

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

for the
Central District of IllinoisIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)**redacted** Galesburg, Illinois, 61401, and
all appurtenances thereto and improvements
thereon, and all vehicles on-site.

Case No.

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Please see Attachment A

located in the Central District of Illinois, there is now concealed (identify the person or describe the property to be seized):

Please see Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC 2101	Rioting
18 USC 231(a)(3)	Civil Disorders

The application is based on these facts:

Please see attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

SA

Applicant's signature

SA David Brown

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone _____ (specify reliable electronic means).Date: 06/01/2020City and state: Peoria, IL

Judge's signature

Hon. Jonathan E. Hawley, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

IN THE MATTER OF THE SEARCH OF,

redacted, Galesburg, Illinois,
61401, and all appurtenances
thereto and improvements thereon,
and all vehicles on-site.

Case No. _____

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, David B. Brown, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation. I have been so employed since approximately March of 2019. Prior to the Federal Bureau of Investigation, I was employed as a Police Officer in the Saint Louis Missouri area for approximately ten years; four of which I served as a Detective.
2. As part of my duties as an FBI Special Agent, I investigate criminal violations. I have participated in the execution of multiple federal search warrants.
3. This affidavit is made in support of an application for a search warrant of the residence of Matthew Rupert (**Subject 1**) and Christopher Rupert (**Subject 2**) located at **redacted**, Galesburg Illinois, 61401 (**Subjects' Residence**), for information described further in Attachment B, concerning travel in interstate commerce or use of any facility of interstate commerce, to organize, promote, encourage, participate in, or carry on a riot, in violation of Title 18, United States Code, Section 2101, and interfering with any 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, in violation of Title 18, United States Code, Section 231(a)(3) (the “**Subject Offenses**”).

4. The information in this affidavit is based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to believe that evidence and instrumentalities of a violation of Title 18, United States Code, Sections 231(a)(3) and 2101, are located within the **Subjects’ Residence**.
5. Title 18, United States Code, Section 231(a)(3) provides, “[w]hoever commits or attempts 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” shall be guilty of a federal offense.
6. Title 18, United States Code, Section 2101 provides, “[w]hoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent (1) to incite a riot; or (2) to organize, promote, encourage, participate in, or carry on a riot; or (3) to commit any act of violence in furtherance of a riot; or (4) to aid or abet any person in inciting or participating in, or carrying on a riot or committing any act of violence in furtherance of a riot” shall be guilty of a federal offense.

FACTS SUPPORTING PROBABLE CAUSE TO SEARCH THE SUBJECTS'
RESIDENCE

I. Background of Investigation

7. On May 31, 2020, **Subject 1** and **Subject 2** were arrested with three other individuals, to include **Subject 1's** live in girlfriend (referred to as **Witness 1**) in Chicago, Illinois relative to violating Chicago's mandated curfew hours. During **Subject 1's** arrest, destructive devices were located in his possession and within his control.
8. I have reviewed the Facebook Account bearing display name "El Ricco Rupert" with username "ricco.rupert.75" and user ID 100048401743589 (the "Facebook Account"). I believe that this account is operated by Matthew Rupert (**Subject 1**), a resident of Galesburg, Illinois.
9. On or about May 29, 2020, **Subject 1** posted videos on his Facebook account, during which he indicated that he was in Minneapolis. One video posted that day, showed **Subject 1** and **Subject 2** attending the public protest and riot in Minneapolis, Minnesota regarding the May 25, 2020 death of George Floyd. The video depicted **Subject 1** talking about having explosives and offering the explosives to other people to throw at law enforcement officers. In the video, **Subject 1** is visible wearing white shoes with red tips.
10. In the video time stamped May 29 at 7:54 pm, **Subject 1** stated, "SWAT trucks up here. They got SWAT trucks up here." He then stated "I got some bombs" if some of you all want to "throw them back...bomb them back...here I got some more...light it and throw it." While **Subject 1** was making these statements, it appears that **Subject 1** was recording himself while holding the phone and handing what appears to be a green item with a brown casing and a wick to other people. **Subject 1** also stated, "Light that bitch and throw it at them." In the video, another unknown male lit an explosive and threw it towards law enforcement officers. **Subject 1** also stated, "[h]e's throwing my bombs," "[t]hey're going to bomb the police with them," and "[w]e came to riot

boy.” Shortly there after, an explosion is audible in the video and **Subject 1** repeatedly yelled “Good shot my boy” and “Fuck 12” at law enforcement.

11. **Subject 1** continued the recording and indicated he was shot with a rubber bullet. In the video, he is later heard telling others he is collecting the rubber bullet, and that he is going to keep it.
12. **Subject 1** continued the recording and as he arrives to a Sprint cellphone store, he yells, “Come on they got into the Sprint store”. **Subject 1** entered the store and begins knocking items down. **Subject 1** located a safe inside of the business. While inside the business **Subject 1** stated, “Should we torch it?” Later in the video, **Subject 1** shows a can of Zippo lighter fluid to the camera and instructs an individual with him to light the pile of items on fire. **Subject 1** runs out of the business and yells, “We lit it on fire...I lit it on fire.”
13. **Subject 1** continued the recording and entered into a closed Office Depot with multiple people. The video shows **Subject 1**, along with others, stealing items, placing them inside a bag while on video. **Subject 1** stole multiple items from inside the business and yelled the following statements, “Yeah we need a shoe store.” “We gotta go. They probably hitting better stores.” **Subject 1** temporarily placed his phone in his pocket. While the video is obscured, **Subject 1 can be heard yelling to others to grab a shopping cart..** A shopping cart can be heard and **Subject 1** advised the others he is with to put their stolen items in the cart. The cart is heard moving.
14. In another video, timestamped May 29 at 10:20 pm, **Subject 1** is pushing a cart containing multiple items that appear to be stolen from Office Depot. In the video, **Subject 1** states he is headed to his vehicle.
15. In another video posted on May 30 at 1:58 am **Subject 1** is inside his vehicle and is pulled over the side of the road for a traffic stop. Police vehicle lights can be seen behind his vehicle. **Subject**

- 1** states they were pulled over on the way home and tells the other occupants of the car that if police ask about items inside his car, he will just say they purchased it from someone on the street.
16. Periodically throughout **Subject 1**'s video posted on May 30, **Subject 2** is visible.
17. A National Crime Information Center (NCIC) inquiry revealed **Subject 1** was stopped in Goodhue County Minnesota. Contact made by this affiant to the Goodhue County Sheriff's Department confirmed **Subject 1** was stopped for speeding and cited. This affiant made contact with the Deputy who conducted the stop. The Goodhue County Deputy said that **Subject 1**, advised him during the course of the traffic stop, that **Subject 1** was headed home.
18. On May 31, 2020, **Witness 1** informed Special Agents with the Federal Bureau of Investigation that **Subject 1** traveled with others (but not **Witness 1**) to Minneapolis in order to "riot." According to **Witness 1**, **Subject 1** and **Subject 2** returned to the **Subjects' Residence** after posting the May 29, 2020 videos of **Subject 1** and **Subject 2** in Minneapolis, Minnesota. The **Subjects** then proceeded from the **Subjects' Residence** apparently en route to Chicago.
19. On or about May 30, 2020, at approximately 9:00 p.m., **Subject 1** made a post on the Facebook Account in which he stated, "Lady's [sic] and gentlemen, let me take that back only goons let's go to davenport tonight and riot this mf!!! Let me know who's on board I got cars we got this" In the comments section of that post, **Subject 1** said that he was headed back to Minneapolis or possibly going to Chicago. Specifically, **Subject 1** stated, "comr with bro Chicago let's go" and "We will be back bro we can loot til 2:30."
20. Davenport, Iowa is located is located approximately one hour from Galesburg, Illinois. Chicago, Illinois is located approximately three hours from Galesburg, Illinois.
21. On or about May 30, 2020, at approximately 11:02 p.m., **Subject 1** made a post on the Facebook Account that stated, "Omw to Chicago stay tuned 2 hours out."

22. On or about May 31, 2020, beginning at approximately 1:40 a.m., **Subject 1** posted multiple videos on the Facebook Account that showed that he was in Chicago. Specifically, **Subject 1** can be seen wearing an American flag bandana and a white baseball style cap, can be seen in the video along with associates walking in the area of Van Buren Street and Dearborn Street. In this video, **Subject 1** can be heard stated words to the effect of “let’s start a riot” and “I’m going to start doing some damage.” In another video, **Subject 1**, **Subject 2**, and their associates are shown entering a convenience store that had been broken into and placing items in his backpack.” In a subsequent video, **Subject 1** makes reference to having a number of boxes of what appear to be tobacco products in his backpack.
23. In one of the Facebook videos posted by **Subject 1**, your affiant observed the car **Subject 1** used to travel to Minneapolis, Minnesota. The car seen in the video is a red/maroon Chrysler 300 with black wheels. During the traffic stop in Goodhue County, Minnesota, **Subject 1** can be heard in his Facebook video telling the Deputy that the car is registered to one of his associates.
24. In a separate Facebook video posted by **Subject 1**, your affiant observed the car **Subject 1** used to travel to Chicago, Illinois. The car seen in the video is a red/maroon Chrysler 300 with silver wheels. According to Chicago Police Department, this vehicle was registered to **Subject 1**.
25. At approximately 2:00 a.m., Chicago police officers arrested **Subject 1**, **Subject 2** and their associates for violating the City of Chicago’s emergency curfew order. Incident to **Subject 1**’s arrest, law enforcement searched **Subject 1**’s vehicle, and recovered several destructive devices—namely, commercial items with a cylindrical container, hobby fuse, and a main charge capable of exploding. Law enforcement officer also recovered a hammer, a heavy-duty flashlight, and cash from the vehicle.

26. Based upon the facts presented it is believed after **Subject 1** participated in the rioting and looting in Minneapolis and then traveled to **the Subjects' Residence** located in Galesburg Illinois. Based on statements made by **Subject 1** during the traffic stop of having items inside his vehicle and no longer having such items in the vehicle upon his arrest in Chicago it is believed the items are located inside the **Subjects' Residence**. Items to be searched for range in size and can be located inside of drawers and safes. Additionally it is requested to search all vehicles on site to ensure the evidence items were not placed into another vehicle.

27. When interviewed, following her arrest in Chicago on May 30, 2020, **Witness 1** was asked about the shoes worn by **Subject 1** when in Chicago on May 30, 2020. **Witness 1** described **Subject 1's** shoes as red and white.

II. History of Subject 1 and Subject 2 Residing at [redacted], Galesburg, Illinois, 61401

28. Contact was made with a United States Postal Inspector (USPIS), who advised **Subject 1** has received two packages in the month of May 2020 to the **Subjects' Residence** at [redacted], Galesburg, Illinois. Further, **Witness 1** has received one package to the **Subjects' Residence** in the month of May 2020. Also that same month, a package was delivered to the **Subjects' Residence** addressed to Linda Rupert. Additionally the USPIS advised he made contact with the Postal Carrier that has the **Subjects' Residence** route and confirmed both **Subject 1** and **Witness 1** have received mail to the **Subjects' Residence**.

29. Galesburg Police Department has had multiple calls for service at the **Subjects' Residence** involving **Subject 1**, **Subject 2**, and a third male. Most recently, Galesburg Police Department had a call for service to the **Subjects' Residence** on May 23, 2020, in which they located **Subject 1's** red/maroon Chrysler 300 with silver wheels parked in the driveway.

30. According to the Chicago Police Department report, **Subject 1** is identified as living at [REDACTED] [REDACTED], Galesburg, Illinois, 61401 and **Subject 2** is identified as living at the **Subjects' Residence**. Furthermore, **Subject 2** is required to register as a sex offender in the state of Illinois. His current registered address is listed as the **Subjects' Residence**.

LOCATIONS TO BE SEARCHED

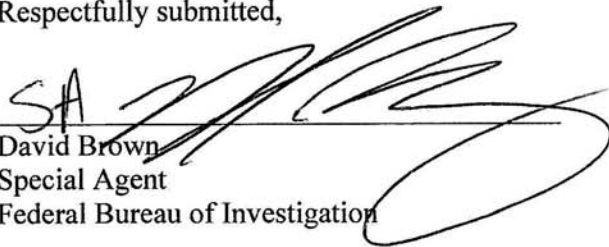
31. This affiant is requesting a search warrant for **Subject 1** and **Subject 2's** residence located at **Subjects' Residence**-[REDACTED], Galesburg, Illinois, 61401.

- a. The **Subjects' Residence** is described as a single residence two-story building. A garage possibly attached to the residence is located on the property. The driveway is north of the residence. The exterior of the house is white and has a white porch fence with the numbers "[REDACTED]" clearly displayed to the left of the front door. The front door face eastbound and appears to have a screen door attached.

CONCLUSION

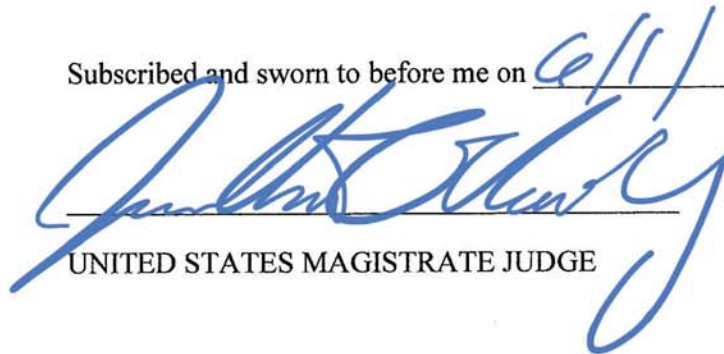
32. Based on the above information, I respectfully submit that there is probable cause to believe that offenses, in violation of Title 18, United States Code, Section 2101, and Title 18, United States Code, Section 231(a)(3) have been committed, and that evidence and instrumentalities relating to this criminal conduct, as further described in Attachment B, will be found in the **Subjects' Residence**. I therefore respectfully request that this Court issue a search warrant for the **Subjects' Residence** depicted in Attachment A, authorizing the seizure of the items described in Attachment B.

Respectfully submitted,

SA 

David Brown
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on 6/11/_____, 2020

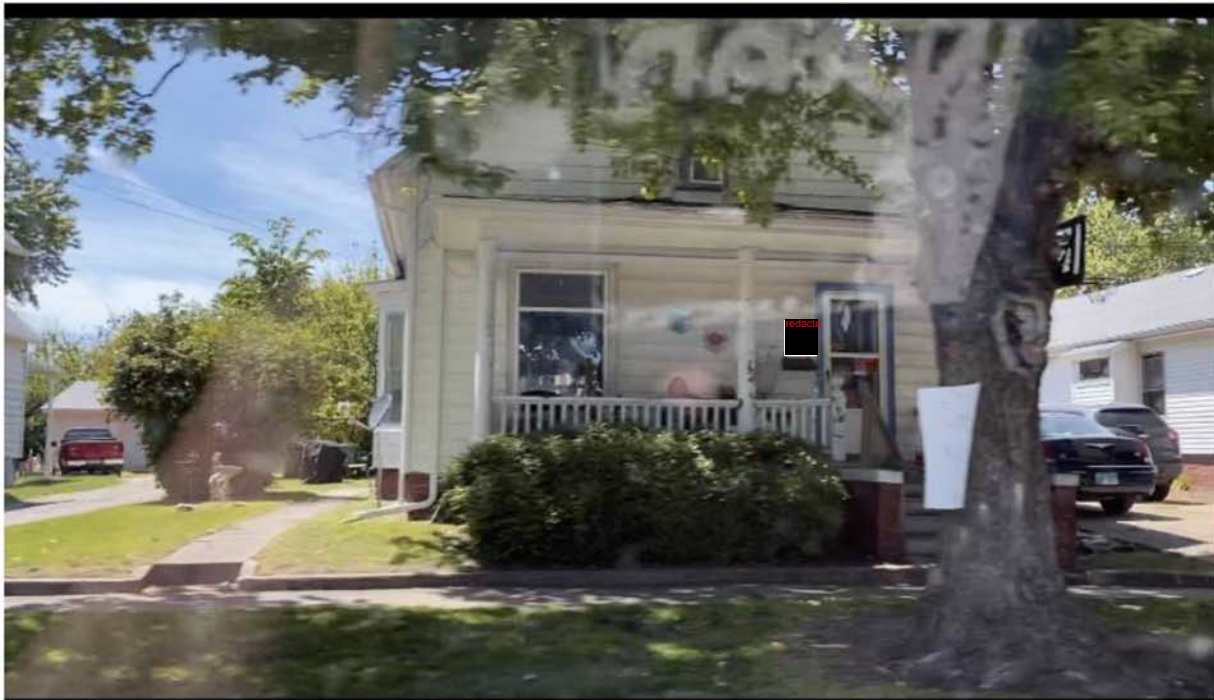


UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

PROPERTY TO BE SEARCHED

Photo of the front of the **Subjects' Residence** located at [redacted] Galesburg, Illinois, 61401 being a single residence two-story building, and all appurtenances thereto and improvements thereon, and all vehicles onsite. A garage possibly attached to the residence is located on the property. The driveway is north of the residence. The exterior of the house is white and has a white porch fence with the numbers "[redacted]" clearly displayed to the left of the front door. The front door face eastbound and appears to have a screen door attached.



ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Evidence and instrumentalities concerning violation of Title 18, United States Code, Sections 231(a)(3) and 2001, as follows:

1. All items related to travel to Minneapolis, Minnesota referencing rioting or interfering with law enforcement duties.
2. All items related to explosives, incendiary devices and fireworks.
3. All items relating to the looting of businesses in Minneapolis, including but not limited to office supplies, electronics, cell phones, cell phone accessories, digital storage mediums.
4. The rubber bullet **Subject 1** described saving.
5. All items containing communications with others pertaining to items 1 through 4 above.

AO 93C (08/18) Warrant by Telephone or Other Reliable Electronic Means

☐ Original☐ Duplicate Original

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

redacted, Galesburg, Illinois,
61401, and all appurtenances thereto and
improvements thereon, and all vehicles
on-site.

Case No. 4:20-mj-

WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure
of the following person or property located in the Central District of Illinois
(identify the person or describe the property to be searched and give its location):

Please see Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (identify the person or describe the property to be seized):

Please see Attachment B

YOU ARE COMMANDED to execute this warrant on or before June 15, 2020 (not to exceed 14 days)☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to Hon. Jonathan E. Hawley
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)

☐ for days (not to exceed 30) ☐ until, the facts justifying, the later specific date of .

Date and time issued:

6/1/2020 at 4:02 pm COT

Judge's signature

City and state:

Peoria, ILHon. Jonathan E. Hawley, U.S. Magistrate Judge

Printed name and title

AO 93C (08/18) Warrant by Telephone or Other Reliable Electronic Means (Page 2)

Return		
Case No.: 4:20-mj-	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized: 		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <p>Date: _____</p> <p style="text-align: right;">_____ <i>Executing officer's signature</i></p> <p style="text-align: right;">_____ <i>Printed name and title</i></p>		