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Mo Brooks files police report over ‘unlawful’ serving of lawsuit on his wife



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UNITED STATES - AUGUST 4: GOP candidate for U.S. Senate Rep. Mo Brooks, R-Ala., speaks during the U.S. Senate candidate forum held by the Shelby County Republican Party in Pelham, Ala., on Friday, Aug. 4, 2017. The former Chief Justice of the Alabama Supreme Court is running in the special election to fill the seat vacated by Attorney General Jeff Sessions. (Photo By Bill Clark/CQ Roll Call) CQ-Roll Call, Inc via Getty Imag

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By [Paul Gattis | pgattis@al.com](mailto:pgattis@al.com)

U.S. Rep. Mo Brooks followed up on a threat he made on Twitter on Sunday, filing a trespassing complaint with police over the serving of a lawsuit at his Huntsville home.



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defendant in a lawsuit relating to the siege of the U.S. Capitol on Jan. 6, served the papers Sunday on Brooks' wife, Martha.

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“Swalwell’s process server entered the Brooks’ home without Martha Brooks’ knowledge and without her consent,” Mills said in an email to [AL.com](#). “Then he refused to leave when Mrs. Brooks demanded it.”

Swalwell’s attorney denied that anything illegal took place.

In a text message to AL.com, Brooks said his wife will seek to have the server arrested once identified.

“Martha is the witness, not me,” Brooks said in the text. “Martha was interviewed by an officer and incident report filled out.

“Video will hopefully be available later today. Martha will swear out warrant once perp properly identified.”

Huntsville police on Monday confirmed the Brooks’ filed a report for criminal trespass.

“Criminal trespass 3rd is a misdemeanor charge,” Huntsville police spokesman Lt. Jesse Sumlin said in an email. “For a warrant to be sworn out in this case, the victim would need to meet with a magistrate and present the facts. It would be left up to a magistrate to decide if a warrant should be issued for the person’s arrest.”

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In an interview Monday on WBHP radio in Huntsville, Martha Brooks described the encounter with the server that she said left her “terrified.” She said the man served the papers inside the Brooks’ garage as she returned home from church around noon Sunday. Martha Brooks said she and her husband immediately contacted police and filed a report.

Martha Brooks said she “screamed” repeatedly at the man to leave the garage, then stood behind his vehicle in their driveway long enough to memorize his car tag number. She said upon exiting her vehicle inside her garage, she was startled by a process server holding a cell phone about two feet from her face as he videoed their encounter.

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“Finally, he put the papers on the floor and he said I am leaving the papers here, you are hereby served Mo Brooks,” Martha Brooks said on WBHP. “And he skee-daddled. I was standing there like ‘What just happened?’ I realized I need to identify this guy. I

went outside and walked around. He had parked his car in the driveway. I walked around to the back of it and stood there and said he would never run me over. I stared at the license tag until I could memorize it.”

Brooks -- who has announced a campaign to run for U.S. Senate next year -- described the encounter on Twitter on Sunday, saying that “Swalwell’s team committed a CRIME by unlawfully sneaking INTO MY HOUSE & accosting my wife.”

Philip Andonian, an attorney for Swalwell, disputed Brooks’ account of illegal activity in serving the lawsuit in an interview Sunday with CNN.

“No one entered or even attempted to enter the Brooks’ house. That allegation is completely untrue. A process server lawfully served the papers on Mo Brooks’ wife, as the federal rules allow,” Andonian told CNN. “This was after her initial efforts to avoid service. Mo Brooks has no one but himself to blame for the fact that it came to this. We asked him to waive service, we offered to meet him at a place of his choosing. Instead of working things out like a civilized person, he engaged in a juvenile game of Twitter trolling over the past few days and continued to evade service. He demanded that we serve him. We did just that. The important thing is the complaint has been served and Mo Brooks can now be held accountable for his role in inciting the deadly insurrection at the Capitol.”

In the radio interview, Martha Brooks objected to that comment.

“They’re also calling me a liar,” she said, adding that the Brooks’ home security system captured video of the server entering and exiting the garage.

After Swalwell’s attorneys asked a judge last week for a time extension to serve Brooks and complained that he was avoiding being served, Brooks began mocking Swalwell and the lawsuit repeatedly on Twitter.

“We have not done anything to try to avoid it,” Martha Brooks said in the radio interview. “They just haven’t been where we’ve been. We were having some fun with it and kind of taunting them a little bit on Twitter. It must have made them mad because

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Other defendants in the case – former President Donald Trump, his son Donald Trump Jr. and his attorney Rudy Giuliani – waived service of the lawsuit and have already filed motions to dismiss the lawsuit.

Updated today, June 7, 2021, at 9:24 a.m. with comment from Brooks.

Updated today, June 7, 2021, at 11:15 a.m. with description of encounter by Martha Brooks.

Updated today, June 7, 2021, at 11:38 a.m. with Huntsville police confirming the report was filed.

Updated today, June 7, 2021, at 12:21 p.m. with new information throughout.

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