

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

DANIEL RAY CALDWELL (AKA: N/A)

) Case: 1:21-mj-00207
) Assigned to: Judge Faruqui, Zia M
) Assign Date: 2/8/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)*

DANIEL RAY CALDWELL

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. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
 18 U.S.C. § 111(a)(1) - Assaulting, resisting, or impeding certain officers or employees;
 18 U.S.C. § 1752(a)(1), (2), (4) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
 40 U.S.C. § 5104(e)(2)(D), (F) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 2/8/2021



2021.02.08

15:08:56 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

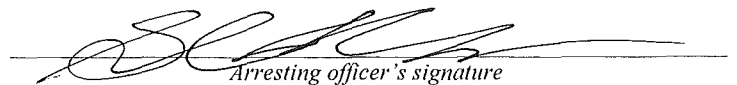
Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on *(date)* 02/08/2021, and the person was arrested on *(date)* 02/10/2021
 at *(city and state)*

Date: 02/10/2021


Arresting officer's signature

Seth D. Webb / FBI Special Agent
Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

UNITED STATES OF AMERICA

VS.

DANIEL RAY CALDWELL

§
§
§
§
§

CASE NO. 4:21-MJ-107

NOTICE OF APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JOHN HUNTER SMITH, Texas State Bar No. 24028393, of Wynne & Smith, a firm of practicing attorneys located in Sherman, Texas, makes his appearance as counsel of record and attorney in charge for Defendant **DANIEL RAY CALDWELL**, in the above -entitled and numbered cause of action.

Respectfully submitted,

WYNNE & SMITH
707 West Washington
P.O. Box 2228
Sherman, Texas 75091-2228
Tel: (903) 893-8177
Fax: (903) 892-0916

By: /s / John Hunter Smith
John Hunter Smith
State Bar No. 24028393
jsmith@wynnesmithlaw.com

CERTIFICATE OF SERVICE

I, John Hunter Smith hereby certify that on February 11, 2021, a true and correct copy of the Notice of Appearance was provided to the Assistant United States Attorney, Mr. William Richardson Tatum, via CM ECF transmission..

/s / John Hunter Smith
JOHN HUNTER SMITH

MIME-Version:1.0
From:txedCM@txed.uscourts.gov
To:txedcmcc@txed.uscourts.gov
Bcc:
--Case Participants: John Hunter Smith (aharrison@wynnesmithlaw.com, jsmith@wynnesmithlaw.com, wendy@wynnesmithlaw.com), William Richardson Tatum (caseview.ecf@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov, william.tatum@usdoj.gov), Magistrate Judge Kimberly C Priest Johnson (jane_amerson@txed.uscourts.gov, karen_sessions@txed.uscourts.gov, kimberly_johnson@txed.uscourts.gov, lance_henderson@txed.uscourts.gov, thanh_nguyen@txed.uscourts.gov)
--Non Case Participants: USM Plano/Sherman (usm_notify_planosherman@txed.uscourts.gov), USPO Sherman (txep_notify_sherman@txep.uscourts.gov)
--No Notice Sent:

Message-Id:12828938@txed.uscourts.gov
Subject:Activity in Case 4:21-mj-00107-KPJ USA v. Caldwell
Content-Type: text/html

U.S. District Court

Eastern District of TEXAS [LIVE]

Notice of Electronic Filing

The following transaction was entered on 2/11/2021 at 1:44 PM CST and filed on 2/11/2021

Case Name: USA v. Caldwell

Case Number: 4:21-mj-00107-KPJ

Filer:

Document Number: No document attached

Docket Text:

NOTICE OF HEARING as to Daniel Ray Caldwell Initial Appearance set for 2/12/2021 01:00 PM in Ctrm 108 (Plano) before Magistrate Judge Kimberly C Priest Johnson. (jwam,)

4:21-mj-00107-KPJ-1 Notice has been electronically mailed to:

John Hunter Smith jsmith@wynnesmithlaw.com, aharrison@wynnesmithlaw.com, wendy@wynnesmithlaw.com

William Richardson Tatum William.Tatum@usdoj.gov, CaseView.ECF@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov

4:21-mj-00107-KPJ-1 Notice will not be electronically mailed to:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:21MJ107
	§	Judge Johnson
DANIEL RAY CALDWELL	§	

NOTICE OF APPEARANCE OF COUNSEL

The United States of America, by and through the undersigned Assistant United States Attorney, Tracey M. Batson, files this Notice of Appearance of Counsel in the above styled and numbered cause of action, and would show the Court as follows:

The undersigned has been assigned to represent the United States in this cause and respectfully requests that all pleadings, notices, correspondence, etc., be copied to the undersigned via CM/ECF.

Respectfully submitted,

NICHOLAS J. GANJEI
ACTING UNITED STATES ATTORNEY

/s/

TRACEY M. BATSON
Assistant United States Attorney
Texas Bar No. 00784119
101 E. Park Blvd., Suite 500
Plano, Texas 75074
(972) 509-1201
(972) 509-1209 (fax)
Email: Tracey.Batson@usdoj.gov

CERTIFICATE OF SERVICE

On February 11, 2021, I certify that a true and correct copy of the government's notice was sent via electronic filing to counsel for the defendant.

/s/
TRACEY M. BATSON
Assistant United States Attorney

MIME-Version:1.0
From:txedCM@txed.uscourts.gov
To:txedcmcc@txed.uscourts.gov
Bcc:
--Case Participants: John Hunter Smith (aharrison@wynnesmithlaw.com, jsmith@wynnesmithlaw.com, wendy@wynnesmithlaw.com), Tracey M Batson (caseview.ecf@usdoj.gov, deborah.owens@usdoj.gov, elizabeth.r.cohen@usdoj.gov, judy.carone@usdoj.gov, tracey.batson@usdoj.gov, usatxe.crimecfpla@usdoj.gov), William Richardson Tatum (caseview.ecf@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov, william.tatum@usdoj.gov), Magistrate Judge Kimberly C Priest Johnson (jane_amerson@txed.uscourts.gov, karen_sessions@txed.uscourts.gov, kimberly_johnson@txed.uscourts.gov, lance_henderson@txed.uscourts.gov, thanh_nguyen@txed.uscourts.gov)
--Non Case Participants: USM Plano/Sherman (usm_notify_planosherman@txed.uscourts.gov), USPO Sherman (txep_notify_sherman@txep.uscourts.gov)
--No Notice Sent:

Message-Id:12833236@txed.uscourts.gov
Subject:Activity in Case 4:21-mj-00107-KPJ USA v. Caldwell Arrest - Rule 5c
Content-Type: text/html

U.S. District Court

Eastern District of TEXAS [LIVE]

Notice of Electronic Filing

The following transaction was entered on 2/16/2021 at 10:16 AM CST and filed on 2/10/2021

Case Name: USA v. Caldwell
Case Number: 4:21-mj-00107-KPJ
Filer:
Document Number: No document attached
Docket Text:
[Arrest \(Rule 5c\) of Daniel Ray Caldwell \(mem\)](#)

4:21-mj-00107-KPJ-1 Notice has been electronically mailed to:

John Hunter Smith jsmith@wynnesmithlaw.com, aharrison@wynnesmithlaw.com, wendy@wynnesmithlaw.com

Tracey M Batson tracey.batson@usdoj.gov, CaseView.ECF@usdoj.gov, deborah.owens@usdoj.gov, Elizabeth.R.Cohen@usdoj.gov, judy.carone@usdoj.gov, USATXE.CrimECFPla@usdoj.gov

William Richardson Tatum William.Tatum@usdoj.gov, CaseView.ECF@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov

4:21-mj-00107-KPJ-1 Notice will not be electronically mailed to:

DATE:	2/12/2021
LOCATION:	Plano
JUDGE:	Kimberly C. Priest Johnson
DEP. CLERK:	Jane Amerson
RPTR/ECRO:	Digital Recording
USPO:	T. Routh
INTERPRETER:	N/A
BEGIN/END:	2:06 – 2:11
TOTAL TIME:	5 minutes

CASE NUMBER 4:21-MJ-00107-KPJ

USA v. Daniel Ray Caldwell

Anand Varadarajan
AUSA

John Hunter Smith, Retained
Defense Attorney

☒ INITIAL APPEARANCE OUT OF DISTRICT COMPLAINT

☐ ARRAIGNMENT

☐ DETENTION HEARING

☐ PRELIMINARY HEARING

☐ STATUS CONFERENCE

☐ Hearing Held ☐ Hearing Called ☒ Defendant Sworn ☐ Interpreter Required

☒ Date of arrest: 2/10/2021 – 1:21mj207 District of Columbia (Other district court & case #)

☒ Defendant ☒ advised of charges ☒ advised of maximum penalties ☐ waived reading of indictment

☒ Defendant first appearance with counsel Attorney: John Hunter Smith ☒ Retained

☐ Defendant advises the Court that they ☐ have counsel who is _____ or, ☐ will hire counsel.

☐ Financial affidavit executed by dft.

☐ Defendant requests appointed counsel, is sworn and examined re: financial status.

☐ The court finds the defendant is ☐ able to employ counsel ☐ unable to employ counsel.

☐ _____ CJA appointed

☐ _____ FPD appointed

☐ USA ORAL motion for detention

☐ USA ORAL motion to continue ☐ Oral Order granting continuance ☐ Oral Order denying continuance

☐ Defendant ORAL motion to continue detention hearing

☐ Oral Order granting continuance ☐ Oral Order denying continuance

☒ Detention hearing set Wednesday 2/17/2021 at 1:30 p.m. before Judge Johnson

☒ Preliminary hearing set Wednesday 2/17/2021 at 1:30 p.m. before Judge Johnson

☐ Detention Hearing waived.

☐ Defendant detained based on signed Waiver.

☐ Preliminary Hearing waived.

☐ Court found Probable Cause based on signed Waiver.

☐ Defendant signed Waiver of Rule 5 and 5.1 hearings: ☐ waives identity hearing; ☐ waives preliminary hearing; ☐ waives detention hearing; ☐ waives all hearings but requests hearings be held in prosecuting district.

☐ Defendant signed Waiver of Rule 32.1 hearing: ☐ waives identity hearing; ☐ waives preliminary hearing; ☐ waives detention hearing; ☐ waives all hearings but requests hearings be held in prosecuting district.

☒ Defendant remanded to custody of U.S. Marshal ☐ Defendant ordered removed to Originating District

☐ Order setting conditions of release ☐ PR Bond executed

☐ Defendant failed to appear ☐ oral order for arrest warrant ☐ bond forfeited

☐ See reverse/attached for additional proceedings

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

DANIEL RAY CALDWELL

§
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§
§
§
§

CASE NUMBER 4:21-MJ-00107-KPJ

ORDER SCHEDULING A DETENTION & PRELIMINARY HEARING

A hearing in this case is scheduled as follows:

Before: U.S. Magistrate Judge Kimberly C. Priest Johnson United States Federal Courthouse 7940 Preston Road Plano, TX 75024	Courtroom Number: 108
	Date: Wednesday, February 17, 2021 Time: 1:30pm

IT IS ORDERED: Pending the hearing, the defendant is to be detained in the custody of the United States Marshal or any other authorized officer. The custodian must bring the defendant to the hearing at the time, date, and place set forth above.

Date: February 12, 2021


UNITED STATES MAGISTRATE JUDGE

MIME-Version:1.0
From:txedCM@txed.uscourts.gov
To:txedcmcc@txed.uscourts.gov
Bcc:
--Case Participants: John Hunter Smith (aharrison@wynnesmithlaw.com, jsmith@wynnesmithlaw.com, wendy@wynnesmithlaw.com), Tracey M Batson (caseview.ecf@usdoj.gov, deborah.owens@usdoj.gov, elizabeth.r.cohen@usdoj.gov, judy.carone@usdoj.gov, tracey.batson@usdoj.gov, usatxe.crimecfpla@usdoj.gov), William Richardson Tatum (caseview.ecf@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov, william.tatum@usdoj.gov), Magistrate Judge Kimberly C Priest Johnson (jane_amerson@txed.uscourts.gov, karen_sessions@txed.uscourts.gov, kimberly_johnson@txed.uscourts.gov, lance_henderson@txed.uscourts.gov, thanh_nguyen@txed.uscourts.gov)
--Non Case Participants: USM Plano/Sherman (usm_notify_planosherman@txed.uscourts.gov), USPO Sherman (txep_notify_sherman@txep.uscourts.gov)
--No Notice Sent:

Message-Id:12834257@txed.uscourts.gov
Subject:Activity in Case 4:21-mj-00107-KPJ USA v. Caldwell
Content-Type: text/html

U.S. District Court

Eastern District of TEXAS [LIVE]

Notice of Electronic Filing

The following transaction was entered on 2/17/2021 at 8:46 AM CST and filed on 2/17/2021

Case Name: USA v. Caldwell
Case Number: 4:21-mj-00107-KPJ
Filer:
Document Number: No document attached

Docket Text:

NOTICE OF HEARING as to Daniel Ray Caldwell Detention Hearing **RESET due to weather issues for 2/22/2021 10:00 AM in Ctrm 108 (Plano) before Magistrate Judge Kimberly C Priest Johnson. (jwam,)**

4:21-mj-00107-KPJ-1 Notice has been electronically mailed to:

Tracey M Batson tracey.batson@usdoj.gov, CaseView.ECF@usdoj.gov, Elizabeth.R.Cohen@usdoj.gov, USATXE.CrimECFPla@usdoj.gov, deborah.owens@usdoj.gov, judy.carone@usdoj.gov

John Hunter Smith jsmith@wynnesmithlaw.com, aharrison@wynnesmithlaw.com, wendy@wynnesmithlaw.com

William Richardson Tatum William.Tatum@usdoj.gov, CaseView.ECF@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov

4:21-mj-00107-KPJ-1 Notice will not be electronically mailed to:

DATE:	2/22/2021
LOCATION:	Plano
JUDGE:	Kimberly C. Priest Johnson
DEP. CLERK:	Jane Amerson <u>Lon Stuber</u>
RPTR/ECRO:	Digital Recording
USPO:	<u>T. Routh</u> <u>Fred Foreman</u>
INTERPRETER:	
BEGIN/END:	<u>11:26 AM / 1:17 PM</u>
TOTAL TIME:	<u>1 hour 51 mins</u>

CASE NUMBER 4:21-MJ-00107-KPJ

USA v. Daniel Ray Caldwell

Tracey Batson
AUSA

John Hunter Smith, Retained
Defense Attorney

- ☐ DETENTION HEARING on Indictment ☐ STATUS CONFERENCE
☒ DETENTION HEARING on Complaint ☐ PRELIMINARY HEARING on Complaint

- ☒ CASE CALLED ☒ DEFENDANT SWORN ☐ INTERPRETER REQUIRED
☒ Government announced ready ☒ Defendant announced ready
☒ Defendant appeared with counsel John Hunter Smith
☐ Defendant requests appointed counsel.
☐ Financial affidavit executed by Defendant.
☐ The court finds the defendant is ☐ able to employ counsel ☐ unable to employ counsel.
☐ _____ CJA appointed
☐ _____ FPD appointed

☐ ORAL motion by USA to withdraw Motion for Detention ☐ ORAL ORDER granting ☐ ORAL ORDER denying
☐ ORAL motion by USA to continue Motion for Detention ☐ ORAL ORDER granting ☐ ORAL ORDER denying

☐ Detention hearing reset to: _____
☐ Detention Hearing waived.
☐ Defendant detained based on signed Waiver.
☐ Preliminary Hearing waived.
☐ Court found Probable Cause based on signed Waiver.
☐ Conditions of Release entered, and Defendant released from custody.

☒ Government witnesses: 11:26 AM - Direct. Special Agent Seth D. Webb

☒ Defendant witnesses: 11:52 AM - Cross - SA Webb
12:12 PM - Redirect - SA Webb

PROCEEDINGS:

12:23 pm - Direct exam - Kambria Caldwell
12:29 pm - Cross exam - Kambria Caldwell
12:45 pm - Redirect exam - Kambria Caldwell
12:47 pm - Recross exam - Kambria Caldwell

Court ordered Defendant ☐ DETAINED ☐ RELEASED

- ☐ Conditions of Release entered
☐ Defendant remanded to USM.

(evidence)
 The court will review a video and offense report and issue a ruling this week of 2/22/2021.

MIME-Version:1.0
From:txedCM@txed.uscourts.gov
To:txedcmcc@txed.uscourts.gov
Bcc:
--Case Participants: John Hunter Smith (aharrison@wynnesmithlaw.com, jsmith@wynnesmithlaw.com, wendy@wynnesmithlaw.com), Tracey M Batson (caseview.ecf@usdoj.gov, deborah.owens@usdoj.gov, elizabeth.r.cohen@usdoj.gov, judy.carone@usdoj.gov, tracey.batson@usdoj.gov, usatxe.crimecfpla@usdoj.gov), William Richardson Tatum (caseview.ecf@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov, william.tatum@usdoj.gov), Magistrate Judge Kimberly C Priest Johnson (jane_amerson@txed.uscourts.gov, karen_sessions@txed.uscourts.gov, kimberly_johnson@txed.uscourts.gov, lance_henderson@txed.uscourts.gov, thanh_nguyen@txed.uscourts.gov)
--Non Case Participants: USM Plano/Sherman (usm_notify_planosherman@txed.uscourts.gov), USPO Sherman (txep_notify_sherman@txep.uscourts.gov)
--No Notice Sent:

Message-Id:12843042@txed.uscourts.gov
Subject:Activity in Case 4:21-mj-00107-KPJ USA v. Caldwell
Content-Type: text/html

U.S. District Court

Eastern District of TEXAS [LIVE]

Notice of Electronic Filing

The following transaction was entered on 2/24/2021 at 12:10 PM CST and filed on 2/24/2021

Case Name: USA v. Caldwell

Case Number: 4:21-mj-00107-KPJ

Filer:

Document Number: No document attached

Docket Text:

NOTICE OF HEARING as to Daniel Ray Caldwell Continuation of Detention Hearing set for 3/4/2021 09:30 AM in Ctrm 108 (Plano) before Magistrate Judge Kimberly C Priest Johnson. (jwam,)

4:21-mj-00107-KPJ-1 Notice has been electronically mailed to:

Tracey M Batson tracey.batson@usdoj.gov, CaseView.ECF@usdoj.gov, Elizabeth.R.Cohen@usdoj.gov, USATXE.CrimECFPla@usdoj.gov, deborah.owens@usdoj.gov, judy.carone@usdoj.gov

John Hunter Smith jsmith@wynnesmithlaw.com, aharrison@wynnesmithlaw.com, wendy@wynnesmithlaw.com

William Richardson Tatum William.Tatum@usdoj.gov, CaseView.ECF@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov

4:21-mj-00107-KPJ-1 Notice will not be electronically mailed to:

AO 435 (Rev. 04/18)		ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS		FOR COURT USE ONLY	
TRANSCRIPT ORDER				DUE DATE:	
<i>Please Read Instructions:</i>					
1. NAME Puja Bhatia		2. PHONE NUMBER (202) 252-6900		3. DATE 3/2/2021	
4. DELIVERY ADDRESS OR EMAIL puja.bhatia@usdoj.gov		5. CITY Washington		6. STATE DC	7. ZIP CODE 20530
8. CASE NUMBER 21-MJ-107	9. JUDGE Kimberly C. Priest Johnson	DATES OF PROCEEDINGS			
		10. FROM 2/22/2021		11. TO 2/22/2021	
12. CASE NAME US v. Daniel Caldwell, Other court case number: 1:21-mj-207 District of Columbia		LOCATION OF PROCEEDINGS			
		13. CITY		14. STATE Texas	
15. ORDER FOR					
<input type="checkbox"/> APPEAL		<input checked="" type="checkbox"/> CRIMINAL		<input type="checkbox"/> CRIMINAL JUSTICE ACT	
<input type="checkbox"/> NON-APPEAL		<input type="checkbox"/> CIVIL		<input type="checkbox"/> BANKRUPTCY	
				<input type="checkbox"/> IN FORMA PAUPERIS	
				<input type="checkbox"/> OTHER	
16. TRANSCRIPT REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which transcript is requested)					
PORTIONS		DATE(S)		PORTION(S)	
<input type="checkbox"/> VOIR DIRE				<input type="checkbox"/> TESTIMONY (Specify Witness)	
<input type="checkbox"/> OPENING STATEMENT (Plaintiff)					
<input type="checkbox"/> OPENING STATEMENT (Defendant)					
<input type="checkbox"/> CLOSING ARGUMENT (Plaintiff)				<input type="checkbox"/> PRE-TRIAL PROCEEDING (Specy)	
<input type="checkbox"/> CLOSING ARGUMENT (Defendant)					
<input type="checkbox"/> OPINION OF COURT					
<input type="checkbox"/> JURY INSTRUCTIONS				<input checked="" type="checkbox"/> OTHER (Specify)	
<input type="checkbox"/> SENTENCING				(2/22/2021)	
<input type="checkbox"/> BAIL HEARING				Detention Hearing	
17. ORDER					
CATEGORY	ORIGINAL (Includes Certified Copy to Clerk for Records of the Court)	FIRST COPY	ADDITIONAL COPIES	NO. OF PAGES ESTIMATE	COSTS
ORDINARY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
14-Day	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
EXPEDITED	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
3-Day	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
DAILY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
HOURLY	<input type="checkbox"/>	<input type="checkbox"/>	NO. OF COPIES		
REALTIME	<input type="checkbox"/>	<input type="checkbox"/>			
CERTIFICATION (18. & 19.) By signing below, I certify that I will pay all charges (deposit plus additional).				ESTIMATE TOTAL	0.00
18. SIGNATURE /s//Puja Bhatia				PROCESSED BY	
19. DATE 3/2/2021				PHONE NUMBER	
TRANSCRIPT TO BE PREPARED BY				COURT ADDRESS	
ORDER RECEIVED		DATE	BY		
DEPOSIT PAID				DEPOSIT PAID	
TRANSCRIPT ORDERED				TOTAL CHARGES	0.00
TRANSCRIPT RECEIVED				LESS DEPOSIT	0.00
ORDERING PARTY NOTIFIED TO PICK UP TRANSCRIPT				TOTAL REFUNDED	
PARTY RECEIVED TRANSCRIPT				TOTAL DUE	0.00

DISTRIBUTION: COURT COPY TRANSCRIPTION COPY ORDER RECEIPT ORDER COPY

INSTRUCTIONS

GENERAL

Use. Use this form to order the transcription of proceedings. Complete a separate order form for each case number for which transcripts are ordered.

Completion. Complete Items 1-19. Do *not* complete shaded areas which are reserved for the court's use.

Order Copy. Keep a copy for your records.

Submitting to the Court. Submit the form in the format required by the court.

Deposit Fee. The court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

Delivery Time. Delivery time is computed from the date of receipt of the deposit fee or for transcripts ordered by the federal government from the date of receipt of the signed order form.

Completion of Order. The court will notify you when the transcript is completed.

Balance Due. If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

SPECIFIC

Items 1-19. These items should always be completed.

Item 8. Only one case number may be listed per order.

Item 15. Place an "X" in each box that applies.

Item 16. Place an "X" in the box for each portion requested. List specific date(s) of the proceedings for which transcript is requested. Be sure that the description is clearly written to facilitate processing. Orders may be placed for as few pages of transcript as are needed.

Item 17. *Categories.* There are six (6) categories of transcripts which may be ordered. These are:

Ordinary. A transcript to be delivered within thirty (30) calendar days after receipt of an order. (Order is considered received upon receipt of the deposit.)

14-Day. A transcript to be delivered within fourteen (14) calendar days after receipt of an order.

Expedited. A transcript to be delivered within seven (7) calendar days after receipt of an order.

3-Day. A transcript to be delivered within three (3) calendar days after receipt of an order.

Daily. A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.

Hourly. A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.

Realtime. A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment.

NOTE: Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the 14-day *delivery* rate, and if not completed and delivered within 14 calendar days, payment would be at the ordinary delivery rate.

Ordering. Place an "X" in each box that applies. Indicate the number of additional copies ordered.

Original. Original typing of the transcript. An original must be ordered and prepared prior to the availability of copies. The original fee is charged only once. The fee for the original includes the copy for the records of the court.

First Copy. First copy of the transcript after the original has been prepared. All parties ordering copies must pay this rate for the first copy ordered.

Additional Copies. All other copies of the transcript ordered by the same party.

Item 18. Sign in this space to certify that you will pay all charges. (This includes the deposit plus any additional charges.)

Item 19. Enter the date of signing.

Shaded Area. Reserved for the court's use.

DATE:	3/4/2021
LOCATION:	Plano
JUDGE:	Kimberly C. Priest Johnson
DEP. CLERK:	Jane Amerson
RPTR/ECRO:	Digital Recording
USPO:	T. Routh
INTERPRETER:	N/A
BEGIN/END:	9:46 – 10:06
TOTAL TIME:	20 minutes

CASE NUMBER 4:21-MJ-00107-KPJ

USA v. Daniel Ray Caldwell

Will Tatum

AUSA

FILED

MAR 04 2021

John Hunter Smith, Retained

Defense Attorney

Clerk, U.S. District Court
Eastern District of Texas

☐ ARRAIGNMENT

☒ DETENTION HEARING

DETENTION HEARING

- ☐ Hearing called ☐ Hearing held ☒ Defendant Sworn ☐ Interpreter Required
☐ ORAL Motion by USA to withdraw Motion for Detention ☐ Oral Order Granting ☐ Oral Order Denying
☐ ORAL Motion by USA to continue Detention Hearing ☐ Oral Order Granting ☐ Oral Order Denying
☐ ORAL Motion by Defendant to continue Detention Hearing ☐ Oral Order Granting ☐ Oral Order Denying
☐ Detention hearing reset to: _____
☐ Detention Hearing waived. ☐ Defendant detained based on signed Waiver.
☐ Preliminary Hearing waived. ☐ Court found Probable Cause based on signed Waiver.

☐ Government witnesses:

☒ Defendant witnesses: James Caldwell

PROCEEDINGS:

9:47 am – Case Called Appearances made

9:47 am – DIRECT EXAMINATION – James Caldwell – father of defendant – relationship to defendant – ability to be third party custodian –

9:50 am – CROSS EXAMINATION – witness' understanding of defendant's role in conduct at the Capitol – defendant's issue with authority –

9:53 am – Questions from the Court – regarding family relationships – prior arrest record of violence – some treatment

9:56 am – Closing remarks Government – with questions from the Court

10:02 am – Closing remarks Defendant –

10:06 am - taken under advisement – court adjourned

Court ordered Defendant ☐ DETAINED ☐ RELEASED

☒ Defendant remanded to custody USM ☐ Defendant remained on Conditions of Release

OTHER PROCEEDINGS: _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff,**

vs.

**DANIEL RAY CALDWELL,
Defendant.**

CASE NO: 4:21-MJ-107-KPJ

ORDER OF DETENTION PENDING TRIAL

Part I – Eligibility for Detention

Upon the

- ☒ Motion of the Government pursuant to 18 U.S.C. § 3142(f)(1), or
- ☐ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This Order sets forth the Court's finding of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II – Findings of Fact and Law as to Presumptions under § 3142(e)

☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2)** (*previous violator*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:

- ☐ **(1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
- ☐ **(a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
 - ☐ **(b)** an offense for which the maximum sentence is life imprisonment or death; or
 - ☐ **(c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
 - ☐ **(d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or

- ☐ (e) any felony that is not otherwise a crime of violence but involves: (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; **and**
- ☐ (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; and
- ☐ (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**
- ☐ (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

☒ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (*narcotics, firearm, other offenses*):**

There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☒ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**:
- ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☒ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

- ☒ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis.

OR

- ☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III – Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven by:

☒ clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.

☐ a preponderance of the evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

On February 9, 2021, the Government filed a Criminal Complaint, which alleged Defendant violated the following federal statutes:

- 18 U.S.C. § 231(a)(3) (Obstruction of Law Enforcement During Civil Disorder);
- 18 U.S.C. § 111(a)(1) (Assaulting, Resisting, or Impeding Certain Officers or Employees);
- 18 U.S.C. § 1752(a)(1), (2), (4) (Knowingly Entering or Remaining in Any Restricted Building or Grounds Without Lawful Authority); and
- 40 U.S.C. § 5104(e)(2)(D), (F) (Violent Entry and Disorderly Conduct on Capital Grounds).

On March 3, 2021, a Federal Grand Jury returned an Indictment, which charged Defendant with the following violations:

- Count 1: 18 U.S.C. § 231(a)(3) (Civil Disorder);
- Count 2: 18 U.S.C. §§ 111(a)(1), (b) (Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon);
- Count 3: 18 U.S.C. §§ 1752(a)(1), (b)(1)(A) (Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon);
- Count 4: 18 U.S.C. §§ 1752(a)(2), (b)(1)(A) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon) and
- Count 5: 18 U.S.C. §§ 1752(a)(4), (b)(1)(A) (Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon).

The United States moved to detain Defendant pending trial.

The Court held a detention hearing on February 22, 2021, which continued March 4, 2021. Assistant United States Attorneys Tracey M. Batson and William Richardson Tatum represented the Government, and John Hunter Smith represented Defendant. The Court heard testimony from three witnesses: Special Agent Seth D. Webb ("Agent Webb"), Ms. Kambria Caldwell ("Ms. Caldwell"), and Mr. James Caldwell ("Mr. Caldwell").

AGENT WEBB

Agent Webb of the Federal Bureau of Investigation ("FBI") testified regarding the details of the alleged offenses and investigation leading to Defendant's arrest. Agent Webb stated that on January 6, 2021, around 1:00 p.m. Eastern Time, the United States Congress met in Washington, D.C, at the Capitol to certify the electoral college vote for the 2020 presidential election. The Capitol was closed to the public that day, with temporary barricades in place and the doors secured. However, a large group of individuals pushed back the barricades, stormed the Capitol, and delayed the election's certification.

On January 27, 2020, Twitter user @chris_sigurdson posted links to two videos. The first link directed to a YouTube video titled "Storm The Capitol w/ dream floral." The second linked directed to a video created by ProPublica, an investigative journalism news outlet.

The YouTube video depicts a large group storming the Capitol. Approximately three minutes and fifteen seconds in, a male wearing dark-tinted eyewear is depicted. The male then sprays an orange mist towards a police barricade line, and the person filming the video can be heard coughing and gasping for breath.

The ProPublica video depicts a male speaking with two females, with the male onscreen and the females offscreen. In the video, the male is wearing a camouflage hat, camouflage trousers, an olive-colored hoodie, a camouflage backpack, and a sticker above his left breast stating, "Guns SAVE lives." The male also has darkly tinted eyewear on his hat. Agent Webb testified the male's eyewear was specialized gear, rather than ordinary sunglasses. According to Agent Webb, the eyewear was designed to create a sealed, protective barrier, thereby preventing debris, projectiles, and mist from harming the eye.

In the ProPublica video, the male states that after ten minutes of storming the Capitol, a large fight ensued, resulting in a female being injured in the neck and transported to receive medical care. The male further states the Capitol police officers sprayed the group with mist repellant, which prompted the male say, "Dude, do it again, and I'll spray you back." The male then admits to spraying approximately fifteen police officers in response. Notably, in the YouTube video, Capitol police officers cannot be seen spraying rioters with any mist repellant.

In the ProPublica video, the male further claims the Capitol police officers shot him with "a cannon rubber bullets." Overall, the male's tone of voice was nonchalant. The two offscreen women thanked the male for his actions and stated they "were very proud of him," to which the male briefly smiled. At one point, the male reached down to his leg, revealing a black-and-white patch with what Agent Webb describes as a "unique logo."

A confidential informant claimed Defendant was depicted in both videos and provided Defendant's phone number. Using Defendant's phone number, Agent Webb then obtained Defendant's geolocation data, which revealed Defendant traveled from Texas to Washington, D.C., in the days leading up to the Capitol riots. Agent Webb testified the data showed Defendant was in the D.C. metropolitan area on January 6, 2021, and the data specifically pinpointed Defendant was at the Capitol at the time of the riots.

In his examination of the ProPublica video, Agent Webb noticed a stylized "R," which he later identified as the logo of The Renaissance Hotel in Arlington, Virginia. Agent Webb then obtained the hotel's business records, which showed Defendant was a guest at the hotel the day before the Capitol riots.

Agent Webb also testified that three sources confirmed Defendant was depicted in the ProPublica video. First, a witness ("Witness 1") stated he knew Defendant personally, as Witness 1 and Defendant frequently participated in Airsoft Military Simulation ("MilSim") events together. MilSim is a live-action, in-person simulation of armed conflict scenarios involving plastic projectiles. When Agent Webb showed Witness 1 a picture of Defendant's driver's license, with Defendant's name obscured, and the ProPublica video, Witness 1 confirmed both the driver's license and the ProPublica video depicted Defendant. Second, Defendant's ex-wife confirmed Defendant was depicted in the ProPublica video. Third, Agent Webb used facial recognition technology to determine whether a picture of Defendant's face matched with any video on the Internet. The software independently found a match between the sample picture of Defendant and the ProPublica video.

Witness 1 also told Agent Webb that Defendant was "a huge white supremacist" and "a complete whacko." According to Witness 1, when Witness 1 brought an African American teenager to MilSim events, Defendant would ask Witness 1 "why he always brings these f***** n*****." On cross-examination, Agent Webb admitted he did not corroborate Witness 1's allegations.

Additionally, Witness 1 informed Agent Webb that, on multiple occasions, Defendant would bring real firearms to MilSim events. According to Witness 1, the organization admonished Defendant multiple times, directing Defendant to return the firearms to his vehicle.

Through his investigation, Agent Webb learned Defendant worked at Texas Instruments ("TI") at that time (Defendant was terminated from TI as a result of the conduct on which the underlying charges are based).

Agent Webb obtained Defendant's work schedule, and on February 10, 2021, the FBI arrested Defendant at TI. In a search incident to an arrest, agents seized the olive-green hoodie depicted in the ProPublica video. Agents also seized the black-and-white patch and the camouflage outerwear, though the FBI did not locate any mist repellant during this incident. At the time of the arrest, Ms. Kambria Caldwell ("Ms. Caldwell"), defendant's ex-wife and current co-habitant, was present. Agent Webb testified an agent asked Ms. Caldwell about Defendant's criminal history, and Ms. Caldwell stated he had none. An agent informed Ms. Caldwell that a search warrant would be executed at Defendant's residence, and the agent asked Ms. Caldwell whether there was anything dangerous of which agents should be aware. Ms. Caldwell answered in the affirmative, stating Defendant's residence contained thirteen (13) firearms locked in a safe.

MS. CALDWELL

Defendant called Ms. Caldwell to testify as a potential third-party custodian. Ms. Caldwell stated she has known Defendant for twenty-seven years. They were married for fourteen years, separated, reconciled, and became co-habitants in 2015. Together, Ms. Caldwell and Defendant have three children: a daughter who is twenty-five years of age, a daughter who is nineteen years of age, and a son who is fifteen years of age.

Ms. Caldwell testified Defendant's pretrial detention had been difficult for their son, as Defendant and the son are "very close," and they often attend MilSim events together. She further testified that Defendant possibly suffers from a post-traumatic brain injury. Because of Defendant's arrest, he missed an appointment for an assessment with Veterans Affairs. Ms. Caldwell stated she understood the responsibilities and duties of serving as a third-party custodian, and she was willing to enforce them should Defendant be released on conditions.

On cross-examination, the Government asked Ms. Caldwell about the pretrial services report. According to the report, Defendant has been estranged from his mother and two brothers. When asked about the details of the estrangement, Ms. Caldwell was vague, stating they have been estranged "for several years" and she did not know the cause of the estrangement. When asked to give an estimated number of years, Ms. Caldwell could not provide an answer.

Ms. Caldwell further testified she was shocked when she heard Agent Webb state Defendant was a white supremacist, as Defendant has Hispanic and African American friends from his days at TI. The Government then asked whether African American friends had ever come over to Defendant and Ms. Caldwell's residence. Ms. Caldwell responded, "No." The Government asked Ms. Caldwell to name one African American friend of Defendant. After a lengthy pause, Ms. Caldwell named "Shauntessa." After another pause, Ms. Caldwell stated Shauntessa's surname was "Russell." The Government then asked for the name of another African American friend, to which Ms. Caldwell stated "Larry Tidwell" and "Sammy Edwards." Ms. Caldwell testified she and Defendant have known Larry Tidwell for twenty-four years, as Larry Tidwell worked with Defendant at TI. She then testified Defendant was one of Sammy Edwards' closest friends, as they often went to airsoft events together.

The Government then queried Ms. Caldwell whether she has ever heard Defendant make any racially charged comments. Ms. Caldwell, after another long pause, stated "No." The Government reminded Ms. Caldwell she was under oath, and re-asked the question. Ms. Caldwell answered "No."

Ms. Caldwell denied ever telling an FBI agent Defendant lacked a criminal history, thereby contradicting Agent Webb's testimony. Ms. Caldwell testified, "I would have been truthful" if asked about Defendant's criminal history, and she did not recall the FBI ever asking that question. Ms. Caldwell testified she knew Defendant had a few DUI's, and she had an altercation with Defendant resulting in police intervention. When asked about the altercation, Ms. Caldwell testified, "Well, we had been going through a lot of things—issues—so it was all coming to a point where we were both very heated. So, it just escalated, and it was—so, I had to

call 911 and there was a 911 interference and so by the time they came, they were going to arrest both of us. But they arrested [Defendant] for 911 interference.” The Government then read the police report’s contents, which explicated that, on February 25, 2008, Defendant became very violent, slammed Ms. Caldwell on a table, straddled her, picked her up, sat her back down, and picked her up again. The police report states Ms. Caldwell attempted to call 911, but Defendant “yanked” the phone out of the wall. Ms. Caldwell’s oldest daughter then had to call 911 on her cell phone. Ms. Caldwell admitted that after this incident, she sought a restraining order against Defendant and initiated divorce proceedings.

Ms. Caldwell then testified to knowing Defendant planned on being in Washington, D.C., on January 6, 2021, though she did not know he intended to storm the Capitol. She stated she wanted to go with Defendant, but due to back surgery, Ms. Caldwell was unable to travel. Ms. Caldwell also testified Defendant asked his father to travel to the Capitol, but Defendant’s father ultimately did not go. Ms. Caldwell stated that, when Defendant returned home, he told Ms. Caldwell things got out of hand and he got hit by a rubber bullet. However, before that happened, Defendant stated he met some really nice people, and walked with one from the hotel to the Capitol.

Ms. Caldwell testified that she and Defendant own nineteen (19) firearms, two (2) of which belong to Ms. Caldwell. She stated the firearms are no longer at her residence, and they are now with Ms. Caldwell’s oldest daughter.

MR. CALDWELL

Defendant also called Mr. Caldwell, Defendant’s father, to testify as a potential third-party custodian. Mr. Caldwell testified that he is sixty-eight years of age and lives in Eustace, Texas, with his wife and daughter. Mr. Caldwell’s current wife is not Defendant’s biological mother. According to the pretrial services report, the whereabouts of Defendant’s biological mother are currently unknown. Mr. Caldwell testified he speaks to his son on the phone almost daily.

Mr. Caldwell further testified he was aware of the allegations against his son, and stated his residence contains no firearms, ammunition, explosives, or alcohol. Mr. Caldwell stated his retirement status would allow him to monitor his son, should Mr. Caldwell serve as a third-party custodian.

Mr. Caldwell testified he was not aware of an arrest occurring in Dennison, Texas. The Government explained that on October 24, 2013, Defendant was arrested for driving while intoxicated. Because Defendant physically resisted the police officers, the officers added a count for resisting arrest. At the hospital, Defendant was so physically aggressive that the hospital staff had to restrain him to draw blood. After being restrained, Defendant was able to break the hospital bed. When Defendant was later in jail, he was so physically aggressive that the jail officers tased him. Mr. Caldwell testified he did not know about this incident, and he did not know the extent of his son’s actions. Mr. Caldwell stated he felt Defendant would respect him and follow his instructions.

When asked about Defendant’s estrangement from his biological mother and brothers, Mr. Caldwell testified he did not know how to explain it. Mr. Caldwell stated Defendant owes his brothers several thousands of dollars. As to Defendant’s biological mother, Mr. Caldwell testified, “You can’t get the truth from her.” Mr. Caldwell stated she “does medication” and “there’s trouble there.”

CONCLUSION

While the Court acknowledges Ms. Caldwell earnestly wishes for Defendant to be released and carry out his role as a father to their children, the Court does not find Ms. Caldwell to be a suitable third-party custodian. Throughout her testimony, Ms. Caldwell readily and quickly answered questions from Defendant's counsel, but slowly and vaguely answered questions from the Government and the Court. Ms. Caldwell's hesitancy and selective manner of answering casts doubt on the credibility of her testimony. Combined with the February 25, 2008 incident, the Court is not confident that Ms. Caldwell will be able to enforce the conditions of release were Defendant placed under her custody. Because of her testimony, the Court is not confident Ms. Caldwell will promptly and truthfully contact the Court if Defendant violated a condition of release.

With respect to Mr. Caldwell, the Court also appreciates his willingness to assist the Court and help his son. Nevertheless, the Court does not find Mr. Caldwell to be a suitable third-party custodian. Mr. Caldwell testified that he was unaware of previous incidents of violence engaged in by Defendant and, specifically, was unaware of the alleged acts of violence charged against Defendant in the Indictment. Accordingly, the Court is neither confident that Mr. Caldwell will be able to enforce the conditions of release, nor is it confident that Mr. Caldwell will promptly and truthfully contact the Court if Defendant violated a condition of release.

Because the Court cannot currently fashion any condition or combination of conditions that will reasonably assure the safety of any other person and the community as required in these proceedings, the United States' Motion for detention is **GRANTED**, and Defendant is detained pending his sentencing hearing.

In addition to any findings above or other findings made on the record at the hearing, the reasons for detention include the following:

- ☒ Weight of evidence against the defendant is strong
- ☒ Subject to lengthy period of incarceration if convicted
- ☒ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☒ History of violence or use of weapons
- ☒ History of alcohol or substance abuse
- ☒ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties
- ☒ Lack of significant community or family ties to the charging district
- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States

- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☐ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

Part III - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

So ORDERED and SIGNED this 5th day of March, 2021.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

United States of America

v.

DANIEL RAY CALDWELL

Defendant

)
)
) Case No. 4:21-MJ-107 KPJ
)

) Charging District's

) Case No. 1:21mj207

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Columbia.

The defendant may need an interpreter for this language: _____.

The defendant: will retain an attorney.
 is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: Mar 9, 2021



Judge's signature

Kimberly C. Priest Johnson, U. S. Magistrate Judge

Printed name and title

[Jump to Docket Table](#)

**U.S. District Court
Eastern District of TEXAS [LIVE] (Sherman)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00107-KPJ-1**

Case title: USA v. Caldwell

Date Filed: 02/09/2021

Other court case number: 1:21-mj-207 District of Columbia

Assigned to: Magistrate Judge
Kimberly C Priest Johnson

Defendant (1)

Daniel Ray Caldwell

represented by **John Hunter Smith**
Nall Pelley & Wynne LLP
707 W Washington
P.O. Box 2228
Sherman, TX 75091-2228
903/893-8177
Fax: 903/892-0916
Email: jsmith@wynnesmithlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

18:231, 18:111, , 18:1752,
40:5104

Disposition

Plaintiff

USA

represented by **Tracey M Batson**

U.S. Attorney's Office
U S Dept of Justice
101 E. Park Blvd.
Suite 500
Plano, TX 75074-6759
972/509-1201 (main)
Fax: 19725091209
Email: tracey.batson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Richardson Tatum

US Attorney's Office – Sherman
600 East Taylor, Suite 2000
Sherman, TX 75090
903-868-9454
Fax: 903-892-2792
Email: William.Tatum@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Page	Docket Text
02/09/2021	<u>1</u>		Rule 5(c)(3) Documents Received – District of Columbia (1:21mj207) as to Daniel Ray Caldwell: Complaint (Attachments: # <u>1</u> Order) (baf,) (Entered: 02/09/2021)
02/09/2021	<u>2</u>		SEALED ADDITIONAL ATTACHMENTS to Main Document: <u>1</u> Rule 5(c)(3) Documents Received (Attachments: # <u>1</u> Affidavit, # <u>2</u> Arrest Warrant)(baf,) (Entered: 02/09/2021)
02/10/2021		9	Arrest (Rule 5c) of Daniel Ray Caldwell (mem) (Entered: 02/16/2021)
02/11/2021	<u>3</u>	4	NOTICE OF ATTORNEY APPEARANCE: John Hunter Smith appearing for Daniel Ray Caldwell (Smith, John) (Entered: 02/11/2021)
02/11/2021		6	NOTICE OF HEARING as to Daniel Ray Caldwell Initial Appearance set for 2/12/2021 01:00 PM in Ctrm 108 (Plano) before Magistrate Judge Kimberly C Priest Johnson. (jwam,) (Entered: 02/11/2021)
02/11/2021	<u>4</u>	7	NOTICE OF ATTORNEY APPEARANCE Tracey M Batson appearing for USA. (Batson, Tracey) (Entered: 02/11/2021)
02/12/2021	<u>6</u>	10	Minute Entry for proceedings held before Magistrate Judge Kimberly C Priest Johnson:Initial Appearance in Rule 5(c)(3) Proceedings as to Daniel Ray Caldwell held on 2/12/2021. (Court Reporter: Digital Recording.) (mem) (Entered: 02/16/2021)
02/12/2021	<u>7</u>	11	ORDER as to Daniel Ray Caldwell: Detention Hearing and Preliminary Hearing set for 2/17/2021 at 01:30 PM in Ctrm 208 (Sherman) before Magistrate Judge Kimberly C Priest Johnson. Signed by Magistrate Judge Kimberly C Priest Johnson on 2/12/2021. (mem) (Entered: 02/16/2021)

02/17/2021		12	NOTICE OF HEARING as to Daniel Ray Caldwell Detention Hearing **RESET due to weather issues** for 2/22/2021 10:00 AM in Ctrm 108 (Plano) before Magistrate Judge Kimberly C Priest Johnson. (jwam,) (Entered: 02/17/2021)
02/22/2021	<u>8</u>	13	Minute Entry for proceedings held before Magistrate Judge Kimberly C Priest Johnson:Detention Hearing on Complaint as to Daniel Ray Caldwell held on 2/22/2021. (Court Reporter DIGITAL RECORDING.) (baf,) (Entered: 02/23/2021)
02/24/2021		14	NOTICE OF HEARING as to Daniel Ray Caldwell Continuation of Detention Hearing set for 3/4/2021 09:30 AM in Ctrm 108 (Plano) before Magistrate Judge Kimberly C Priest Johnson. (jwam,) (Entered: 02/24/2021)
03/03/2021	<u>9</u>	15	Digital Audio Recording Request by Puja Bhatia as to Daniel Ray Caldwell for proceedings held on 2/22/2021 – Detention Hearing before Judge Johnson. (baf,) (Forwarded to Jane Amerson on 3/3/2021) (ljw,). (Entered: 03/03/2021)
03/04/2021	<u>10</u>	17	Minute Entry for proceedings held before Magistrate Judge Kimberly C Priest Johnson: Detention Hearing as to Daniel Ray Caldwell held on 3/4/2021. Dft remanded to custody USM. (Court Reporter DIGITAL RECORDING.) (baf,) (Entered: 03/04/2021)
03/05/2021	<u>11</u>	18	ORDER OF DETENTION PENDING TRIAL as to Daniel Ray Caldwell. Signed by Magistrate Judge Kimberly C Priest Johnson on 3/5/2021. (mcg) (Entered: 03/05/2021)
03/09/2021	<u>12</u>	26	COMMITMENT TO ANOTHER DISTRICT as to Daniel Ray Caldwell. Defendant committed to District of District of Columbia. Signed by Magistrate Judge Kimberly C Priest Johnson on 3/9/2021. (baf,) (Entered: 03/09/2021)