

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

NATHAN GRIFFIN

UNDER SEAL

No. 25 CR 694

Chief Judge Virginia M. Kendall

EXHIBIT A

The government respectfully submits that the following factors support its request for a 10-day extension of time from November 23, 2025, to and including December 3, 2025, in which to seek an indictment in this matter.

1. On October 24, 2025, the government arrested and charged defendant by criminal complaint with the offense of forcibly assaulting, impeding, and interfering with a federal officer while engaged in the performance of his official duties in a manner involving physical contact, in violation of Title 18, United States Code, Section 111(a)(1).

2. The incident occurred at approximately 9:18 a.m. on October 24, 2025, on West Belmont Avenue near the intersection with North Broadway. As set forth in the affidavit supporting the Criminal Complaint, the government alleges defendant closed a vehicle door on United States Border Patrol (USBP) Agent [REDACTED]'s leg as Agent [REDACTED] was exiting the vehicle.

3. On November 5, 2025, Magistrate Judge Keri L. Holleb Hotaling conducted a preliminary hearing in this matter. The government called two witnesses and presented various exhibits during the hearing. Based on the evidence presented

at the hearing, the Court concluded that there was probable cause to support the charge in the Criminal Complaint. Accordingly, the Court ordered the defendant bound over to the District Court for further proceedings. Dkt. 14.

4. Between October 24 and November 19, 2025, the government investigated the incident that resulted in defendant's arrest, including interviewing the personnel involved in the incident and arrest. The investigation also involved reviewing video from USBP Agents [REDACTED], [REDACTED], and [REDACTED] (who was driving the vehicle they were travelling in), as well as interviewing an agent in a separate vehicle that they were working with on that day.¹ Additionally, the government sought and obtained security video from two businesses near the incident.

5. On Wednesday, November 19, 2025, the evidence in this matter was presented to the Special September 2025 Grand Jury for approximately 60 minutes. The government presented the evidence through the testimony of a Federal Bureau of Investigation case agent. The grand jurors watched (and rewatched) video of the incident from the body worn cameras of USBP Agents [REDACTED] and [REDACTED], and viewed still images extracted from the latter's BWC video showing the door closing and defendant's head emerging behind the door as it closed. After the approximately 60-minute presentation, the grand jurors retired to confer concerning the government's proposed indictment that would charge defendant with forcibly

¹ USBP Agents [REDACTED], [REDACTED], and [REDACTED] were a "Quick Reaction Force" team charged with protecting a "Strike Team" of agents who traveled in a separate vehicle and were conducting apprehensions of individuals they believed to be present in the United States without lawful authorization.

impeding, opposing, and interfering with a federal officer while engaged in, or on account of, the performance of his official duties, and in doing so, engaged in an act involving physical contact with the victim, in violation 18 U.S.C. § 111(a)(1). After the grand jurors conferred for approximately 20 minutes, the AUSA assigned to the case was notified that the grand jurors were requesting the presentation of additional witnesses and additional evidence for their consideration of the proposed indictment. The AUSA returned to the grand jury later on November 19, 2025, and assembled a list of the grand jury's requests, which included having Agents [REDACTED] and [REDACTED] testify personally before the grand jury,² testimony and cell phone video from onlookers present at the scene of the incident, fixed camera footage of the incident, and medical records regarding the cut on USBP Agent [REDACTED]'s leg that grand jurors had been shown a picture of during the 60-minute presentation. The AUSA informed the grand jury that he would attempt to assemble the requested evidence and return to the grand jury on a future date.

6. Because of the Thanksgiving Holiday, the next date that the Special September 2025 grand jury is scheduled to meet is December 3, 2025. While the government does not possess and cannot realistically obtain *all* of the evidence the grand jury has requested (such as testimony and cell phone video from onlookers to the event whose identities are unknown), it has reserved time on December 3, 2025, to present additional evidence, including testimony from USBP Agent [REDACTED].

² USBP Agents [REDACTED] and [REDACTED] were not in Chicago on November 19, 2025.

7. The government respectfully submits that these circumstances justify the requested 10-day extension of time to and including December 3, 2025, to allow the grand jury to appropriately consider whether to return an indictment in this matter, pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

Dated: November 21, 2025

Respectfully submitted,

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