

Capitol January 6, 2021: At Least 50 Undercover Officers and Informants Monitored Proud Boys and Crowds, New Court Filing Says

Previously undisclosed officers cited in defense motion for mistrial

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Global Research, April 17, 2023

[The Epoch Times](#) 10 April 2023

Region: [USA](#)

Theme: [Law and Justice](#)

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Up to a dozen previously undisclosed undercover Metropolitan Police Department officers were embedded in the crowds on Jan. 6—including one who admitted joining in protester chants to “stop the steal”—according to an April 10 court filing in the Proud Boys seditious-conspiracy trial.

A [motion for mistrial](#) filed by defense attorney Roger Roots said the additional undercover officers bring the number of police, agents, and informants embedded in Jan. 6 crowds to at least 50.

He had filed an [April 5 motion](#) in the case that estimated the number to be 40.

Roots, who represents Proud Boys defendant Dominic Pezzola, asked U.S. District Judge Timothy Kelly to declare a mistrial based on “numerous, repeated and yet-unfolding” instances where exculpatory evidence was withheld by federal prosecutors.

At an April 7 meeting with prosecutors, “the defense learned that there were at least 10 to 12 additional, previously unknown plainclothes MPD officers among the Proud Boys on Jan. 6,” Roots wrote.

“This brings the total number of informants among defendants on or around Jan. 6 to 50 or more,” he said. “And there are reasons to suspect the true number is higher.”

In his April 5 court filing, Roots said there were 19 confidential informants from an agency called HSI (Homeland Security Investigations) in the crowds on Jan. 6. That was in addition to eight FBI informants within the group.

Five members of the Proud Boys—Pezzola, Zachary Rehl, Enrique Tarrío, Joe Biggs, and Ethan Nordean—have been on trial since December.

They are charged with seditious conspiracy, conspiracy to obstruct official proceedings, obstruction of official proceedings, conspiracy to prevent certain federal officers from performing their duties, and other Jan. 6 counts.

Prosecutors contend they conspired to attack the Capitol and disrupt the counting of Electoral College votes by Congress.

Tarrío, Rehl, Nordean, and Biggs face nine criminal counts related to the Capitol breach, and Pezzola is charged with 10.

Officer Joins in Protest Chants

Roots said the newly disclosed 10–12 MPD undercover officers were from the Narcotics and Special Investigation Division. They were in addition to previously reported undercover officers from the MPD Electronic Surveillance Unit (ESU).

Prosecutors presented three of the undercover MPD officers for defense attorneys to interview, Roots said.

On April 7, investigator Nicholas Tomasula told defense attorneys his role on Jan. 6 was to record the crowds with his bodycam. He did not know if the other narcotics division undercover officers were also capturing video, the motion stated.

Roots said the defense has not been provided with Tomasula's video.

"And he admitted he himself had been heard on video chanting, "Whose house? Our house!" and "Stop the steal!" Roots said.

"We still do not know the extent to which the crowd's First Amendment demonstrations were transformed into violence by undercover law enforcement officers," Roots said.

"The Tomasula bodycam videos may be the tip of a much larger iceberg."

Tomasula told defense attorneys he had destroyed his iPhone, and all of his text messages—including some related to the Proud Boys—had been auto-deleted, the motion said.

"Tomasula indicated he would have immediately written reports of any violence, violent talk, or violent or insurrectionist plans among the Proud Boys or patriots but reported none," he said.

"Such information would have been nice to have weeks ago when defendants were cross-examining government witnesses and developing their defense," Roots said.

Prosecutors previously disclosed that a dozen ESU undercover officers were in the crowds taking videos and photographs, the motion said.

Those officers recorded protesters on the scaffolding on the west front of the Capitol, live-streamed video to MPD's Joint Operations Command Center (JOCC), documented MPD's

attempts to hold police lines while being assaulted by the crowd, and filmed a Jan. 5 crowd that had taken an “aggressive stance” with MPD officers, according to a [supplement](#) filed with Roots’ motion.

DOJ Is Unaware

In its [reply to Roots’ April 5 court filing](#), the U.S. Department of Justice said it is unaware of any Homeland Security Investigations unit that worked at the Capitol on Jan. 6.

“Defendant Pezzola does not identify the agency that runs the ‘Homeland Security Investigations’ unit, nor does he contend that this unit is closely aligned with the prosecution team,” read the response, signed by Jocelyn Ballantine, chief of the Complex Conspiracy Unit in the DOJ Capitol Siege Section.

“And, indeed, the government is aware of no involvement in Dominic Pezzola’s case by any unit so identified,” the response read.

A leaked video posted on Rumble on March 24 shows three undercover MPD officers engaging in [provocateur behavior](#) on Jan. 6, helping protesters climb over barriers, shouting pro-Trump slogans, and directing the crowd to proceed up the northwest stairs to the Capitol.

The actions of those officers were disclosed in court filings in another case by Jan. 6 defendant William Pope of Topeka, Kansas.

Pope has asked U.S. District Judge Rudolph Contreras to lift the court seal on a video shot by one of the officers so the public can view it.

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