for the

District of Columbia				
United States of America v. )  Daniel Herendeen )	Case No.			
Defendant				
ARREST W	ARRANT			
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) Daniel Herendeen  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. § 1512(c)(2) - Obstruction of Justice/Congress;  18 U.S.C. § 2 - Aiding and Abetting;  18 U.S.C. § 1752(a)(1), (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds  Without Lawful Authority;				
40 U.S.C. § 5104(e)(2)(D), (G) - Violent Entry and Disorded Date: 03/16/2021				
<u> </u>	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) 3.14.21 at (city and state) CHESTERFIELD, MI.	, and the person was arrested on (date) 3.18.21  Arresting officer's signature  NATHAN SIZELS 3A3T  Printed name and title			

# United States District Court

for the Eastern District of Michigan

				$\mathcal{E}$	
United States of America v.  DANIEL HERENDEEN  Defendant			) ) ) ) )	Case No. 21-mj-30133  Charging District's Case I	No. 1:21-mj-00312
			R OF RULE 5 of Complaint or In	& 5.1 HEARINGS ndictment)	
	I unde	erstand that I have been charged in	n another district	t, the (name of other court)	District of Columbia
	I have	been informed of the charges and	d of my rights to	:	
	(1)	retain counsel or request the as	signment of cour	nsel if I am unable to retain co	ounsel;
	(2)	an identity hearing to determine	e whether I am tl	he person named in the charge	es;
	(3)	production of the warrant, a cer	rtified copy of th	e warrant, or a reliable electro	onic copy of either;
	a preliminary hearing within 10 days of my first appearance if I am in custody and 20 days otherwise unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;				
(5) a hearing on any motion by the government for detention;					
	(6)	request transfer of the proceedi	ngs to this distric	ct under Fed. R. Crim. P. 20,	to plead guilty.
	I agree	e to waive my right(s) to:			
		an identity hearing and produc	tion of the warra	int.	
		a preliminary hearing.			
		a detention hearing.			
		an identity hearing, production be entitled in this district. I red by that court.	·		
pendir	I conse	ent to the issuance of an order req st me.	uiring my appea	rance in the prosecuting distri	ct where the charges are
_					
Date:	03	3/18/2021		s/Daniel Herendee	en
				Defendant's signatur	е
				s/Colleen Fitzharri	S
				Signature of defendant's at	

Print Save As... Reset

Colleen Fitzharris

Printed name of defendant's attorney

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

UNITED STATES OF AMERICA,

**Plaintiff** 

v. Case No. 21-30133 Originating No.1:21-mj-00312

DANIEL HERENDEEN,

Defendant.

# GOVERNMENT'S PETITION FOR TRANSFER OF DEFENDANT TO ANOTHER DISTRICT AND SUPPORTING BRIEF

Pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant **DANIEL HERENDEEN,** to answer to charges pending in another federal district, and states:

1. On March 18, 2021, defendant was arrested in the Eastern District

Michigan in connection with a federal arrest warrant issued in the Superior Court of

the District of Columbia based on a Complaint. Defendant is charged in that

district with violation of 18 U.S.C. §1752(a)(1),(2)- Knowingly enter or remain in

any restricted building or grounds without lawful authority; 18 U.S.C. §1512
Obstruction of Justice/Congress; 18 U.S.C. §2- Aiding and Abetting; and 40

U.S.C. §5104(e)(2)(D), (G)- Violent entry and disorderly conduct on Capitol

**Grounds.** 

2. Rule 5 requires this Court to determine whether defendant is the person

named in the arrest warrant and is entitled to a preliminary examination as described in

Paragraph One above. See Fed. R. Crim. P. 5(c)(3)(D)(ii).

WHEREFORE, the government requests this Court to conduct transfer

proceedings in accordance with Rule 5 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

SAIMA S. MOHSIN

Acting United States Attorney

s/Mark Bilkovic

Assistant U.S. Attorney 211 W. Fort Street, Suite 2001 Detroit, MI 48226 mark.bilkovic@usa.doj.gov

(313) 226-9623

Dated: March 17, 2021

for the

Eastern District of Michigan

United States of America
v.
)
Case No. 21-30133

DANIEL HERENDEEN

Defendant
)

## APPEARANCE BOND

### **Defendant's Agreement**

I, DA	NIEL HERENDEEN	(defendant), agree to follow every order of this court, or any
court t	hat considers this case, and I further agree tha	t this bond may be forfeited if I fail:
	✓ to appear for court proceedings;	
	if convicted, to surrender to serve a sente	
	to comply with all conditions set forth in	the Order Setting Conditions of Release.
	T	ype of Bond
(1)	This is a personal recognizance bond.	
	This is an unsecured bond of \$ 10,000.00	•
$\square$ (3)	This is a secured bond of \$	, secured by:
	\$	in cash deposited with the court.
	(b) the agreement of the defendant and e	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 va	ılue):
	If this bond is secured by real property, docu	ments to protect the secured interest may be filed of record.
	(c) a bail bond with a solvent surety (atta surety):	ach a copy of the bail bond, or describe it and identify the

### 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.

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: March 18, 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
	DAVID J. WEAVER, CLERK OF COURT
Date: March 18, 2021	s/Kristen Castaneda Signature of Clerk or Deputy Clerk
Approved.	
Date: March 18, 2021	s/Patricia T. Morris  Judge's signature

for the Eastern District of Michigan

United States of America	)	
V.	)	Case No. 21-30133
DANIEL HERENDEEN	)	
DANIEL HERENDEEN	)	
	)	

### ORDER REGARDING BRADY MATERIALS

Pursuant to the Due Process Protections Act, the court reminds the government of its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with *Brady* and its progeny.

The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances.

IT IS SO ORDERED.

Date: March 18, 2021

s/Patricia T. Morris

Judicial Officer's Signature

Patricia T. Morris, U.S. Magistrate Judge

Printed name and title

for the Eastern District of Michigan

United States of America	) )				
v.	) Case No. 21-30133-01				
Daniel Herendeen					
	j				
ORDER SE	TTING CONDITIONS OF RELEASE				
IT IS ORDERED that the defendant's r	release is subject to these conditions:				
(1) The defendant must not viola	(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 the collection is authorized by 4 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 a	t (if blank, to be notified) :				
Theodore Levin U.S. Courth	ouse, Room 114, 231 West Lafayette Boulevard, Detroit, MI 48226  Place				
on	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 (See separate Agreement to Assume Custody of the Defendant).				
(7) The defendant must:				
(a) report, as directed, to: Pretrial Services Agency. Probation Department.				
(b) continue or actively seek employment. Provide verification to the supervising officer, as requested.				
(c) continue or start an education program and provide monthly verification to the supervising officer.				
(d) not apply for or enter into any loan or other credit transaction without the previous written permission of the pretrial services office or supervising officer.				
(e) surrender any passport immediately and/or enhanced identification to the supervising officer as directed.				
(f) not obtain a passport, enhanced identification or other international travel documents.				
(g) abide by the following restrictions on personal association, place of abode, or travel:				
Travel restricted to the Eastern District of Michigan; Travel restricted to the State of Michigan; Travel restricted to: ED/MI and District of Columbia for Court appearances, Unless I have the previous consent of the pretrial services office, supervising officer				
or the court.				
<ul> <li>☐ (h) avoid all contact, directly or indirectly, with any person who is or may become a victim or witness in the investigation or prosecution, including but not limited to:</li> <li>☐ list to be provided by U.S. Attorney;</li> <li>☐ other persons:</li> </ul>				
(i) obtain medical or mental health treatment as directed by the supervising officer.				
provide a co-payment for treatment costs as directed by the supervising officer.				
(j) for all probation and/or supervised release violations, all conditions in the Judgment Order under docket#will remain in effect.				
(k) maintain residence at a residential reentry center as directed by the supervising officer.				

	• /	reside at the bond address, and any changes in residence must be pre- approved by the supervising officer.		
V	Ì	not possess a firearm, destructive device, or other dangerous weapons. Remove all firearms, destructive devices or other dangerous weapons from bond address and provide verification to the supervising officer within 48 hours of release.	ie	
	` '	surrender any Concealed Pistol License (CPL) to the supervising officer within 48 hour of release.	'S	
<b>V</b>	(o) 1	not use alcohol:		
		☐ at all.  ✓ excessively.		
$\square$	a b	not use or unlawfully possess a narcotic drug or other controlled substances defined in 2 J.S.C. § 802, unless prescribed by a licensed medical practitioner. Provide documentations prescribed medications to the supervising officer and any new medications prescribed by a licensed medical practitioner throughout supervision. Refrain from the use of marijustich is prohibited by federal law.	on of ed	
	(q) submit to any testing required by the supervising officer to determine whether the defendant/person under supervision is using a prohibited substance. Testing may be used with random frequency and 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/offender must not obstruct or attempt to obstruct or tamper with the efficiency as accuracy of any prohibited substance screening or testing.			
<b>√</b>		participate in a program of inpatient or outpatient substance abuse therapy and counseling lirected by the pretrial services office or supervising officer.	ng if	
		participate in one of the following location restriction programs and comply with equirements as directed:		
		(i) Curfew. You are restricted to your residence every day:	~**	
		from to as directed by the pretrial services office or supervising officer; or	or	
		(ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or menta health treatment; attorney visits; court appearances; court-ordered obligations;		
		Essential Leave may be granted to participant as deemed appropriate by the supervising officer.		
		Discretionary Leave may be granted to participant as deemed appropriate by the supervising officer.		
		(iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except medical necessities and court appearances or other activities specifically appr by the court.		

		incarcei restricti <b>Note:</b> S	Alone Monitoring. You have ration restrictions. However ons as imposed by the court tand Alone Monitoring shows (GPS) technology.	, you must comply with t	he location or travel
			ion monitoring as directed baply with all of the program		
			t pay all or part of the cost o		n your ability to pay as
		(iv)	Location monitoring technology supervising officer; Radio Frequency (RF) mon Global Positioning Satellite Voice Recognition monitorin Remote Alcohol Monitorin SmartLINK;	nitoring; e (GPS) monitoring; g;	oretrial services office or
V	(u) repo	ort within 24 onnel, inclu	4 hours to the pretrial servic ading arrests, questioning or	es office, every contact w traffic stops.	ith law enforcement
	(v) reso	lve all outs	tanding warrants as directed	by the supervising office	er.
	(w) con	ply with al	l Sex Offender Registration	and Notification Act (SC	ORNA) requirements.
<b>V</b>		Appear in the arance.	ne District of Columbia as d	irected, once a date is set	for your
	the you	firearm sei:	shall not possess firerams, dized by arresting agents is reland provide proof to Pretria	turned to him, shall remo	ve the firearm from

#### 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 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.

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**

e and that I am aware of the conditions of release. I promise to d surrender to serve any sentence imposed. I am aware of the
Defendant's Signature
Detroit, MI
City and State

## **Directions to the United States Marshal**

	Diffections to th	ic United States Maishal	
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 just 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:	March 18, 2021	s/Patricia T. Morris  Judicial Officer's Signature	
		Patricia T. Morris, U.S. Magistrate Judge Printed name and title	

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

	]	Eastern District o	f Michigan	
	United States of America  v.  Daniel Herendeen  Defendant	) ) )	Case No. 21-30133  Charging District: Charging District's Case	District of Columbia se No. 1:21-mj-00312
where th	ORDER REQUIRING A WHERE CHARGES A After a hearing in this court, the defende charges are pending to answer those at must appear when notified to do so.	dant is released fit charges. If the t	G AND TRANSFERRI  rom custody and ordered t  ime to appear in that court	NG BAIL o appear in the district court has not yet been set, the
Place: vi	a Zoom- Link provided to FCD and Pre	etrial Officer	Courtroom No.:	
			Date and Time: 3/25/20	)21 1:00 am
	The clerk is ordered to transfer any baare pending.	ail deposited in th	e registry of this court to t	he clerk of the court where the
Date:	03/18/2021		s/ Patricia	T. Morris
			Judge's si	gnature
			Patricia T. Morris, U.S	3. Magistrate Judge

Printed name and title

4/1/2021

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**CLOSED** 

# U.S. District Court Eastern District of Michigan (Detroit) CRIMINAL DOCKET FOR CASE #: 2:21-mj-30133-DUTY All Defendants

Case title: United States of America v. Herendeen Date Filed: 03/18/2021

Date Terminated: 03/18/2021

Log Out

Assigned to: Magistrate Judge Unassigned

Defendant (1)

**Daniel Herendeen** 

TERMINATED: 03/18/2021

represented by Federal Community Defender

613 Abbott 5th Floor Detroit, MI 48226 313-967-5555 LEAD ATTORNEY

ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Bar Status: Sworn

Colleen P. Fitzharris

Federal Community Defender 613 Abbott St. 5th Floor Detroit, MI 48226 313-967-5866

Email: colleen\_fitzharris@fd.org
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Bar Status: Sworn

**Pending Counts** 

None

**Disposition** 

**Highest Offense Level (Opening)** 

None

**Terminated Counts** 

**Disposition** 

None

**Highest Offense Level (Terminated)** 

4/1/2021 None

**Complaints** 

**Disposition** 

Rule 5(c)(3) from District of Columbia

## **Plaintiff**

**United States of America** 

## represented by Mark Bilkovic

Assistant United States Attorney 211 W. Fort Street Suite 2001 Detroit, MI 48226 313-226-9623

Fax: 313-226-3265

Email: mark.bilkovic@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED Designation: U.S. Attorney

Bar Status: US Government Attorney

<b>Date Filed</b>	#	Docket Text
03/18/2021	1	PETITION for Transfer under Rule 5(c)(3) by United States of America as to Daniel Herendeen (1). (AFla) (Entered: 03/18/2021)
03/18/2021		Minute Entry for proceedings before Magistrate Judge Patricia T. Morris: Initial Appearance in Rule 5(c)(3) Proceedings as to Daniel Herendeen held on 3/18/2021.  Preliminary Examination set for 4/7/2021 01:00 PM Disposition: Defendant released on bond. Bond Information: 10,000 unsecured. (Court Reporter: Digitally Recorded) (Defendant Attorney: Colleen Fitzharris) (AUSA: Mark Bilkovic) (KCas) (Entered: 03/18/2021)
03/18/2021		Minute Entry for proceedings before Magistrate Judge Patricia T. Morris: Removal Hearing Not Held as to Daniel Herendeen.(Court Reporter: Digitally Recorded) (Defendant Attorney: Colleen Fitzharris) (AUSA: Mark Bilkovic) (KCas) (Entered: 03/18/2021)
03/18/2021	2	Public Audio File of Initial Appearance as to Daniel Herendeen held on 3/18/2021 before Magistrate Judge Patricia T. Morris. AUDIO FILE SIZE (6.4 MB) (SOso) (Entered: 03/18/2021)
03/18/2021	3	ORDER APPOINTING FEDERAL COMMUNITY DEFENDER as to Daniel Herendeen. Signed by Magistrate Judge Patricia T. Morris. (SOso) (Entered: 03/18/2021)
03/18/2021	4	ORDER Regarding Brady Materials as to Daniel Herendeen. Signed by Magistrate Judge Patricia T. Morris. (SOso) (Entered: 03/18/2021)
03/18/2021	<u>5</u>	ORDER Setting Conditions of Release as to Daniel Herendeen. Signed by Magistrate Judge Patricia T. Morris. (SOso) (Entered: 03/18/2021)
03/18/2021	6	BOND as to Daniel Herendeen in the amount of \$10,000 unsecured entered. (SOso) (Entered: 03/18/2021)
03/18/2021		Minute Entry for proceedings before Magistrate Judge Patricia T. Morris: Preliminary Examination Cancelled as to Daniel Herendeen. Defendant is directed to appear via Zoom

4/1/2021	Ca	ase 1:21-cr-00278-BAH Documentus. disilect 0.02/206/21 Page 16 of 16
		in front of the Superior Court of the District of Columbia on 3/25/2021 at 1:00 p.m.(Court Reporter: None Present, Not on the Record) (KCas) (Entered: 03/18/2021)
03/18/2021	7	WAIVER of Rule 5 & 5.1 Hearings by Daniel Herendeen (SOso) (Entered: 03/18/2021)
03/18/2021	8	ORDER TRANSFERRING DEFENDANT to Answer Charges Pending in the District of Columbia as to Daniel Herendeen. Signed by Magistrate Judge Patricia T. Morris. (SOso) (Entered: 03/18/2021)
03/19/2021	9	NOTICE OF ATTORNEY APPEARANCE: Colleen P. Fitzharris appearing for Daniel Herendeen (Fitzharris, Colleen) (Entered: 03/19/2021)
03/24/2021		TEXT-ONLY NOTICE to District of Columbia of Transfer as to Daniel Herendeen. Your case number is: 21-312. Using your PACER account, you may retrieve the docket sheet and any unrestricted documents and text-only entries. Please note the following documents: 8 Transferring Defendant to Answer Charges, Initial Appearance, 1 Rule 5(c)(3) Petition for Transfer Proceedings, Hearing Not Held/Hearing Cancelled, 5 Order Setting Conditions of Release, 4 Order Regarding Brady Materials, Hearing Not Held/Hearing Cancelled, 6 Bond, 3 Order Appointing Federal Community Defender, 7 Waiver of Rule 5 Hearings (Formerly Rule 40), 2 Audio File Upload (If you require sealed documents or certified copies, please send a request to InterDistrictTransfer_mied@mied.uscourts.gov. If you require a defendant's payment history, please send a request to financial@mied.uscourts.gov.) (LHos) (Entered: 03/24/2021)