

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Alan William Byerly

Defendant

)
) **Case: 1:21-mj-00500**
) **Assigned To : Harvey, G. Michael**
) **Assign. Date : 6/25/2021**
) **Description: Complaint w/ Arrest Warrant**

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Alan William Byerly,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 111(b) - Assault on a Federal Officer;
- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
- 18 U.S.C. § 1752(a)(1), (2), and (4) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority and Engaging in Physical Violence;
- 40 U.S.C. § 5104(e)(2)(F) - Violent Entry and Disorderly Conduct on Capitol Grounds;
- 18 U.S.C. § 113(a)(4) and (5) - Assault.

Date: 06/25/2021

Digitally signed by G. Michael Harvey
Date: 2021.06.25 14:23:26 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 06-25-2021, and the person was arrested on (date) 07-07-2021
at (city and state) Fleetwood, PA

Date: 07-07-2021

Arresting officer's signature

Special Agent Benjamin M. Jacobs, FBI
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BAIL STATUS AND ORDER

NO INTERPRETER NEEDED : DATE: 07/07/21
Date of Arrest: 07/07/21 : HEARING TYPE: IA ON RULE 5
Trial Date: : ESR: ANN MARIE MITCHELL
UNITED STATES OF AMERICA : AUSA: ANITA EVE
v. : Dist. Of Columbia No.: 1:21-mj-00500
: ED OF PA NO. 21-MJ-1126
ALAN WILLIAM BYERLY :
: CJA Appointed
: Retained
: Defenders' Assn. Apptd.

After a hearing held this day pursuant to the Federal Rules of Criminal Procedure, or after a hearing pursuant to government's motion, the bail status as to the above-named defendant is as follows:

The Government's Motion for Temporary Detention is Granted. A detention, probable cause and identity hearing are scheduled for **MONDAY, JULY 12, 2021 AT 1:30 PM – VIA VIDEO.**

The Defendant stipulated to pretrial detention and probable cause.

The Government's Motion for Pretrial Detention is Granted. The Defendant is detained pending further proceedings.

The Government's Motion for Pretrial Detention is Denied. See attached Conditions of Release Order.

The Government and Defense have agreed to conditions of release. See attached Conditions of Release Order.

Probable Cause for the violation of supervised release found, Defendant detained (released on conditions as outlined in the "Conditions of Release Order") pending final VOP hearing before _____.

Colloquy on defendant's financial qualifications for court-appointed counsel

Other –18 U.S.C. § 111(b) - Assault on a Federal Officer; 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder; 18 U.S.C. § 1752(a)(1), (2), and (4) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority and Engaging in Physical Violence; 40 U.S.C. § 5104(e)(2)(F) - Violent Entry and Disorderly Conduct on Capitol Grounds; 18 U.S.C. § 113(a)(4) and (5) - Assault.

Defendant advised that he would not qualify for the appointment of counsel. He is going to retain private counsel.

After a hearing probable cause was found by the Court.

Plea: Not Guilty to All Count(s). Counsel have 14 days to file pretrial motions.

The United States is obligated, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and subsequent cases, to timely disclose information favorable to the defense as to criminal liability on the charged offense(s) or mitigation of any punishment that may be imposed. Such favorable information includes information that may cast doubt on the credibility of government witnesses. Possible consequences for violating this order include exclusion of evidence, dismissal of charges, contempt proceedings, disciplinary referral, and any other relief authorized by law.

BY:

/s/ HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE

***TIME IN COURT* 15 MINUTES**
(Form Revised June 2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BAIL STATUS AND ORDER

NO INTERPRETER NEEDED : DATE: 07/07/21
 : HEARING TYPE: IA ON RULE 5
Date of Arrest: 07/07/21
Trial Date: : COURT REP: ANN MARIE MITCHELL
UNITED STATES OF AMERICA : AUSA: ANITA EVE
 : Dist. Of Columbia No.: 1:21-mj-00500
v. : ED OF PA NO. 21-MJ-1126
ALAN WILLIAM BYERLY :
 : CJA Appointed
 : Retained
 : Defenders' Assn. Apptd.

After a hearing held this day pursuant to the Federal Rules of Criminal Procedure, or after a hearing pursuant to government's motion, the bail status as to the above-named defendant is as follows:

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The Defendant stipulated to pretrial detention and probable cause.

The Government's Motion for Pretrial Detention is Granted. The Defendant is detained pending further proceedings.

The Government's Motion for Pretrial Detention is Denied. See attached Conditions of Release Order.

The Government and Defense have agreed to conditions of release. See attached Conditions of Release Order.

Probable Cause for the violation of supervised release found, Defendant detained (released on conditions as outlined in the "Conditions of Release Order") pending final VOP hearing before _____.

Colloquy on defendant's financial qualifications for court-appointed counsel

Other –18 U.S.C. § 111(b) - Assault on a Federal Officer; 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder; 18 U.S.C. § 1752(a)(1), (2), and (4) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority and Engaging in Physical Violence; 40 U.S.C. § 5104(e)(2)(F) - Violent Entry and Disorderly Conduct on Capitol Grounds; 18 U.S.C. § 113(a)(4) and (5) - Assault.

Defendant advised that he would not qualify for the appointment of counsel. He is going to retain private counsel.

After a hearing probable cause was found by the Court.

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The United States is obligated, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and subsequent cases, to timely disclose information favorable to the defense as to criminal liability on the charged offense(s) or mitigation of any punishment that may be imposed. Such favorable information includes information that may cast doubt on the credibility of government witnesses. Possible consequences for violating this order include exclusion of evidence, dismissal of charges, contempt proceedings, disciplinary referral, and any other relief authorized by law.

BY:

/s/ HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE

***TIME IN COURT* 15 MINUTES**
(Form Revised June 2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BAIL STATUS AND ORDER

NO INTERPRETER NEEDED : DATE: 07/12/21
Date of Arrest: 07/07/21 : HEARING TYPE: PC/DET/IDENTITY
Trial Date: : ESR: CARL HAUGER
UNITED STATES OF AMERICA : AUSA: ANITA EVE
v. : Dist. Of Columbia No.: 1:21-mj-00500
: ED OF PA NO. 21-MJ-1126
ALAN WILLIAM BYERLY : ROSSMAN THOMPSON
: CJA Appointed
: Retained
: Defenders' Assn. Apptd.

After a hearing held this day pursuant to the Federal Rules of Criminal Procedure, or after a hearing pursuant to government's motion, the bail status as to the above-named defendant is as follows:

The Government's Motion for Temporary Detention is Granted. A detention, probable cause and identity hearing are scheduled for

The Defendant stipulated to identity pretrial detention and probable cause.

The Government's Motion for Pretrial Detention is Granted. The Defendant is detained pending further proceedings.

The Government's Motion for Pretrial Detention is Denied. See attached Conditions of Release Order.

The Government and Defense have agreed to conditions of release. See attached Conditions of Release Order.

Probable Cause for the violation of supervised release found, Defendant detained (released on conditions as outlined in the "Conditions of Release Order") pending final VOP hearing before _____.

Colloquy on defendant's financial qualifications for court-appointed counsel

Other –

After a hearing probable cause was found by the Court.

Plea: Not Guilty to All Count(s). Counsel have 14 days to file pretrial motions.

[] The United States is obligated, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and subsequent cases, to timely disclose information favorable to the defense as to criminal liability on the charged offense(s) or mitigation of any punishment that may be imposed. Such favorable information includes information that may cast doubt on the credibility of government witnesses. Possible consequences for violating this order include exclusion of evidence, dismissal of charges, contempt proceedings, disciplinary referral, and any other relief authorized by law.

BY:

/s/ HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE

***TIME IN COURT* 30 MINUTES**

(Form Revised June 2021)

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

EASTERN District of PENNA

United States of America

v.

ALAN WILLIAM BYERLY

Defendant

Case No. 21-MJ-1126

Charging District's Case No. 1:21-MJ-00500

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
(2) an identity hearing to determine whether I am the person named in the charges;
(3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
(4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise unless I am indicted to determine whether there is probable cause to believe that an offense has been committed;
(5) a hearing on any motion by the government for detention;
(6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- [X] an identity hearing and production of the warrant.
[X] a preliminary hearing.
[] a detention hearing.
[X] an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 07/12/21

/s/ Rossman D. Thompson, Jr., for /s/ Alan William Byerly

Defendant's signature

Rossman D. Thompson, Jr.

Signature of defendant's attorney

ROSSMAN THOMPSON

Printed name of defendant's attorney

CLOSED

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-01126-1**

Case title: USA v. BYERLY

Date Filed: 07/07/2021

Date Terminated: 07/13/2021

Assigned to: Unassigned

Defendant (1)

ALAN WILLIAM BYERLY
TERMINATED: 07/13/2021

represented by **ROSSMAN D. THOMPSON**
DEFENDER ASSOCIATION OF
PHILADELPHIA
SUITE 540 W, THE CURTIS CENTER
601 WALNUT STREET
PHILADELPHIA, PA 19106
215-928-1100
Fax: 215-861-3159
Email: ross_thompson@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18 U.S.C. § 111(b) - Assault on a Federal Officer; 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder; 18 U.S.C. § 1752(a)(1), (2), and (4) -

Disposition

Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority and Engaging in Physical Violence; 40 U.S.C. § 5104(e)(2)(F) - Violent Entry and Disorderly Conduct on Capitol Grounds; 18 U.S.C. § 113(a)(4) and (5) - Assault.

Plaintiff

USA

represented by **ANITA D. EVE**
 U.S. ATTORNEY'S OFFICE
 615 CHESTNUT ST.
 SUITE 1250
 PHILADELPHIA, PA 19106-4476
 215-861-8577
 Fax: 215-861-8618
 Email: anita.eve@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
07/07/2021		Arrest (Rule 40) of ALAN WILLIAM BYERLY (tomg,) (Entered: 07/07/2021)
07/07/2021	1	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN: Initial Appearance in Rule 5(c)(3) Proceedings as to ALAN WILLIAM BYERLY held on 7/7/2021. The Govt's motion for temporary detention is granted. A detention, probable cause and identity hearing are scheduled for Monday, 7/12/2021 at 1:30 p.m. - via video. Signed by United States Magistrate Judge Henry S. Perkin. Court Reporter: A. MITCHELL. (tomg,) (Entered: 07/07/2021)
07/09/2021	2	MOTION for PRETRIAL DETENTION by USA as to ALAN WILLIAM BYERLY. (EVE, ANITA) (Entered: 07/09/2021)
07/12/2021	3	AMENDED Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN Initial Appearance in Rule 5(c)(3) Proceedings as to ALAN WILLIAM BYERLY held on 07/07/21. Government's Motion for Temporary Detention is Granted. Detention Hearing set for July 12, 2021 at 1:30pm via video. Court Reporter Anne Marie Mitchell. (dt,) (Entered: 07/12/2021)
07/13/2021	4	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN. Probable Cause, Identity and Detention Hearing as to ALAN WILLIAM BYERLY held on 7/12/21. The Defendant Stipulated to Identity and Probable Cause. The Government's Motion for Pretrial Detention is Granted. The Defendant is detained pending further proceedings. Colloquy on defendant's financial qualifications for court-appointed counsel. Rossman Thompson, Appointed. Court Reporter ESR. (dt,) (Entered: 07/13/2021)
07/13/2021		***Attorney update in case as to ALAN WILLIAM BYERLY. Attorney ROSSMAN D. THOMPSON for ALAN WILLIAM BYERLY added. (dt,) (Entered: 07/13/2021)
07/13/2021	5	Waiver of Rule 5(c)(3) Hearings by ALAN WILLIAM BYERLY (DT) (Entered: 07/13/2021)

07/13/2021	<p>6 COMMITMENT TO ANOTHER DISTRICT OF 7/12/21 AS TO ALAN WILLIAM BYERLY THAT THE UNITED STATES MARSHAL MUST TRANSPORT THE DEFENDANT, TOGETHER WITH A COPY OF THIS ORDER, TO THE CHARGING DISTRICT AND DELIVER THE DEFENDANT TO THE UNITED STATES MARSHAL FOR THAT DISTRICT, OR TO ANOTHER OFFICER AUTHORIZED TO RECEIVE THE DEFENDANT. THE MARSHAL OR OFFICER IN THE CHARGING DISTRICT SHOULD IMMEDIATELY NOTIFY THE UNITED STATES ATTORNEY AND THE CLERK OF COURT FOR THAT DISTRICT OF THE DEFENDANT'S ARRIVAL SO THAT FURTHER PROCEEDINGS MAY BE PROMPTLY SCHEDULED. THE CLERK OF THIS DISTRICT MUST PROMPTLY TRANSMIT THE PAPERS AND ANY BAIL TO THE CHARGING DISTRICT. DEFENDANT COMMITTED TO THE DISTRICT OF COLUMBIA. SIGNED BY MAGISTRATE JUDGE: HENRY S. PERKIN ON 7/12/21. 7/13/21 ENTERED AND COPIES E-MAILED. (DT) (Entered: 07/13/2021)</p>
07/26/2021	<p>7 TRANSCRIPT OF PROBABLE CAUSE/DETENTION HEARING held on 7/12/2021, before Judge HENRY S. PERKIN. Court Reporter: ESR. Transcribed by: FOOTHILL TRANSCRIPTION COMPANY, INC. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/16/2021. Redacted Transcript Deadline set for 8/26/2021. Release of Transcript Restriction set for 10/25/2021. (tomg,) (Entered: 07/26/2021)</p>
07/26/2021	<p>8 Notice of Filing of Official Transcript with Certificate of Service re 7 Transcript - PDF,, 7/26/2021 Entered and Copies Emailed. (tomg,) (Entered: 07/26/2021)</p>
07/26/2021	<p>***TRANSFERRED CASE as to ALAN WILLIAM BYERLY to the District of Columbia. (ap,) (Entered: 07/26/2021)</p>