-05 20:06:41 UTC
Body Bear dpray is great just not sure where to get it local

Author Individual 2
Sent 2021-01-05 20:16:38 UTC
Body I got a can of hornet spray that I’m taking

Author Account associated with Norris
Sent 2021-01-05 20:18:57 UTC
Body 😏

Author Individual 3
Sent 2021-01-05 20:20:36 UTC
Body LMAO

Author Account associated with Norris
Sent 2021-01-05 20:29:10 UTC
Body We need Raid!!!!

On May 4, 2021, your affiant went to interview Norris at his place of employment. Upon arriving, your affiant met Norris. Your affiant is able to identify Norris as the individual shown in the above images.


Based on the foregoing, your affiant submits that there is probable cause to believe that Clay Norris 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 so; (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 attempt or conspire 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 Clay Norris violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Your affiant submits there is probable cause to believe that Clay Norris 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 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 2nd day of May 2024.

 Zia M. Faruqui
2024.05.02
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ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE