

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

Clayton Ray Mullins

Defendant

) Case: 1:21-mj-00233
) Assigned to: Judge Meriweather, Robin M
) Assign Date: 2/13/2021
) 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) Clayton Ray Mullins,
 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(a)(1) - Assaulting, Resisting, or Impeding Certain Officers;
 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
 18 U.S.C. § 1752(a)(4) - Engaging in Physical Violence in a Restricted Building or Grounds;
 40 U.S.C. § 5104(e)(2)(F) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 02/13/2021

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

Return

This warrant was received on (date) 2/15/21, and the person was arrested on (date) 2/23/21
 at (city and state) Mayfield, KY.

Date: 2/23/21

 Arresting officer's signature
SA CHRISTOPHER M. CANTRELL
 Printed name and title

MIME-Version:1.0
From:kywd-ecf-notice@kywd.uscourts.gov
To:kywd-ecf-notice@kywd.uscourts.gov
Bcc:
--Case Participants: Seth A. Hancock (USA) (caseview.ecf@usdoj.gov,
seth.hancock@usdoj.gov, tammie.dodds@usdoj.gov, usakyw.assetfor@usdoj.gov,
usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov), Magistrate Judge Lanny King
(chad_e_edwards@kywd.uscourts.gov, lanny_king@kywd.uscourts.gov,
mary_butler@kywd.uscourts.gov, sam_halter@kywd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:3843398@kywd.uscourts.gov
Subject:Activity in Case 5:21-mj-00015-LLK USA v. Mullins Arrest - Rule 5
Content-Type: text/html

U.S. District Court

Western District of Kentucky

Notice of Electronic Filing

The following transaction was entered on 2/25/2021 at 2:35 PM EST and filed on 2/24/2021

Case Name: USA v. Mullins
Case Number: 5:21-mj-00015-LLK
Filer:
Document Number: No document attached
Docket Text:
Arrest (Rule 5) of Clayton Ray Mullins. (MNM)

5:21-mj-00015-LLK-1 Notice has been electronically mailed to:

Seth A. Hancock (USA) seth.hancock@usdoj.gov, CaseView.ECF@usdoj.gov, tammie.dodds@usdoj.gov,
usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov

5:21-mj-00015-LLK-1 Notice will not be electronically mailed to.:



Case Assignment
Standard Magistrate Assignment

Case number 5:21MJ-15

Note: Judge determined by charging documentation.

Assigned on 2/24/2021 10:27:56 AM
Transaction ID: 51126

[Return](#)

AO 91 (Rev. 11/11) Criminal Complaint

FILED

JAMES J. VILT, JR.,

CLERK

2/24/21

U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**UNITED STATES DISTRICT COURT**

for the

District of Columbia

United States of America
v.

Clayton Ray Mullins

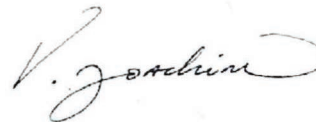
Redacted*Defendant(s)*) Case: 1:21-mj-00233
) Assigned to: Judge Meriweather, Robin M
) Assign Date: 2/13/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)) Western District of Kentucky's Case Number:
5:21MJ-00015-LLK**CRIMINAL COMPLAINT**

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. § 111(a)(1) - Assaulting, Resisting, or Impeding Certain Officers,
18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder,
18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without
Lawful Authority,
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
18 U.S.C. § 1752(a)(4) - Engaging in Physical Violence in a Restricted Building or Grounds,
40 U.S.C. § 5104(e)(2)(F) - 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*Valyncia Joachim, 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: 02/13/2021*Judge's signature*City and state: Washington, D.C.Robin M. Meriweather, U.S. Magistrate Judge*Printed name and title*

STATEMENT OF FACTS

I, Valyncia Joachim, am a Special Agent with the Federal Bureau of Investigation. I have been in this position since October of 2014. I am currently assigned to the Washington Field Office, tasked with investigating criminal activity in and around the United States Capitol grounds. Since I became involved in this investigation on January 6, 2021, I have conducted interviews, reviewed public tips, reviewed publicly available photos and video, and reviewed relevant documents, among other things.

Background

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police (USCP). 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 are 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 (USCB), 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 after 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.

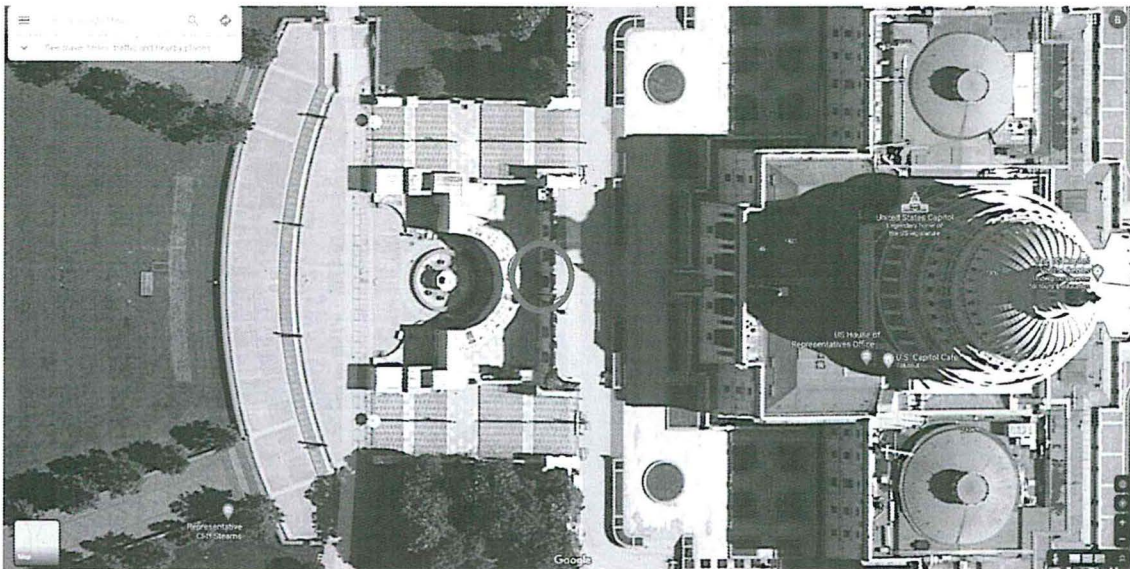
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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.

Assault of Officer A.W. at the U.S. Capitol

On January 6, 2021, during the above-referenced events, Officer A.W. (A.W.) of the Washington D.C. Metropolitan Police Department (MPD) was working an evening shift in his official capacity. During that shift, A.W. was directed to report to the USCB to assist the USCP in their duties to maintain security of the USCB.

Between 4:00 p.m. and 5:00 p.m., A.W. walked through the interior tunnel of the USCB and assumed a post in an archway that provided access to the building's lower west terrace. The approximate location of A.W. is denoted below by the red circle.



On or about January 12, 2021, A.W. was interviewed by MPD as part of an investigation into assaults of officer occurring at the U.S. Capitol on January 6, 2021. During the interview, A.W. advised that after he was pulled into the crowd, he was kicked, struck with poles, and stomped on by several individuals. Additionally, Officer A.W. recalled having his helmet ripped off his head and being stripped of his CDU baton, gas mask (later recovered), and MPD issued cellular phone. A.W. was also maced once his mask was ripped off. At some point during the assault, A.W. was able to retrieve his gas mask and one individual, prevented the rioters from further assaulting A.W., allowed him to get on his feet and head back to the tunnel area. Once A.W. was back in the tunnel, another officer realized A.W. was bleeding from his head. A.W. was subsequently escorted to the east side of the USCB before being taken to the hospital. At the hospital, A.W. was treated for a laceration on his head which required two staples to close. A.W. also sustained a bruise to his right elbow.

Video Footage of Assault of A.W.

Prior to investigating the assault of A.W., FBI investigators were already investigating the assault of fellow MPD Officer B.M. ("B.M."). Minutes before A.W. was pulled into the crowd of rioters, B.M. was also assaulted at the USCB lower west terrace tunnel entrance. As FBI investigators analyzed social media content related to the assault of B.M. and other MPD officers, investigators discovered video footage and photographs of an individual, subsequently identified as Clayton Ray Mullins ("MULLINS"), participating in the assault of A.W. In the footage, MULLINS was observed wearing a dark colored jacket, black gloves and light blue jean pants.

Numerous videos and photographs of MULLINS assaulting A.W. were posted on Twitter, primarily under the hashtag #seditionhunters. In addition, the hashtag #slickback began trending in relation MULLINS and the slicked back style in which he wore his hair.



Source URL: https://twitter.com/End_Silence_Now/status/1351254542873145344?s=20

Videos documenting MULLINS' assault of A.W. were also posted on YouTube. One YouTube video shows MULLINS leaning over a handrail making multiple attempts to grab A.W.'s leg. Once MULLINS successfully secured his grip on A.W.'s right foot, he began violently pulling on it, ultimately leading to A.W. being dragged down the stairs at the USCB lower west terrace tunnel entrance.



Source URL: <https://youtu.be/aEGthdTzedk>

Similar footage was observed on the body worn camera (BWC) footage of multiple MPD officers. In reviewing the BWC video footage of MPD Officer C.M., your affiant observed the image below of A.W. wearing a full MPD-issued uniform and neon jacket as MULLINS grabbed his leg. In the video, at least one other officer makes multiple attempts to pull A.W. away from MULLINS, essentially engaging in a battle of tug of war.¹



Source: MPD Officer C.M. BWC video footage

¹ This image was redacted in part because Rosanne Boyland's body is visible.

Your affiant also reviewed the BWC of MPD Officer D.P., and observed the following image of MULLINS a seconds later, as he continued to pull the leg of A.W.



Source: MPD Officer D.P. BWC video footage

On or about January 28, 2021, a clearer picture of MULLINS, with A.W.'s leg within his grip, was posted on Twitter with the user citing "NYT" as his source.



Source URL: <https://twitter.com/sheldonchang/status/1355014884732375041?s=20>

Identification of Mullins

On or about January 25, 2021, a lead directed your Affiant to a Kentucky driver's license for Clayton Ray Mullins. Based upon the biographical data from MULLINS' driver's license, a financial account was identified for MULLINS at FNB Bank, Inc. (FNB). On or about February 5, 2021, investigators interviewed an FNB employee (W-1) who has an approximate 30-year banking relationship with MULLINS. W-1 was shown the unmarked photograph below, which captured MULLINS at the lower west terrace of the USCB on January 6, 2021.



Source URL: <https://twitter.com/SimonWGhost/status/1349959991889805312>

W-1 identified the individual in the photograph as Clayton Mullins. W-1 also advised MULLINS was in the FNB bank lobby the day before, on February 4, 2021.

After speaking with W-1, your affiant obtained surveillance video footage from FNB. The footage depicted MULLINS standing at a teller station in the lobby of FNB on February 4, 2021. On or about February 11, 2021, W-1 was shown the below image of MULLINS taken from the FNB surveillance video. W-1 identified the individual in the photograph as Clayton Mullins.



Source: FNB Bank, Inc. security surveillance footage from February 4, 2021

Based on the foregoing, your affiant submits that there is probable cause to believe that MULLINS violated 18 U.S.C. § 111(a)(1), which makes it a crime to forcibly assault or interfere with any person designated in section 1114 of this title 18 while engaged in or on account of the performance of official duties. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is also probable cause to believe that MULLINS violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

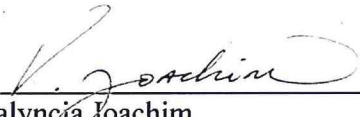
Your affiant submits there is also probable cause to believe that MULLINS violated 18 U.S.C. § 1752(a)(1), (2), and (4), which make it a crime, with respect to subdivision (1), to knowingly enter or remain in any restricted building or grounds without lawful authority to do so; with respect to subdivision (2) to 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; and with respect to subdivision (4) to knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire 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 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.

Finally, your affiant submits there is probable cause to believe that MULLINS violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

As such, your affiant respectfully requests that the court issue an arrest warrant for MULLINS. The statements above are true and accurate to the best of my knowledge and belief.

Respectfully Submitted,



Valynia Joachim
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 13th day of February 2021.



ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH**

UNITED STATES OF AMERICA

CASE NO. 5:21-MJ-00015-LLK

vs.

CLAYTON RAY MULLINS

**MEMORANDUM IN SUPPORT OF GOVERNMENT'S MOTION FOR PRETRIAL
DETENTION**
-Electronically Filed-

The United States of America, by and through counsel, the Acting United States Attorney for the Western District of Kentucky, respectfully submits this memorandum in support of its motion that the defendant, Clayton Ray Mullins, be detained pending trial pursuant to 18 U.S.C. §§ 3142(e) and (f)(2). The Court should order the defendant detained pursuant to 18 U.S.C. § 3142(e) because there are no conditions or combination of conditions which will reasonably assure the appearance of the defendant as required and ensure the safety of any other person and the community.

The government respectfully requests that the following points and authorities, as well as any other facts, arguments and authorities presented at the detention hearing, be considered in the Court's determination regarding pre-trial detention.

Factual Background

1. The Attack on the United States Capitol on January 6, 2021.

The United States 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 individuals with appropriate identification are 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 U.S. 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 U.S. Capitol to certify the vote count of the Electoral College for 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 Michael Pence, who is also the President of the Senate, 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 Michael 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 U.S. 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 U.S. Capitol; however, shortly after 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.

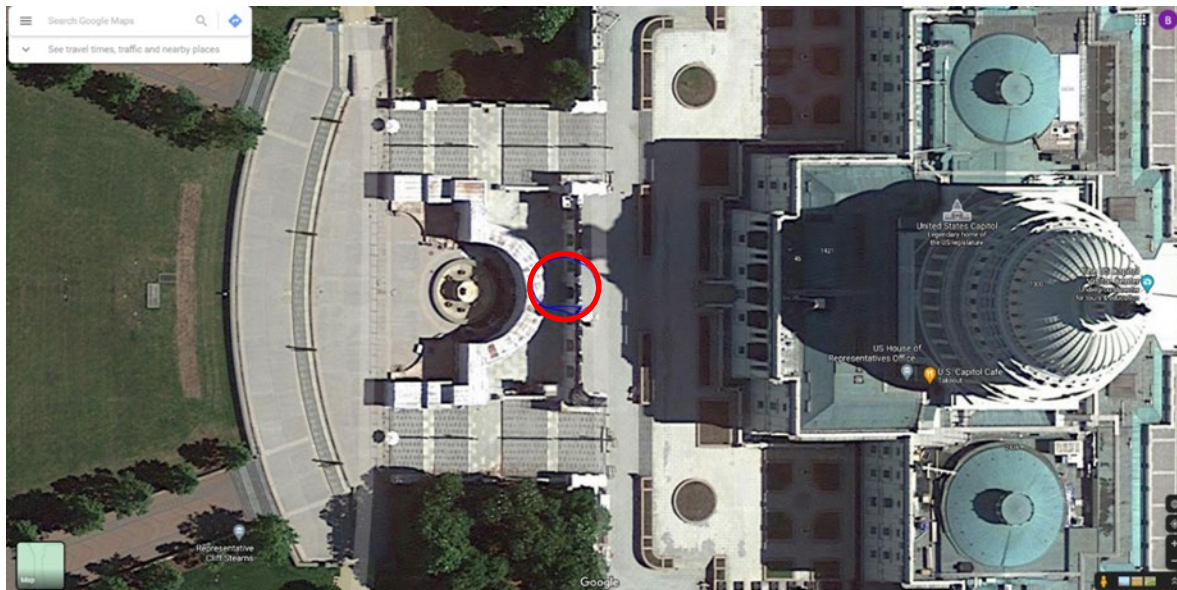
At approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, and Vice President Michael Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00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

During the course of the violent protests, several individuals were armed with weapons including bats, pepper spray, sticks, zip ties, as well as bulletproof vests and anti-tear gas masks. During the course of the violent protest, several law enforcement officers were assaulted and injured by these violent protesters while attempting to protect the U.S. Capitol and the individuals inside of the building. These assaults occurred both inside of the Capitol, as well as on the steps outside of the Capitol and the grounds of the Capitol. The defendant, as detailed below, is charged with two instances of assault, as well as other criminal violations.

2. Clayton Mullins' Criminal Conduct

a. Assault on Law Enforcement Officer at Senate Wing Entrance

Between 4:00 p.m. and 5:00 p.m., officer A.W. walked through the interior tunnel of the United States Capital Building (“USCB”) and assumed a post in an archway that provided access to the building’s lower west terrace. The approximate location of A.W. is denoted by the red circle.



Around 2:00 p.m., a large crowd of violent protestors overran uniformed officers who were attempting to secure a perimeter around the USCB. Some of the protestors were using pepper spray on the officers in an attempt to get past a barricade. A Twitter user posted a video of the mob rushing the officers and spraying them with pepper spray. Mullins can be seen advancing on the barricade, attempting to push past the perimeter. He appears to have been inadvertently sprayed with pepper spray by another protestor causing him to pause. Shortly thereafter, officers were forced to retreat up the stairs of the USCB to attempt to secure the building from the violent advance.

At approximately 4:27 p.m., the violent protestors began assaulting police officers who had positioned themselves in the archway overlooking the west terrace of the USCB. Officer A.W. had his helmet ripped off by another rioter, Jeffrey Sabol. Officer A.W. was knocked to the ground and his baton was ripped from his hands. Officer B.M., who was in close proximity to officer A.W., was drug into the crowd and over the top of officer A.W. Officer B.M. was drug

down the steps and assaulted with flag poles and a baton. The beating of officer B.M. was captured and posted by various national media outlets and Twitter users. Another officer, Officer C.M. was pummeled by violent protestors as he tried to secure the archway and his fellow officers.

Officer A.W. was subsequently pulled into the crowd. Video and still images posted to national media outlets and individual social media accounts show Mullins reaching over a railing and violently pulling officer A.W.'s leg, dragging him towards the crowd of violent protestors who were already assaulting officer B.M. Officer C.M.'s body camera captures officers attempting to free Officer A.W. from Mullins' grip.





Officer A.W. recalled being pulled into the crowd where he was struck with poles and batons. He also recalls that his gas mask was ripped off and he was ‘maced.’ At some point

during the assault, Officer A.W. was assisted by a protestor and helped back to his feet where he was able to make it to the tunnel. Officer A.W. suffered a laceration to his head that required 2 staples to close. He also suffered a bruised elbow in the assault.

As can be clearly observed, the defendant is part of a mob of individuals attacking law enforcement officers who were trying to prevent the unruly crowd from entering the U.S. Capitol, which was closed to the public that day. United States Capitol Police officers are designated as officers of the United States under 18 U.S.C. 1114. Mullins can clearly be observed wearing a dark colored jacket, black gloves, and light blue jeans. His hairstyle and face are clearly visible in the images and videos that captured his criminal conduct.

3. Procedural History

On February 13, 2021, Mullins was charged by complaint with

- 1) Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1);
- 2) Obstruction of Law Enforcement During Civil Disorder, in violation of 18 U.S.C. § 231(a)(3);
- 3) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. 1752(a)(1);
- 4) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2);
- 5) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(4); and
- 6) Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40

U.S.C. § 5104(e)(2)(F).

On February 25, 2021, at the defendant's initial appearance, the government orally moved for the defendant's detention pending trial. The Court set this matter for a detention hearing on Friday, February 26, 2021, at 2:30 p.m.

ARGUMENT

There are four factors under § 3142(g) that the Court should consider and weigh in determining whether to detain a defendant pending trial: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) his history and characteristics; and (4) the nature and seriousness of the danger to any person or the community that would be posed by his release. *See* 18 U.S.C. §3142(g). In consideration of these factors, the government respectfully submits that there are no conditions or combinations of conditions which can effectively ensure the safety of any other person and the community.

Nature and Circumstances of the Offenses Charged

During the course of the January 6, 2021, siege of the U.S. Capitol, multiple law enforcement officers were assaulted by an enormous mob, which included numerous individuals with weapons, bulletproof vests, and pepper spray who were targeting the officers protecting the Capitol. Additionally, the violent crowd encouraged others in the crowd to work together to overwhelm law enforcement and gain unlawful entry into the U.S. Capitol.

What is extremely troubling about the defendant's conduct is both the severity of his actions and the escalation of his violent assaults. As noted above, shortly after 2:00 p.m. on January 6, 2021, the defendant joined a large mob that substantially outnumbered law enforcement at a

perimeter set up on the Capitol grounds. The defendant participated in overrunning officers who were forced to retreat up the Capitol steps. The defendant then pushed forward and approximately 2 and a half hours later he ended up with a group of people that physically attacked law enforcement in an effort to gain entry to the building. The law enforcement officers were in full uniform with the word “police” clearly visible. At approximately 4:27 p.m., the defendant is observed physically grabbing a law enforcement officer and pulling him towards the violent mob where another officer was already being attacked. The defendant engaged in a ‘tug of war’ with the officer’s leg, with other officers who were trying to rescue him. The officer was eventually dragged down the stairs where his mask was ripped off, he was maced, and assaulted with poles. The assault on the officer resulted in a head injury that required staples to close. The defendant’s assaultive behavior allowed the violent mob to assault this particular officer and others. Further, his behavior in part allowed the large mob of individuals to successfully breach the U.S. Capitol, putting additional law enforcement officers and members and staff of Congress at grave risk. The defendant’s actions allowed other rioters to commit multiple other criminal acts inside the building.

The defendant’s actions were violent, criminal, and represented a further dangerous escalation aimed at allowing other violent rioters to unlawfully enter the U.S. Capitol. Because of his direct actions, an officer was injured and had to seek medical treatment for his injuries.

Weight of the Evidence Against the Defendants

The second factor to be considered, the weight of the evidence, also clearly weighs in favor of detention. The evidence against the defendant is also quite strong and compelling. As noted above, the defendant was observed on police body worn cameras participating in the

attack of law enforcement officers. Additionally, social media videos capture the defendant attempting to drag the officer into the violent mob. The evidence against this defendant is overwhelmingly strong, and accordingly, the weight of the evidence weighs heavily in favor of detention.

Defendants' History and Characteristics

The government recognizes that the defendant does not have any adult convictions, other than an astonishing driving record. However, the defendant's actions, as demonstrated by his apparent willingness to engage in the assaultive behavior as part of a violent mob and specifically target law enforcement officers should give this Court great concern about the danger he would pose to the community, if released.

Danger to the Community and Flight Risk

The fourth factor, the nature and seriousness of the danger to any person or the community posed by a defendant's release, also weighs in favor of the defendant's detention. The charged offenses involve assaultive conduct aimed to stop the functioning of the United States government, specifically to derail the certification of the electoral process, a cornerstone of our democracy. The danger the defendant caused by assisting the violent mob cannot be understated. The defendant was a spoke in the wheel that caused the historic events of January 6, 2021, and he is thus a danger to our society and a threat to the peaceful functioning of our community.

Given the above assessment of all four relevant factors, no condition, or combination of conditions, can ensure that the defendant will comply with court orders and abide by appropriate release conditions.

CONCLUSION

WHEREFORE, the United States respectfully requests that the Court grant the government's motion to detain the defendant pending trial.

Respectfully submitted,

MICHAEL A. BENNETT
United States Attorney

/s/ Leigh Ann Dycus

Leigh Ann Dycus
Assistant U.S. Attorney
501 Broadway, Suite B29
Paducah, Kentucky 42001
270-816-3354
leigh.ann.dycus@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2021, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel for defendant.

/s/ Leigh Ann Dycus

Leigh Ann Dycus
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NUMBER 5:21-MJ-00015-LLK

CLAYTON RAY MULLINS

DEFENDANT

NOTICE OF ATTORNEY APPEARANCE

David Bundrick hereby enters his appearance as attorney of record on behalf of the Defendant.

/s/ David Bundrick
David Bundrick
222 Walter Jetton Boulevard
P.O. Box 1837
Paducah, Kentucky 42002-1837
(270) 442-9000
dbundrick@eandklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2020 I electronically filed the foregoing with the clerk of court by using the ECF system, which will send a notice of electronic filing to counsel of record.

/s/ David Bundrick
David Bundrick

MIME-Version:1.0
From:kywd-ecf-notice@kywd.uscourts.gov
To:kywd-ecf-notice@kywd.uscourts.gov
Bcc:
--Case Participants: David T. Bundrick (dave@bundrick.com, dbundrick@edwardsandkautz.com),
Leigh Ann Dycus (caseview.ecf@usdoj.gov, leigh.ann.dycus@usdoj.gov,
tammie.dodds@usdoj.gov, usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov,
usakyw.vwu@usdoj.gov), Seth A. Hancock (USA) (caseview.ecf@usdoj.gov,
seth.hancock@usdoj.gov, tammie.dodds@usdoj.gov, usakyw.assetfor@usdoj.gov,
usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov), Magistrate Judge Lanny King
(chad_e_edwards@kywd.uscourts.gov, lanny_king@kywd.uscourts.gov,
mary_butler@kywd.uscourts.gov, sam_halter@kywd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:3844859@kywd.uscourts.gov
Subject:Activity in Case 5:21-mj-00015-LLK USA v. Mullins Initial Appearance - Rule
5(c)(3)
Content-Type: text/html

U.S. District Court

Western District of Kentucky

Notice of Electronic Filing

The following transaction was entered on 2/26/2021 at 6:46 PM EST and filed on 2/25/2021

Case Name: USA v. Mullins

Case Number: 5:21-mj-00015-LLK

Filer:

Document Number: No document attached

Docket Text:

**Proceedings held before Magistrate Judge Lanny King: Initial Appearance in Rule 5(c)(3)
Proceedings as to Clayton Ray Mullins was held on 2/25/2021. (P:0/15) (Digitally Recorded)
(MHB)**

5:21-mj-00015-LLK-1 Notice has been electronically mailed to:

David T. Bundrick dbundrick@edwardsandkautz.com, dave@bundrick.com

Seth A. Hancock (USA) seth.hancock@usdoj.gov, CaseView.ECF@usdoj.gov, tammie.dodds@usdoj.gov,
usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov

Leigh Ann Dycus Leigh.Ann.Dycus@usdoj.gov, CaseView.ECF@usdoj.gov, Tammie.Dodds@usdoj.gov,
usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov

5:21-mj-00015-LLK-1 Notice will not be electronically mailed to.:

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

CRIMINAL CASE NUMBER: 5:21MJ-00015-LLK

UNITED STATES OF AMERICA

PLAINTIFF

v.

CLAYTON RAY MULLINS

DEFENDANT

ORDER ON INITIAL APPEARANCE

The above-styled case came before the Honorable Lanny King, United States Magistrate Judge and was called in open court on February 25, 2021, for an initial appearance on a Criminal Complaint out of the District of Columbia. The case number assigned to this case in the District of Columbia is 1:21-mj-00233.

The defendant, Clayton Ray Mullins, was present, in custody, of the United States Marshal. The Honorable David T. Bundrick, retained counsel, was present and appeared in court with the defendant. The United States was represented by Assistant United States Attorney Seth A. Hancock. The proceedings were digitally recorded.

The defendant was advised of his Constitutional Rights pursuant to Rules 5 and 20 of the Federal Rules of Criminal Procedure, including his right to court appointed counsel. The Court noted on the record that appointed counsel would be waived at this time, but explained to the defendant, that he could request court appointed counsel at a later date, if he found that he financially could not afford

private counsel. The defendant acknowledged that he understood those rights as explained to him. The Court asked the defendant and his counsel if they had received a copy of the Criminal Complaint and defense counsel confirmed receipt. The Court advised the defendant of the nature of the offenses with which he is charged and the minimum and maximum penalties provided by law.

Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.

The Court advised the defendant, through counsel, that he was entitled to an identity hearing, preliminary hearing, detention hearing, and production of the warrant and warrant application.

The United States moved for the defendant's detention pursuant to 18 U.S.C. § 3142. The United States stated on the record that they could be prepared to go forward with the detention hearing on Friday, however they needed additional time to prepare for the identity hearing and preliminary hearing.

IT IS HEREBY ORDERED that the **detention hearing** be scheduled for **Friday, February 26, 2021 at 2:30 p.m. Central Time** before Magistrate Judge

Lanny King in the Second Floor Courtroom at the United States District Court in Paducah, Kentucky. The identity hearing and preliminary hearing will be scheduled upon completion of the detention hearing. Pretrial Service Reports shall be made available to Defense Counsel and the Government exclusively for the purpose of bail determination. The Pretrial Report is not public record, is not to be reproduced or disclosed to any other person and shall remain confidential as provided in Title 18 U.S.C. 3153(c)(1).

The defendant is **remanded** to the custody of the United States Marshal Service pending further proceedings in this matter.

February 26, 2021


Lanny King, Magistrate Judge
United States District Court

P:0/15
LLK-mhb

MIME-Version:1.0
From:kywd-ecf-notice@kywd.uscourts.gov
To:kywd-ecf-notice@kywd.uscourts.gov
Bcc:
--Case Participants: David T. Bundrick (dave@bundrick.com, dbundrick@edwardsandkautz.com),
Leigh Ann Dycus (caseview.ecf@usdoj.gov, leigh.ann.dycus@usdoj.gov,
tammie.dodds@usdoj.gov, usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov,
usakyw.vwu@usdoj.gov), Seth A. Hancock (USA) (caseview.ecf@usdoj.gov,
seth.hancock@usdoj.gov, tammie.dodds@usdoj.gov, usakyw.assetfor@usdoj.gov,
usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov), Magistrate Judge Lanny King
(chad_e_edwards@kywd.uscourts.gov, lanny_king@kywd.uscourts.gov,
mary_butler@kywd.uscourts.gov, sam_halter@kywd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:3844879@kywd.uscourts.gov
Subject:Activity in Case 5:21-mj-00015-LLK USA v. Mullins Detention Hearing
Content-Type: text/html

U.S. District Court

Western District of Kentucky

Notice of Electronic Filing

The following transaction was entered on 2/26/2021 at 6:57 PM EST and filed on 2/26/2021

Case Name: USA v. Mullins

Case Number: 5:21-mj-00015-LLK

Filer:

Document Number: No document attached

Docket Text:

Proceedings held before Magistrate Judge Lanny King: Detention Hearing as to Clayton Ray Mullins was held on 2/26/2021. (P:1/27) (Court Reporter Terri Turner.) (MHB)

5:21-mj-00015-LLK-1 Notice has been electronically mailed to:

David T. Bundrick dbundrick@edwardsandkautz.com, dave@bundrick.com

Seth A. Hancock (USA) seth.hancock@usdoj.gov, CaseView.ECF@usdoj.gov, tammie.dodds@usdoj.gov,
usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov

Leigh Ann Dycus Leigh.Ann.Dycus@usdoj.gov, CaseView.ECF@usdoj.gov, Tammie.Dodds@usdoj.gov,
usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov

5:21-mj-00015-LLK-1 Notice will not be electronically mailed to.:

MIME-Version:1.0
From:kywd-ecf-notice@kywd.uscourts.gov
To:kywd-ecf-notice@kywd.uscourts.gov
Bcc:
--Case Participants: David T. Bundrick (dave@bundrick.com, dbundrick@edwardsandkautz.com),
Leigh Ann Dycus (caseview.ecf@usdoj.gov, leigh.ann.dycus@usdoj.gov,
tammie.dodds@usdoj.gov, usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov,
usakyw.vwu@usdoj.gov), Seth A. Hancock (USA) (caseview.ecf@usdoj.gov,
seth.hancock@usdoj.gov, tammie.dodds@usdoj.gov, usakyw.assetfor@usdoj.gov,
usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov), Magistrate Judge Lanny King
(chad_e_edwards@kywd.uscourts.gov, lanny_king@kywd.uscourts.gov,
mary_butler@kywd.uscourts.gov, sam_halter@kywd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:3844899@kywd.uscourts.gov
Subject:Activity in Case 5:21-mj-00015-LLK USA v. Mullins Order
Content-Type: text/html

U.S. District Court

Western District of Kentucky

Notice of Electronic Filing

The following transaction was entered on 2/26/2021 at 7:02 PM EST and filed on 2/26/2021

Case Name: USA v. Mullins
Case Number: 5:21-mj-00015-LLK
Filer:
Document Number: 7(No document attached)

Docket Text:

TEXT ORDER by Magistrate Judge Lanny King on 02/26/2021 as to Clayton Ray Mullins. For the reasons stated on the record, the Court DENIES the United States' motion to detain. On motion of the United States, this Order is hereby STAYED through MARCH 2, 2021.

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

(cc: counsel) (MHB)

5:21-mj-00015-LLK-1 Notice has been electronically mailed to:

David T. Bundrick dbundrick@edwardsandkautz.com, dave@bundrick.com

Seth A. Hancock (USA) seth.hancock@usdoj.gov, CaseView.ECF@usdoj.gov, tammie.dodds@usdoj.gov,
usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov

Leigh Ann Dycus Leigh.Ann.Dycus@usdoj.gov, CaseView.ECF@usdoj.gov, Tammie.Dodds@usdoj.gov,
usakyw.assetfor@usdoj.gov, usakyw.ecfcriminal@usdoj.gov, usakyw.vwu@usdoj.gov

5:21-mj-00015-LLK-1 Notice will not be electronically mailed to.:

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

CRIMINAL ACTION NUMBER: 5:21MJ-00015-LLK

UNITED STATES OF AMERICA

PLAINTIFF

v.

CLAYTON RAY MULLINS

DEFENDANT

ORDER ON DETENTION HEARING

The above-styled case came before the Honorable Lanny King, United States Magistrate Judge and was called in open court on February 26, 2021, for the purpose of conducting an identity hearing and detention hearing in Paducah, Kentucky.

The defendant, Clayton Ray Mullins, was present, in custody, and represented by the Honorable David T. Bundrick. Assistant United States Attorney Leigh Ann Dycus appeared on behalf of the United States. The proceedings were transcribed by Terri Turner, Official Court Reporter.

Prior to the commencement of the hearings, the defendant through counsel, waived his right to an identity hearing.

During the scheduled detention hearing, counsel for the United States proffered evidence from her Memorandum in Support of Government's Motion for Pretrial Detention (DN #4) that was previously filed with the Court on February

25, 2021; and she posed questions to the defendant's first witness, Mrs. Mullins.

The defendant's counsel proffered evidence and called two witnesses to testify on behalf of the defendant: 1) Nancy R. Mullins, defendant's wife and 2) Joey Rogers, family friend.

The Court having heard evidence presented by both parties and for reasons stated on the record, the Court found a set of conditions of release to exist which will assure the defendant's appearance in Court and the safety of the community.

IT IS HEREBY ORDERED the defendant be released on a **\$100,000 Unsecured Appearance Bond** with an **Order Setting Conditions of Release**.

The United States orally requested a motion to stay the release of the defendant until the United States Attorney in the District of Columbia files an anticipated Motion for Emergency Stay and Appeal of the Release Order. The Court **GRANTED** the United States motion and the defendant's release is stayed through March 2, 2021 as referenced in the Text Order (DN #7).

IT IS HEREBY ORDERED that the defendant remain in custody of the United States Marshal pending further orders of this Court.

March 2, 2021

P:ID/HRG-0/01
P:D/HRG-1/26
LLK-mhb


Lanny King, Magistrate Judge
United States District Court

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

CRIMINAL CASE NUMBER: 5:21MJ-00015-LLK

UNITED STATES OF AMERICA

PLAINTIFF

v.

CLAYTON RAY MULLINS

DEFENDANT

ORDER

Pursuant to the Order entered by Chief Judge Beryl A. Howell on March 1, 2021 at the United States District Court in the District of Columbia, the Appearance Bond and Order Setting Conditions of Release entered by this Court shall be stayed pending ruling of the detention decision by the Court in the District of Columbia.

IT IS HEREBY ORDERED that the defendant's release is stayed indefinitely until a ruling has been made on the appeal of release order by the Court in the District of Columbia. The Clerk's Office shall file the Order (DN #9) entered in their case, Case Number 1:21-mj-00233-RMM, as an attachment to this order.

March 2, 2021


**Lanny King, Magistrate Judge
United States District Court**

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

UNITED STATES OF AMERICA

v.

CLAYTON RAY MULLINS,

Defendant.

Case No. 21-mj-233 (RMM)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of the Government's Motion for Emergency Stay and for Review and Appeal of Release Order, ECF No. 6, as to defendant Clayton Ray Mullins, it is hereby

ORDERED that the Motion for Emergency Stay is **GRANTED** and the release order entered by the Western District of Kentucky Magistrate Judge on February 26, 2021 as to defendant Clayton Ray Mullins is **STAYED** pending review of the detention decision by this Court.

SO ORDERED.

Date: March 1, 2021

BERYL A. HOWELL
Chief Judge

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

FILED

JAMES J. VILT, JR. - CLERK

for the

MAR 03 2021

Western District of Kentucky

United States of America)

v.)

CLAYTON RAY MULLINS)

Defendant)

Case No. 5:21MJ-00015-LLK

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY**APPEARANCE BOND.****Defendant's Agreement**

I, CLAYTON RAY MULLINS (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
 (☒) if convicted, to surrender to serve a sentence that the court may impose; or
 (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- () (1) This is a personal recognizance bond.
- (☒) (2) This is an unsecured bond of \$ 100,000.
- () (3) This is a secured bond of \$ _____, secured by:
- () (a) \$ _____, in cash deposited with the court.
- () (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

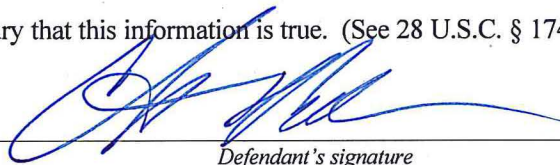
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: FEB 26, 2021



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

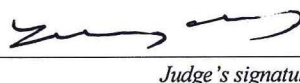
Date: 3/3/2021



Signature of Clerk or Deputy Clerk

Approved.

Date: 3/3/2021



Judge's signature

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

United States of America

v.

CLAYTON RAY MULLINS*Defendant*Case No. **5:21MJ-00015-LLK****ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The 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 appear at: U.S. District Court , Federal Building, 501 Broadway, Paducah, Kentucky*Place*

on

AS DIRECTED*Date and Time*

If blank, defendant will be notified of next appearance.

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

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

☐ (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

☒ (7) The defendant must:

- ☒ (a) submit to supervision by and report for supervision to the USPO Josh Rose, telephone number (502) 432-1862, no later than immediately upon release.
- ☐ (b) continue or actively seek employment.
- ☐ (c) continue or start an education program.
- ☐ (d) surrender any passport to: _____
- ☒ (e) not obtain a passport or other international travel document.
- ☒ (f) abide by the following restrictions on personal association, residence, or travel: Western District of Kentucky except for travel to/from District of Columbia for court related travel only
- ☒ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____
- ☐ (h) get medical or psychiatric treatment: _____
- ☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
- ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- ☒ (k) not possess a firearm, destructive device, or other weapon.
- ☐ (l) not use alcohol (☐) at all (☐) excessively.
- ☐ (m) 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.
- ☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising 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/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- ☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ☒ (p) This form of location monitoring shall be utilized to monitor the following restriction on the defendant's movement in the community as well as other court-imposed conditions of release.
- ☐ (i) **Curfew.** You are restricted to your residence every day from _____ to _____ or as directed by the supervising officer.
- ☒ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the supervising officer.
- ☐ (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the Court.
- ☒ (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ☒ You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.
- ☐ You must comply with the technology requirements and the form of Location Monitoring as indicated below.
- ☒ Location Monitoring Equipment To Be Used:
- ☐ Location monitoring technology at the discretion of the officer
- ☐ Radio Frequency (RF) Monitoring
- ☒ Active GPS Monitoring
- ☐ Voice Recognition
- ☒ (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☒ (s) The defendant shall contribute to the United States Probation Office's cost of services rendered based upon his/her ability to pay as reflected in his/her monthly cash flow as it relates to the court-approved sliding scale fee.

374

(☒) (t) Prohibited from entering any federal property unless approved in advance by the United States Probation.

(☐) (u) _____

(☐) (v) _____

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or 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 the conditions of release require, or to surrender to serve a 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 will 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 will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the 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 surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

X 
 Defendant's Signature
 PADUCAN, KENTUCKY
 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 judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 3/3/2021

Judicial Officer's Signature

LARRY KING, U.S. Magistrate Judge Ky 60
 Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NUMBER 5:21-MJ-15-LLK

CLAYTON MULLINS

DEFENDANT

Notice of Filing

The Defendant, by counsel, provides notice to the United States that he has filed the accompanying Waiver of a Preliminary Hearing.

/s/ David Bundrick
David Bundrick
222 Walter Jetton Boulevard
P.O. Box 1837
Paducah, Kentucky 42002-1837
(270) 442-9000
dbundrick@edwardsandkautz.com

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2021 I electronically filed the foregoing with the clerk of court by using the ECF system, which will send a notice of electronic filing to counsel of record.

/s/ David Bundrick
David Bundrick

UNITED STATES DISTRICT COURT
for the
Western District of Kentucky

United States of America

v.

CLAYTON RAY MULLINS*Defendant*

Case No. 5:21MJ-00015

Charging District's Case No. 1:21-mj-00233

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)* United States District Court in the 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: MAR 9, 2021



Defendant's signature



Signature of defendant's attorney

DAVID BUNDRICK

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NUMBER 5:21-MJ-00015-LLK
Electronically filed

CLAYTON MULLINS

DEFENDANT

NOTICE OF DOCKET CORRECTION REGARDING PDF

The Defendant, by counsel, files notice of docket correction regarding docket number (DN) 11 filed on March 8, 2021, in the above captioned case. The undersigned inadvertently submitted the incorrect waiver form.

Counsel has attached the correct form to this notice.

/s/ David Bundrick
David Bundrick
222 Walter Jetton Boulevard
P.O. Box 1837
Paducah, Kentucky 42002-1837
(270) 442-9000
dbundrick@edwardsandkautz.com

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2021 I electronically filed the foregoing with the clerk of court by using the ECF system, which will send a notice of electronic filing to counsel of record.

/s/ David Bundrick
David Bundrick

UNITED STATES DISTRICT COURT
for the
Western District of Kentucky

United States of America

v.

CLAYTON RAY MULLINS*Defendant*

Case No. 5:21MJ-00015

Charging District's Case No. 1:21-mj-00233

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)* **United States District Court in the District of Columbia**

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

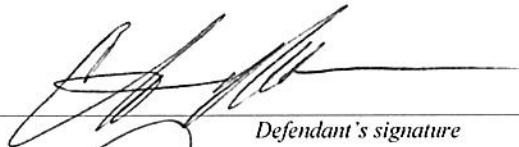
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary 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: Mar 9, 2021



Defendant's signature



Signature of defendant's attorney

DAVID BUNDRICK

Printed name of defendant's attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

CRIMINAL CASE NUMBER: 5:21MJ-00015-LLK

UNITED STATES OF AMERICA

PLAINTIFF

v.

CLAYTON RAY MULLINS

DEFENDANT

ORDER

The defendant, through counsel, filed a waiver of the preliminary hearing (DN #12) that was previously scheduled.

IT IS THEREFORE ORDERED that the preliminary hearing scheduled for Thursday, March 11, 2021 at 3:30 p.m. C.T. is hereby **CANCELED**.

March 10, 2021


**Lanny King, Magistrate Judge
United States District Court**

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

CRIMINAL CASE NUMBER: 5:21MJ-00015-LLK

UNITED STATES OF AMERICA

PLAINTIFF

v.

CLAYTON RAY MULLINS

DEFENDANT

ORDER

The defendant through, counsel, filed his waiver of preliminary hearing (DN #12) with the Court on March 9, 2021.

IT IS HEREBY ORDERED that the case in this district be closed. The defendant shall appear for all further proceedings in this action at the United States District Court in the District of Columbia (Case # 1:21MJ-00233) as directed.

IT IS HEREBY ORDERED that the defendant continue to report to his probation officer and to abide by the previously ordered bond and conditions of release that he executed on March 2, 2021 with the United States District Court in the District of Columbia.

March 16, 2021


**Lanny King, Magistrate Judge
United States District Court**

**U.S. District Court
Western District of Kentucky (Paducah)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-00015-LLK All Defendants**

Case title: USA v. Mullins

Date Filed: 02/24/2021

Date Terminated: 03/16/2021

Assigned to: Magistrate Judge
Lanny King

Defendant (1)

Clayton Ray Mullins
TERMINATED: 03/16/2021

represented by **David T. Bundrick**
Edwards & Kautz, PLLC
P. O. Box 1837
Paducah, KY 42002-0269
270-442-9000
Fax: 270-443-4304
Email: dbundrick@edwardsandkautz.com
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Removal from District of
Columbia

Disposition

Plaintiff

USA

represented by **Leigh Ann Dycus**
U.S. Attorney Office – Paducah
501 Broadway

Paducah, KY 42001
 270-443-6188
 Fax: 270-444-6794
 Email: Leigh.Ann.Dycus@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Seth A. Hancock (USA)
 U.S. Attorney Office – Paducah
 501 Broadway
 Paducah, KY 42001
 270-442-7104
 Fax: 270-444-6794
 Email: seth.hancock@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
02/24/2021		4	Arrest (Rule 5) of Clayton Ray Mullins. (MNM) (Entered: 02/25/2021)
02/24/2021	<u>1</u>		Warrant Returned Executed on 2/24/2021 in case as to Clayton Ray Mullins. (MNM) (Entered: 02/25/2021)
02/24/2021	<u>2</u>	5	Case Assignment (Random Selection): Case Assigned to Magistrate Judge Lanny King. (MNM) (Entered: 02/25/2021)
02/24/2021	<u>3</u>	6	Rule 5 Documents Received from District of Columbia, Case Number 1:21-mj-00233, as to Clayton Ray Mullins. (MNM) (Entered: 02/25/2021)
02/25/2021	<u>4</u>	15	MEMORANDUM by USA. (Dycus, Leigh Ann) (Entered: 02/25/2021)
02/25/2021		27	Proceedings held before Magistrate Judge Lanny King: Initial Appearance in Rule 5(c)(3) Proceedings as to Clayton Ray Mullins was held on 2/25/2021. (P:0/15) (Digitally Recorded) (MHB) (Entered: 02/26/2021)
02/26/2021	<u>5</u>	26	NOTICE OF ATTORNEY APPEARANCE: David T. Bundrick appearing for Clayton Ray Mullins <i>as local counsel</i> (Bundrick, David) (Entered: 02/26/2021)
02/26/2021	<u>6</u>	28	ORDER ON INITIAL APPEARANCE by Magistrate Judge Lanny King on 2/26/2021 as to Clayton Ray Mullins. The Detention Hearing is scheduled for 2/26/2021 at 2:30 p.m. C.T. in the Paducah Courtroom before Magistrate Judge Lanny King. The defendant is remanded to the custody of the United States Marshal Service pending further proceedings in this matter. (cc: counsel, USM, USPO) (MHB) (Entered: 02/26/2021)
02/26/2021		31	Proceedings held before Magistrate Judge Lanny King: Detention Hearing as to Clayton Ray Mullins was held on 2/26/2021. (P:1/27) (Court Reporter Terri Turner.) (MHB) (Entered: 02/26/2021)
02/26/2021	7	32	TEXT ORDER by Magistrate Judge Lanny King on 02/26/2021 as to Clayton Ray Mullins. For the reasons stated on the record, the Court DENIES the United States' motion to detain. On motion of the United States, this Order is hereby STAYED through MARCH 2, 2021.

			<p>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</p> <p>(cc: counsel) (MHB) (Entered: 02/26/2021)</p>
03/02/2021	<u>8</u>	33	<p>ORDER ON DETENTION HEARING signed by Magistrate Judge Lanny King on 3/2/2021 as to Clayton Ray Mullins. IT IS HEREBY ORDERED the defendant be released on a \$100,000 Unsecured Appearance Bond with an Order Setting Conditions of Release. The United States orally requested a motion to stay the release of the defendant until the United States Attorney in the District of Columbia files an anticipated Motion for Emergency Stay and Appeal of the Release Order. The Court GRANTED the United States motion and the defendant's release is stayed through 3/2/2021 as referenced in the Text Order at DN 7 . IT IS HEREBY ORDERED that the defendant remain in custody of the United States Marshal pending further orders of this Court. cc: Counsel (MNM) (Entered: 03/02/2021)</p>
03/02/2021	<u>9</u>	35	<p>ORDER signed by Magistrate Judge Lanny King on 3/2/2021 as to Clayton Ray Mullins. IT IS HEREBY ORDERED that the defendant's release is stayed indefinitely until a ruling has been made on the appeal of release order by the Court in the District of Columbia. The Clerk's Office shall file the Order (DN #9) entered in their case, Case Number 1:21-mj-00233-RMM, as an attachment to this order. (Attachments: # <u>1</u> Docket Number 9 from 1:21-mj-233-RMM, District of Columbia) cc: Counsel (MNM) (Entered: 03/02/2021)</p>
03/03/2021	<u>10</u>	37	<p>Unsecured Appearance Bond and Order Setting Conditions of Release Entered as to Clayton Ray Mullins in amount of \$100,000. (MNM) (Entered: 03/03/2021)</p>
03/08/2021	<u>11</u>	43	<p>NOTICE (Attachments: # <u>1</u> Exhibit Waiver of Rule 5 and 5.1 preliminary hearing) (Bundrick, David) (Attachment 1 replaced on 3/10/2021) (MNM). Modified on 3/10/2021 to edit text (MNM). (Entered: 03/08/2021)</p>
03/09/2021	<u>12</u>	45	<p>NOTICE OF DOCKET CORRECTION Re:PDF Error: incorrect document attached to docket entry by efiler re: <u>11</u> Notice (Other) ; Correct document attached to this entry. (Attachments: # <u>1</u> Exhibit Waiver of preliminary hearing) (Bundrick, David) (Entered: 03/09/2021)</p>
03/10/2021	<u>13</u>	47	<p>ORDER by Magistrate Judge Lanny King on 3/10/2021 as to Clayton Ray Mullins: The preliminary hearing scheduled for Thursday, March 11, 2021 at 3:30 p.m. C.T. is hereby CANCELLED. (cc: counsel) (MHB) (Entered: 03/10/2021)</p>
03/16/2021	<u>14</u>	48	<p>ORDER signed by Magistrate Judge Lanny King on 3/16/2021 as to Clayton Ray Mullins. IT IS HEREBY ORDERED that the case in this district be closed. The defendant shall appear for all further proceedings in this action at the United States District Court in the District of Columbia (Case # 1:21MJ-00233) as directed. IT IS HEREBY ORDERED that the defendant continue to report to his probation officer and to abide by the previously ordered bond and conditions of release that he executed on 3/2/2021 with the United States District Court in the District of Columbia. cc: Counsel (MNM) (Entered: 03/16/2021)</p>