

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Daniel Warmus

Case No.

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

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
18 U.S.C. § 1752(a)(2) - Knowingly and with Intent to Impede or Disrupt the Orderly Conduct of Government Business or Official Functions;
40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 05/17/2021

Digitally signed by G. Michael Harvey
Date: 2021.05.17 14:38:03 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 05.17.2021, and the person was arrested on (date) 05.18.2021
at (city and state) Aiden, New York

Date: 05/18/2021

Arresting officer's signature

DANIEL EDWARDS - SPECIAL AGENT
Printed name and title

21-mj-5105

UNITED STATES DISTRICT COURT

for the

District of Columbia



United States of America  
v.

Daniel Warmus  
DOB: XXXXXX

)  
) Case: 1:21-mj-00432  
) Assigned to: Judge Harvey, G. Michael  
) Assign Date: 5/17/2021  
) Description: COMPLAINT W/ ARREST WARRANT  
)  
)

Defendant(s)

CRIMINAL COMPLAINT

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

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

Code Section

Offense Description

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,

18 U.S.C. § 1752(a)(2) - Knowingly and with Intent to Impede or Disrupt the Orderly Conduct of Government Business or Official Functions,

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

40 U.S.C. § 5104(e)(2)(G) - 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.

*Daniel Edwards*

Complainant's signature

Daniel Edwards, 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: 05/17/2021

Digitally signed by  
G. Michael Harvey

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

Your affiant, Daniel Edwards, is a Special Agent with Federal Bureau of Investigation (FBI) assigned to the Joint Terrorism Task Force in the Buffalo Field Office. Currently, I am a tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

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

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

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

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

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

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

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

On January 12, 2021, the FBI received a tip advising Daniel WARMUS (WARMUS) breached the U.S. Capitol building on January 6, 2021, and smoked a marijuana cigarette while inside the building. The tipster indicated that he/she overheard WARMUS talking about his experience while at a dentist's office. Specifically, the tipster reported that a police officer told WARMUS to leave the building, but WARMUS refused to leave. WARMUS also played a video he had taken inside the Capitol Building at the dentist's office. The tipster heard the video playing but did not see it. The tipster, who wishes to remain anonymous, identified WARMUS' telephone number as 716-3XX-3110 and home address as 116XX Genesee Street, Apartment 4, Alden, New York 14004. Your affiant has tried to ask additional questions of the tipster, but he/she has not responded. Agents therefore do not know what relationship the tipster has with WARMUS. Based on this information, your affiant began investigating WARMUS.

Your affiant located a Department of Motor Vehicles (DMV) and passport photograph of WARMUS. DMV records indicated that WARMUS has multiple vehicles currently registered in his name and those vehicles are registered at two addresses, 10XX Town Line Road, Lancaster, New York 14086, and 116XX Genesee Street, Alden, New York 14004, the same house number and street name identified by the tipster (without the apartment specified).

Your affiant reviewed video footage voluntarily provided to the FBI by an amateur film crew and recorded on January 6, 2021 (hereinafter VIDEO 1). Your affiant compared WARMUS' DMV and passport photographs to a man resembling WARMUS in VIDEO 1 near the Washington Monument and found them to be the same person. In VIDEO 1, WARMUS stated he ran an auto shop in Orchard Park, New York. A search of public records identified Daniel Warmus of 10XX Town Line Road, Lancaster, New York 14086 as the registered agent for Worm-a-Fix Automotive, Inc., located at 42XX Abbott Road, Orchard Park, New York.

Agents have confirmed that Worm-a-Fix Automotive, Inc., continues to operate and conduct business. Agents have observed a blue 2017 Chevrolet Silverado pick-up truck with New York plate GCM6691, which is registered to WARMUS, parked during business hours at Worm-a-Fix Automotive, Inc. on multiple occasions between February 2021 and May 2021.

Your affiant took screenshots from VIDEO 1 to provide a description of WARMUS on January 6, 2021. Those screenshots are provided below in Figure 1. In VIDEO 1, WARMUS wore a dark-colored sweatshirt with the phrase, "CNN is fake news" and what appears to be a small pin affixed to the sweatshirt with unidentified writing, a dark-colored hat bearing "Trump 2020" on the front, green-colored cargo pants with brown or orange and dark-colored shoes, and carrying a backpack. WARMUS had a dark-colored mask hanging on his chin below the mouth. Letters were printed on the mask but could not be identified from the video. WARMUS had dark-colored facial hair and was holding a tree branch with a large, dark-colored flag affixed bearing the phrase, "FUCK ANTIFA" in white letters.

Figure 1. Screenshots Taken from VIDEO 1



Your affiant reviewed United States Capitol Police security footage taken inside the U.S. Capitol on January 6, 2021. Several security cameras observed an individual (SUBJECT 1) matching WARMUS' description from VIDEO 1. SUBJECT 1 was observed entering the capitol at approximately 2:17 PM EST through the Senate Wing Doors as shown in Figure 2. Your affiant has circled SUBJECT 1 in red below.

Figure 2. Entering U.S. Capitol Through Senate Wing Doors



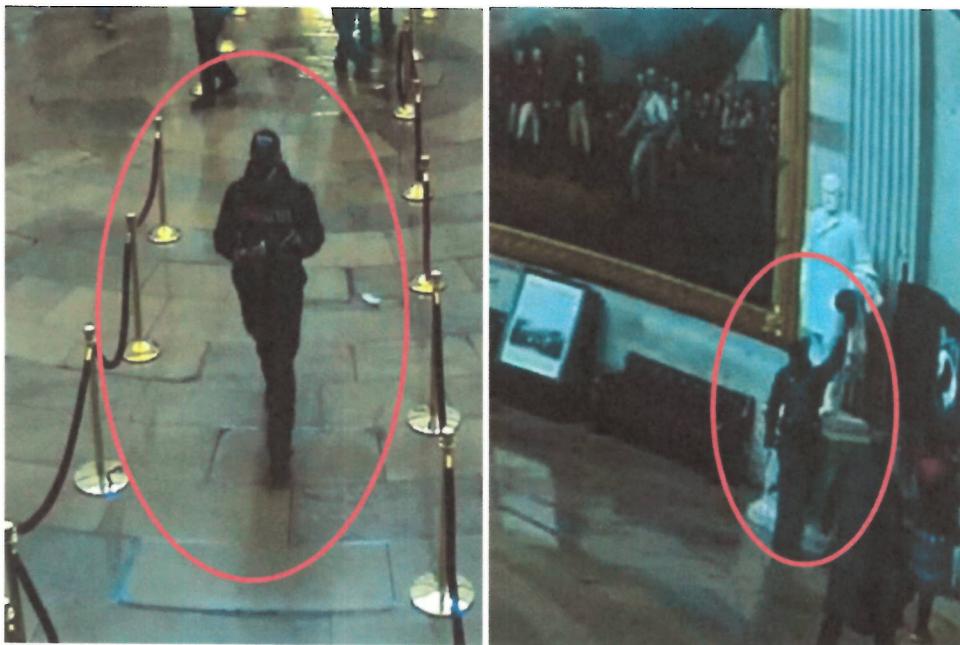
SUBJECT 1 proceeded toward the First-floor Crypt of the U.S. Capitol and was observed ascending a stairwell to the second floor at approximately 2:23 PM EST as shown in Figure 3.

Figure 3. Ascending Staircase



Shortly after, SUBJECT 1 was observed entering the U.S. Capitol Rotunda located on the Second floor at approximately 2:24 PM EST. While inside the Rotunda, SUBJECT 1 was observed walking around and grabbing a dark-colored object off the floor and placing it on a statue as shown in Figure 4. The object is unknown and was on the floor prior to protesters entering the Rotunda. Your affiant has circled SUBJECT 1 in red below.

Figure 4. Rotunda



SUBJECT 1 was also observed using a cellular device to film and/or capture photos. At one point, SUBJECT 1 appears to film protesters attempting to breach Capitol doors through the Rotunda lobby on the east side of the Capitol as shown in Figure 5. An officer who was pulled inside the Capitol through the Rotunda lobby doors, turned, and approached individuals inside the Rotunda and grabbed SUBJECT 1 by the backpack as shown in Figure 6. SUBJECT 1 pulled away and retreated from the officer. The officer then returned to the Rotunda lobby doors, which were fully breached soon after. No audio is provided in the video. Your affiant has circled SUBJECT 1 in red below.

Figure 5. Rotunda Lobby



Figure 6. Officer grabbing SUBJECT 1



SUBJECT 1 was observed leaving the U.S. Capitol through the Senate Wing Windows at approximately 2:33 PM EST as shown in Figure 7. Your affiant has circled SUBJECT 1 in red below.

Figure 7. SUBJECT 1 Exits Capitol



Although SUBJECT 1 was not observed carrying a tree branch with the dark-colored flag bearing the phrase, “FUCK ANTIFA” in white letters or smoking marijuana while inside the Capitol, and wore gloves, your affiant believes that SUBJECT 1 is WARMUS for the following reasons. SUBJECT 1 wore a dark-colored sweatshirt with the phrase, “CNN is fake news” and what appears to be a small pin affixed to the sweatshirt. He wore a dark-colored hat with matching text and design from VIDEO 1. SUBJECT 1 wore green-colored cargo pants with dark-colored shoes, wore a backpack, and had a dark-colored mask. SUBJECT 1 briefly removed his face mask upon entering the Capitol and was observed with a beard matching that of WARMUS in VIDEO 1. Your affiant also has compared WARMUS’ driver’s license and passport photographs, the screenshots discussed above of WARMUS in VIDEO 1, and the images discussed above of SUBJECT 1 captured inside the U.S. Capitol and all are consistent and the same individual.

Additionally, your affiant reviewed records from Verizon to obtain subscriber information for telephone number 716-3XX-3110, the telephone number identified by the tipster belonging to WARMUS. Verizon identified Daniel Warmus as the subscriber for cellular telephone number 716-3XX-3110 since July 20, 2019, with an address of 10XX Town Line Road, Lancaster, New York 14086 and a device IMEI number 354641101628892. Verizon identified the device and device type as a Samsung Galaxy S10 Plus.


According to records obtained through a search warrant which was served on Verizon, on January 6, 2021, in and around the time of the incident, the cellphone associated with 716-3XX-3110 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol Building. Verizon records identified the

device and device type as a Samsung Galaxy S10 Plus and the device IMEI number 35464110162889.<sup>1</sup>


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

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

Date: May 17, 2021

  
Daniel B. Edwards - 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 17th day of May, 2021.

  
Digitally signed by G.  
Michael Harvey  
Date: 2021.05.17  
14:40:59 -04'00'

G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE

<sup>1</sup> Your affiant observes that Verizon provided both a 14-digit and 15-digit device number for WARMUS' cellular telephone. The two device numbers are the exact same except for the number 2 at the end of the 15-digit identification number. Based on my training and experience, your affiant believes this is the same device, because the 14 digits are a variation of 15-digit device identification number.

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

**UNITED STATES OF AMERICA**

**v.**

**DANIEL WARMUS**

Case: 1:21-mj-00432  
Assigned to: Judge Harvey, G. Michael  
Assign Date: 5/17/2021  
Description: COMPLAINT W/ ARREST WARRANT

**VIOLATIONS:**

**18 U.S.C. §§ 1752(a)(1), and (2)  
(Knowingly Entering or Remaining in any  
Restricted Building or Grounds Without  
Lawful Authority and with Intent to  
Impede or  
Disrupt the Orderly Conduct of  
Government Business or Official  
Functions)**

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

**ORDER**

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint and other related materials, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: May 17, 2021



Digitally signed by G.  
Michael Harvey  
Date: 2021.05.17 14:40:14  
-04'00'

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G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE

# UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America

v.

Daniel Warmus

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)

Case No.

\_\_\_\_\_  
*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 Warmus,  
who is accused of an offense or violation based on the following document filed with the court:

- Indictment       Superseding Indictment       Information       Superseding Information       Complaint
- Probation Violation Petition       Supervised Release Violation Petition       Violation Notice       Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

18 U.S.C. § 1752(a)(2) - Knowingly and with Intent to Impede or Disrupt the Orderly Conduct of Government Business or Official Functions;

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

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

Digitally signed by G.  
Michael Harvey  
Date: 2021.05.17  
14:38:03 -04'00'

Date: 05/17/2021

\_\_\_\_\_  
*Issuing officer's signature*

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

\_\_\_\_\_  
*Printed name and title*

### Return

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Arresting officer's signature*

\_\_\_\_\_  
*Printed name and title*

MIME-Version:1.0  
From:webmaster@nywd.uscourts.gov  
To:Courtmail@nywd.uscourts.gov  
Bcc:  
--Case Participants: Charles Mark Kruly (charles.kruly@usdoj.gov,  
jessica.olszewski@usdoj.gov), Hon. Michael J. Roemer (colleen\_roberts@nywd.uscourts.gov,  
michael\_roemer@nywd.uscourts.gov, molly\_miranda@nywd.uscourts.gov,  
rosalie\_zavarella@nywd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:4846976@nywd.uscourts.gov  
Subject:Activity in Case 1:21-mj-05105-MJR USA v. Warmus Set/Reset Hearings  
Content-Type: text/html

**U.S. DISTRICT COURT**

**U.S. District Court, Western District of New York**

**Notice of Electronic Filing**

The following transaction was entered on 5/18/2021 at 10:42 AM EDT and filed on 5/18/2021

**Case Name:** USA v. Warmus

**Case Number:** 1:21-mj-05105-MJR

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**SCHEDULING NOTICE as to Daniel Warmus. Initial Appearance – Rule 5 set for 5/18/2021 02:30 PM in 6th Floor East – Allegany Courtroom, US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. Michael J. Roemer. (RAZ)**

**1:21-mj-05105-MJR-1 Notice has been electronically mailed to:**

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

**1:21-mj-05105-MJR-1 Notice has been delivered by other means to:**

MIME-Version:1.0

From:webmaster@nywd.uscourts.gov

To:Courtmail@nywd.uscourts.gov

Bcc:

--Case Participants: Daniel J. Dubois (ddlaw33@gmail.com), Charles Mark Kruly (charles.kruly@usdoj.gov, jessica.olszewski@usdoj.gov), Hon. Michael J. Roemer (colleen\_roberts@nywd.uscourts.gov, michael\_roemer@nywd.uscourts.gov, molly\_miranda@nywd.uscourts.gov, rosalie\_zavarella@nywd.uscourts.gov)

--Non Case Participants:

--No Notice Sent:

Message-Id:4848080@nywd.uscourts.gov

Subject:Activity in Case 1:21-mj-05105-MJR USA v. Warmus Initial Appearance - Rule 5(c)(3)

Content-Type: text/html

## U.S. DISTRICT COURT

### U.S. District Court, Western District of New York

#### Notice of Electronic Filing

The following transaction was entered on 5/18/2021 at 4:28 PM EDT and filed on 5/18/2021

**Case Name:** USA v. Warmus

**Case Number:** 1:21-mj-05105-MJR

**Filer:**

**Document Number:** 2(No document attached)

**Docket Text:**

**Minute Entry for proceedings held before Hon. Michael J. Roemer. Appearances: AUSA Charles M. Kruly on behalf of government; Daniel J. Dubois, Esq. w/defendant Daniel Warmus; USPO Brian M. Mamizuka.**

Initial Appearance in Rule 5(c)(3) Proceedings as to Daniel Warmus held on 5/18/2021. Government summarized charges in the Criminal Complaint and stated possible penalties. Court advised defendant of his rights, including right to counsel. Defendant had retained Daniel J. Dubois, Esq.

Defendant waived an identity hearing. Government had no objection to defendant being released on conditions. The Court reviewed the conditions of release and the defendant stated he understood all conditions imposed. Defense counsel to advise the Court if he would like to proceed with a preliminary hearing. The government advised the defendant that his next appearance is 5/24/2021 before the District Court of Columbia and will supply the defendant with further details. Time excluded through 5/24/2021 for the purpose of the Speedy Trial Act as stated on the record. Defendant released on conditions. Court advised the government of their Brady obligations. (Court Reporter FTR Gold.)(RAZ)

**1:21-mj-05105-MJR-1 Notice has been electronically mailed to:**

Daniel J. Dubois ddlaw33@gmail.com

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

**1:21-mj-05105-MJR-1 Notice has been delivered by other means to:**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

21-mj-5105

v.

DANIEL WARMUS,  
Defendant.

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This Order is entered, pursuant to Federal Rule of Criminal Procedure 5(f) and the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), to confirm the Government's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligations.

The Government must disclose to the defense all information “favorable to an accused” that is “material either to guilt or to punishment” and that is known to the Government. *Id.* at 87. This obligation applies regardless of whether the defendant requests this information or whether the information would itself constitute admissible evidence. The Government shall disclose such information to the defense promptly after its existence becomes known to the Government so that the defense may make effective use of the information in the preparation of its case.

As part of these obligations, the Government must disclose any information that can be used to impeach the trial testimony of a Government witness within the meaning of *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny. Such information must be disclosed sufficiently in advance of trial in order for the defendant to make effective use of it at trial or at such other time as the Court may order.<sup>1</sup>

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<sup>1</sup> This Order does not purport to set forth an exhaustive list of the Government's disclosure obligations.

The foregoing obligations are continuing ones and apply to materials that become known to the Government in the future. These obligations also apply to information that is otherwise subject to disclosure regardless of whether the Government credits it.

In the event the Government believes that a disclosure under this Order would compromise witness safety, victim rights, national security, a sensitive law-enforcement technique, or any other substantial government interest, it may apply to the Court for a modification of its obligations, which may include in camera review or withholding or subjecting to a protective order all or part of the information otherwise subject to disclosure.<sup>2</sup>

For purposes of this Order, the Government has an affirmative obligation to seek all information subject to disclosure under this Order from all current or former federal, state, and local prosecutors, law enforcement officers, and other officers who have participated in the prosecution, or investigation that led to the prosecution, of the offense or offenses with which the defendant is charged.

If the Government fails to comply with this Order, the Court, in addition to ordering production of the information, may:

- (1) specify the terms and conditions of such production;
- (2) grant a continuance;
- (3) impose evidentiary sanctions;
- (4) impose contempt or other sanctions on any lawyer responsible for violations of the Government's disclosure obligations, or refer the matter to disciplinary authorities;
- (5) dismiss charges before trial or vacate a conviction after trial or a guilty plea; or
- (6) enter any other order that is just under the circumstances.

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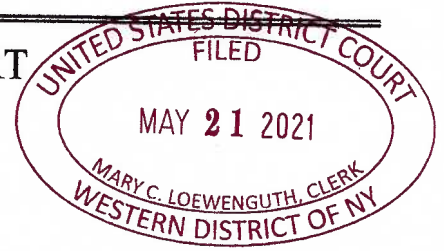
<sup>2</sup> The Classified Information Procedures Act sets forth separate procedures to be followed in the event that the Government believes matters relating to classified information may arise in connection with the prosecution. *See* 18 U.S.C. app. 3 §§ 1 *et seq.*

IT IS SO ORDERED.

DATED: May 18, 2021  
Buffalo, NY

*/s/ Michael J. Roemer*  
MICHAEL J. ROEMER  
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT  
for the  
Western District of New York



United States of America )

v. )

DANIEL WARMUS )

Defendant )

Case No. 21-mj-5105

Charging District's Case No. 1:21-mj-00432

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) \_\_\_\_\_  
District of Columbia

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

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

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

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

Date: 05/18/2021

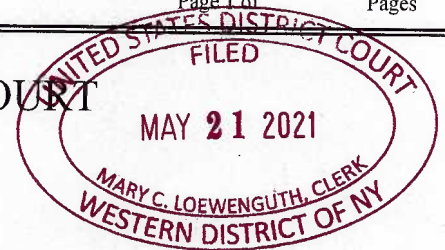
Defendant's signature

Signature of defendant's attorney

Daniel S. DeBuis  
Printed name of defendant's attorney

Judge: MTR  
AUSA: C. Kruly  
USPO: BMM

UNITED STATES DISTRICT COURT  
for the  
Western District of New York



United States of America  
v.

ORDER SETTING CONDITIONS  
OF RELEASE

Daniel Warmus  
Defendant

Case Number:

1:21-432M-1

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

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant shall immediately advise the court, defense counsel, U.S. Attorney and the U.S. Probation and Pretrial Services office in writing before any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified)

U.S. District Court on \_\_\_\_\_ and as directed thereafter.  
*Place Date and Time*

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant be released provided that:

- (5) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (6) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

**Additional Conditions of Release**

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

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

- (7) The defendant is placed in the custody of:  
(Name of person or organization): \_\_\_\_\_  
(City and state): \_\_\_\_\_ (Tel. No.) \_\_\_\_\_

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

Signed: \_\_\_\_\_  
Custodian or Proxy Date

DISTRIBUTION:



DEFENDANT

PRETRIAL SERVICES

U.S. ATTORNEY

U.S. MARSHAL

## Additional Conditions of Release (continued)

(8) The defendant shall:

- (a) Report to the Pretrial Services within 24 hours of release, telephone number (716) 551-4241, and as directed thereafter.
- (b) Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
- (c) Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described: \_\_\_\_\_
- (d) Execute a bail bond with solvent securities in the amount of \$ \_\_\_\_\_
- (e) Maintain or actively seek employment.
- (f) Maintain or commence an educational program.
- (g) Surrender any passport/passport card to: the Clerk of the Court<sup>1</sup>. Surrender other international travel documents to appropriate authorities (i.e. Enhanced Driver's License or NEXUS card).
- (h) Not obtain a passport or other international travel document (i.e. Enhanced Driver's License or NEXUS card).
- (i) Restrict travel to: W/O NY for residency and D.C. for Court appearances, unless court permission is granted to travel elsewhere.
- (j) Remain at a verifiable address as approved by Pretrial Services.
- (k) Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services.
- (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: \_\_\_\_\_
- (m) Submit to a mental health evaluation and/or treatment as approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- (n) Return to custody each (week)day as of \_\_\_\_\_ after being released each (week)day as of \_\_\_\_\_ for employment, schooling, or the following limited purpose(s): \_\_\_\_\_
- (o) Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services.
- (p) Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- (q) Refrain from  any  excessive use of alcohol.
- (r) Refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner, and/or any other mind altering substances.
- (s) Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods 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, including co-payment.
- (t) Participate in a program of inpatient or outpatient substance abuse therapy and counseling approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- (u) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is ~~(are)~~ required as a condition~~(s)~~ of release.
- (v)(1) Participate in one of the following location restriction programs and abide by all the requirements of the program which  will or  will not include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
- (i) **Curfew.** You are restricted to your residence every day  from \_\_\_\_\_ to \_\_\_\_\_, or as directed by the 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 officer.
- (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- (v)(2) Participate in one of the following location restriction programs and abide by all the requirements of the program which will be monitored by a Global Positioning Satellite system (G.P.S.). You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
- (i) **Curfew.** You are restricted to your residence every day  from \_\_\_\_\_ to \_\_\_\_\_, or as directed by the 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 officer.
- (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- (w) Report within 72 hours, to Pretrial Services any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- stay away from Washington, D.C. unless for Court or Pretrial obligations
- The defendant shall appear in the District of Columbia as directed.

<sup>1</sup>For U.S. Passports, the passport will be returned to the U.S. Office of Passport Policy and Planning upon conviction; For Foreign Passports, the passport will be forwarded to the Bureau of Immigration and Customs Enforcement (ICE); The passport will **only** be returned to defendant if the case is dismissed.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

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

Federal law makes it a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliating and intimidation are significantly more serious if they involve a killing or attempted killing.

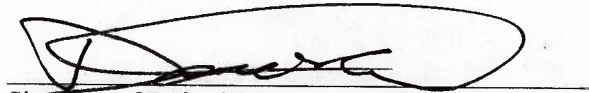
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

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

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

Acknowledgment of Defendant

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

  
\_\_\_\_\_  
Signature of Defendant

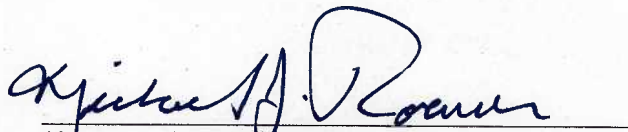
Buffalo, NY  
\_\_\_\_\_  
City and State

Directions to United States Marshal

( ) The defendant is ORDERED released after processing.

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

Date: May 18, 2021

  
\_\_\_\_\_  
Signature of Judicial Officer

Michael J. Roemer, U.S.M.S.  
\_\_\_\_\_  
Name and Title of Judicial Officer

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Buffalo)**  
**CRIMINAL DOCKET FOR CASE #: 1:21-mj-05105-MJR-1**

Case title: USA v. Warmus

Date Filed: 05/18/2021

Other court case number: 21-mj-00432 District of Columbia

Date Terminated: 05/21/2021

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Assigned to: Hon. Michael J. Roemer

**Defendant (1)**

**Daniel Warmus**

*TERMINATED: 05/21/2021*

represented by **Daniel J. Dubois**

390 Elmwood Avenue

Buffalo, NY 14222

716-563-6132

Fax: 888-844-3307

Email: [ddl33@gmail.com](mailto:ddl33@gmail.com)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

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**Plaintiff**

**USA**

represented by **Charles Mark Kruly**

U.S. Attorney's Office – Bflo

Federal Centre

138 Delaware Avenue

Buffalo, NY 14202

716-843-5838  
 Fax: 716-551-3146  
 Email: [charles.kruly@usdoj.gov](mailto:charles.kruly@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: government attorney*

Date Filed	#	Page	Docket Text
05/18/2021	<u>1</u>	3	Rule 5(c)(3) Documents Received as to Daniel Warmus. (RAZ) (Entered: 05/18/2021)
05/18/2021		16	SCHEDULING NOTICE as to Daniel Warmus. Initial Appearance – Rule 5 set for 5/18/2021 02:30 PM in 6th Floor East – Allegany Courtroom, US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Michael J. Roemer. (RAZ) (Entered: 05/18/2021)
05/18/2021	2	17	<p>Minute Entry for proceedings held before Hon. Michael J. Roemer. Appearances: AUSA Charles M. Kruly on behalf of government; Daniel J. Dubois, Esq. w/defendant Daniel Warmus; USPO Brian M. Mamizuka.</p> <p>Initial Appearance in Rule 5(c)(3) Proceedings as to Daniel Warmus held on 5/18/2021. Government summarized charges in the Criminal Complaint and stated possible penalties. Court advised defendant of his rights, including right to counsel. Defendant had retained Daniel J. Dubois, Esq.</p> <p>Defendant waived an identity hearing. Government had no objection to defendant being released on conditions. The Court reviewed the conditions of release and the defendant stated he understood all conditions imposed. Defense counsel to advise the Court if he would like to proceed with a preliminary hearing. The government advised the defendant that his next appearance is 5/24/2021 before the District Court of Columbia and will supply the defendant with further details. Time excluded through 5/24/2021 for the purpose of the Speedy Trial Act as stated on the record. Defendant released on conditions. Court advised the government of their Brady obligations. (Court Reporter FTR Gold.)(RAZ) (Entered: 05/18/2021)</p>
05/18/2021	<u>3</u>	18	RULE 5(f) ORDER as to Daniel Warmus. Signed by Hon. Michael J. Roemer on 5/18/2021.(RAZ) (Entered: 05/20/2021)
05/21/2021	<u>4</u>	21	WAIVER of Rule 5(c)(3) Hearing by Daniel Warmus. (RAZ) (Entered: 05/21/2021)
05/21/2021	<u>5</u>	22	ORDER Setting Conditions of Release as to Daniel Warmus. Signed by Hon. Michael J. Roemer on 5/18/2021.(RAZ) (Entered: 05/21/2021)