

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Jonathan Gennaro Mellis (AKA: Jon Gennaro)

Defendant

Case: 1:21-mj-00224

Assigned to: Judge Faruqui, Zia M

Assign Date: 2/11/2021

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)

Jonathan Gennaro Mellis

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. § 111 (a)(1) and (b), § 2- forcibly assault, resist, oppose, impede, intimidate, or interfere Officers and aiding and abetting;  
 18 U.S.C. § 231(a)(3) and § 2 - Civil Disorder;  
 18 U.S.C. § 1752(a)(1), (2), and (4) - Restricted Building or Grounds;  
 40 U.S.C. § 5104(e)(2)(D)(E) and (F) - Violent Entry or Disorderly Conduct, obstruct, or impede passage, and engage in physical violence on Capitol Grounds ;  
 18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress.

Date: 02/11/2021

2021.02.11

17:45:19 -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) 2-11-2021, and the person was arrested on (date) 2-10-2021  
 at (city and state) WILLIAMSBURG, VA.

Date: 2-17-2021

Arresting officer's signature

SPECIAL AGENT DESIRAE MALDONADO

Printed name and title

## INITIAL APPEARANCE MINUTES:

Time set: 11:30 a.m.  
 Start Time: 11:43 am  
 End Time: 11:50 AM  
 Split Time ( )

Date: February 16, 2021  
 Presiding Judge: Robert J. Krask  
 Courtroom Deputy: J. Jones  
 Reporter: FTR  
 U.S. Attorney: Joe DePadilla, AUSA  
 Defense Counsel: \_\_\_\_\_  
 ( ) Retained ( ) Court appointed ( ) AFD  
 Interpreter: \_\_\_\_\_

Case Number: 2:21mj53USA v. Jonathan Gennaro Mellis

- (x) Deft. Present (x) custody ( ) not in custody  
 (x) Initial Appearance ( ) Indictment ( ) Probation Violation Petition ( ) Supervised Release Petition  
 ( ) Criminal Information (x) Rule 5 arrest ( ) Rule 32 arrest ( ) Criminal Complaint  
 (x) Defendant consented to video proceedings. Order entered and filed  
 (x) Deft. advised of rights, charges and right to counsel  
 (x) Counsel desired ( ) Defendant to retain: \_\_\_\_\_  
 ( ) Oral admonition as required by DPPA given to the prosecutor  
 ( ) Defendant's motion to substitute counsel  
 ( ) Order to substitute counsel executed and filed in open court  
 (x) Financial Affidavit filed in open Court  
 (x) Court (x) Directed ( ) Denied appointment of counsel  
 (x) Keith Kimball, AFD present. FPD appointed in open court  
 ( ) Court directed defendant to reimburse govt. at rate of \$ \_\_\_\_\_ per month. Payments to begin and continue each month thereafter until paid in full.  
 ( ) Defendant waived ( ) Removal ( ) Preliminary hearing (In this District only)  
 ( ) Defendant executed Waiver of Removal Hearing ( ) Waiver of Identity Hearing (In this District only)  
 ( ) Waiver of Detention Hearing (In this District only) (x) Δ admitted identity  
 ( ) Commitment to Another District entered and filed in open court  
 (x) (x) Preliminary ( ) Removal Hearing set for 2/19/21 at 2:00pm before RJK Zoom U.S. Magistrate Judge in Zoom.  
 ( ) Preliminary Hearing ( ) Held ( ) Waived. ( ) Defendant stipulated to probable cause  
 ( ) Court finds probable cause ( ) Defendant held for Grand Jury ( ) Defendant remanded to custody of U.S. Marshal for removal to charging district  
 (x) Government motion for Detention ( ) Government not seeking detention  
 ( ) Government motion to withdraw motion for detention and set bond ( ) Granted ( ) Denied  
 (x) Detention Hearing scheduled for 2/19/21 at 2:00pm before RJK Zoom.  
 ( ) Detention Hearing ( ) Held ( ) Waived in \_\_\_\_\_  
 (x) Temporary Detention Order entered and filed ( ) Detention Ordered Pending Trial  
 ( ) Bond set at \$ \_\_\_\_\_  
 ( ) Special Conditions of Release: (See Page 2)  
 (x) Deft. remanded to custody of U. S. Marshal  
 ( ) Warrant returned executed and filed in open court  
 ( ) Defendant is directed to appear on \_\_\_\_\_ at \_\_\_\_\_ for  
 ( ) Arraignment ( ) SRVH ( ) PVH ( ) Bench Trial  
 ( ) Norfolk ( ) Newport News  
 ( ) \_\_\_\_\_  
 ( ) \_\_\_\_\_



# ARRAIGNMENT/DETENTION MINUTES:

Time Set: 2:00 p.m.  
 Started: 2:01 pm  
 Ended: 2:07 pm  
 Split Time:  
 Hearing Held: ( ) Norfolk ( ) Newport News  
 Case Number: 2:21mj53  
 Defendant: Jonathan Gennaro Mellis

Date: February 19, 2021  
 Presiding Judge: Robert J. Krask  
 Courtroom Deputy: J. Jones  
 Court Reporter: FTR  
 U.S. Attorney: Joe DePadilla, AUSA  
 Defense Counsel: Kirsten Kmet  
 ( ) Retained ( ) Court appointed ( x ) AFPD  
 Interpreter:

## INITIAL APPEARANCE:

- ( ) Indictment
- ( ) Supervised Release
- ( ) Probation
- ( ) Pretrial Violation

## COUNSEL:

- ( ) Court explained right to counsel
- ( ) Counsel waived
- ( ) Counsel desired.
- ( ) Affidavit executed and filed in open court
- ( ) Court directed appointment of counsel
- ( ) Defendant ordered to pay \$ \_\_\_\_\_ beginning \_\_\_\_\_ and each month thereafter until paid in full

## DETENTION:

- ( x ) Detention Hearing ( ) Held ( x ) Waived
- ( ) Government motion for detention:
- ( ) Granted ( ) Denied ( ) Motion to Withdraw
- ( x ) Detention Ordered ( x ) Remanded
- ( ) Bond set \_\_\_\_\_
- ( ) Special Conditions of Release
- ( ) Defendant continued on previous bond
- ( ) Additional Conditions of Release
- ( ) Defendant failed to appear
- ( ) Government motion for warrant -Granted

## ORDERS:

- ( ) Agreed Discovery/Protective Order Entered
- ( x ) Defendant consented to video proceedings. Order entered and filed
- ( x ) Oral admonition as required by DPPA given to the prosecutor

## ARRAIGNMENT:

- ( ) Defendant formally arraigned
- ( ) Defendant waived formal arraignment
- ( ) Defendant entered plea of guilty
- ( ) Defendant entered plea of not guilty
- ( ) Jury demanded
- ( ) Jury Waived
- ( ) Jury waiver executed and filed
- ( ) Preliminary motions deadline \_\_\_\_\_
- ( ) Response motions deadline \_\_\_\_\_
- ( ) TRIAL ( ) SRVH ( ) PVH ( ) Status Conference set on \_\_\_\_\_ @ ( ) Norfolk ( ) Newport News ( ) Richmond

## PRELIMINARY HEARING:

- ( x ) Preliminary Hearing ( ) Held ( x ) Waived
- ( ) Defendant stipulated to probable cause
- ( x ) Court finds probable cause
- ( ) Defendant held for Grand Jury

## SPEEDY TRIAL:

- ( ) By agreement of all parties, due to the complexity of the case and/or in the interest of justice, pursuant to 18 USC 3161(h), speedy trial is waived

## APPEARANCE AT PRELIMINARY HEARING:

- ( ) Court inquired as to whether defendant wishes appear at preliminary hearing.
- ( ) Waiver of Appearance executed
- ( ) Arraignment: \_\_\_\_\_
- ( ) SRV/Probation Hearing: \_\_\_\_\_
- ( ) \_\_\_\_\_
- ( ) \_\_\_\_\_
- ( ) \_\_\_\_\_

## SPEEDY TRIAL:

- ( ) The defendant requested time to file pretrial motions. The court granted this motion under 18 U.S.C. 3161(h)(7) and Bloate v. U.S., 2010 WL 757660 (U.S.) and finds that the ends of justice are served by granting this request which outweighs the best interest of the public and the defendant in a speedy trial and the time period from the arraignment to the motions deadline of \_\_\_\_\_ is excluded under the Speedy Trial Act.

*Δ wishes to have preliminary + detention hearings in the changing district. Rules waiver executed by court on Δ's behalf + Δ ordered committed to DC. C.O. entered.*

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

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America

v.

Jonathan Gennaro Mellis

Defendant

Case No. 2:21mj53

Charging District's Case No. 1:21mj224

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

I understand that I have been charged in another district, the (name of other court) U.S. District Court for the  
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: 2/19/2021

Robert J. Krask  
 United States Magistrate Judge

Confirmed orally by the D during VTC hearing.  
 Defendant's signature

Confirmed orally by defense counsel during VTC hearing.  
 Signature of defendant's attorney

Printed name of defendant's attorney

# UNITED STATES DISTRICT COURT

EASTERN

District of

VIRGINIA

UNITED STATES OF AMERICA

## ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT

V.

Jonathan Gennaro Mellis

Case No. 2:21mj53

*Defendant*

Upon motion of the United States  
detention hearing is set for 2/19/21 \* at 2:00pm  
*Date* *Time*  
before United States Magistrate Judge  
*Name of Judicial Officer*  
Norfolk, Virginia  
*Location of Judicial Officer*

Pending this hearing, the defendant shall be held in custody by (the United States marshal)

*Other Custodial Official*

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

*Judge*

If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. § 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. § 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**UNITED STATES OF AMERICA**

**v.**

**Criminal No. 2:21mj53**

**JONATHAN GENNARO MELLIS,**

**Defendant.**

**ORDER**

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), the Court ORDERS the United States to adhere to the disclosure obligations set forth in *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. *Brady v. Maryland* instructs that “the suppression by the prosecution of evidence favorable to an accused” violates due process where the evidence is “material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” 373 U.S. at 87. Failure to adhere to this requirement may result in serious consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, vacating a conviction, or initiation of a disciplinary action against a prosecutor.

Having given counsel the oral admonition required by the Due Process Protections Act, this Order serves as the reminder of prosecutorial obligation and duties in accordance with Rule 5(f) and the Eastern District of Virginia Standing Order concerning the same.

It is SO ORDERED.



/s/

Robert J. Krask  
United States Magistrate Judge

Norfolk, Virginia  
February 19, 2021



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

v.

Criminal No. 2:21mj53

JONATHAN GENNARO MELLIS,  
Defendant.

**Video or Telephone Conferencing Order for Criminal Proceedings**

In accordance with Case No. 2:20mc7, Gen. Order 2020-24, this Court finds that the Defendant, after consultation with counsel, has consented to the use of video or telephone conferencing to conduct the preliminary criminal proceeding(s) to be held today, as authorized by § 15002(b)(1) of the CARES Act. See CARES Act, H.R. 748, 116th Congress (2020). As previously found in Case No. 2:20mc7, such preliminary criminal proceeding(s) fall(s) within the class of proceedings that should not be materially delayed in light of the ongoing COVID-19 pandemic.

The Chief Judge authorized the use of video and telephonic conferencing for such proceedings by General Order. See Case No. 2:20mc7; Gen. Order 2020-24. The criminal proceeding(s) to be held on this date may be conducted by:

✓

\_\_\_\_\_ Video Teleconferencing

\_\_\_\_\_ Teleconferencing, as video teleconferencing is not reasonably available

because: \_\_\_\_\_.

\_\_\_\_\_ Defendant is detained at a facility lacking video teleconferencing capability.

\_\_\_\_\_ Other: \_\_\_\_\_.

**It is SO ORDERED.**



*RJK*  
/s/

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UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia  
February 19, 2021



## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America

v.

Jonathan Gennaro Mellis

Defendant

Case No. 2:21mj53

Charging District's

Case No. 1:21mj224

## COMMITMENT TO ANOTHER DISTRICT

U.S. District Court

The defendant has been ordered to appear in the \_\_\_\_\_ for the \_\_\_\_\_ District of \_\_\_\_\_ Columbia \_\_\_\_\_,

(if applicable) \_\_\_\_\_ division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

  
 Robert J. Krask

United States Magistrate Judge

Judge's signature

Date: 2/19/2021

Robert J. Krask, U.S. Magistrate Judge

Printed name and title

**U.S. District Court**  
**Eastern District of Virginia - (Norfolk)**  
**CRIMINAL DOCKET FOR CASE #: 2:21-mj-00053-RJK All Defendants**  
**Internal Use Only**

Case title: USA v. SEALED

Date Filed: 02/16/2021

Other court case number: 1:21mj224 U.S. District Court for the  
District of Columbia

Date Terminated: 02/19/2021

Assigned to: Magistrate Judge Robert J.  
Krask

**Defendant (1)**

**Jonathan Gennaro Mellis**  
*TERMINATED: 02/19/2021*

represented by **Jonathan Gennaro Mellis**  
PRO SE

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**




**USA**


represented by **Joseph E. DePadilla**  
United States Attorney's Office  
101 W Main St  
Suite 8000  
Norfolk, VA 23510  
\*\*NA\*\*  
(757) 441-6331  
Fax: (757) 441-6689  
Email: joe.depadilla@usdoj.gov  
*LEAD ATTORNEY*

CM/ECF Filed

ATTORNEY TO BE NOTICED

Designation: US Attorney

Date Filed	#	Docket Text
02/16/2021	 <a href="#">1</a>	Arrest of Jonathan Gennaro Mellis in Eastern District of Virginia on warrant out of U.S. District Court for the District of Columbia. (jjon) (Entered: 02/16/2021)
02/16/2021	<a href="#">2</a>	Rule 5(c)(3) Documents Received as to Jonathan Gennaro Mellis (jjon) (Entered: 02/16/2021)
02/16/2021		Set/Reset Hearings as to Jonathan Gennaro Mellis: Initial Appearance - Rule 5(c) (3)set for 2/16/2021 at 11:30 AM in Norfolk Remote before Magistrate Judge Robert J. Krask. (jjon, ) (Entered: 02/16/2021)
02/16/2021		Case unsealed as to Jonathan Gennaro Mellis as per email received on 2/16/21 from the U.S. District Court for the District of Columbia. (jjon) (Entered: 02/16/2021)
02/16/2021	<a href="#">3</a>	Minute Entry for proceedings held before Magistrate Judge Robert J. Krask: Initial Appearance in Rule 5(c)(3) Proceedings as to Jonathan Gennaro Mellis held on 2/16/2021. USA appeared through Joe DePadilla, AUSA. Defendant present without counsel. The Court inquired of defendant regarding consent to proceed via video. Defendant indicated consent and an Order was entered and filed. Court advised defendants of rights, charges and right to counsel. Counsel desired. The Court directed appointment of counsel. Keith Kimball, AFD present. FPD appointed in open court. Defendant admitted identity on the record. Government motion for detention. The Court ordered the defendant temporarily detained. Detention and Preliminary Hearing set for 2/19/2021 at 02:00 PM in Norfolk Remote Magistrate Judge Robert J. Krask. Defendant remanded to custody of USM. (Court Reporter FTR.)(jjon) (Entered: 02/16/2021)
02/16/2021	<a href="#">4</a>	VTC ORDER. Signed by Magistrate Judge Robert J. Krask on 2/16/21. (jjon) (Entered: 02/16/2021)
02/16/2021	 <a href="#">5</a>	CJA 23 Financial Affidavit by Jonathan Gennaro Mellis (jjon) (Entered: 02/16/2021)
02/16/2021	<a href="#">6</a>	Temporary Detention Order as to Jonathan Gennaro Mellis. Signed by Magistrate Judge Robert J. Krask on 2/16/21. (jjon) (Entered: 02/16/2021)
02/18/2021	 <a href="#">7</a>	Pretrial Services Bond REPORT (Initial Pretrial Services Bond Report) (SEALED - government and defense counsel) as to Jonathan Gennaro Mellis. (bell, robert) (Entered: 02/18/2021)
02/19/2021	<a href="#">8</a>	Minute Entry for proceedings held before Magistrate Judge Robert J. Krask: Matter came on for Detention and Preliminary Hearing as to Jonathan Gennaro Mellis on 2/19/2021. USA appeared through Joe DePadilla, AUSA. Defendant appeared through Kirsten Kmet, AFD. Court inquired of defendant regarding consent to appear via video. Defendant indicated consent and an Order was entered and filed. The Court reviewed DPPA obligations with the Government on the record and an Order was entered and filed. Defendant waived preliminary and detention hearings and wishes to have them in the charging district. The Court executed the Rule 5 Waiver on the defendant's behalf and ordered the defendant committed to custody of USM for transportation to the District of Columbia. (Court Reporter FTR.)(jjon) (Entered: 02/19/2021)
02/19/2021	<a href="#">9</a>	VTC ORDER. Signed by Magistrate Judge Robert J. Krask on 2/19/21. (jjon) (Entered: 02/19/2021)

02/19/2021	<a href="#">10</a>	DUE PROCESS PROTECTIONS ACT ORDER. Signed by Magistrate Judge Robert J. Krask on 2/19/21. (jjon) (Entered: 02/19/2021)
02/19/2021	<a href="#">11</a>	WAIVER of Rule 5 Hearings by Jonathan Gennaro Mellis (jjon) (Entered: 02/19/2021)
02/19/2021	<a href="#">12</a>	COMMITMENT TO ANOTHER DISTRICT as to Jonathan Gennaro Mellis. Defendant committed to U.S. District Court for the District of Columbia. Signed by Magistrate Judge Robert J. Krask on 2/19/21. (jjon) (Entered: 02/19/2021)
02/19/2021		(Court only) ***Terminated defendant Jonathan Gennaro Mellis, pending deadlines, and hearings. (jjon) (Entered: 02/19/2021)