

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
GABRIEL MORGAN BROWN

Defendant

Case: 1:21-mj-00503
Assigned To : Harvey, G. Michael
Assign. Date : 06/25/2021
Description: Complaint w/ Arrest Warrant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Gabriel Morgan Brown
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. §§ 1363 and 2 (Destruction or Injury to Buildings or Property in Special Maritime and Territorial Jurisdiction)
18 U.S.C. § 1752(a)(1) (Restricted Building or Grounds)
18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds)
40 U.S.C. § 5104(e)(2)(F) (Act of Violence on the U.S. Capitol Grounds)

Date: 06/25/2021

Digitally signed by G. Michael Harvey

Digitally signed by G. Michael Harvey
Date: 2021.06.25 14:12:30 -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) 06/25/21, and the person was arrested on (date) 06/30/21
at (city and state) Bayville, NY

Date: 6/30/21

Arresting officer's signature

Raymond Esposito / Special Agent
Printed name and title

MRM:SSA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

- against -

GABRIEL BROWN,

Defendant.

AFFIDAVIT IN SUPPORT
OF REMOVAL TO THE
DISTRICT OF COLUMBIA

(Fed. R. Crim. P. 5)

Case No. 21-MJ- 771

-----X

EASTERN DISTRICT OF NEW YORK, SS:

Raymond Esposito, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about June 25, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of the defendant GABRIEL BROWN, in connection with a complaint charging the defendant with violations of Title 18, United States Code, Sections 1363 (Destruction or Injury to Buildings or Property in Special Territorial Jurisdiction); 1752(a)(1) (Restricted Building or Grounds); 1752(a)(2) (Disorderly or Disruptive Conduct in a Restricted Building or Grounds); and Title 40, United States Code, Section 5104(e)(2)(F) (Act of Violence on United States Capitol Grounds).

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause for removal, I have not described all the relevant facts and circumstances of which I am aware.


1. On or about June 25, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of the defendant GABRIEL BROWN, in connection with a complaint charging the defendant with violations of Title 18, United States Code, Sections 1363 (Destruction or Injury to Buildings or Property in Special Territorial Jurisdiction); 1752(a)(1) (Restricted Building or Grounds); 1752(a)(2) (Disorderly or Disruptive Conduct in a Restricted Building or Grounds); and Title 40, United States Code, Section 5104(e)(2)(F) (Act of Violence on United States Capitol Grounds) (21-MJ-503). True and correct copies of the complaint and arrest warrant are attached hereto as Exhibits A and B, respectively.

2. On June 30, 2021, I apprehended the defendant at his residence in Bayville, New York. I obtained his New York State Drivers License from his person, which indicates that his name is “Gabriel Brown” and lists his address as the address where I apprehended him. The defendant verbally confirmed his name was “Gabriel Brown” when I arrested him.

3. Further, I have viewed a photograph of the GABRIEL BROWN wanted in the District of Columbia and the defendant appears to be the same person.


4. Based on the foregoing, I submit that there is probable cause to believe that the defendant is the GABRIEL BROWN wanted in the District of Columbia.

WHEREFORE, your deponent respectfully requests that the defendant GABRIEL BROWN be removed to the District of Columbia so that he may be dealt with according to law.



Raymond Esposito
Special Agent
Federal Bureau of Investigation

Sworn to before me by electronically by Facetime/telephone this
30 day of June, 2021



THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT A

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America)	
v.)	
GABRIEL MORGAN BROWN)	Case No.
DOB: _____)	
)	
)	

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:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 1363 and 2	(Destruction or Injury to Buildings or Property in Special Maritime and Territorial Jurisdiction)
18 U.S.C. § 1752(a)(1)	(Restricted Building or Grounds)
18 U.S.C. § 1752(a)(2)	(Disorderly and Disruptive Conduct in a Restricted Building or Grounds)
40 U.S.C. § 5104(e)(2)(F)	(Act of Violence on the U.S. Capitol Grounds)

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.



Complainant's signature

Cameron Mizell, FBI 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: 06/25/2021

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Cameron Mizell, being first duly sworn, hereby depose and states as follows:

PURPOSE OF THE AFFIDAVIT

1. This affidavit is submitted in support of a Criminal Complaint for GABRIEL BROWN, charging violations of 18 U.S.C. § 1752(a)(1) and (2), 18 U.S.C. § 1363 and 2, and 40 U.S.C. § 5104(e)(2)(F).

BACKGROUND OF AFFIANT

2. I am a Special Agent assigned to the Federal Bureau of Investigation (FBI). I am currently assigned to FBI Washington Field Office (WFO). Currently, I am tasked with investigating criminal activity in and around the 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.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

Background – The U.S. Capitol on January 6, 2021

4. 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 are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed

to members of the public.

5. 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.

6. 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.

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

8. 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.

9. After the U.S. Capitol was breached, United States Capitol Police (USCP) requested assistance from law enforcement agencies in the area to protect the Capitol, keep people from entering the Capitol, and expel the crowd that was inside the Capitol. Multiple officers with the Metropolitan Police Department and other law enforcement officers came to assist.

10. 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.

11. Additionally, news coverage of January 6, 2021, documented numerous attacks on members of the news media who were present to cover the events at, around, and in the U.S. Capitol building. These included reports of members of the news media being harassed, threatened, robbed, and assaulted based on their perceived roles as journalists, and equipment belonging to several news organizations was stolen, damaged, and/or destroyed.

Facts Specific to This Complaint

12. At approximately 4:50 p.m., on January 6, 2021, a large crowd made its way to and/or past a media staging area that was set up outside the northeast corner of the U.S. Capitol, on U.S. Capitol grounds. As individuals moved past metal barricades that had been set up around the staging area, media members were forced to flee the area before recovering all their cameras and associated equipment. Numerous members of the crowd began to destroy the equipment,

including cameras, tripods, lights, shades, and remote broadcasting equipment that belonged to various media outlets. Numerous members of the crowd yelled inflammatory rhetoric against the members of the media. One member of the media who was forced to flee the scene estimated that the equipment from his particular news organization that was destroyed was valued at between \$30,000 and \$34,000. The image in Figure 1 depicts the staging area after the members of the news media had been forced to flee.

Figure 1



13. On February 4, 2021, the FBI posted to its website Photographs #204-AOM (“assault on media”) A-B, seeking the public’s assistance identifying an individual who was present at the media staging area.¹ Specifically, as captured in several publicly posted videos and images, the man pictured in Photographs #204-AOM A-B, later identified as

¹ This bulletin is publicly available: <https://www.fbi.gov/wanted/seeking-info/violence-at-the-united-states-capitol>.

GABRIEL BROWN, participated in the assault on the media staging area at the northeast side of the U.S. Capitol at approximately 5 p.m. on January 6, 2021. BROWN kicked and/or stomped on media equipment that belonged to media outlets and verbally encouraged others to steal and destroy media equipment. Photographs #204-AOM A-B are depicted in Figures 2A and 2B below.

Figures 2A and 2B



14. A video located at uniform resource locator (“URL”): <https://youtu.be/L1bLZaKlJdg> depicts BROWN kicking a cart that appeared to be for the purpose of hauling media equipment (at approximately 1:34 into the video) and kicking a case intended to hold media equipment (at approximately 1:40 minutes into the video). Still images from the video capturing that conduct are depicted below in Figures 3 and 4.

Figure 3



Figure 4



15. A publicly available video located at URL:

https://www.youtube.com/watch?app=desktop&v=Tg_SJh9b_A&feature=youtu.be with the title

“media equipment destruction gabriel brown gb0083” (hereafter, “gb0083 video”) depicts BROWN recording his own perspective at the media staging area. Your affiant concluded that the video shows BROWN’s perspective based on a comparison of the viewpoints captured on that video and angles from other recordings showing BROWN present at the staging area with a recording device. For example, Figure 5, below, depicts an image captured at 1:51 minutes into the gb0083 video, while Figure 6 (taken from the video described in paragraph 14, above) depicts an image captured at 1:38 minutes into that video (as does Figures 3 and 4, above, also taken from the video described in paragraph 14, above). The positioning of the recording camera in Figure 5 clearly corresponds to the positioning of BROWN in Figure 6.

Figure 5



Figure 6



16. Additionally, at approximately 3:15 into the gb0083 video, BROWN speaks to another individual present at the media staging area who was also recording the events. BROWN says to that individual “my name’s Gabriel Brown GB0083 YouTube channel.”

17. BROWN can be heard making statements in the gb0083 video encouraging the theft and destruction of media equipment. Specifically, at approximately 1:39 minutes into the video BROWN states, “Yeah, fuck yeah. Take a souvenir. Fuck yeah.” At approximately 1:46 minutes into the video BROWN can be heard saying, “Anything good in there? Yeah, smash that shit” as another man stomped on a case containing media equipment, as depicted in Figure 5, above.

18. At approximately 6:30 minutes into the gb0083 video BROWN can be heard yelling, “They’re allowed to do this. You didn’t want to do your fucking job. Well, you know what, now you can’t. You know what, the media did not want to do its job so now they fucking can’t. We’ll do it! We got the cameras. We got the freaking voice. We’re going to go out and do it.”

19. At approximately 7:22 minutes into the gb0083 video BROWN can be heard saying, “Their legacy is dead. It’s dead right here.”

20. At approximately 10:24 minutes into the gb0083 video BROWN can be heard saying, “Fuck the AP. You fucking frauds. You want to fucking lie about all of us. Well, you know what, here, report this shit! Because your fucking media is dead mother fucker. It’s dead, the legacy media is dead.”

21. In an additional video, originally located at URL: <https://youtu.be/-I3H2Ztjqto> that has been taken down as of the date of this affidavit but was captured and preserved for evidentiary purposes by law enforcement, a man believed by your affiant to be BROWN based on similarities in clothing, physical build, and voice, can be seen standing in a crowd of people on January 6,

2021, immediately outside a western entrance of the U.S. Capitol. That area of the exterior plaza of the U.S. Capitol was closed to members of the public on January 6, 2021.

22. In the video described in paragraph 21, above, BROWN asks another individual if he can borrow a bullhorn, at which point BROWN begins speaking into the bullhorn towards the U.S. Capitol building, as depicted in Figure 7, below. BROWN at one points states, “You stole the Senate from us, you stole the House from us, and now you think you’re going to steal the presidency from us? Let me tell you something—you want to take peaceful revolution away from us? Well you better prepare for fucking violent revolution. I don’t want violence. I believe in peaceful resolve. But you’re making it goddamn impossible for us.” After approximately seven minutes of speaking into the bullhorn, BROWN walks away from the U.S. Capitol building as the video ends.

Figure 7



23. A video posted on Twitter located at URL: <https://twitter.com/i/status/1357380550898589697>, recorded outside the U.S. Capitol on January 6, 2021, later in the evening after the events described above, depicts a man signing a “Stop the

Steal” banner affixed to the side of a trailer pulled by a truck. Based on similarities in clothing, physical build, and voice, your affiant believes the man to be BROWN. In the video, BROWN signs “Gabriel Brown Freedom!!” as depicted in Figure 8, below, and then states, “Freedom! I’m signing my John Hancock on this, because I give my life to liberty, and I will stand by it as I always have. I swore an oath to defend our liberty a long time ago, and that’s why I’m signing this.” The individual recording the video then states, “Thank you for your service sir,” to which BROWN responds “absolutely.” The recording individual then states, “Absolutely Gabriel, Mr. Brown,” to which BROWN responds, “Yup.”

Figure 8

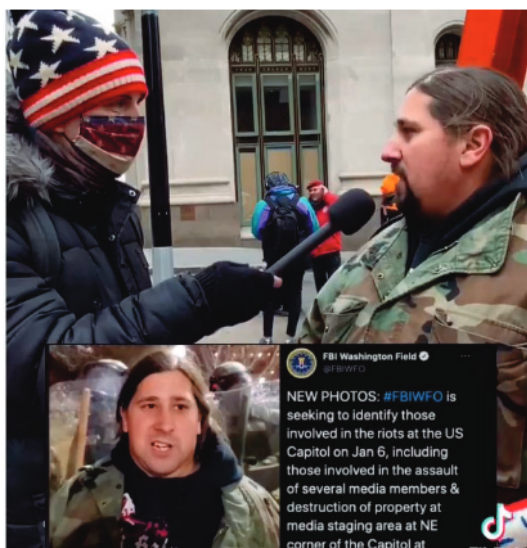


24. A longer version of the above video, originally located at URL: https://youtu.be/JZT171k-N2w?list=PLRuTgNrJQfWa_HUpO8Hv-qVOuLP5Y7d61 that has been taken down as of the date of this affidavit but was captured and preserved for evidentiary

purposes by law enforcement, depicts BROWN immediately prior to signing the banner. At approximately 3:50 minutes into the video BROWN states, “I hope the AP enjoyed their fucking pile of shit. Fucking pile of shit camera equipment. They fucking earned it. I’m going to sign this fucker right now.”

25. A publicly-available video posted on Instagram on February 6, 2021, located at URL: https://www.instagram.com/p/CK9O4t5D_Tg/, depicts a man being interviewed about the events at the U.S. Capitol on January 6, 2021. The man being interviewed, believed by your affiant to be BROWN, was wearing a woodland camouflage military-style field jacket and hairstyle that closely resembles BROWN from videos taken at the media staging area on January 6, 2021. The video as posted on Instagram juxtaposed the interview with Photograph #204-AOM (“assault on media”) A, as depicted in Figure 9 below.

Figure 9



26. In the interview, BROWN was asked if he was at Capitol Hill and he replied, “Yes I was. I was there.” When asked what happened, BROWN responded, “I thought it was a Woodstock concert, there were so many people outside. Were there some, like, crazy characters there? Sure. And some of them went a little over the top. I actually filmed all of my journey up

there. It's on my YouTube channel. You can check it out and see what I filmed.” When asked what his YouTube channel was, BROWN replied, “GB0083. . . G, as in my name Gabriel. B, as in Brown. 0083.” BROWN then stated, “I mean yeah there were people that smashed stuff, and maybe stole stuff. I’m sure they’ll be prosecuted, or they probably should be.”

27. Subscriber records from Google for YouTube profile gb0083 included a Google Pay account linked to profile gb0083 with the name Gabriel Brown and an address based out of Bayville, New York. The most recent logon IP address for the YouTube account resolves to Dorchester, Massachusetts.

28. The FBI has received a series of e-Tips that corroborated the possible identity for Photographs #204-AOM A-B as GABRIEL BROWN, of Bayville, New York.

29. One e-Tip, received from an individual herein referred to as WITNESS 1, indicated that WITNESS 1 wanted to make the FBI aware of a person who participated in the rioting at the Capitol Building on January 6th. WITNESS 1 identified the individual as Gabriel Brown and indicated that Gabriel Brown lives in Bayville, New York. WITNESS 1 is familiar with Gabriel Brown through knowledge of a person with an existing relationship with a family member of Gabriel Brown. On June 23, 2021, your affiant contacted WITNESS 1 by phone and e-mailed WITNESS 1 images of Photographs #204-AOM A-B. WITNESS 1 responded that the images were “definitely the same person (Gabriel Brown) we discussed over the phone.” WITNESS 1 indicated that Gabriel Brown is a well-known subject in the community of Bayville, New York, and WITNESS 1 resides in a nearby community.

30. A database query for the name GABRIEL BROWN in Bayville, New York produced a match of GABRIEL MORGAN BROWN with a date of birth in 1983 and an address in Bayville, New York. A DMV query of the name GABRIEL BROWN with the same date of

birth provided a driver's license photo that your affiant has compared to the images of BROWN present at the U.S. Capitol on January 6, 2021, as depicted above. While the individual in the driver's license photo has a beard, the photo has the same eye color, hair color, eyebrows, hairstyle, and distinctive facial shape/structure as the individual in Photographs #204-AOM A-B of BROWN. Based on the comparison of those photos and the other video images described above, your affiant believes the driver's license photo is clearly of the same person.

31. The FBI received an additional e-Tip from an individual, herein referred to as WITNESS 2, who recognized the person depicted in photograph #204-AOM A due to familiarity with the neighborhood in which the person depicted in photograph #204-AOM A resides. WITNESS 2 did not know the name of the person depicted in photograph #204-AOM A, but WITNESS 2 provided two possible addresses of BROWN off the same street in Bayville, NY.


32. Two e-Tips were received that identified the individual in Photographs #204-AOM A-B as a "Gabriel Lewis" of Bayville, NY. Your affiant is aware of a step-brother of BROWN with the surname of Lewis. A search of publicly available databases did not reveal a Gabriel Lewis living in Bayville, NY, and a comparison of a photograph of the step-brother and Photographs #204-AOM A-B did not reveal physical or clothing similarities between those individuals.

33. Based on all of the foregoing information, as well as my training and experience, I respectfully submit that there is probable cause to believe that BROWN violated Title 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to engage in an act of physical violence in the United States Capitol Grounds.

34. I also respectfully submit that there is probable cause to believe that BROWN violated Title 18 U.S.C. § 1752(a)(1), which makes it a crime to knowingly enter or remain in any restricted building or grounds without lawful authority to do so, and Title 18 U.S.C. § 1752(a)(2),

which makes it a crime to knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions. 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. As noted above, the area immediately outside the U.S. Capitol building where BROWN spoke into a bullhorn was so “restricted” on January 6, 2021.

35. I also respectfully submit that there is probable cause to believe that BROWN violated Title 18 U.S.C. § 1363 and § 2 , which makes it a crime to, within the special maritime and territorial jurisdiction of the United States, such as within the United States Capitol Grounds, willfully and maliciously destroy or injure any structure, conveyance, or other real or personal property, or attempt or conspire to do so, or to aid and abet such conduct. The U.S. Capitol and the U.S. Capitol grounds are federal property within the special maritime or territorial jurisdiction of the United States.



SPECIAL AGENT CAMERON MIZELL
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 25th day of June 2021.



Digitally signed by G. Michael
Harvey
Date: 2021.06.25 14:11:33
-04'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

EXHIBIT B

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
GABRIEL MORGAN BROWN

)
)
)
)
)

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*) Gabriel Morgan Brown,
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. §§ 1363 and 2 (Destruction or Injury to Buildings or Property in Special Maritime and Territorial Jurisdiction)
- 18 U.S.C. § 1752(a)(1) (Restricted Building or Grounds)
- 18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds)
- 40 U.S.C. § 5104(e)(2)(F) (Act of Violence on the U.S. Capitol Grounds)

Date: 06/25/2021

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:ecf_bounces@nyed.uscourts.gov
To:nobody@nyed.uscourts.gov
Bcc:
--Case Participants: Samantha Alessi (samantha.alessi@usdoj.gov), Magistrate Judge Anne Y. Shields (anne_shields@nyed.uscourts.gov, deanna_minerva@nyed.uscourts.gov, dina_mucciaccio@nyed.uscourts.gov, jasmine_torres@nyed.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:15981275@nyed.uscourts.gov
Subject:Activity in Case 2:21-mj-00771-AYS USA v. Brown Arrest - Rule 40
Content-Type: text/html

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 7/2/2021 at 12:40 PM EDT and filed on 6/30/2021

Case Name: USA v. Brown
Case Number: 2:21-mj-00771-AYS
Filer:
Document Number: No document attached

Docket Text:
[Arrest \(Rule 5/40\) of Gabriel Brown \(Torres, Jasmine\)](#)

2:21-mj-00771-AYS-1 Notice has been electronically mailed to:

Samantha Alessi Samantha.Alessi@usdoj.gov

2:21-mj-00771-AYS-1 Notice will not be electronically mailed to:

CRIMINAL CAUSE FOR ARRAIGNMENT/REMOVAL HEARING

BEFORE: Anne Y. Shields, USMJ

DATE: 6/30/2021

DOCKET #: MJ-21-771

CAPTION: USA -v-Brown

DEFENDANT: Gabriel Brown
 Present Not Present In custody Bail

COUNSEL: Evan Sugar
 CJA Retained Federal Defenders

GOVERNMENT: Samantha Alessi

INTERPRETER: N/A (sworn)

LANGUAGE: _____

COURT REPORTER: N/A

PRETRIAL Report Prepared by: Mallory Brady Present Not present

COURTROOM DEPUTY: JT

FTR: 2:36-2:47

Defendant arraigned. Defendant's initial appearance.

Waiver of Speedy Indictment executed: Time excluded from _____ to _____

Preliminary Hearing Scheduled for: _____ At _____ before _____

Pursuant to Rule 5 of the Federal Rules of Criminal Procedure:

(1) If the defendant is in custody, the Preliminary Hearing must be scheduled within ten (10) days of today's date.

(Exclude today's date, and any Saturdays, Sundays, or legal holidays in this computation)

(2) If the defendant is not in custody, the Preliminary Hearing must be scheduled within twenty (20) days of today's date. (Exclude today's date, but include Saturdays, Sundays, or legal holidays in this computation).

Identity Hearing Waived. Waiver of Rule 5 & 5.1 Hearings executed.

Commitment to Another District executed. Defendant to be transported to The Eastern District of Virginia.

Order Setting Conditions of Release and Bond entered. Special conditions apply. See bond for details.

Temporary Order of Detention entered for defendant.

Detention Hearing scheduled for:

Permanent Order of Detention entered for defendant.

Rule 40 Hearing held.

Removal Hearing scheduled for: _____

Status Conference: **TO BE SCHEDULED IN THE** _____

Defendant(s) _____ continued on Bond.

Defendant remains in custody.

Defendant released on bond.

OTHER: Defendant consents to conduct the arraignment via telephone. Appointment of Federal Defenders for arraignment and any proceedings scheduled in the EDNY. Defendant to report to the District of Columbia on 7/6/2021 at 1:00 p.m. via video.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

Gabriel Brown
Defendant(s).

21 MJ 771

ORDER

ANNE Y. SHIELDS, United States Magistrate Judge:

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.¹

¹ 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.²

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.

² 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.*

SO ORDERED.

Dated:6/30/2021
Central Islip, NY



United States Magistrate Judge

United States District Court, Eastern District of New York

UNITED STATES OF AMERICA

ORDER SETTING CONDITIONS OF RELEASE AND APPEARANCE BOND

v.

Gabriel Morgan Brown, Defendant.

Case Number: 2:21-771M

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released subject to the Standard Conditions of Release on the reverse and as follows:

- Upon Personal Recognizance Bond on his/her promise to appear at all scheduled proceedings as required, or
Upon Bond executed by the defendant in the amount of \$ 25,000, and
secured by financially responsible sureties listed below and/or collateral set forth below.

Additional Conditions of Release

The Court finding that release under the Standard Conditions of Release on the reverse will not by themselves reasonably assure the appearance of the defendant and/or the safety of other persons and the community, IT IS FURTHER ORDERED as follows:

- 1. The defendant must remain in and may not leave the following areas without Court permission: New York City; Long Island, NY; New York State; New Jersey; Continental U.S. and travel to and from this Court and the permitted areas.
2. The defendant must avoid all contact with the following persons or entities:
3. The defendant must avoid and not go to any of the following locations: District of Columbia except for court, attorney, or PTS.
4. The defendant must surrender all passports to Pretrial Services by and not obtain other passports or international travel documents.
5. The defendant is placed under the supervision of the Pretrial Services Agency subject to the Special Conditions on the reverse and:
a. is subject to random visits by a Pretrial Services officer at defendant's residence and/or place of work;
b. must report as directed by Pretrial Services or in person times per and/or by telephone times per
c. must undergo testing, evaluation and/or treatment for substance abuse, including alcoholism, as directed by Pretrial Services.
d. must undergo evaluation and treatment for mental health problems, as directed by Pretrial Services.
e. is subject to the following location restriction program with location monitoring, as directed by Pretrial Services:
home incarceration: restricted to home at all times, except for attorney visits, court appearances and necessary medical treatment;
home detention: restricted to home at all times, except for attorney visits, court appearances, medical treatment, religious services, employment, school or training, other activities approved by Pretrial Services,
curfew: restricted to home every day from to or as directed by Pretrial Services.
Defendant must pay all or part of the cost of any required testing, evaluation, treatment and/or location monitoring with personal funds, based upon ability to pay as determined by the Court and the Pretrial Services Agency, and/ or from available insurance.
6. Other Conditions: Deft shall appear in DC on 07/09/21 at 1PM for IA - Do not Possess Firearms, Dangerous Weapons, or Destructive Devices, and Do Not Commit State/Local/Federal Crimes.

APPEARANCE BOND

I, the undersigned defendant, and each surety who signs this bond, acknowledge that I have read this Appearance Bond and, and have either read all the other conditions of release or have had those conditions explained. I further acknowledge that I and my personal representatives, jointly and severally, are bound to pay the United States of America the sum of \$ and that this obligation is secured with the below interest in the following property ("Collateral") which I represent is/are free and clear of liens except as otherwise indicated:

- cash deposited in the Registry of the Court in the sum of \$;
premises located at: owned by;
I also agree to execute a confession of judgment, mortgage or lien in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before

Each owner of the above Collateral agrees not to sell the property, allow further claims or encumbrances to be made against it, or do anything to reduce its value while this Appearance Bond is in effect.

Forfeiture of the Bond. This Appearance Bond may be forfeited if the defendant fails to comply with any of the conditions set forth above and on the reverse. The defendant and any surety who has signed this form also agree that the court may immediately order the amount of the bond surrendered to the United States, including any security for the bond, if the defendant fails to comply with the above agreement. The court may also order a judgment of forfeiture against the defendant and against each surety for the entire amount of the bond, including any interest and costs.

Hunter Lewis, Surety Address: 06/30/21
Hunter Lewis, Surety Address:
, Surety Address:
, Surety Address:

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release and of the penalties and sanctions set forth on the front and reverse sides of this form.

Release of the Defendant is hereby ordered on June 30th 2021. Signature of Defendant

US MJ
Distribution: Canary - Court Pink - Pretrial Services Goldenrod -Defendant

U.S. District Court
Eastern District of New York (Central Islip)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-00771-AYS All Defendants

Case title: USA v. Brown

Date Filed: 06/30/2021

Date Terminated: 06/30/2021

Assigned to: Magistrate Judge Anne
Y. Shields

Defendant (1)**Gabriel Brown***TERMINATED: 06/30/2021*represented by **Evan Sugar**

Federal Defenders of New York, Inc.

Assistant Federal Defender

770 Federal Plaza

Central Islip, NY 11722

631-712-6500

Fax: 631-712-6505

Email: evan_sugar@fd.org*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or Community
Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level
(Terminated)**

None

Complaints

18:1363 DESTRUCTION or
INJURY BUILDINGS OR
PROPERTY IN SPECIAL
TERRITORIAL JURISDICTION;
1752(a) (1) RESTRICTED

Disposition

BUILDINGS OR GROUNDS;
 AND 40: 5104(e)(2)(F)ACTS OF
 VIOLENCE ON UNITED STATES
 CAPITOL GROUNDS

Plaintiff

USA

represented by **Samantha Alessi**
 DOJ-USAO
 271 Cadman Plaza East
 Brooklyn, NY 11201
 347-482-9307
 Email: Samantha.Alessi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Date Filed	#	Page	Docket Text
06/30/2021	<u>1</u>		RULE 5/40 AFFIDAVIT by USA as to Gabriel Brown by Affiant Raymond Esposito (Torres, Jasmine) (Entered: 07/02/2021)
06/30/2021			Arrest (Rule 5/40) of Gabriel Brown (Torres, Jasmine) (Entered: 07/02/2021)
06/30/2021	<u>2</u>		CJA 23 Financial Affidavit by Gabriel Brown (Torres, Jasmine) (Entered: 07/02/2021)
06/30/2021	<u>3</u>		Minute Entry for proceedings held before Magistrate Judge Anne Y. Shields:Arraignment and Initial Appearance in Rule 5(c)(3) Proceedings as to Gabriel Brown held on 6/30/2021 Appearance entered by Evan Sugar for Gabriel Brown on behalf of defendant. AUSA: Samantha Alessi. Identity hearing waived on the record. Order setting conditions of release and bond entered. Defendant consents to conduct the arraignment via telephone. Appointment of Federal Defenders for arraignment andany proceedings scheduled in the EDNY. Defendant to report to the District of Columbia on 7/6/2021 at 1:00 p.m. via video. (FTR Log #2:36-2:47.) (Torres, Jasmine) (Entered: 07/02/2021)
06/30/2021	<u>4</u>		ORDER: This order is entered pursuant to Federal Rule of Criminal Procedure 5(f) to confirm the prosecution'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. as to Gabriel BrownSigned by Magistrate Judge Anne Y. Shields on 6/30/21. (Torres, Jasmine) (Entered: 07/02/2021)
06/30/2021	<u>5</u>		ORDER Setting Conditions of Release Signed by Magistrate Judge Anne Y. Shields on 6/30/21. (Torres, Jasmine) (Entered: 07/02/2021)
06/30/2021	<u>6</u>		REDACTION by Gabriel Brown to <u>5</u> Order Setting Conditions of Release, 1 - Sealed Document CR (Torres, Jasmine) (Entered: 07/02/2021)