

FILED

Nov 09 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. DAVID DEPAPE

CASE NUMBER:

CR 22-426CRB

Is This Case Under Seal?

Yes No

Total Number of Defendants:

1 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ

Is this a potential high-cost case?

Yes No

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Is this a RICO Act gang case?

Yes No

**Assigned AUSA
(Lead Attorney):** Laura Vartain

Date Submitted: 11/9/22

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

CR22-426CRB

UNITED STATES OF AMERICA,

V.

DAVID DEPAPE

DEFENDANT(S).

FILED

Nov 09 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

INDICTMENT

18 U.S.C. § 1201(d) – Attempted Kidnapping of a Federal Officer or Employee;

18 U.S.C. § 115(a)(1)(A) – Assault of an Immediate Family Member of a Federal
Official

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 9th day of

November _____, 2022.

S. Ybarra
Clerk

Bail, \$ _____ No Bail _____



Hon. Alex G. Tse, United States Magistrate Judge

1 STEPHANIE M. HINDS (CABN 154284)
United States Attorney

FILED

Nov 09 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. CR22-426CRB
12 Plaintiff,)
13 v.) VIOLATIONS:
14 DAVID WAYNE DEPAPE,) 18 U.S.C. § 1201(d) – Attempted Kidnapping of a
15 Defendant.) Federal Officer or Employee;
16) 18 U.S.C. § 115(a)(1)(A) – Assault of an Immediate
17) Family Member of a Federal Official
18) SAN FRANCISCO VENUE

17 INDICTMENT

18 The Grand Jury charges:

19 Introductory Allegations

20 At all times relevant to this Indictment:

21 *Nancy and Paul Pelosi*

22 1. Nancy Pelosi (“Speaker Pelosi”) represented California’s 12th Congressional District in
23 the United States House of Representatives. She also served as the Speaker of the United States House
24 of Representatives. She was a federal officer and employee, as those terms are defined by Title 18,
25 United States Code, Sections 1201(a)(5) and 1114, and a United States official, as that term is defined
26 by Title 18, United States Code, Section 115(c)(4).

27 2. As a member of the United States House of Representatives, Speaker Pelosi received
28 protection services from the United States Capitol Police.

1 3. Paul Pelosi (“Mr. Pelosi”) was married to Speaker Pelosi.

2 4. Speaker Pelosi and Mr. Pelosi kept their primary residence in San Francisco, California
3 (“Pelosi Residence”).

4 *San Francisco Police Department Responds to Mr. Pelosi’s 9-1-1 Call*

5 5. On or about October 28, 2022, at approximately 2:23 a.m., San Francisco Police
6 Department (“SFPD”) received a 9-1-1 call from Mr. Pelosi at the Pelosi Residence. In the
7 approximately two-and-a-half minute phone call, Mr. Pelosi conveyed to the dispatch officer that there
8 was an unknown man in his residence. Mr. Pelosi also conveyed that the man was looking for Mr.
9 Pelosi’s wife, that Mr. Pelosi’s wife was Speaker Pelosi who would not “be there for days,” and that the
10 man said he would “wait” for Speaker Pelosi. Mr. Pelosi made clear in the 9-1-1 call that he did not
11 know who the man was. On the call and from the background, DEPAPE can be heard giving his name as
12 “David” and declaring himself a “friend.” Mr. Pelosi confirmed to the dispatcher that he did not know
13 the man. Towards the end of the call, when the dispatcher offered to stay on the phone with him, Mr.
14 Pelosi told the dispatcher that the man wanted Mr. Pelosi to “get the hell off the phone.”

15 6. Moments later, at approximately 2:31 a.m., SFPD officers responded to the Pelosi
16 Residence and two officers knocked on the front door. The two officers who approached the door had
17 their body-worn cameras activated. The two officers opened the door to see the foyer of the Pelosi
18 Residence, Mr. Pelosi, wearing a long-sleeved shirt, DEPAPE in shorts, running shoes and a sweatshirt,
19 and DEPAPE and Mr. Pelosi jointly gripping a hammer.

20 7. An officer asked what was going on, and DEPAPE responded that “everything is good,”
21 while using his other hand to encircle Mr. Pelosi’s right arm. Immediately, an officer said: “drop the
22 hammer.” DEPAPE responded, “ummm nope.” DEPAPE then pulled the hammer over his head, thereby
23 also pulling Mr. Pelosi closer to him and swung the hammer abruptly and forcefully at Mr. Pelosi. In
24 total, these events lasted approximately fifteen seconds.

25 8. As the officers rushed through the door, they found Mr. Pelosi and DEPAPE on the floor,
26 with DEPAPE’s legs on top of Mr. Pelosi. Officers restrained DEPAPE and called for medical
27 assistance, as a pool of blood swelled around Mr. Pelosi’s head.

28 9. Officers asked DEPAPE for his name, and he responded with “David DEPAPE.”

1 DEPAPE further confirmed he was alone and that he had a backpack on the porch by the “broken glass.”

2 10. SFPD’s check of the Pelosi Residence after these events revealed broken glass on a door
3 indicating DEPAPE’s point of entry into the Pelosi Residence. SFPD also found zip ties in the Pelosi
4 Residence.

5 11. In a subsequent search of DEPAPE’s backpack, law enforcement found, among other
6 things, a roll of tape, white rope, one hammer, and one pair of rubber and cloth gloves, and a journal.

7 *Mr. Pelosi’s Recollection of the Events Mirrors DEPAPE’s Confession in Key Ways*

8 12. Mr. Pelosi spoke to SFPD officers while the ambulance transported him to San Francisco
9 General Hospital and while medics worked on injuries to his head and both hands. Mr. Pelosi explained
10 that DEPAPE woke him by asking where Mr. Pelosi’s wife was. Mr. Pelosi explained to officers that he
11 told DEPAPE that Speaker Pelosi was not there and would not be back for a few days. According to Mr.
12 Pelosi, DEPAPE said he would wait.

13 13. During a subsequent interview with law enforcement officers on October 30, 2022, Mr.
14 Pelosi confirmed that the hammer with which DEPAPE assaulted Mr. Pelosi did not belong to the
15 Pelosis.

16 14. In a Mirandized and recorded interview with law enforcement officers on October 28,
17 2022, DEPAPE explained how he entered the Pelosi Residence and woke Mr. Pelosi. According to
18 DEPAPE:

- 19 a) He broke into the house through a glass door using a hammer.
20 b) He found Mr. Pelosi in bed and told him to wake up.
21 c) He told Mr. Pelosi that he was looking for Speaker Pelosi, and DEPAPE learned
22 from Mr. Pelosi that Speaker Pelosi was not home. DEPAPE relayed that he told Mr. Pelosi that
23 he was tired from carrying his backpack to the Pelosi Residence.
24 d) He had zip ties that he was going to use to restrain Mr. Pelosi so that he could
25 take a nap.
26 e) He threatened Mr. Pelosi while Mr. Pelosi was “on the phone.”

27 15. Of the assault, DEPAPE explained he had warned Mr. Pelosi:

- 28 a) He told Mr. Pelosi that Mr. Pelosi would “take the punishment” if he tried to stop

1 DEPAPE. He also told Mr. Pelosi that he would “go through him” because DEPAPE did not
2 “come here to surrender.”

3 b) He did not leave after Mr. Pelosi’s 9-1-1 call because, much like the American
4 Founding Fathers and the British, he was “fighting tyranny” without the option of “surrender.”

5 c) He explained that while he and Mr. Pelosi were at the door, he “yanked” the
6 hammer away from Mr. Pelosi and swung it towards Mr. Pelosi.

7 d) He used “full force” on Mr. Pelosi.

8 16. During the interview, DEPAPE explained that he had a “target list.” According to
9 DEPAPE:

10 a) Speaker Pelosi was on his target list.

11 b) He planned to hold Speaker Pelosi hostage and talk with her. If “Nancy” told
12 DEPAPE the “truth,” he would let her go, and if she “lied,” he would break “her kneecaps.”
13 DEPAPE was certain “Nancy” would not have told the “truth.”

14 c) He views Speaker Pelosi as the “leader of the pack” of lies told by the Democratic
15 Party.

16 d) As a result of DEPAPE breaking Speaker Pelosi’s kneecaps, she would have to be
17 wheeled into Congress, which would show other Members of Congress that there were
18 consequences to their actions.

19 e) DEPAPE further identified another person, referred to here as “Target 1,” as “way
20 up” on his target list, and he explained that he had a plan to use Speaker Pelosi to lure Target 1 to
21 DEPAPE.

22 *Other Evidence Seized from DEPAPE*

23 17. On October 29, 2022, law enforcement searched a garage of a residence in Richmond,
24 California, after confirming that DEPAPE lived in the garage. There, agents seized two hammers, a
25 sword, and a pair of rubber and cloth gloves, as well as indicia that DEPAPE lived in the garage.

26 18. In a review of electronic evidence seized from DEPAPE, law enforcement has identified
27 that DEPAPE researched the Pelosi Residence as recently as October 26, 2022. On the same date, he
28 also researched an address associated with Target 1. In the same timeframe, DEPAPE researched a

1 home address for another individual on his target list.

2 COUNT ONE: (18 U.S.C. § 1201(d) – Attempted Kidnapping of Federal Officer or Employee)

3 19. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated as if fully set
4 forth here.

5 20. On or about October 28, 2022, in the Northern District of California, the defendant,
6 DAVID WAYNE DEPAPE,
7 attempted to unlawfully and willfully seize, confine, kidnap, and hold for ransom, reward and otherwise
8 an officer and employee of the United States and of an agency in a branch of the United States
9 Government, to wit, Nancy Pelosi, a Member and Speaker of the United States House of
10 Representatives, while Nancy Pelosi was engaged in and on account of the performance of her official
11 duties.

12 All in violation of Title 18, United States Code, Section 1201(d).

13
14 COUNT TWO: (18 U.S.C. § 115(a)(1)(A) – Assault on the Immediate Family Member of a
15 Federal Official)

16 21. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated as if fully set
17 forth here.

18 22. On or about October 28, 2022, in the Northern District of California, the defendant,
19 DAVID WAYNE DEPAPE,
20 willfully and unlawfully assaulted Paul Pelosi, the spouse and member of the immediate family of
21 Nancy Pelosi, a United States official as that term is defined in Title 18, United States Code, Section
22 115(c)(4), by means of hitting a hammer on Mr. Pelosi’s head, with intent to impede, intimidate,
23 interfere with and retaliate against Nancy Pelosi while she was in engaged in and on account of the
24 performance of her official duties.

25 //

26 //

27 //

28 //

1 All in violation of Title 18, United States Code, Section 115(a)(1)(A).

2
3 DATED:

A TRUE BILL.

4 *s/Foreperson*

5 _____
FOREPERSON

6 STEPHANIE M. HINDS

7 United States Attorney

8 *Laura Vartain Horn*

9 _____
LAURA VARTAIN HORN

10 Assistant United States Attorney

EDWARD CHANG

11 Special Assistant United States Attorney

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1201(d) – Attempted Kidnapping of a Federal Officer or Employee; Petty Minor
18 U.S.C. § 115(a)(1)(A) – Assault of an Immediate Family Member of a Federal Official Misdemeanor Felony
PENALTY: Maximum Imprisonment: Life
Fine: \$250,000
Mandatory Supervision: Five Years
Forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ DAVID WAYNE DEPAPE

DISTRICT COURT NUMBER

3:22-MJ-71419

CR22-426 CRB

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

person is awaiting trial in another Federal or State Court, give name of court

San Francisco Superior Court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

IS NOT IN CUSTODY

Has not been arrested

1) If not detained give summons was served

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution
San Francisco Superior Court

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year
10/28/22

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

Name and Office of Person Furnishing Information on this form

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments: