

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

FRANK J. SCAVO

) Case: 1:21-mj-00336
) Assigned To : Harvey, G. Michael
) Assign. Date : 3/24/2021
) 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) FRANK J. SCAVO, 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) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 03/24/2021

Digitally signed by G. Michael Harvey
Date: 2021.03.24 17:06:26 -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) 3/24/2021, and the person was arrested on (date) 3/25/2021 at (city and state) Scranton, PA

Date: 3/25/2021

Arresting officer's signature

Arresting officer's signature

Special Agent Brian Austin

Printed name and title

3:21mj37

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America )

v. )

FRANK J. SCAVO )

DOB: XXXXXX )

Case: 1:21-mj-00336

Assigned To : Harvey, G. Michael

Assign. Date : 3/24/2021

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 District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds, 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

FILED SCRANTON

MAR 25 2021

Signature of Deputy Clerk and stamp PER DEPUTY CLERK

Continued on the attached sheet.

Signature of Brian Robert Austin

Complainant's signature

Brian Robert Austin, 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: 03/24/2021

Digitally signed signature of G. Michael Harvey

Digitally signed by G. Michael Harvey Date: 2021.03.24 17:08:24 -04'00'

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America

v.

Frank Scavo

Defendant

Case No. 3:21-MJ-37

Charging District's Case No. 1:21-MJ-336

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 within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
(5) a hearing on any motion by the government for detention;
(6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty

I agree to waive my right(s) to:

- [checked] an identity hearing and production of the warrant.
[ ] a preliminary hearing.
[ ] a detention hearing.
[ ] an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

FILED SCRANTON MAR 25 2021 PER [Signature] DEPUTY CLERK

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

Date: 3-25-2021

[Signature] Defendant's signature
[Signature] Ernest D Preategn Signature of defendant's attorney
ERNEST D PREATEGN Printed name of defendant's attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

v.

Frank Scavo

:  
:  
:  
:  
:  
:  
:

**CRIM. NO**

3:21mj 37

**NOTICE**

Pursuant to the October 21, 2020 amendment to Rule 5 of the Federal Rules of Criminal Procedure the Court provides prosecution and defense counsel with the following Notice that confirms the disclosure obligation of the prosecutor under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, to disclose exculpatory information to the defense in the above-captioned case. Under Brady the prosecutor must produce material evidence in its possession custody or control favorable to the accused, which includes both exculpatory evidence and information which may impeach government witnesses when that evidence is material either to guilt or punishment. Such disclosures must be made in a timely manner in order to allow the use of the exculpatory information in the defense of the case and the failure to comply with this due process obligation may result in dismissal of charges, exclusion of evidence or sanctions against counsel.

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	NO. 3:21-MJ-37
	:	
v.	:	(CHIEF MJ MEHALCHICK)
	:	
FRANK SCAVO	:	
Defendant.	:	

**ORDER**

AND NOW, this 25 day of March, 2021, and upon consideration of the Government’s motion to toll the speedy trial clock, the Court hereby finds that for reasons stated in the motion, a continuance outweighs the best interests of the public and the Defendant in a speedy trial. Accordingly, it is hereby ordered as follows:

1. The period of time from the signing of this Order to the date of the Defendant’s Initial Appearance within the District of Columbia, currently scheduled for March 31, 2021, shall be excluded under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7).



\_\_\_\_\_  
KAROLINE MEHALCHICK  
United States Chief Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America

v.

Frank Scavo

Defendant

)  
)  
)  
)  
)

Case No.

3:21mj37

ORDER SETTING CONDITIONS OF RELEASE

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

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

\_\_\_\_\_ Place

on

\_\_\_\_\_ Date and Time

If blank, defendant will be notified of next appearance.

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

FILED  
SCRANTON

MAR 25 2021

PER

DEPUTY CLERK

**ADDITIONAL CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

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

- (6) The defendant is placed in the custody of:  
 Person or organization \_\_\_\_\_  
 Address (only if above is an organization) \_\_\_\_\_  
 City and state \_\_\_\_\_ Tel. No. \_\_\_\_\_

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

Signed: \_\_\_\_\_  
Custodian Date

- (7) The defendant must:
  - (a) submit to supervision by and report for supervision to the Pre-Trial Service Office, MD of PA, Scranton Division, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.
  - (b) continue or actively seek employment.
  - (c) continue or start an education program.
  - (d) surrender any passport to: Clerk, US District Court, Middle District of PA
  - (e) not obtain a passport or other international travel document.
  - (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the Middle District of PA unless otherwise approved by pretrial services officer and the court
  - (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: Any co-defendants, witnesses or potential witnesses, and victims.
  - (h) get medical or psychiatric treatment: \_\_\_\_\_
  - (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
  - (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
  - (k) not possess a firearm, destructive device, or other weapon.
  - (l) not use alcohol (  ) at all (  ) excessively.
  - (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
  - (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
  - (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
  - (p) participate in one of the following location restriction programs and comply with its requirements as directed.
    - (i) **Curfew.** You are restricted to your residence every day (  ) from \_\_\_\_\_ to \_\_\_\_\_, or (  ) as directed by the pretrial services office or supervising officer; or
    - (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 approved in advance by the pretrial services office or supervising officer; or
    - (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
    - (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.  
 Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

**ADDITIONAL CONDITIONS OF RELEASE**

- (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - (ii) Voice Recognition; or
  - (iii) Radio Frequency; or
  - (iv) GPS.
- (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(t) contact PT Services officer once a week

✓ (u) Defendant is specifically prohibited from traveling to or being in the District of Columbia unless specifically directed to be there by the court.

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

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

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

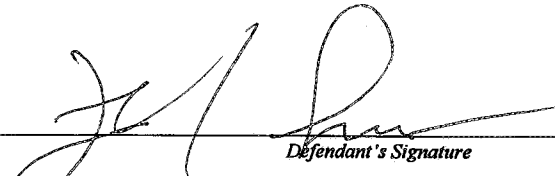
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

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

**Acknowledgment of the Defendant**

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

  
 Defendant's Signature  


---

 OLD FORD PA  
 City and State

**Directions to the United States Marshal**

- (  ) The defendant is ORDERED released after processing.
- (  ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 03-25-21

  
 Judicial Officer's Signature

KAROLINE MEHALCHICK, US MAGISTRATE JUDGE  
 Printed name and title

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

**UNITED STATES DISTRICT COURT**  
for the  
MIDDLE District of PENNSYLVANIA

United States of America  
v.

Frank Scavo  
*Defendant*

)  
) Case No. 3:21-MJ-37  
)

) Charging District: District of Columbia

) Charging District's Case No. 1:21-MJ-336

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: <b>VIA ZOOM</b>	Courtroom No.:
	Date and Time: 3/31/2021 1:00 PM

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 3/26/2021

  
*Judge's signature*

KAROLINE MEHALCHICK, US Magistrate Judge  
*Printed name and title*

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**United States District Court**  
**Middle District of Pennsylvania (Scranton)**  
**CRIMINAL DOCKET FOR CASE #: 3:21-mj-00037-KM All Defendants**

Case title: USA v. Scavo

Date Filed: 03/25/2021

Assigned to: Chief MJ Karoline Mehalchick

**Defendant (1)****Frank J. Scavo**

represented by **Ernest D. Preate , Jr.**  
Preate Law Offices  
204 Wyoming Avenue  
Second Floor  
Suite C  
Scranton, PA 18503  
570-558-5970  
Fax: 570-558-5973  
Email: epreate@comcast.net  
*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****Plaintiff****USA**

represented by **James Buchanan**  
DOJ-USAO  
235 N. Washington Ave.

Suite 311  
 Scranton, PA 18503  
 570-348-2800  
 Email: james.buchanan@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/25/2021	<a href="#">1</a>	Complaint against Frank J Scavo that Originated at the USDC-District of Columbia ( 1:21-mj-336) (cl) (Entered: 03/25/2021)
03/25/2021	<a href="#">2</a>	WAIVER of Rule 5(c)(3) Hearings by Frank J. Scavo (cl) (Entered: 03/25/2021)
03/25/2021	<a href="#">3</a>	ORDER Setting Conditions of Release as to Frank J. Scavo (1) ROR with conditions SEE ORDER FOR SPECIFICSSigned by Chief MJ Karoline Mehalchick on 3/25/2021. (cl) (Entered: 03/25/2021)
03/25/2021	<a href="#">4</a>	Unopposed MOTION to Toll Speedy Trial by USA as to Frank J. Scavo. (Attachments: # <a href="#">1</a> Proposed Order)(Buchanan, James) (Entered: 03/25/2021)
03/25/2021	<a href="#">5</a>	RULE 5 NOTICE re: Brady disclosure obligations as to defendant Frank J. Scavo. (cw) (Entered: 03/25/2021)
03/25/2021	<a href="#">7</a>	NOTICE OF HEARING as to Frank J. Scavo Preliminary Examination set for 4/1/2021 09:00 AM in Scranton before Chief MJ Karoline Mehalchick. (cw) (Entered: 03/25/2021)
03/25/2021	<a href="#">8</a>	ORDER granting <a href="#">4</a> Motion to toll the speedy trial clock as to Frank J. Scavo (1) -AND NOW, this 25th day of March, 2021, and upon consideration of the Governments motion to toll the speedy trial clock, the Court hereby finds that for reasons stated in the motion, a continuance outweighs the best interests of the public and the Defendant in a speedy trial. Accordingly, it is hereby ordered as follows: 1. The period of time from the signing of this Order to the date of the Defendants Initial Appearance within the District of Columbia, currently scheduled for March 31, 2021, shall be excluded under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7). Signed by Chief MJ Karoline Mehalchick on 3/25/2021. (cw) (Entered: 03/25/2021)
03/26/2021	<a href="#">9</a>	ORDER TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Frank J. Scavo Place: District of Columbia via Zoom. Date and Time set for 3/31/2021 01:00 PM. Signed by Chief MJ Karoline Mehalchick on 3/26/2021. (cw) (Entered: 03/26/2021)
03/29/2021	<a href="#">10</a>	MOTION to Cancel Preliminary Hearing by USA as to Frank J. Scavo. (Attachments: # <a href="#">1</a> Proposed Order)(Buchanan, James) (Entered: 03/29/2021)
03/29/2021	<a href="#">11</a>	ORDER granting <a href="#">10</a> Motion to cancel preliminary hearing as to Frank J. Scavo (1) Signed by Chief MJ Karoline Mehalchick on 3/29/2021. (cw) (Entered: 03/29/2021)