

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA** :  
 :  
 v. : **CASE NO. 21-CR-83 (TNM)**  
 :  
 **BRANDON FELLOWS,** :  
 **Defendant.** :

**MOTION FOR COURT TO TAKE JUDICIAL NOTICE  
UNDER FED. R. EVID. 201**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves this Court to take judicial notice of the attached exhibits under Fed. R. Evid. 201(b) and (c)(2). In support thereof, the government states the following:

**BACKGROUND**

On June 14, 2021, Pretrial Services Agency (PSA) filed a Petition for Warrant, requesting that a warrant be issued for the defendant Brandon Fellows (ECF Doc.29). Two prior Violation Petitions had been filed (ECF Doc. 23, 26), and hearings held on May 6 and June 4, 2021 pursuant to the government’s Motions to Revoke (ECF Doc. 24, 27). Defendant was allowed to remain free, with added conditions of home confinement and mental health evaluation and treatment. With the third violation, a warrant was requested, alleging defendant was a danger to the community (ECF Doc. 29, Petition for Warrant). The government filed a Third Motion to Revoke on June 14, 2021 (ECF Doc. 30). This Court then issued a warrant June 15, 2021 and supplemented as a “no bond” warrant on June 16, 2021 by minute entry.

At his initial appearance on the warrant in the Northern District of New York on June 15, 2021, the government made a motion to detain the defendant without bond pending the revocation hearing (NDNY, case no. 21-mj-314, Text Min. Entry 6/15/21)(hereinafter “NDNY”).

The presiding magistrate judge held a detention hearing on June 16, 2021, after which he directed the parties to brief the appropriateness of holding a detention hearing in the Northern District of New York (NDNY, Text Min. Entry 6/16/21). Both parties responded (NDNY, Doc. 3, Letter Brief from USA; Doc. 4, Letter from defense counsel in reply to Doc. 3; Doc. 5., USA Letter in reply; Doc. 6, Letter and Supporting USPO Exhibits filed by USA). On June 23, 2021 the magistrate filed a written Order detaining the defendant, and ordered him to be transported to Washington, D.C. for further proceedings. (NDNY, Doc. 7, Commitment to Another District; Doc. 8, Decision and Order). A revocation hearing is currently scheduled in this Court for July 14, 2021.

The attached Document 6 and its supporting attachments, 6-1, were submitted by the United States of America to the magistrate in the NDNY. The attachments were redacted versions of United States Probation Office submissions made directly to the Court. The Government intends to introduce these documents at the revocation hearing. Counsel for the defendant has been consulted and does not object to the request for the Court to take judicial notice of these exhibits.

### **ARGUMENT**

Fed. R. Evid. 201 states:

**(b) Kinds of Facts That May Be Judicially Noticed** – The court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court’s territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

The Rule goes on to state the court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). This motion is such a request, and the necessary information is being supplied to the Court herein.

The associated attachments are screen shots, texts messages and e-mail exchanges between, or provided by, the Defendant and his assigned pre-trial services officer, Kendra Rennie, from the United States Probation Office in the Northern District of New York. The attached document and associated attachments were filed by the United States Attorney’s Office for the Northern District of New York at the Court’s request to assist the magistrate in determining the defendant’s status of release or detention, pursuant to a warrant issued by this Court.

Although the detention was held in another jurisdiction, it is the same defendant and subject matter this is before this Court. The documents are from a source “whose accuracy cannot reasonably be questioned.” This Court has the authority to take judicial notice or related proceedings in other courts. *Dupree v. Jefferson*, 666 F.2d 606, 608, n.1 (D.C. Cir. 1981), cited in *Luke v. United States*, 2014 WL 211305, at \*1 (D.C. Cir. Jan. 13,2014); See also, *United States v. Edmond*, 2021 WL 706534, at \*4, n. 2 (D.D.C, Feb. 23, 2021).

**CONCLUSION**

WHEREFORE, the Government moves this Court to take judicial notice of the attached document and its associated attachments as their source cannot be reasonably questioned.

Respectfully submitted,

CHANNING D. PHILLIPS  
Acting United States Attorney

By: /s/ Mona Lee M. Furst

MONA LEE M. FURST  
Assistant United States Attorney  
Detailee – Federal Major Crimes  
Kansas Bar No. 13162  
United States Attorney’s Office  
1200 Epic Center, Suite 1200  
Wichita, Kansas 67202  
Mobile No. (316) 213-7420  
Email: [Mona.Furst@usdoj.gov](mailto:Mona.Furst@usdoj.gov)

**CERTIFICATE OF SERVICE**

On the 29th day of June, 2021, a copy of the foregoing was served on counsel of record for the defendant via e-mail.

/s/Mona Lee M. Furst  
Mona Lee M. Furst  
Assistant United States Attorney



United States Department of Justice

United States Attorney  
Northern District of New York

445 Broadway, Room 218  
James T. Foley U.S. Courthouse  
Albany, New York 12207-2924

Tel.: (518) 431-0247  
Fax: (518) 431-0249

June 19, 2021

By ECF

Hon. Daniel J. Stewart  
U.S. Magistrate Judge  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, New York 12207

**RE: *United States v. Brandon Fellows*, No. 21-MJ-314(DJS) (N.D.N.Y.)**

Dear Judge Stewart:

Pursuant to instructions received from Your Honor's chambers, the government respectfully encloses for the public docket redacted versions of the documents sent to Your Honor by the U.S. Probation Office on June 16, 2021 concerning the defendant's contacts with that office on June 14, 2021. *See* Dkt. # 3 at n.2. The redacted information falls under Local Criminal Rule 49.1(a).

Respectfully submitted,

ANTOINETTE T. BACON  
Acting United States Attorney

By:

A handwritten signature in blue ink, appearing to read "Joshua R. Rosenthal".

Joshua R. Rosenthal  
Assistant United States Attorney  
Bar Roll No. 700730

encl.

cc: Timothy Austin, Esq. (defense counsel) (by ECF)  
Supervisory U.S.P.O. Jeannine Kiebart (by Email)  
Senior U.S.P.O. Kendra Rennie (by Email)  
AUSA Mona Lee M. Furst (by Email)

6/19/21

#1

2:23

LT



+1 (518) [REDACTED]

Monday 8:44 AM

Please read your email and send me a schedule. You need to be clear in your request. I will be out of the office tomorrow so you need to get this to me in the next hour or so I can put it in

Did you pay for the brace

Deliv

Monday 6:37 PM

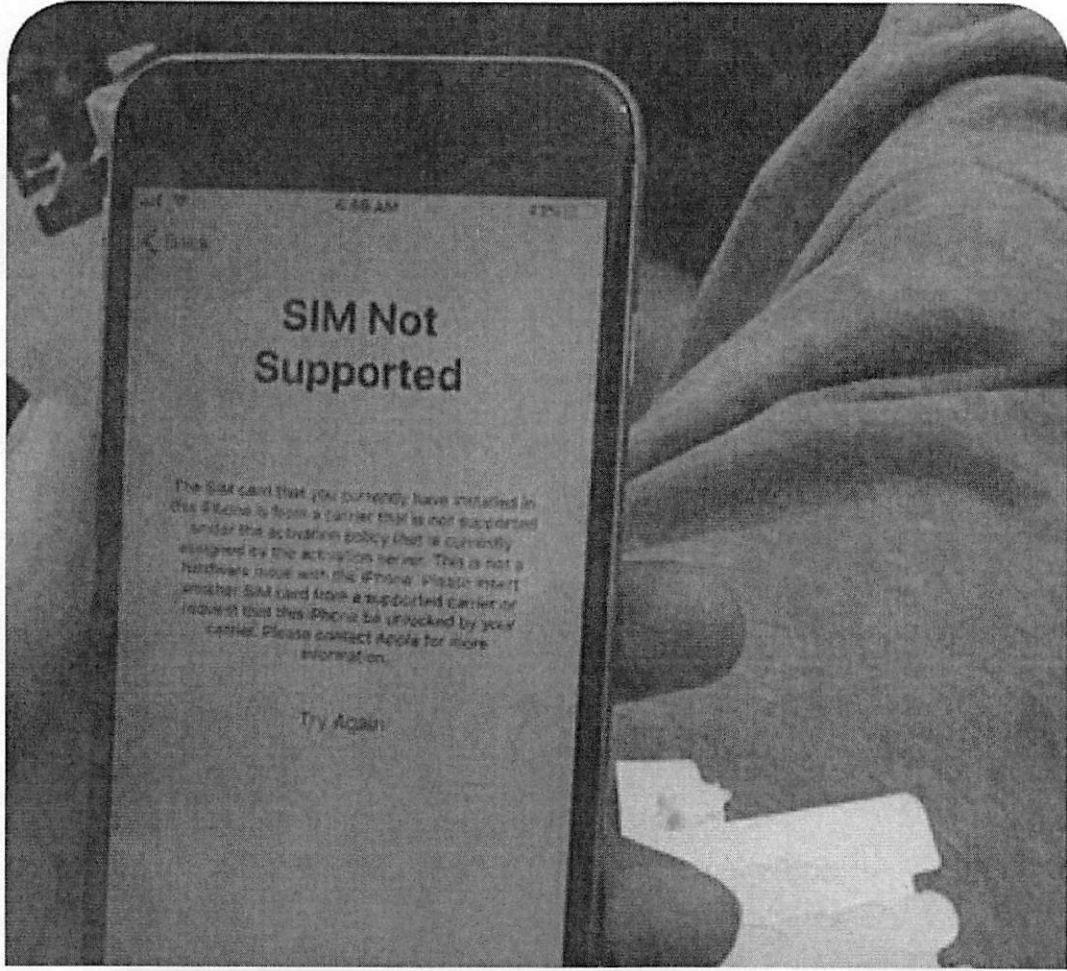
6/14/21  
#7a

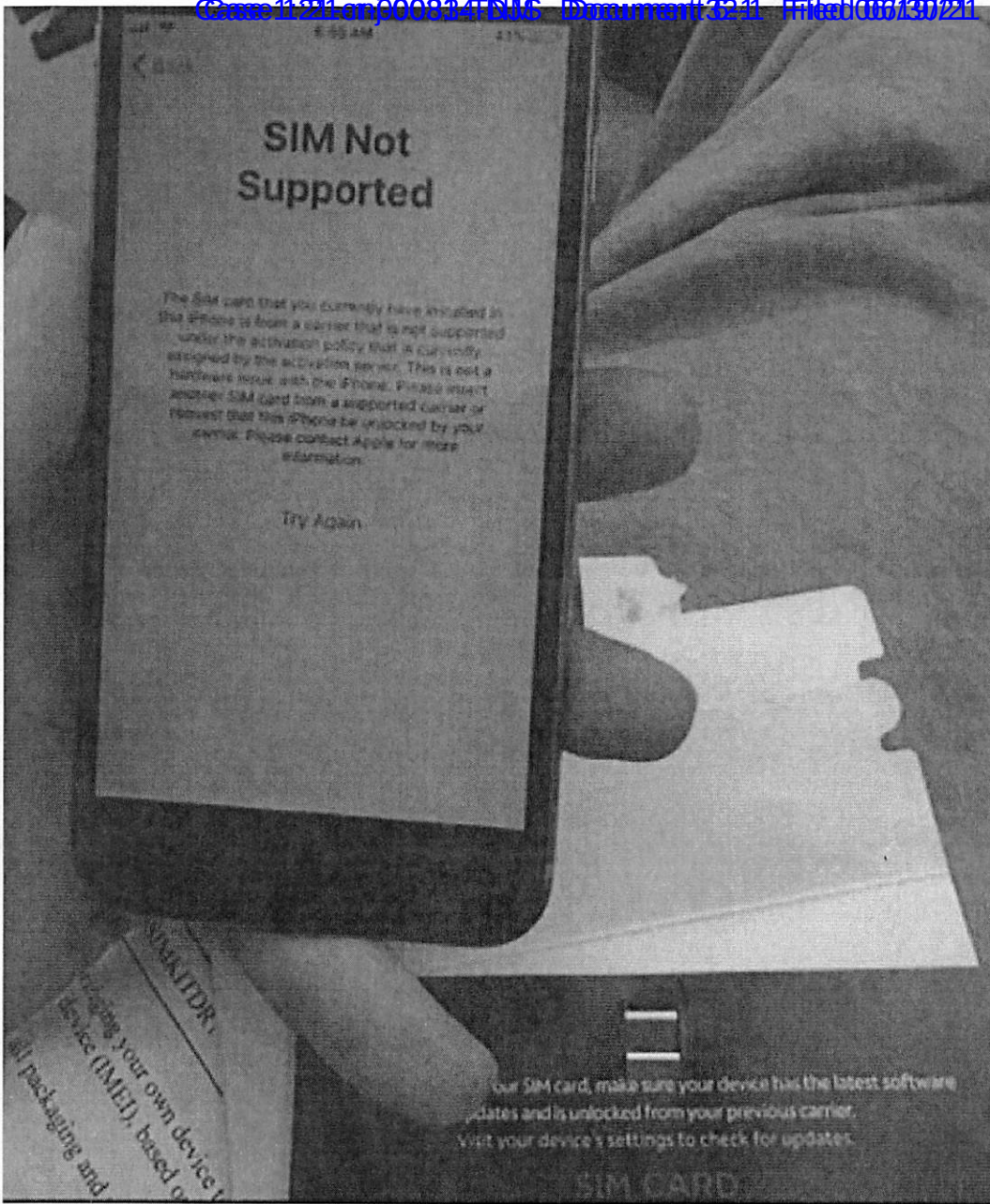
Please read your email and send me a schedule. You need to be clear in your request. I will be out of the office tomorrow so you need to get this to me in the next hour or so so I can put it in

Did you pay for the bracelet

Delivered

Monday 6:37 PM





6/14/21

#2

6:37 PM

10 am to help with the door. Have to go to Albany either before or after I help you out.

I'll see you soon!

That's fine. See you then.

Today 11:53 AM

Hello Howie, could I please have the address for when I finish up here?

Defendant's conversation regarding employment verification

you by 1pm 🤗

Delivered

Thanks

6/14/21

#3

6:37 PM

**radaris** comprehensive search

LOGIN

Kendra Rennie

# One person named Kendra Rennie living in the US

Kendra [REDACTED] 47

Resides in [REDACTED] NY

Known as  
**Kendra Rennie**

Lived in  
[REDACTED] MA 01240 📞 (413) [REDACTED] - Albany,  
NY • Clifton Park, NY • Halfmoon, NY ...

Full Profile

We found 1 people in 2 states named Kendra Rennie living in the US. The state with the most residents by this name is Massachusetts, followed by New York. Public records for Kendra

The office back at it again I see... my SIM card was not letting me access your

letting me access your number... I remembered your last phone you messaged me from had a 4 on it at the beginning. I have a new phone being delivered tomorrow from spectrum. I googled your number since you are typically out of the office and don't typically pick up your office number. I on the first source found your name with a number that began with a 4... I called it and someone else answered but said she knew you and could take a message... I was weirded out and said I'll try again later, thank you.

6/14/21

#4

6:37  
pm

If a person wanted to commit crimes it would be pretty stupid to call on the same phone, location, and without

answered but said she knew you and could take a message... I was weirded out and said I'll try again later, thank you.

6/14/21

6:37  
PM

#5

If a person wanted to commit crimes it would be pretty stupid to call on the same phone, location, and without caller I'd while being tracked and not able to leave the house. I tried calling you and someone else answered... it's not my fault google has your number listed as someone elses.

+1 (518) [REDACTED]

Albany, NY



message



call



video



mail



pay

June 14, 2021

12:36 PM **Outgoing Call**  
4 minutes

POs call  
to  
defendant

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Share My Location

**Kendra Rennie**

---

**From:** Brandon Fellows <[REDACTED]@gmail.com>  
**Sent:** \* Monday, June 14, 2021 1:09 PM \*  
**To:** Kendra Rennie  
**Subject:** Re: I've called 2 separate days for you

**CAUTION - EXTERNAL:**

Also, a noise complaint was filed on Saturday. I said hello to an officer who asked if I was blaring music. I explained "probably not" and he said "okay just checking" and left.

On Mon, Jun 14, 2021 at 12:58 PM Brandon Fellows <[REDACTED]@gmail.com> wrote:



address for restituion

Inbox



**Dawn Gagne** 12:39 PM



to me ▾

Mr. Fellows:

To make your \$95 restitution payment please send a cashier's check or money order, payable to BI Inc.,

to:

BI Inc

Bank of America Lockbox Services

Lockbox [REDACTED]

\* To answer your other question The lady finally called me back, she said there's no way to pay online... this is what she sent me.

On Mon, Jun 14, 2021 at 12:26 PM Brandon Fellows <[REDACTED]@gmail.com> wrote:  
[REDACTED] renselear. Leaving shortly.

On Mon, Jun 14, 2021 at 8:43 AM Kendra Rennie <Kendra\_Rennie@nynp.uscourts.gov> wrote:

Please see my other email and send me another schedule

Kendra Rennie

Senior United States Probation Officer

James T. Foley Federal Courthouse

445 Broadway, Room 347

Albany, NY 12207

\* (518) 257-1737 \*

(518) 257-1701 fax

**From:** Brandon Fellows <[REDACTED]@gmail.com>

**Sent:** Monday, June 14, 2021 1:37 AM

**To:** Kendra Rennie <Kendra\_Rennie@nynp.uscourts.gov>

**Subject:** Re: I've called 2 separate days for you

**CAUTION - EXTERNAL:**

Do to thumnderstorms I would prefer to switch my 4 hours of marketing on Albany street to Tuesday, and choose for the masonry job on 5 wing road to be completed on Wednesday.

I also almost forgot I have a [REDACTED] at 11am tomorrow in albany. Afterwards I will be going to the previous address I sent you in East Greenbush for a quick job.

Friday I will be heading to [REDACTED] niskayuna ny for a potential cap install and gas stove installation estimate. It could take up to 6 hours as I will be attempting to upsell something on sight,

I may also need to go to Lindamenn chimney supply co in the event I do not have something the customer needs. Lindamenn is located in the industrial park in guilderland.

On Sat, Jun 12, 2021 at 12:27 PM Brandon Fellows <[REDACTED]@gmail.com> wrote:

Okay, that sounds good to me 🍷

On Sat, Jun 12, 2021 at 9:54 AM Kendra Rennie <Kendra\_Rennie@nynp.uscourts.gov> wrote:

OK but I'm not allowing you to go door to door for eight hours. you can fit pick a four hour block.

Sent from my iPhone

On Jun 12, 2021, at 6:06 AM, Brandon Fellows <[REDACTED]@gmail.com> wrote:

**CAUTION - EXTERNAL:**

My phone sim card randomly is not working... I will not be able to call in today. I will have Joe come by later today and use his phone to figure out the issue... I can not call customer support without my phone working.

Also,

Monday I will need to go to troy again for a quick job, will send address when phone works again.

I also will want to walk up albany street up until old State Farm road to do some marketing from my house to old State Farm road allowed out from 8am until 8pm.

SUSPO Kiebart's call to  
defendant on his cell phone



Details

Line: Jeanine Kiebart x1736

Unknown

91518 [REDACTED]



Placed

0:29

2:24 PM

Exit

Call

Delete

6/14/21  
PO's  
Mother's  
phone

1-518 [REDACTED]  
2:30 PM Jun. 14  
ERASE EDIT SAVE

SP-PHONE  
[Speakerphone icon]

CALL WAIT/  
FLASH

[Phone handset icon]  
TALK

OFF

&'(

ABC

DEF