

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

JAMES ALLEN MELS

Case: 1:21-mj-00223

Assigned to: Judge Faruqui, Zia M

Assign Date: 2/10/2021

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)

JAMES ALLEN MELS

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;

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

Date: 02/10/2021



2021.02.10

15:50:08 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

## Return

This warrant was received on (date) 2/10/21, and the person was arrested on (date) 2/11/21  
at (city and state) Roseville, Michigan.

Date: 2/11/2021



Arresting officer's signature

ANTHONY NETTLES TFO

Printed name and title

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

**WAIVER OF RULE 5 AND 5.1 HEARINGS  
(Excluding Probation Violation Cases)**

v.

Case No. 21-30071  
Originating No. 1:21-mj-00223

JAMES ALLEN MELS,

Defendant.

\_\_\_\_\_/

I, JAMES ALLEN MELS understand that in the Superior Court of the District of Columbia charges are pending alleging a violation in the Superior Court of the District of Columbia based on an Indictment. Defendant is charged in that district with violation of 18 U.S.C. §1752(a)(1)- Knowingly entering or remaining in any restricted building or grounds without lawful authority, and 40 U.S.C. §5104(e)(2)- Violent entry and disorderly conduct on Capitol Grounds and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of my right to:

1. Retain counsel or request the assignment of counsel if I am unable to afford one.
2. Request transfer of the proceedings to this district pursuant to Fed. R. 20, in order to plead guilty.
3. Have an identity hearing to determine if I am the person named in the charge.

4. Have a preliminary examination (unless and indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me; the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

☒ identity hearing

☒ preliminary examination

☐ identity hearing and have been informed I have no right to a preliminary hearing

☐ identity hearing but request a preliminary hearing to be held in the district of prosecution

and therefore consent to the issuance of an order requiring my appearance in the prosecuting district where the charges is pending against me.

James Allen Mels w/  
consent by Jonathan M.  
Epstein

Digitally signed by James Allen Mels  
w/consent by Jonathan M. Epstein  
Date: 2021.02.11 13:46:40 -05'00'

Jonathan M. Epstein

Digitally signed by Jonathan M.  
Epstein  
Date: 2021.02.11 13:47:52 -05'00'

Defendant

Counsel for Defendant

Date: February 11, 2021

Date: February 11, 2021

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America )

v. )

Case No. 21-30071 )

JAMES ALLEN MELS )

Defendant )

## APPEARANCE BOND

## Defendant's Agreement

I, JAMES ALLEN MELS (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ☒ to appear for court proceedings;
- ☒ if convicted, to surrender to serve a sentence that the court may impose; or
- ☒ to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

- ☐ (1) This is a personal recognizance bond.
- ☒ (2) This is an unsecured bond of \$ 10,000.
- ☐ (3) This is a secured bond of \$ \_\_\_\_\_, secured by:
  - ☐ \$ \_\_\_\_\_ in cash deposited with the court.
  - ☐ (b) the agreement of the defendant and each surety to forfeit the following cash or other property (*describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value*):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ☐ (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

### Declarations

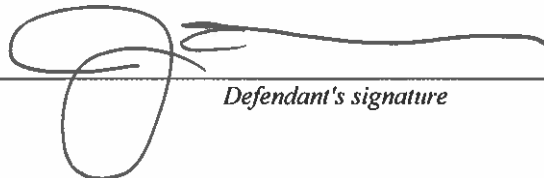
*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: February 11, 2021



*Defendant's signature*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

DAVID J. WEAVER, CLERK OF COURT

Date: February 11, 2021

s/AARON FLANIGAN

*Signature of Clerk or Deputy Clerk*

Approved.

Date: February 11, 2021

s/Kimberly G. Altman

*Judge's signature*

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Michigan

United States of America

v.

James Mels

)  
)  
)  
)  
)  
)  
)

Case No. 21-30071

**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 the collection 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 *(if blank, to be notified)* :

USDC - District of Columbia

*Place*

on Monday, February 22, 2021 at 1:00pm. via Zoom

*Date and Time*

If blank, defendant will be notified of next appearance.

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

**ADDITIONAL CONDITIONS OF RELEASE**

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 \_\_\_\_\_  
(See separate Agreement to Assume Custody of the Defendant).
- ☒ (7) The defendant must:
- ☒ (a) report, as directed, to:
    - ☒ Pretrial Services.
    - ☐ Probation Department.
  - ☐ (b) continue or actively seek employment.
  - ☐ (c) continue or start an education program.
  - ☐ (d) agree not to apply for or enter into any loan or other credit transaction without the previous written permission of the pretrial services office or supervising officer.
  - ☒ (e) surrender any passport to: PTS by 02/16/2021 at 4 p.m.
  - ☒ (f) not obtain a passport or other international travel documents.
  - ☒ (g) abide by the following restrictions on personal association, place of abode, or travel:
    - ☐ Travel restricted to the Eastern District of Michigan;
    - ☐ Travel restricted to the State of Michigan;
    - ☒ Travel restricted to: ED MI and D. C. (court purposes only)  
unless I have the previous consent of the pretrial services office, supervising officer or the court.
  - ☐ (h) avoid all contact, directly or indirectly, with any person who is or may become a victim or witness in the investigation or prosecution, including but not limited to:
    - ☐ List to be provided by U.S. Attorney;
    - ☐ Other persons: \_\_\_\_\_
  - ☐ (i) get medical or psychiatric treatment.
  - ☐ (j) return to custody each (week) day at \_\_\_\_\_ o'clock after being released each (week) day at \_\_\_\_\_ o'clock for employment, schooling, or the following purpose(s):  
\_\_\_\_\_
  - ☐ (k) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
  - ☒ (l) not possess a firearm, destructive device, or other dangerous weapons.  
\_\_\_\_\_
  - ☐ (m) not use alcohol:
    - ☐ at all.
    - ☐ excessively.



- ☒ (n) 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.
- ☒ (o) submit to any testing required by the pretrial services office or supervising officer to determine whether the defendant is using a prohibited substance. Testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct or attempt to obstruct or tamper with the efficiency and accuracy of any prohibited substance screening or testing. \_\_\_\_\_
- ☒ (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ☐ (q) participate in one of the following location restriction programs and comply with 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 pre-approved by the pretrial services office or supervising officer; or
- ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- ☐ (r) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ☐ You must pay all or part of the cost of the programs based upon your ability to pay as the pretrial services office or supervising officer determines:
- ☐ (i) Location monitoring technology as directed by the pretrial services office or supervising officer;
- ☐ (ii) Radio Frequency (RF) monitoring;
- ☐ (iii) Passive Global Positioning Satellite (GPS) monitoring;
- ☐ (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
- ☐ (v) Voice Recognition monitoring.
- ☐ (s) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning or traffic stops.
- ☒ (t) Remove all weapons from the home and provide documentation to PTS by 02/16/21 at 4 p.m. (u) Surrender Enhanced Driver's License to PTS upon obtaining regular Driver's License. Must provide appointment date for SOS to PTS by 02/16/2021 at 4 p.m. (v) Remove all weapons from home and provide documentation to Pretrial Services by 02/16/2021, at 4 p.m. (w) Report as directed to the court in the District of Columbia



**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 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.

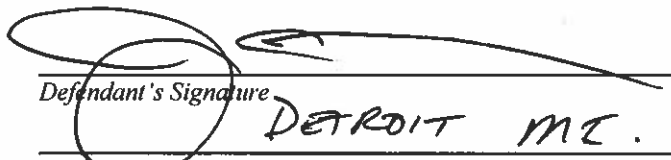
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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  
DETROIT MI.  
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: February 11, 2021

s/Kimberly G. Altman  
Judicial Officer's Signature

Kimberly G. Altman, U.S. Magistrate Judge  
Printed name and title

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff.

NO. 21-30071

v.

**JAMES ALLEN MELS,**

Defendant.

\_\_\_\_\_ /

**ORDER TRANSFERRING DEFENDANT TO  
ANSWER TO CHARGES PENDING IN ANOTHER  
DISTRICT AND COMMITMENT TO THAT DISTRICT**

This matter coming before the Court on the Government's Petition for Removal, for the reasons stated on the record and pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, it is hereby ordered that defendant James Allen Mels be transferred to the Superior Court for the District of Columbia for further proceedings in the case of *United States v. James Allen Mels*, Case No. 1:21-mj-00223.

Defendant who has been ordered released pursuant to the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.). shall appear at the following location at the following time:

Monday, February 22, 2021 at 1:00pm. via Zoom for his initial appearance. Zoom information is as follows:

RECORDING AUDIO OR VIDEO OF ANY COURT PROCEEDING IS STRICTLY PROHIBITED BY FEDERAL LAW.

Join ZoomGov Meeting

<https://uscourts-dcd.zoomgov.com/j/16189525787?pwd=Wlh3MUY5VTRZTUFSYXM5RElnN2UvZz09>

Meeting ID: 161 8952 5787

Passcode: 860903

One tap mobile

+16692545252,,16189525787#,,,,,0#,,860903# US (San Jose)

+16468287666,,16189525787#,,,,,0#,,860903# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

Meeting ID: 161 8952 5787

Passcode: 860903

If defendant fails to appear as directed, he will be subject to arrest, revocation of release, and detention, and he could be prosecuted and imprisoned for the crimes of bond jumping or contempt of court. See 18 U.S.C. §§ 3146, 3148.

**s/Kimberly G. Altman**

HONORABLE KIMBERLY G. ALTMAN

United States Magistrate Judge

Entered: February 11, 2021

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CLOSED

**U.S. District Court**  
**Eastern District of Michigan (Detroit)**  
**CRIMINAL DOCKET FOR CASE #: 2:21-mj-30071-DUTY All Defendants**

Case title: United States of America v. Mels

Date Filed: 02/11/2021

Date Terminated: 02/11/2021

Assigned to: Magistrate Judge Unassigned

**Defendant (1)****James Allen Mels*****TERMINATED: 02/11/2021***represented by **Federal Community Defender**

613 Abbott

5th Floor

Detroit, MI 48226

313-967-5555

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or**Community Defender Appointment**Bar Status: Sworn***Jonathan M. Epstein**

Federal Defender Office

613 Abbott

5th Floor

Detroit, MI 48226

313-967-5840

Email: jonathan\_epstein@fd.org

*ATTORNEY TO BE NOTICED**Designation: Public Defender or**Community Defender Appointment**Bar Status: Sworn***Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**


None

**Complaints****Disposition**

Rule 5(c)(3) from District of Columbia

**Plaintiff****United States of America**

represented by **Douglas C. Salzenstein**  
 United States Attorney's Office  
 211 West Fort Street  
 Suite 2001  
 Detroit, MI 48226  
 313-226-9196  
 Email: doug.salzenstein@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: U.S. Attorney*  
*Bar Status: Sworn*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/11/2021	<a href="#"><u>1</u></a>	PETITION for Transfer under Rule 5(c)(3) by United States of America as to James Allen Mels (1). (AFla) (Entered: 02/11/2021)
02/11/2021		Minute Entry for proceedings before Magistrate Judge Kimberly G. Altman: Initial Appearance in Rule 5(c)(3) Proceedings as to James Allen Mels held on 2/11/2021. Disposition: Defendant released on bond. Bond Information: 10,000 unsecured. (Court Reporter: Digitally Recorded) (Defendant Attorney: Jonathan Epstein) (AUSA: Douglas Salzenstein) (AFla) (Entered: 02/11/2021)
02/11/2021		Minute Entry for proceedings before Magistrate Judge Kimberly G. Altman: Removal Hearing as to James Allen Mels not held on 2/11/2021 Disposition: Waived. (Court Reporter: Digitally Recorded) (Defendant Attorney: Jonathan Epstein) (AUSA: Douglas Salzenstein) (AFla) (Entered: 02/11/2021)
02/11/2021	<a href="#"><u>2</u></a>	 Public Audio File of Initial Appearance in Rule 5(c)(3) Proceedings as to James Allen Mels held on 2/11/2021 before Magistrate Judge Kimberly G. Altman. AUDIO FILE SIZE (5.1 MB) (SOso) (Entered: 02/11/2021)
02/11/2021	<a href="#"><u>3</u></a>	ORDER APPOINTING FEDERAL COMMUNITY DEFENDER as to James Allen Mels. Signed by Magistrate Judge Kimberly G. Altman. (SOso) (Entered: 02/11/2021)
02/11/2021	<a href="#"><u>4</u></a>	ORDER Setting Conditions of Release as to James Allen Mels. Signed by Magistrate Judge Kimberly G. Altman. (SOso) (Entered: 02/11/2021)
02/11/2021	<a href="#"><u>5</u></a>	BOND as to James Allen Mels in the amount of \$10,000 unsecured entered. (SOso) (Entered: 02/11/2021)
02/11/2021	<a href="#"><u>6</u></a>	ORDER Regarding Brady Materials as to James Allen Mels. Signed by Magistrate Judge Kimberly G. Altman. (SOso) (Entered: 02/11/2021)
02/11/2021	<a href="#"><u>7</u></a>	WAIVER of Rule 5 and 5.1 Hearings by James Allen Mels (SOso) (Entered: 02/12/2021)
02/11/2021	<a href="#"><u>8</u></a>	ORDER TRANSFERRING DEFENDANT to Answer Charges Pending in the Superior Court for the District of Columbia as to James Allen Mels. Signed by Magistrate Judge

		Kimberly G. Altman. (SOso) (Entered: 02/12/2021)
02/15/2021		TEXT-ONLY NOTICE to District of Columbia of Transfer as to James Allen Mels. Your case number is: 21-223. Using your PACER account, you may retrieve the docket sheet and any unrestricted documents and text-only entries. Please note the following documents: <a href="#">2</a> Audio File Upload, Removal Hearing, <a href="#">8</a> Transferring Defendant to Answer Charges, <a href="#">6</a> Order Regarding Brady Materials, <a href="#">1</a> Rule 5(c)(3) Petition for Transfer Proceedings, Initial Appearance - Rule 5(c)(3), <a href="#">4</a> Order Setting Conditions of Release, <a href="#">5</a> Bond, <a href="#">3</a> Order Appointing Federal Community Defender, <a href="#">7</a> Waiver of Rule 5 Hearings (Formerly Rule 40) (If you require sealed documents or certified copies, please send a request to InterDistrictTransfer_mied@mied.uscourts.gov. If you require a defendant's payment history, please send a request to financial@mied.uscourts.gov.) (LHos) (Entered: 02/15/2021)
02/16/2021	<a href="#">9</a>	ATTORNEY APPEARANCE: Jonathan M. Epstein appearing for James Allen Mels . (Epstein, Jonathan) (Entered: 02/16/2021)