

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Garret Miller

Case: 1:21-mj-00117
Assigned to: Judge Zia M. Faruqui
Assign Date: 1/19/2021
Description: COMPLAINT W/ARREST WARRANT

Defendant

AMENDED 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) Garret Miller
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
Superseding Indictment
Information
Superseding Information
[X] 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), (2)- Knowingly Entering or Remaining in any Restricted Buildings or Grounds Without Lawful Authority
40 U.S.C. 5104(e)(2)(G)- Violent Entry and Disorderly Conduct on Capitol Grounds
18 U.S.C. 1512(c)(2)- Obstructing or Impeding Any Official Proceeding
18 U.S.C. 231(a)(3)- Certain Acts During Civil Disorder
18 U.S.C. 875(c) - Threats

Date: 01/19/2021

[Handwritten signature]

Zia M. Faruqui
2021.01.19 23:00:06
-05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 01/19/2021, and the person was arrested on (date) 01/20/2021
at (city and state) Richardson, Texas

Date: 01/20/2021

[Handwritten signature]

Arresting officer's signature

Kevin Pelomino, Special Agent
Printed name and title

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Garret Miller

Date of Birth: XXXXXXXX

Defendant(s)

Case: 1:21-mj-00117
Assigned to: Judge Zia M. Faruqui
Assign Date: 1/19/2021
Description: COMPLAINT W/ARREST WARRANT

AMENDED 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), (2)- Knowingly Entering or Remaining in any Restricted Buildings or Grounds Without Lawful Authority
40 U.S.C. 5104(e)(2)(G)- Violent Entry and Disorderly Conduct on Capitol Grounds
18 U.S.C. 1512(c)(2)- Obstructing or Impeding Any Official Proceeding
18 U.S.C. 231(a)(3)- Certain Acts During Civil Disorder
18 U.S.C. 875(c) - Threats

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Kevin Palomino

Complainant's signature

Kevin Palomino, 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: 01/19/2021

Handwritten signature of Zia M. Faruqui



Zia M. Faruqui
2021.01.19 23:01:20
-05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

On January 6, 2021, your affiant, Special Agent Kevin Palomino, was on duty and performing my official duties Special Agent with the United States Department of Homeland Security, Federal Protective Service, assigned to the Federal Bureau of Investigation (“FBI”), North Texas Joint Terrorism Task Force. 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 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.

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 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.

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 8, 2021, the FBI received a referral from law enforcement indicating that an individual using the Twitter account “@garretamiller” posted a video from inside the U.S. Capitol. FBI agents viewed the video on Twitter, which was publicly-available. The video was posted on January 6, 2021 at about 6:56 p.m. It is fourteen seconds long and pans across a crowd who is inside the U.S. Capitol Rotunda, waving pro-Trump and American flags. The caption to the video is “From inside congress.”



A subpoena return related to the Twitter account “@garretamiller,” where the video was posted, revealed that the account is associated with a cellular telephone number that is registered to GARRET A. MILLER of Dallas County, Texas, which the FBI confirmed through an AT&T subpoena. The Twitter account “@garretamiller” is also associated with Facebook account “facebook.com/garret.a.miller.” That Facebook account is associated with the same phone number and lists the user’s birthday as the same birthday as MILLER.

In examining MILLER’s Facebook account, there are many posts relating to his involvement in criminal activities at the Capitol. For example, on January 2, 2021, MILLER posted to Facebook, “I am about to drive across the country for this trump shit. On Monday . . . Some crazy shit going to happen this week. Dollar might collapse. . . . civil war could start . . . not sure what to do in DC.” He also stated on January 3, 2021, that he was bring with him “a grappling hook and rope and a level 3 vest. Helmets mouth guard and bump cap,” but last time he came to D.C. for a pro-Trump rally he “had a lot of guns” with him.

On January 6, 2021, MILLER posted a selfie to his Facebook account garret.a.miller. In the selfie he is wearing a pro-Trump red hat and appears to be standing in a grassy area:



On January 11, 2021, MILLER posted to his Facebook account (garret.a.miller) a photograph of himself with another individual inside the U.S. Capitol building Rotunda. In the photograph he is wearing a pro-Trump hat and behind him is a statue from the Rotunda.



Your Affiant retrieved a driver's license photograph of MILLER, and as the driver's license photograph demonstrates, this appears to be the same person.



After MILLER posted the selfie above showing him inside the U.S. Capitol building, an individual on Facebook commented, "bro you got in?! Nice!," to which MILLER replied, "just wanted to incriminate myself a little lol."

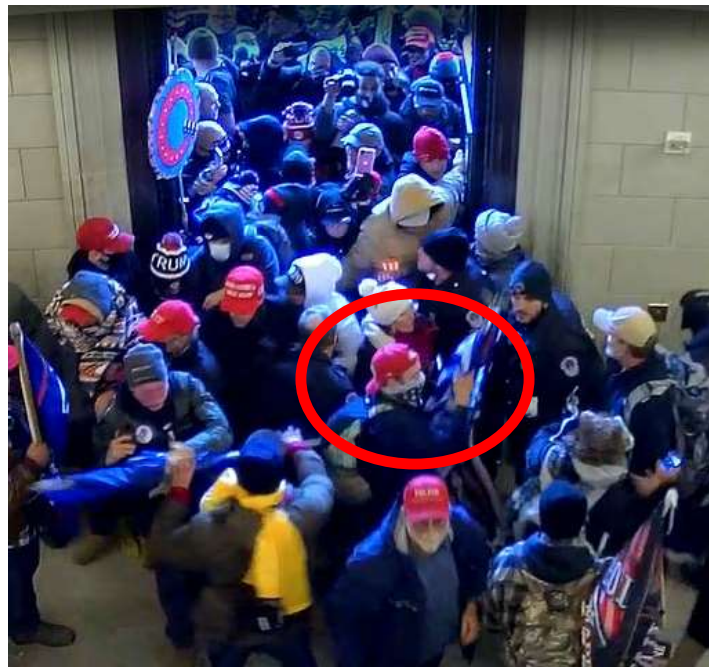
Additionally, surveillance video from inside the U.S. Capitol building on January 6, 2021, shows MILLER in the Capitol Rotunda at about 2:46 p.m. Screenshots from the video are below:





MILLER is wearing a backpack that appears to be patterned, a backwards red baseball hat, has what appears to be a balaclava around his neck, and is carrying two flags, an American flag and a pro-Trump flag.

A video of the entrance to the U.S. Capitol Rotunda shows a crowd of people pushing to get past U.S. Capitol Police officers, who are attempting to stop them from coming into the building. As seen in the screen capture of that video below, MILLER appears to be part of the crowd that pushes past the officers to gain entrance to the building:



After acknowledging his participation in the pro-Trump riots, multiple individuals commented to MILLER'S Facebook account. One individual tried to blame Antifa for the riots, but MILLER countered, "[Y]ou don't think we should have stormed the capital [sic]?"

Also, when asked on Facebook, “were you in the building?,” MILLER responded, “Yah . . . we charged . . . We where [sic] going in . . . No matter what . . . Decided before the trump speech . . . I charged the back gates myself with an anti masker.”

In addition to his Facebook posts, MILLER also posted about his activities at the Capitol on Twitter. On January 6, 2021, MILLER repeatedly posted comments on Twitter using his Twitter account (@garretamiller). In one tweet, an individual posted, “The people storming The Capitol are not Patriots. They are PAID INFILTRATORS,” to which MILLER responded, “Nah we stormed it. We where [sic] gentle. We where [sic] unarmed. We knew what had to be done. A beautiful soul was lost today. We must know her name. She will not be forgotten.”



In another tweet, MILLER threatened, “They are right next time we bring the guns.”



In another, a Baptist pastor tweeted, “I am deeply saddened by what took place in our nation’s capital [sic] today. Our country is in trouble. We need God’s healing and we need God’s help. Pray for peace and the protection of our nation. Let’s come together—on our knees.” MILLER responded, “It was Beutiful [sic]. Wake the fuck up already!”



He also claimed in one tweet, “It was not a coup. We where [sic] gentle with police. We where [sic] unarmed. We overwhelmed them but did not injure them. . . .”



In a string of tweets to a U.S. House of Representatives member, MILLER first claims, “We acted with honor and we where [sic] not armed. We where [sic] gentle with the police. They murdered a child.” He then further directed, “Assassinate [House member].”



MILLER also posted about entering the Capitol on his Instagram account, which is associated with his Facebook account, “We stormed the capital [sic] as peacefully as we could without weapons . . . The congress building.” A few days later, MILLER admitted on Instagram that he “had a rope in [his] bag on that day.” He also posted to his Twitter account ([@garretamiller](#)) a photograph from the U.S. Capitol grounds and stated, “It was Beutiful! [sic] #Trump.” The photograph shows a large crowd of pro-Trump supporters in front of the U.S. Capitol building.



In addition to discussing his own actions at the Capitol, MILLER also discussed the shooting of a woman by a U.S. Capitol Police Officer during the pro-Trump riots on January 6, 2021. During that discussion on January 10, 2021, MILLER stated, “We going to get a hold of [the USCP officer] and hug his neck with a nice rope[.]” The individual with whom he was chatting responded, “Didn’t you say you were a Christian or some lie?” to which MILLER responded, “Justice . . . Not murder . . . Read the commandment . . . theres [sic] a difference.”

On January 16, 2021, MILLER again got into a discussion on Facebook, about the USCP officer and said that the officer is “not going to survive long.” MILLER claimed that “millions” of people agree with him that the officer “deserve[s] to die” “so its [sic] huntin season.” He then says that the woman who was killed “was a sister in battle were bravery achieve victory and she paid the ultimate price. . . . Dead serious she fought fir [sic] me, now I fight fir [sic] her[.]” He later claimed, “Well we got the traitor cop as a target and as long as we don’t shoot him we don’t get accused of firing the first shot. He shot first. His death prevents civil war by liberal history teller arguments.”

On January 15, 2021, MILLER admitted in a Facebook chat that he is “happy to make death threats so I been just off the rails tonight lol,” and is “happy to be banned now [from Twitter].” When asked whether the police know his name, he responded, “[I]t might be time for me to Be hard to locate.”

On January 15, 2021, FBI agents obtained a search warrant for MILLER’s cellphone number, the same number associated with his Facebook account, for prospective cell site and Global Positioning System (GPS) data. That same day, prospective location data showed the phone inside the house where MILLER lives according to a law enforcement database. MILLER had previously identified this same address as his home address in a Facebook chat from January 2, 2021. FBI agents also confirmed the next day that a van which is registered to MILLER, was parked in the driveway of the house.

Based on the foregoing, your affiant submits that there is probable cause to believe that GARRET A. MILLER violated 18 U.S.C. § 1752(a)(1)-(2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so 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.

Your affiant submits there is also probable cause to believe that MILLER violated 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully and knowingly (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits there is probable cause to believe that MILLER violated 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly otherwise obstruct, influence, or impede any official proceeding, or attempt to do so, or conspire to do so.


Your affiant further submits there is probable cause to believe that MILLER violated 18 U.S.C. § 875(c), which makes it a crime to “transmit in interstate . . . commerce any communication containing . . . any threat to injure the person of another.”

Your affiant submits there is probable cause to believe that MILLER violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any . . . law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects . . . the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.



KEVIN PALOMINO
Special Agent
Federal Protective Service
FBI Task Force Officer

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 19th day of January 2021.



Zia M. Faruqi
2021.01.19
23:03:16 -05'00'

Zia M. Faruqi
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Garret Miller

Case: 1:21-mj-00117
Assigned to: Judge Zia M. Faruqui
Assign Date: 1/19/2021
Description: COMPLAINT W/ARREST WARRANT

Defendant

AMENDED 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) Garret Miller,
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), (2)- Knowingly Entering or Remaining in any Restricted Buildings or Grounds Without Lawful Authority
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18 U.S.C. 875(c) - Threats

Date: 01/19/2021

Judge's signature



Zia M. Faruqui
2021.01.19 23:00:06
-05'00'

City and state: Washington, D.C.

Zia M. Faruqui, 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

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JUDGE: DAVID L. HORAN		
DEPUTY CLERK: Shakira Todd		COURT REPORTER/TAPE NO: <i>Shawn McRoberts</i>
LAW CLERK:		USPO/PTSO:
INTERPRETER:		COURT TIME: <i>10:44-10:53</i>
10:00 A.M.	P.M.	DATE: January 22, 2021

MAG. NO. DIST. CR. NO. 3:21-mj-00052-BN *SEALED* US Magistrate Judge David L. Horan

UNITED STATES OF AMERICA

v.

GARRET M. (1)

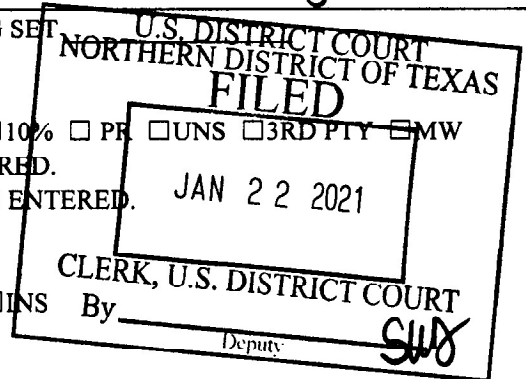
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Joe Magliolo, AUSA

Clint Broden (R)
COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

- INITIAL APPEARANCE IDENTITY BOND HEARING PRELIMINARY HEARING
- DETENTION HEARING COUNSEL DETERMINATION HEARING REMOVAL HEARING EXTRADITION HEARING
- HEARING CONTINUED ON _____ CASE NO. _____ OTHER DISTRICT DIVISION
- DATE OF FEDERAL ARREST/CUSTODY: 01/22/2021 SURRENDER _____
- RULE 5/32 APPEARED ON WRIT
- DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES PROBATION/SUPERVISED RELEASE VIOLATOR
- DEFT FIRST APPEARANCE WITH COUNSEL.
- DEFT MW (MATERIAL WITNESS) _____ APPEARED WITH WITHOUT COUNSEL
- REQUESTS APPOINTED COUNSEL.
- FINANCIAL AFFIDAVIT EXECUTED.
- ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
- PRIVATE COUNSEL APPOINTED
- DEFT HAS RETAINED COUNSEL Clint Broden
- ARRAIGNMENT SET DETENTION HEARING SET 1/05/2021 @ 10 AM before Judge Rutherford

- PRELIMINARY HEARING SET _____ BOND HEARING SET _____
- COUNSEL DETERMINATION HEARING SET _____
- IDENTITY/REMOVAL HEARING SET _____
- BOND SET REDUCED TO \$ _____ CASH SURETY 10% PR UNS 3RD PTY MW
- NO BOND SET AT THIS TIME, _____ DAY DETENTION ORDER TO BE ENTERED.
- ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
- ORDER OF DETENTION PENDING TRIAL ENTERED.
- DEFT ADVISED OF CONDITIONS OF RELEASE.
- BOND EXECUTED DEFT MW RELEASED STATE AUTHORITIES INS
- DEFT MW REMANDED TO CUSTODY.
- DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
- WAIVER OF PRELIMINARY HEARING RULE 5/32 HEARING DETENTION HEARING
- COURT FINDS PROBABLE CAUSE ID PC.
- DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
- GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
- FED. R. CRIM. P. 5(f)(1) ORAL ORDER ISSUED. WRITTEN ORDER TO FOLLOW.



REMARKS: _____

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JUDGE: REBECCA RUTHERFORD	
DEPUTY CLERK: L. Price	COURT REPORTER/TAPE NO: <i>Sharoni</i>
LAW CLERK:	USPO/PTSO: <i>Archuleta</i>
INTERPRETER:	COURT TIME: <i>11:08 - 1:38</i>
A.M.	P.M.
DATE: January 25, 2021	

MAG. NO. DIST. CR. NO. 3:21-mj-00052-BN *SEALED* USDJ Magistrate Judge David L. Horan

UNITED STATES OF AMERICA

v.

GARRET MILLER (1)

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§
§

Joe Magliolo, AUSA

Clint Broder

COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

- INITIAL APPEARANCE IDENTITY BOND HEARING PRELIMINARY HEARING
- DETENTION HEARING COUNSEL DETERMINATION HEARING REMOVAL HEARING EXTRADITION HEARING
- HEARING CONTINUED ON _____ CASE NO. _____ OTHER DISTRICT DIVISION
- DATE OF FEDERAL ARREST/CUSTODY: SURRENDER _____
- RULE 5/32 APPEARED ON WRIT
- DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES PROBATION/SUPERVISED RELEASE VIOLATOR
- DEFT FIRST APPEARANCE WITH COUNSEL.
- DEFT MW (MATERIAL WITNESS) _____ APPEARED WITH WITHOUT COUNSEL
- REQUESTS APPOINTED COUNSEL.
- FINANCIAL AFFIDAVIT EXECUTED.
- ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
- PRIVATE COUNSEL APPOINTED _____
- DEFT HAS RETAINED COUNSEL _____
- ARRAIGNMENT SET DETENTION HEARING SET _____

- PRELIMINARY HEARING SET _____ BOND HEARING SET _____
- COUNSEL DETERMINATION HEARING SET _____
- IDENTITY/REMOVAL HEARING SET _____
- BOND SET REDUCED TO \$ _____ CASH SURETY 10% PR UNS 3RD PTY MW
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- DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
- GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
- FED. R. CRIM. P. 5(f)(1) ORAL ORDER ISSUED. WRITTEN ORDER TO FOLLOW.

REMARKS: _____

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JAN 25 2021

CLERK, U.S. DISTRICT COURT
By _____ Deputy *[Signature]*

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

U.S. DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
FILED
 JAN 22 2021
 CLERK, U.S. DISTRICT COURT
 By _____ Deputy *SWB*
 Case No. 3:21-mj-00052-BN SEALB*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION

UNITED STATES OF AMERICA

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Case No. 3:21-mj-00052-BN SEALB*

v.

GARRET M. (1)

Charging District's Case No. 1:21-mj-117

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

I understand that I have been charged in another district, the U.S. District 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:

- 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.

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

Date: 22nd day of January, 2021

Garret M. (1)
 Defendant's Signature

Clinton Brade
 Signature of defendant's attorney
 Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JAN 22 2021
CLERK, U.S. DISTRICT COURT
Case No. 3:21-cv-00052-BN *SEALED*
Deputy

UNITED STATES OF AMERICA

v.

GARRET M. (1)

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Case No. 3:21-cv-00052-BN *SEALED*
Deputy

ORDER OF TEMPORARY COMMITMENT

On this date the above named Defendant appeared before the undersigned magistrate judge after having been arrested in the above numbered action for an offense against the laws of the United States, and

- The government having moved the magistrate judge to hold a hearing to determine whether any condition or combination of conditions will reasonably assure the Defendant's appearances and the safety of any other person and the community (18 U.S.C. §3142(f), as amended P.L. 98-473, 98 Stat. 1837), and
- The government's attorney having moved for a continuance of such hearing
- It appearing that the Defendant may not be capable of posting of a monetary bond as a condition to assure his appearance and the safety of any other person and the community (§3142(c), supra), and that a hearing on whether the Defendant should be released on bond or should be detained pending disposition of the criminal charges should be deferred from today's date, and
- Defendant having moved for a continuance so that he can have an attorney present at the hearing,

IT IS, THEREFORE, ORDERED that the Detention Hearing is to be held on 1/25/2021 at 10am before the undersigned magistrate judge, unless extended for good cause. *

IT IS FURTHER ORDERED that the Defendant is committed to the custody of the United States Marshal for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal, pending the above scheduled detention hearing.

A copy of this order shall be transmitted to counsel for the parties.

ENTERED this 22nd day of January 2021


DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE

*A continuance on behalf of the government will be granted without a hearing only upon the written consent of the Defendant or his attorney. A continuance on behalf of the Defendant will be granted without a hearing upon the written request of the Defendant or his attorney. Continuances shall not exceed five work days from the original setting for the Detention Hearing.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA	§	Case No. 3:21-mj-00052-BN *SEALED*
	§	Other Dist. Docket No. 1:21-mj-117
v.	§	Charge Pending:
	§	U.S. District Court
GARRET MILLER (1)	§	District of Columbia

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of 18 U.S.C. 1752(a)(1), (2)- Knowingly Entering or Remaining in any Restricted Buildings or Grounds Without Lawful Authority. Having been arrested in this district on a warrant issued on that/those charge(s), he/she appeared before me for proceedings as follows:

Rule 5(c)(3) Transfer

- The government has produced a copy of the warrant, and
- The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
 - The defendant waived identity hearing.
 - An identity hearing was conducted, and the defendant's identity was established.
 - The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

Rule 5.1: Preliminary Hearing

- No preliminary hearing is necessary because the defendant is charged by indictment.
- The defendant waived a preliminary hearing.
- The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - There is probable cause to believe that the defendant committed the offense(s) charged.
 - There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.

Rule 5(d)(3) Detention Hearing

- No detention hearing is necessary because the government did not move to detain the defendant.
- The defendant waived a detention hearing.

- The defendant elected to have a detention hearing in the district where the prosecution is pending.
- The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - The defendant should be detained.
 - The defendant should be released on bond.

ORDER ENTERED ON THE FOREGOING REPORT

TO: UNITED STATES MARSHAL

- You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- It is ORDERED that this defendant be discharged.

DATE: January 25, 2021.

(Use Other Side for Return)



United States Magistrate Judge

CLOSED,EXH-ADM

U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-00052-BN All Defendants
Internal Use Only

Case title: USA v. Miller

Date Filed: 01/20/2021

Other court case number: 1:21-mj-117 U.S. District Court,
District of Columbia

Date Terminated: 01/25/2021

Assigned to: Magistrate Judge
David L. Horan

Defendant (1)

Garret Miller

TERMINATED: 01/25/2021

represented by **F Clinton Broden**

Broden & Mickelsen

2600 State St

Dallas, TX 75204

214-720-9552

Fax: 214-720-9594

Email: clint@texascrimlaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Rule 5 Arrest

Disposition

Plaintiff

USA

represented by **Joseph Andrew Magliolo–DOJ**
 United States Attorney's Office
 Northern District of Texas
 1100 Commerce Street
 Third Floor
 Dallas, TX 75242
 214–659–8600
 Fax: 214–659–8803
 Email: joseph.magliolo@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney's Office
Bar Status: Admitted/In Good Standing

Date Filed	#	Page	Docket Text
01/20/2021	<u>1</u>	5	Rule 5 Arrest as to Garret M. (1). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> and <u>Judge Specific Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. (Attachments: # <u>1</u> Additional Page(s), # <u>2</u> Additional Page(s), # <u>3</u> Additional Page(s)) (mcrd) (Entered: 01/20/2021)
01/21/2021	<u>2</u>	20	MOTION for Detention filed by USA as to Garret M. (mcrd) (Entered: 01/21/2021)
01/22/2021	<u>3</u>	23	Minute Entry for proceedings held before Magistrate Judge David L. Horan: Initial Appearance as to Garret Miller held on 1/22/2021. Date of Arrest: 1/22/2021. Location interval set to: LC. The judge issued the oral order required by Fed. R. Crim. P. 5(f)(1). Written order to follow. Attorney Appearances: AUSA – Joe Magliolo; Defense – Clint Broden. (No exhibits) Time in Court – :09. (Court Reporter: Shawn McRoberts) (Interpreter N/A.) (mcrd) (Entered: 01/22/2021)
01/22/2021	4	24	ELECTRONIC ORDER As to Garret Miller: by this order — issued to the prosecution and defense counsel — the court confirms the disclosure obligation of the prosecutor under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is in addition to the oral order entered by the court on the first scheduled court date when both the prosecutor and defense counsel were present. (Ordered by Magistrate Judge David L. Horan on 1/22/2021) (mcrd) (Entered: 01/22/2021)
01/22/2021	<u>5</u>	26	NOTICE OF ATTORNEY APPEARANCE by F Clinton Broden appearing for Garret Miller (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at

			214.753.2240 during business hours to request access.) (mcrd) (Entered: 01/22/2021)
01/22/2021	<u>6</u>	27	WAIVER of Rule 5 Hearing (ID Only) by Garret Miller. (mcrd) (Entered: 01/22/2021)
01/22/2021	<u>7</u>	28	ORDER OF TEMPORARY DETENTION as to Garret Miller: PC and Detention Hearing set for 1/25/2021 10:00 AM in US Courthouse, Courtroom 1306, 1100 Commerce St., Dallas, TX 75242-1310 before Magistrate Judge Rebecca Rutherford. (Ordered by Magistrate Judge David L. Horan on 1/22/2021) (mcrd) (Entered: 01/22/2021)
01/25/2021	<u>9</u>	29	ELECTRONIC Minute Entry for Waiver of Preliminary Hearing under Fed. R. Crim. P. 5 by Garret Miller: The defendant has been charged with a felony offense in a criminal complaint filed in this court. At a proceeding held on 1/25/2021 before Magistrate Judge Rebecca Rutherford, at which the defendant appeared in person and represented by counsel, the Magistrate Judge informed the defendant of the right to a preliminary hearing under Fed. R. Crim. P. 5 and explained that a preliminary hearing is a hearing before the judge where the government must establish probable cause to believe the charges contained in the complaint. The defendant stated he had discussed this right to a preliminary hearing with counsel, that the defendant understood this right, and that the defendant wanted to waive the right to a preliminary hearing. The Magistrate Judge found the defendant's waiver was knowing and voluntary, and based on that waiver, the Magistrate Judge found probable cause to believe the charges contained in the complaint. (mcrd) (Entered: 01/25/2021)
01/25/2021	<u>10</u>	31	Minute Entry for proceedings held before Magistrate Judge Rebecca Rutherford: Detention Hearing as to Garret Miller held on 1/25/2021. Location interval set to: LO. Defendant ordered detained. Attorney Appearances: AUSA – Joe Magliolo; Defense – Clint Broden. (Exhibits admitted) Time in Court – 2:00. (Court Reporter: Shawnie Archuleta) (mcrd) (Entered: 01/27/2021)
01/25/2021	<u>11</u>	32	ELECTRONIC Minute Entry for Waiver of Preliminary Hearing under Fed. R. Crim. P. 5 by Garret Miller : The defendant has been charged with a felony offense in a criminal complaint filed in this court. At a proceeding held on 01/25/2021 before Magistrate Judge Rebecca Rutherford, at which the defendant appeared in person and represented by counsel, the Magistrate Judge informed the defendant of the right to a preliminary hearing under Fed. R. Crim. P. 5 and explained that a preliminary hearing is a hearing before the judge where the government must establish probable cause to believe the charges contained in the complaint. The defendant stated he had discussed this right to a preliminary hearing with counsel, that the defendant understood this right, and that the defendant wanted to waive the right to a preliminary hearing. The Magistrate Judge found the defendant's waiver was knowing and voluntary, and based on that waiver, the Magistrate Judge found probable cause to believe the charges contained in the complaint. (mcrd) (Entered: 01/27/2021)
01/25/2021	<u>12</u>	34	Report of Proceedings under Rule 32.1 and Order Entered Thereon as to Garret Miller. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to U.S. District Court for District of Columbia. (Ordered by Magistrate Judge Rebecca Rutherford on 1/25/2021) (mcrd) (Entered: 01/27/2021)

01/29/2021	<u>13</u>	*SEALED* SEALED Government's Exhibits from Detention held 1/25/2021 as to Garret Miller. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s), # <u>5</u> Exhibit(s), # <u>6</u> Exhibit(s), # <u>7</u> Exhibit(s), # <u>8</u> Exhibit(s), # <u>9</u> Exhibit(s), # <u>10</u> Exhibit(s), # <u>11</u> Exhibit(s), # <u>12</u> Exhibit(s), # <u>13</u> Exhibit(s), # <u>14</u> Exhibit(s), # <u>15</u> Exhibit(s), # <u>16</u> Exhibit(s), # <u>17</u> Exhibit(s), # <u>18</u> Exhibit(s)) (mcrd) (Entered: 01/29/2021)
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