

**U.S. District Court
Western District of Kentucky (Louisville)
CRIMINAL DOCKET FOR CASE #: 3:22-mj-00654-RSE-1**

Case title: USA v. Howe

Date Filed: 10/28/2022

Date Terminated: 11/02/2022

Assigned to: Magistrate Judge Regina S.
Edwards

Defendant (1)

Joseph Howe

TERMINATED: 11/02/2022

represented by **G. William Bailey , Jr.**
Bailey Law Office
P. O. Box 278
Elizabethtown, KY 42701-0278
270-769-5360
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Removal from District of Columbia

Disposition

Plaintiff

USA

represented by **Joel King**

U.S. Attorney Office
 717 West Broadway
 Louisville, KY 40202
 502-779-2755
 Email: joel.king@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
10/28/2022		Arrest (Rule 5) of Joseph Howe. (SRH) (Entered: 11/01/2022)
10/28/2022	1	Rule 5 Documents Received from District of Columbia as to Joseph Howe. (SRH) (Entered: 11/01/2022)
10/28/2022	2	SEALED DOCUMENT. (SRH) (Entered: 11/01/2022)
10/28/2022		Proceedings held before Magistrate Judge Regina S. Edwards. Initial Appearance in Rule 5(c)(3) Proceedings as to Joseph Howe held on 10/28/2022 via video. (Digitally recorded proceeding) (SRH) (Entered: 11/01/2022)
10/28/2022	4	Appearance Bond/Order Setting Conditions of Release entered as to Joseph Howe in amount of \$10,000.00 (unsecured). cc: USM, USP (SRH) (Entered: 11/01/2022)
11/01/2022	3	ORDER ON INITIAL APPEARANCE (EBOC) by Magistrate Judge Regina S. Edwards on 10/31/2022 as to Joseph Howe. Initial appearance held, via video, on 10/28/2022 on a Complaint filed in the District of Columbia. The defendant advised the Court that he would retain counsel for future proceedings. The defendant is released on a \$10,000.00 unsecured bond with conditions pending further order of the Court. Further proceedings will be scheduled by separate order. cc: counsel, USM, USP (SRH) (Entered: 11/01/2022)
11/02/2022	5	Waiver of Rule 5 & 5.1 Hearing by Joseph Howe. (SRH) (Entered: 11/02/2022)
11/02/2022	6	ORDER (EBOC) by Magistrate Judge Regina S. Edwards on 11/2/2022. This matter is scheduled for further proceedings with the District of Columbia on 11/8/2022 at 1:00 p.m. via video conference before the Honorable G. Michael Harvey, United States Magistrate Judge. Judge Edwards' Case Manager will provide the Zoom link to counsel via email. cc: counsel, USP (SRH) (Entered: 11/02/2022)
11/02/2022	7	Notice to District of Columbia of a Rule 5 or Rule 32.1 Initial Appearance as to Joseph Howe. Docket sheet and documents attached. Restricted documents will be sent by separate email, if applicable, to your Court. Requests for certified copies of documents should be sent to kywdml_CRAssignment@kywd.uscourts.gov. (SRH) (Entered: 11/02/2022)

FILED
JAMES J. VILT JR., CLERK
U.S. DISTRICT COURT
W/D OF KENTUCKY
Date: Nov 02, 2022

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

United States of America

v.

Joseph Howe

Defendant

Case No. 3:22MJ-654

Charging District's Case No.

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

I agree to waive my right(s) to:

- [x] an identity hearing and production of the warrant.
- [x] a preliminary hearing.
- [x] a detention hearing.
- [x] an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my [] preliminary hearing and/or [] detention hearing 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: 11/02/2022

Handwritten signature of Joseph Howe
Handwritten signature of G. William Bailey, Jr.

G. William Bailey, Jr.
Printed name of defendant's attorney

**United States District Court
Western District of Kentucky
at Louisville**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL ACTION NUMBER: 3:22-MJ-654

JOSEPH HOWE

DEFENDANT

ORDER

The defendant having been advised of the provisions regarding Rule 20 and the defendant, through counsel, having waived his right to a preliminary hearing in this district (DN 5),

IT IS FURTHER ORDERED that this matter is scheduled for further proceedings with the District of Columbia on **November 8, 2022 at 1:00 p.m. via video conference** before the Honorable G. Michael Harvey, United States Magistrate Judge. The undersigned's Case Manager will provide the Zoom link to counsel via email.

Date: November 2, 2022

**ENTERED BY ORDER OF THE COURT:
REGINA S. EDWARDS
UNITED STATES MAGISTRATE JUDGE
JAMES J. VILT, JR., CLERK
BY: *Ashley Henry* - Deputy Clerk**

Copies: U.S. Attorney
U.S. Probation
Counsel for Defendant

**United States District Court
Western District of Kentucky
at Louisville**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL ACTION NUMBER: 3:22-MJ-654

JOSEPH HOWE

DEFENDANT

ORDER ON INITIAL APPEARANCE

The above-styled case came before the Honorable Regina S. Edwards, United States Magistrate Judge, by video, on October 28, 2022 to conduct an initial appearance on a Complaint filed in the District of Columbia.

APPEARANCES

For the United States:	Joel King, Assistant United States Attorney
For the defendant:	Defendant Joseph Howe - Present and in custody
Court Reporter:	Digitally Recorded

At the initial appearance, the defendant acknowledged his identity, was furnished a copy of the Complaint, and was advised of his rights. The defendant advised the Court that he would retain counsel for future proceedings.

By agreement of the United States and Probation,

IT IS HEREBY ORDERED that the defendant is released on an unsecure bond in the amount of \$10,000.00 with conditions pending further order of the Court.

Further proceedings will be scheduled by separate order.

This 31st day of October, 2022

**ENTERED BY ORDER OF THE COURT:
REGINA S. EDWARDS
UNITED STATES MAGISTRATE JUDGE
JAMES J. VILT, JR., CLERK
BY: *Ashley Henry* - Deputy Clerk**

Copies: U.S. Attorney
U.S. Probation
U.S. Marshal
Counsel for Defendant

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

Date: Oct 28, 2022

United States of America)

v.)
JOSEPH HOWE)

Case No. 3:22-MJ-654)

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, JOSEPH HOWE (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 recognition bond.
- (2) This is an unsecured bond of \$ 10,000.00 .
- (3) This is a secured bond of \$ _____ , secured by:
 - (a) \$ _____ , 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.

AO 98 (Rev. 12/11) Appearance Bond

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: _____




Defendant's signature

_____	_____
<i>Surety/property owner – printed name</i>	<i>Surety/property owner – signature and date</i>
_____	_____
<i>Surety/property owner – printed name</i>	<i>Surety/property owner – signature and date</i>
_____	_____
<i>Surety/property owner – printed name</i>	<i>Surety/property owner – signature and date</i>

CLERK OF COURT

Date: 10/28/2022



Signature of Clerk or Deputy Clerk

Approved.

Date: _____



Regina S. Edwards, Magistrate Judge
United States District Court

Judge's signature

UNITED STATES DISTRICT COURT
for the
Western District of Kentucky

United States of America

v.
JOSEPH HOWE

Defendant

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)
)
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)

Case No. 3:22-MJ-654

ORDER SETTING CONDITIONS OF RELEASE

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

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

The defendant must appear at: U.S. District Court - as directed

Place

on

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

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

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

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

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

Signed: _____
Custodian *Date*

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

ADDITIONAL CONDITIONS OF RELEASE

- (q) submit to the following location monitoring technology and comply with its requirements as directed:
 - (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (ii) Voice Recognition; or
 - (iii) Radio Frequency; or
 - (iv) GPS.
- (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (t) The defendant shall contribute to the United States Probation Office's cost of services rendered based upon his/her ability to pay as reflected in his/her monthly cash flow as it relates to the court-approved sliding fee scale.
- (u) No travel to the District of Columbia, except for court appearances or meetings with counsel.

(v) _____

(w) _____

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

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

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

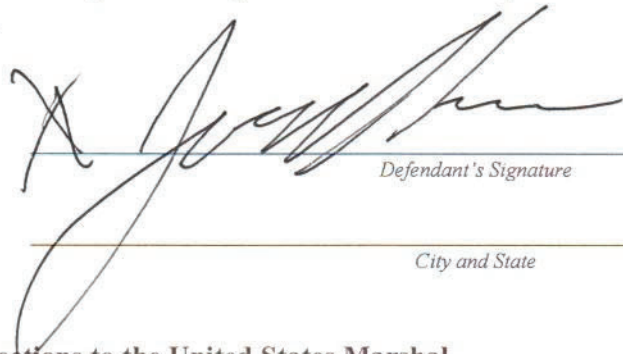
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

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

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

Acknowledgment of the Defendant

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



Defendant's Signature

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: _____


 Regina S. Edwards, Magistrate Judge
 United States District Court

Judicial Officer's Signature

Regina S. Edwards, United States Magistrate Judge

Printed name and title