

**PRESS RELEASE**

Maryland Man Arrested for Allegedly Assaulting Law Enforcement with a Weapon and Other Charges During Jan. 6 Capitol Breach

Wednesday, May 22, 2024

For Immediate Release

U.S. Attorney's Office, District of
Columbia

Defendant Accused of Using Pole to Assault Police in the Lower West Terrace Tunnel

WASHINGTON - A Maryland man has been arrested on felony and misdemeanor charges, including for allegedly assaulting law enforcement with a weapon during the Jan. 6, 2021, breach of the U.S. Capitol. His actions and the actions of others disrupted a joint session of the U.S. Congress convened to ascertain and count the electoral votes related to the 2020 presidential election.

Thomas Joseph Kelly Jr., 36, of Middletown, Maryland, is charged in a criminal complaint filed in the District of Columbia with felony offenses of civil disorder; assaulting, resisting, or impeding certain officers; and assaulting, resisting, or impeding certain officers using a deadly or dangerous weapon.

In addition to the felonies, Kelly is charged with five misdemeanor offenses, including entering and remaining in a restricted building or grounds, disorderly and disruptive conduct in a restricted building or on restricted grounds, engaging in physical violence in a restricted building or grounds, disorderly and disruptive conduct in Capitol building or grounds, and act of physical violence in Capitol building or grounds.

The FBI arrested Kelly today in Middletown. He is expected to make his initial appearance in the District of Columbia.

According to court documents, Kelly was present on the restricted grounds of the U.S. Capitol for over three hours on Jan. 6, 2021, and, on multiple occasions and in multiple locations, allegedly assaulted and interfered with police officers while trespassing. Open-source video footage shows Kelly approaching the Capitol via the Maryland Avenue walkway, ignoring several "AREA CLOSED" signs and bike rack-style barricades surrounding the grounds. Another publicly available video shows Kelly on the Capitol's Lower West Plaza. Here, a video depicts Kelly as he shouted insults at police, discussed overrunning police lines, and appeared to cheer as another rioter deployed a chemical irritant at police.

Kelly is later seen allegedly acting in concert with other rioters who used a giant metal-framed "TRUMP" sign as a battering ram against the police line. Court documents say that Kelly maintained contact with the metal-edged sign for over thirty seconds. It is alleged that Kelly, as one of the tallest individuals holding the sign, played a significant role in driving the sign forward and into the police officers, assaulting and impeding them. As rioters rammed the giant sign into the police line, Kelly is accused of using his open hand to strike an officer that was underneath the sign through its fabric.

After joining other rioters in allegedly ramming the giant sign into the police line, Kelly remained on the front line of the rioters and continued to aggressively confront police. At around 2:30 p.m., Kelly allegedly joined the rush of rioters who successfully overwhelmed the police line on the Lower West Plaza and pushed directly against police. During the breach of the police line, it is alleged that Kelly made physical contact with a Metropolitan Police Department Officer (MPD). Kelly remained in the front rank of rioters and continued to push against the police officers.

After this incident, it is alleged that Kelly was identified in open-source video footage holding a long pole, which appeared to have metal screw eyes protruding from its side. Video footage depicts Kelly, holding the pole, and other rioters pursuing retreating law enforcement officers and chasing them up a staircase that had been built into the temporary Inaugural Stage of the Lower West Terrace. Capitol building surveillance footage captured Kelly then entering an area known as the Lower West Terrace Tunnel, the site of some of the most violent attacks against law enforcement on January 6th.

Court documents say that Kelly is then identified in police body-worn camera footage using the pole he was carrying to allegedly assault MPD officers. Specifically, it is alleged that Kelly jabbed and thrust the pole directly into the police line, and the end of the pole hit an MPD officer in the head. After his assault on police officers defending the Tunnel, Kelly handed the pole to another rioter, who took it and broke it while striking the police officers and then used a broken piece to continue assaulting police in the Tunnel.

This case is being prosecuted by the U.S. Attorney's Office for the District of Columbia and the Department of Justice National Security Division's Counterterrorism Section. Valuable assistance was provided by the U.S. Attorney's Office for the District of Maryland.

The case is being investigated by the FBI's Baltimore and Washington Field Offices, which identified Kelly as BOLO AFO (Be on the Lookout Assault of Federal Officer) #189 in its seeking information images. Valuable assistance was provided by the U.S. Capitol Police and the Metropolitan Police Department.

In the 40 months since Jan. 6, 2021, more than 1,424 individuals have been charged in nearly all 50 states for crimes related to the breach of the U.S. Capitol, including more than 500 individuals charged with assaulting or impeding law enforcement, a felony. The investigation remains ongoing.

Anyone with tips can call 1-800-CALL-FBI (800-225-5324) or visit tips.fbi.gov.

A complaint is merely an allegation, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

[View Kelly Statement of Facts](#)

Updated May 22, 2024

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VIOLENT CRIME

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Press Release Number: 24-443

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**District of Columbia**

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