

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Andrew Michael Cavanaugh
(AKA: Andrew Cavanaugh)

Case: 1:21-mj-00306
Assigned To : Faruqui, Zia M.
Assign. Date : 3/15/2021
Description: Complaint w/ Arrest Warrant

Defendant

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) Andrew Michael Cavanaugh,
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. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 03/15/2021


Zia M. Faruqui
2021.03.15 16:41:13
-04'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 03/15/2021, and the person was arrested on (date) 03/16/2021
at (city and state) BOZEMAN, MONTANA.

Date: 03/16/2021


Arresting officer's signature

MATTHEW J. DEURMEIER, SPECIAL AGENT

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Andrew Michael Cavanaugh
(AKA: Andrew Cavanaugh)
OB: 11/01/1984

) Case: 1:21-mj-00306
) Assigned To : Faruqui, Zia M.
) Assign. Date : 3/15/2021
) Description: Complaint w/ Arrest Warrant
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ in the District of Columbia, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds
Without Lawful Authority,
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.




Complainant's signature

Special Agent Matthew J. Deurmeier, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 03/15/2021



 Zia M. Faruqui
2021.03.15 16:42:23
-04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

Case: 1:21-mj-00306

Assigned To : Faruqi, Zia M.

Assign. Date : 3/15/2021

Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Matthew J. Deurmeier, is a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Bozeman Resident Agency in Bozeman, Montana. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 17, 2021, ProPublica, a self-proclaimed non-profit news organization, posted an article online titled "What Parler Saw During the Attack on the Capitol" at <https://projects.propublica.org/parler-capitol-videos/>. The website contained multiple videos obtained from the social media application Parler that were posted by users in and around the U.S. Capitol on January 6, 2021. Those videos were categorized by location and time. As a result of the videos posted on that website, law enforcement obtained investigative leads regarding a white male in one of the videos wearing a camouflage-colored baseball cap that read "Tactical Citizen."

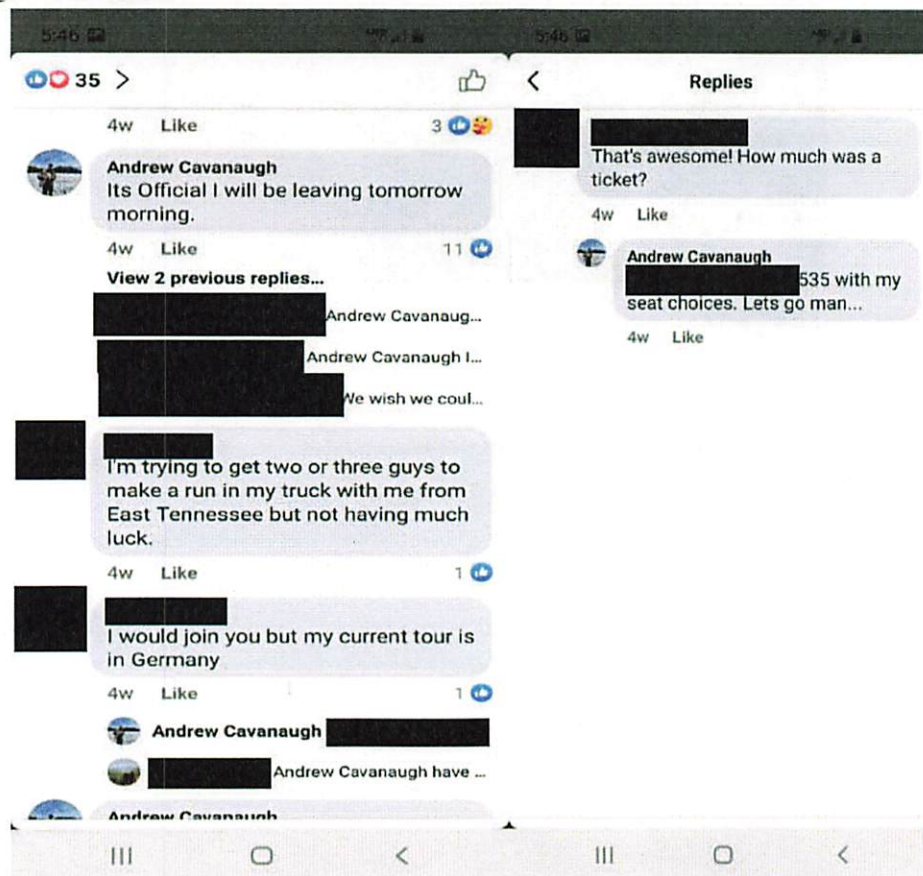
Due to the unique name on the baseball cap, open source searches revealed that "Tactical Citizen" appears to be a company based in Belgrade, Montana. According to the company's social media accounts, the company was founded and owned by Andrew Cavanaugh. The company's Instagram account features images of a white male, wearing a hat similar to the one in the ProPublica video, identified himself as "Andrew" and stated he was at the Tactical Citizen headquarters in Belgrade.

After receiving the investigative lead regarding the individual wearing the Tactical Citizen baseball cap, your affiant reviewed the Parler video in which it was alleged Cavanaugh appeared and observed that the person taking the video from their mobile device was walking in the direction of the Small House Rotunda on the first floor of the U.S Capitol. As the person is walking, he pans across the people in front of him while yelling loudly "Where are the fucking traitors at? Drag them out by their fucking hair!" As he speaks, the white male wearing the Tactical Citizen baseball cap, replies off camera, "Yeah!" The individual in the Tactical Citizen hat is also wearing a dark-colored hooded sweatshirt with white printing on the front, a black leather jacket, and is holding a bottle of water and a cell phone. A screen capture of the Parler video showing the individual in the Tactical Citizen hat is below:

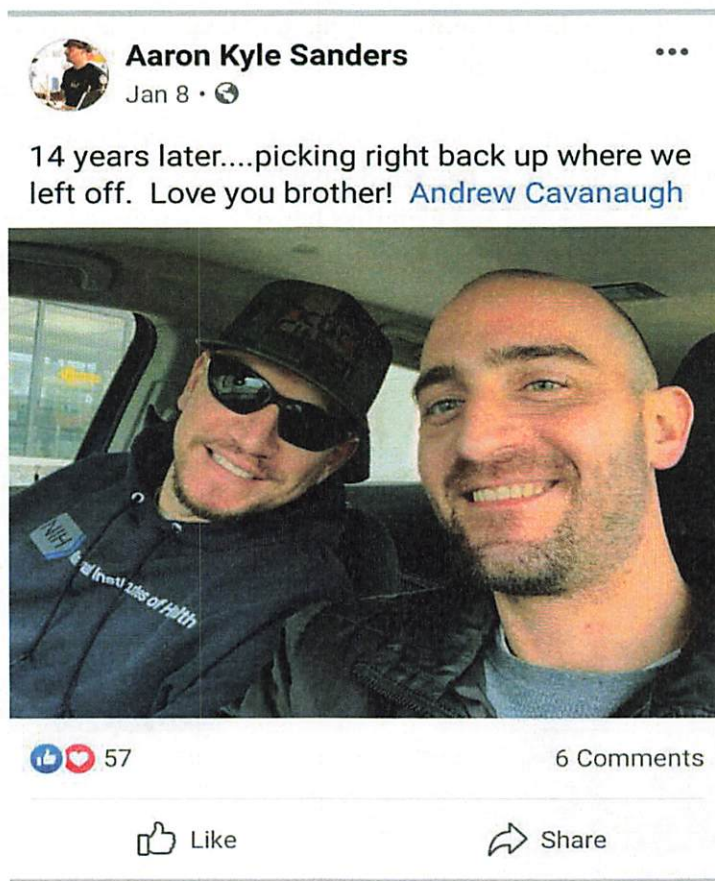


Your affiant conducted database queries for Cavanaugh to include obtaining a copy of his Montana driver's license photograph. The photograph bears a strong resemblance to the individual with the Tactical Citizen hat in the video. Those queries further revealed that Cavanaugh resides at an address in Bozeman, Montana, and that a 2015 white Toyota Tundra, Montana plate XXXXXX, registered to him. On February 4, 2021, your affiant drove by the listed residence at approximately 7:35 a.m. MST. I observed the white Toyota Tundra with Montana plate XXXXXX parked in the driveway. On the afternoon of February 5, 2021, your affiant drove by the business address for Tactical Citizen, which is located in Belgrade, Montana. Your affiant observed the same white Toyota Tundra parked in front of the building. On the back window of the vehicle was a large decal for Tactical Citizen.

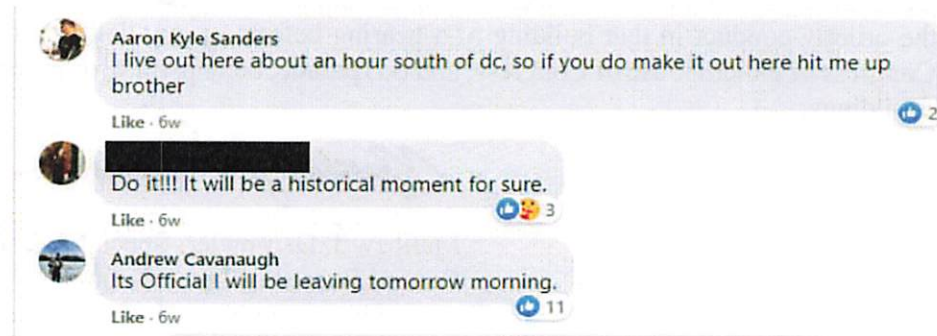
Your affiant identified Cavanaugh's Facebook account through a general internet search and observed that the account was open to the public. A review of his account history revealed that Cavanaugh lives in Bozeman and identifies himself as the Founder and Managing Director at Tactical Citizen since November 2019. On January 3, 2021, a post to that account stated "Anyone going to Washington DC on Jan 6th? Does anyone want to go? I am heavily considering buying a plane ticket right now." In replies to that comment, Cavanaugh stated: "Its Official I will be leaving tomorrow morning" and that he had purchased plane tickets. Screen captures of those messages are below:



A review of Cavanaugh's Facebook account further revealed that Cavanaugh was "tagged" in a photograph posted by Aaron Kyle Sanders on January 8. The photograph shows Cavanaugh and the person believed to be Sanders in the same vehicle. Cavanaugh is wearing the Tactical Citizen baseball cap and a dark blue-hooded sweatshirt with a logo in white letters on the front for the National Institutes of Health. The background of the photograph, outside of the vehicle, appears to be an entrance to an airport. A screen capture of Sanders's post is below:



Your affiant observed that Sanders had previously replied to Cavanaugh's Facebook post about traveling to Washington DC stating that Sanders lived in Fredericksburg, Virginia and asked him to contact him when Cavanaugh was in the area. A screen capture of that exchange is below:



One of the individuals who contacted the FBI intake line, identified as Reporting Party 1 (RP1), reported viewing several Facebook Live videos on Cavanaugh's Facebook account on January 6, 2021. Those videos were deleted that day. However, before they were deleted, RP1 stated that one video appeared to show the crowd at the rally in the vicinity of the Washington Monument. According to RP1, a second video appeared to show a crowd in the vicinity of the National Museum of African American History. I am aware that Facebook Live is a feature on the Facebook application that uses the camera on a user's mobile device to broadcast videos in real time.

Your affiant reviewed surveillance footage of the Bozeman Yellowstone International Airport provided by the Gallatin Airport Authority. That footage identified what appeared to be Cavanaugh exiting the jetway from United Flight 671 from Denver, Colorado arriving in Bozeman on January 9, 2021 at approximately 1:56 p.m. In the footage, Cavanaugh appears to be wearing the Tactical Citizen cap and the same hooded sweatshirt from the photograph with Sanders posted the previous day.

Based on the foregoing, your affiant submits that there is probable cause to believe that ANDREW MICHAEL CAVANAUGH violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that ANDREW MICHAEL CAVANAUGH violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Matthew J. Deurmeier, Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15th day of March 2021.



Zia M. Faruqui
2021.03.15 16:41:40
04'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Andrew Michael Cavanaugh
(AKA: Andrew Cavanaugh)

Case: 1:21-mj-00306

Assigned To : Faruqui, Zia M.

Assign. Date : 3/15/2021

Description: Complaint w/ Arrest Warrant

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

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who is accused of an offense or violation based on the following document filed with the court:

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Date: 03/15/2021

Zia M. Faruqui

2021.03.15 16:41:13

-04'00'

*Issuing officer's signature*City and state: Washington, D.C.Zia M. Faruqui, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

Andrew Michael Cavanaugh
(AKA: Andrew Cavanaugh)

Defendant

Case No. MJ-21-38-M-KLD

Charging District's Case No. 1:12-mj-00306

**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)* District of Columbia

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 to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

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

Date: 03/16/2021

Defendant's signature

Signature of defendant's attorney

Andrew J. Nelson
Printed name of defendant's attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW MICHAEL
CAVANAUGH,

Defendant.

MJ 21-38-M-KLD

**ORDER APPOINTING COUNSEL:
FEDERAL DEFENDERS OF
MONTANA**

Andrew J. Nelson

Upon consideration of the completed CJA 23 Form submitted by the above-named Defendant, and having determined that the Defendant is financially unable to obtain counsel;


IT IS HEREBY ORDERED that ANDREW J. NELSON and the FEDERAL DEFENDERS OF MONTANA, INC., be appointed to represent the Defendant at every stage of the proceedings from initial appearance through appeal, including ancillary matters appropriate to the proceedings.

IT IS FURTHER ORDERED that the Defendant shall pay the sum of 0 DOLLARS (\$) per month to the Clerk of Court for defense costs in this matter, pursuant to 18 U.S.C. § 3006A(f). The first payment

of \$_____ shall be made on or before _____, and each subsequent payment shall be made on or before the _____ day of each month, during the pendency of this case. If, during the pendency of this matter, the Defendant's financial condition changes, the Defendant may petition the Court for a reduction in the defense costs in this matter.

Also pursuant to 18 U.S.C. § 3006, if investigation reveals that the Defendant owns or has control over assets not disclosed herein, the Defendant will be required to reimburse the United States for all or part of the defense costs expended in his behalf.

DONE and DATED this 16th day of March, 2021.


KATHLEEN L. DESOTO
United States Magistrate Judge

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the
District of MontanaUnited States of America
v.
Andrew Michael Cavanaugh
(AKA: Andrew Cavanaugh)*Defendant*

Case No. MJ-21-38-M-KLD

Charging District: District of Columbia

Charging District's Case No. 1:12-mj-00306

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: U.S. District Court
333 Constitution Avenue N.W.
Washington, D.C. 20001

Courtroom No.: Judge Faruqui (Def. by zoom)

Date and Time: 3/19/2021 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 03/16/2021

*Judge's signature*

Kathleen L. DeSoto, U.S. Magistrate Judge

Printed name and title

United States District Court
DISTRICT OF MONTANA

FILED
MAR 18 2021
Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA
V.

**ORDER SETTING
CONDITIONS OF RELEASE**

Andrew Michael Cavanaugh

Case No.: MJ 21-38-M-KLD

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) Defendant must not commit any offense in violation of federal, state, local or tribal law while on release in this case.
- (2) Defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C § 14135a
- (3) Defendant must advise the court or the pretrial services officer in writing before making any change of residence or telephone number.
- (4) Defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must next appear at

PLACE

on

DATE AND TIME

- (5) Defendant must sign an Appearance Bond, if ordered.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- (1) [a] Defendant must submit to **supervision** by, and report to, the Pretrial Services Officer, no later than immediately following today's court proceedings and thereafter at such times and in such manner as designated by the Officer.
- (2) [d] Defendant must surrender to the Pretrial Services Officer any **passport and/or passport card** or other international travel document.
- (3) [e] Defendant must not obtain a **passport, passport card**, or other international travel document.
- (4) [f] Except upon prior approval by the Pretrial Services Officer, the Defendant's **travel** is restricted to the District of Montana and to Washington DC for court purposes only.
- (5) [g] Defendant shall not have contact with or harass, threaten, intimidate, tamper with, improperly influence, or injure the person or property of **witnesses, coconspirators, jurors, informants, victims** of crime, judicial officers, or other persons related to official proceedings before the Court, in violation of 18 U.S.C. § 1503, 1512, and 1513.
- (6) [k] Defendant must not possess a **firearm**, destructive device, or other weapon; *except on business premises for lawful purposes. ASW*
- (7) [l] Defendant must not (X) use **alcohol** or () not use **alcohol** to excess.
- (8) [m] Defendant must not use or unlawfully possess a narcotic drug or other **controlled substances** defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (9) [n] Defendant must submit to substance abuse **testing** to include not more than 180 urinalysis tests, not more than 180 breathalyzer tests, and not more than 36 sweat patch applications annually if required by the Pretrial Services Officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and any form of prohibited substance screening or testing. Defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing. Defendant shall pay all costs associated with the program, unless the Pretrial Services Officer determines Defendant is financially unable to pay.
- (10) [o] Defendant must participate in a program of inpatient or outpatient **substance abuse and mental health evaluation**, therapy and counseling if directed by the Pretrial Services Officer.
- (11) Defendant must maintain contact with their attorney.
- (12) Defendant must adhere to and comply with all federal, state, and local laws, orders, rules, and the like regarding social distancing and self-isolation and any protocols regarding COVID-19 including, but not limited to, Montana's Reopening Plan and the orders of the Court.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence will be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you will be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender must be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



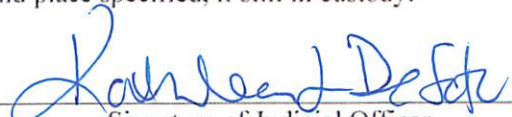
Signature of Defendant

City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
- (☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant must be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 3/16/21



Signature of Judicial Officer
Kathleen L. DeSoto, U.S. Magistrate
Judge

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
For The District of Montana

Tyler P. Gilman
Clerk of Court



Beth Conley
Chief Deputy Clerk

March 18, 2021

Clerk, U.S. District Court
District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
1:21-mj-00306

Re: Case Number: 1:21-mj-00306

District of Montana Case Number, MJ-21-38-M-KLD US v. Andrew Cavanaugh

Dear Sir/Madam:

The above entitled case has been transferred back to your district. Andrew Cavanaugh appeared in our district on March 16, 2021, waived identity and was ordered released. Andrew Cavanaugh was ordered to report to the District of Columbia via Zoom on March 19, 2021 at 1:00 pm.

You may access electronically filed documents in this case via ECF/PACER web address:
<http://ecf.mtd.uscourts.gov>.

Sincerely,

/s/ Kelsey Lapsys
Deputy Clerk,
Missoula Division

U.S. District Court
District of Montana (Missoula)
CRIMINAL DOCKET FOR CASE #: 9:21-mj-00038-KLD-1

Case title: USA v. Cavanaugh

Date Filed: 03/16/2021

Date Terminated: 03/18/2021

Assigned to: Magistrate Judge Kathleen L.
DeSoto

Defendant (1)

Andrew Michael Cavanaugh
TERMINATED: 03/18/2021

represented by **Andrew J. Nelson**
FEDERAL DEFENDERS OF MONTANA
- MISSOULA
125 Bank Street, Suite 710
Missoula, MT 59802-4424
406-721-6749
Fax: 406-721-7751
Email: andy_nelson@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

40 U.S.C. § 5104(e)(2) - Violent Entry and
Disorderly Conduct on Capitol Grounds.,18
U.S.C. § 1752(a)(1) - Knowingly Entering or
Remaining in any Restricted Building or
Grounds Without Lawful Authority

Disposition

Plaintiff

USA

represented by **Ryan G. Weldon**

U.S. ATTORNEY'S OFFICE - MISSOULA
 105 E. Pine, 2nd Fl.
 PO Box 8329
 Missoula, MT 59807
 406-542-8851
 Fax: 406-542-1476
 Email: Ryan.Weldon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
03/16/2021	1	Rule 5 Documents Received for Defendant From Another District Arrested in Montana as to Andrew Michael Cavanaugh (KJL) (Entered: 03/16/2021)
03/16/2021		Arrest (Rule 5) of Andrew Michael Cavanaugh (KJL) (Entered: 03/16/2021)
03/16/2021		Set/Reset Hearings as to Andrew Michael Cavanaugh Initial Appearance - Rule 40 set for 3/16/2021 at 02:00 PM in Missoula, MT before Magistrate Judge Kathleen L. DeSoto. (KJL) (Entered: 03/16/2021)
03/16/2021	2	MINUTE ENTRY for proceedings held before Magistrate Judge Kathleen L. DeSoto: Initial Appearance in Rule 5(c)(3) Proceedings as to Andrew Michael Cavanaugh held on 3/16/2021 AUSA Ryan Weldon appeared for the govt, FD Andy Nelson appeared w/ in custody defendant; Complaint/Warrant filed out of DC w/ defendant having reviewed it w/ his attorney and understanding the same; Advised of rights; Defendant released with conditions to appear in DC on 3/19/21 via Zoom; Parties advised of DPPA. Hearing commenced at 2:01 and concluded at 2:17 (Court Reporter FTR Gold) (USPO: M. Henkel), (Hearing held in Missoula) (KJL) (Entered: 03/16/2021)
03/16/2021	3	TEXT ORDER - Under federal law, including Rule 5(f) of the Federal Rules of Criminal Procedure, Brady v. Maryland, 373 U.S. 83 (1963), and all applicable decisions interpreting Brady, the government has a continuing obligation to produce all information or evidence known to the government that is relevant to the guilt or punishment of a defendant, including, but not limited to, exculpatory evidence. Accordingly, the Court Orders the government to produce to the defendant in a timely manner all information or evidence known to the government that is either: (1) relevant to the defendants guilt or punishment; or (2) favorable to the defendant on the issue of guilt or punishment. This Order is entered under Rule 5(f) and does not relieve any party in this matter of any other discovery obligation. The consequences for violating either this Order or the governments obligations under Brady include, but are not limited to, the following: contempt, sanction, referral to a disciplinary authority, adverse jury instruction, exclusion of evidence, and dismissal of charges. Signed by Magistrate Judge Kathleen L. DeSoto on 3/16/2021. (KJL) (Entered: 03/16/2021)
03/16/2021	4	CJA 23 Financial Affidavit by Andrew Michael Cavanaugh (KJL) (Entered: 03/16/2021)
03/16/2021	6	WAIVER of Rule 5(c)(3) Hearing by Andrew Michael Cavanaugh (KJL) (Entered: 03/16/2021)
03/17/2021	7	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Andrew Michael Cavanaugh, Reimbursement information: Defendant is not required to reimburse the Court.. Signed by Magistrate Judge Kathleen L. DeSoto on 3/17/2021. (KJL) (Entered: 03/17/2021)
03/17/2021	8	ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE

		CHARGES ARE PENDING AND TRANSFERRING BAIL as to Andrew Michael Cavanaugh. Signed by Magistrate Judge Kathleen L. DeSoto on 3/16/2021. (KJL) (Entered: 03/17/2021)
03/17/2021	9	ORDER Setting Conditions of Release as to Andrew Michael Cavanaugh. Signed by Magistrate Judge Kathleen L. DeSoto on 3/16/2021. (KJL) (Entered: 03/17/2021)
03/18/2021	10	Transfer Letter sent to District of Columbia as to Andrew Michael Cavanaugh (KJL) (Entered: 03/18/2021)

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