

AO 442 (Rev. 11/11) Arrest Warrant

**FILED**

**UNITED STATES DISTRICT COURT**

11:24 am May 04 2022  
Clerk U.S. District Court  
Northern District of Ohio  
Cleveland

for the  
District of Columbia

OHND: 1:22 MJ 4142

United States of America  
v.  
JUSTIN MICHAEL SMITH

)  
) Case: 1:22-mj-00094  
) Assigned to: Judge Meriweather, Robin M.  
) Assign Date: 5/3/2022  
) 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) JUSTIN MICHAEL SMITH,  
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) - Entering and Remaining in a Restricted Building or Grounds;
- 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
- 40 U.S.C. § 5104(e)(2)(G) - Parade, Demonstrate, or Picket in any of the Capitol Buildings.

Date: 05/03/2022



*Robin M. Meriweather*

2022.05.03

13:26:27 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

**Return**

This warrant was received on (date) 5/3/2022, and the person was arrested on (date) 5/4/2022  
at (city and state) Cleveland, OH.

Date: 5/4/2022

*Peter J. MABRO*

Arresting officer's signature

Peter J. MABRO, FBI, Special Agent  
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

OHND: 1:22 MJ 4142

United States of America
v.
JUSTIN MICHAEL SMITH
DOB: XXXXXX

)
Case: 1:22-mj-00094
Assigned to: Judge Meriweather, Robin M.
Assign Date: 5/3/2022
Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1752(a)(1), 18 U.S.C. § 1752(a)(2), 40 U.S.C. § 5104(e)(2)(D), and 40 U.S.C. § 5104(e)(2)(G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Julie Gravelle (signature)

Complainant's signature

Julie D. Gravelle, 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: 05/03/2022



Robin M. Meriweather (signature)

2022.05.03

13:25:58 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

Your affiant, Julie D. Gravelle, is a special agent assigned to the Federal Bureau of Investigation (FBI). In my duties as a special agent, I have been assigned to and participated in investigations in the the Joint Terrorism Task Force, which investigates threats of violence, racially motivated violent extremism, investigations involving explosives, and antigovernment extremism, and investigations involving firearm violations. I have gained experience through training at the FBI Academy in Quantico, Virginia and everyday work relating to conducting these types of investigations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a special agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, 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 were 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, around 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.

Among the images of individuals who entered the U.S. Capitol without authorization was an individual dressed in dark clothing, wearing a “hoodie” and carrying a black flag that reads in part “Trump 2020 The Sequel, Make The Liberals Cry Again.” As described below, this person has been identified as Justin Michael SMITH (SMITH). Through FBI Cleveland’s investigation as detailed below, SMITH was determined to be a resident of the Northern District of Ohio.

According to records obtained through a search warrant served on Google, a mobile device associated with [REDACTED] and [REDACTED] was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 69% of the time. In this case, Google location data shows that a device associated with [REDACTED] and [REDACTED] was within the U.S. Capitol at or about January 6, 2021 14:34 EST until at or about January 6, 2021 15:07 EST.

Records provided by Google revealed that the mobile device associated with [REDACTED] and [REDACTED] belonged to a Google account registered in the name of “Justin Michael Smith.” The Google account also lists a recovery SMS phone number that belongs to Justin Michael SMITH, [REDACTED].

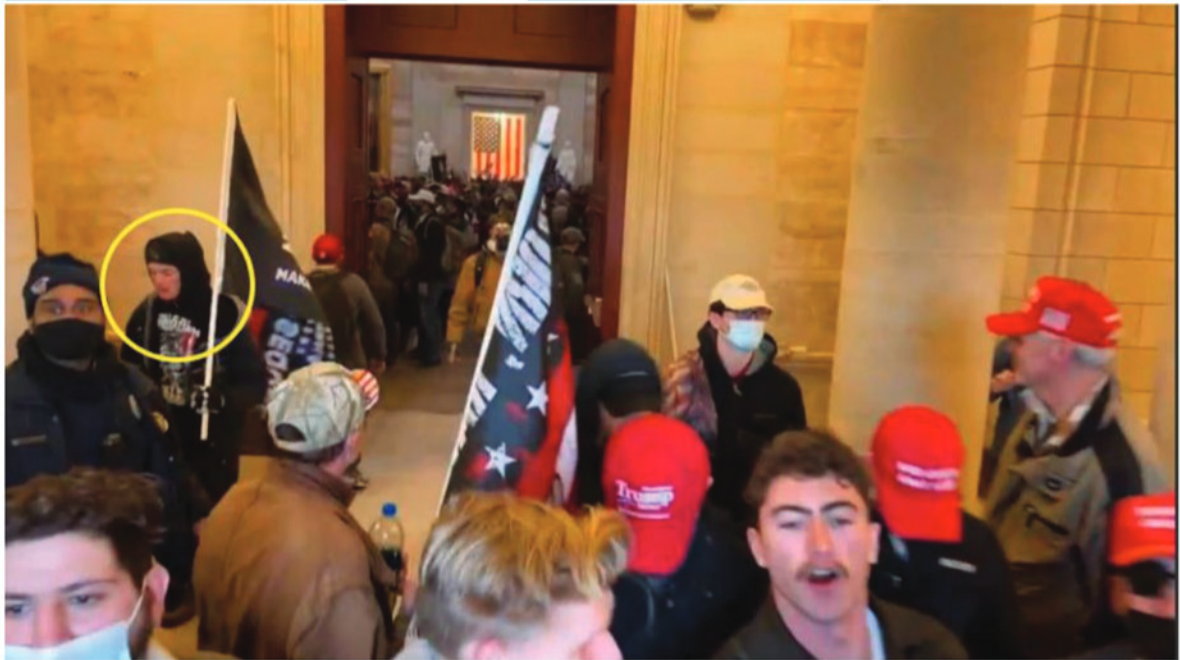
In or about March, 2022 the Cleveland FBI field office received detailed information, including screenshots from SMITH’s suspected Facebook account, as well as images taken from open-source videos and publicly available images as well as screenshots from Capitol surveillance footage (“CCTV” footage) that indicated that images matching the description of SMITH were observed both inside and outside of the U.S. Capitol Building on January 6<sup>th</sup>, 2021. This information was provided by a confidential source (“CI”). Your affiant has consulted with federal law enforcement officials regularly working with the CI and is unaware of any statements or evidence that would tend to undermine the credibility of the CI. The CI is not working off charges related to a criminal prosecution. Rather, the CI’s motivation for providing information is from his/her sense of outrage regarding the attacks on law enforcement during the events of January 6, 2021. The CI requested his/her identity be protected to the extent possible, but he/she is willing to testify if necessary. The CI does not know Justin Michael SMITH personally.

Based on a review of this footage and screenshots, FBI Agents were able to locate additional video footage of Justin Michael SMITH entering the Capitol building. Justin Michael SMITH can be seen holding a black “TRUMP” flag in multiple screenshots below:

*Screenshot from Video Posted on YouTube (hereinafter “YouTube Video 1)*



1) Screenshot from Video Posted on Reddit.com and Archive.Org (hereinafter "Reddit Video")



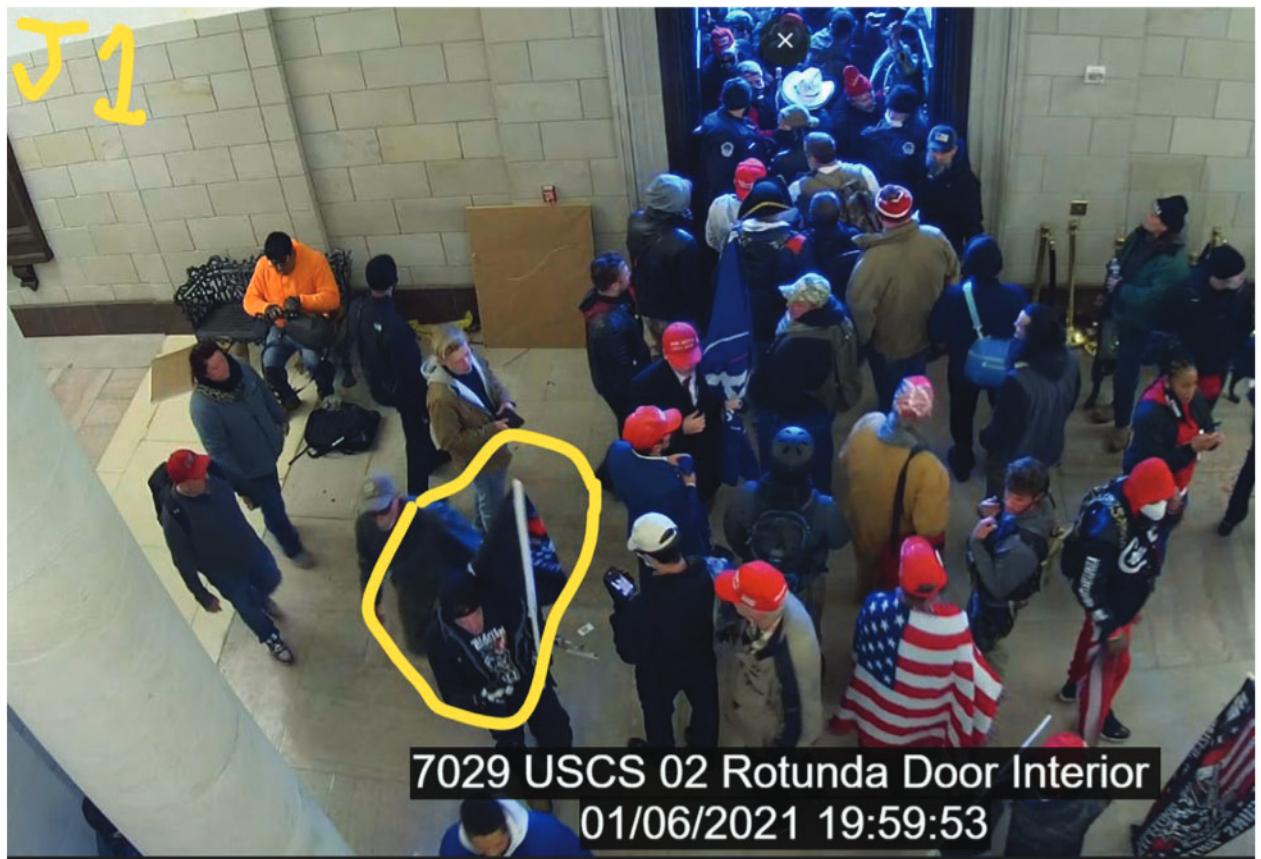
Screenshot from Video Posted on YouTube (hereinafter "YouTube Video 2")



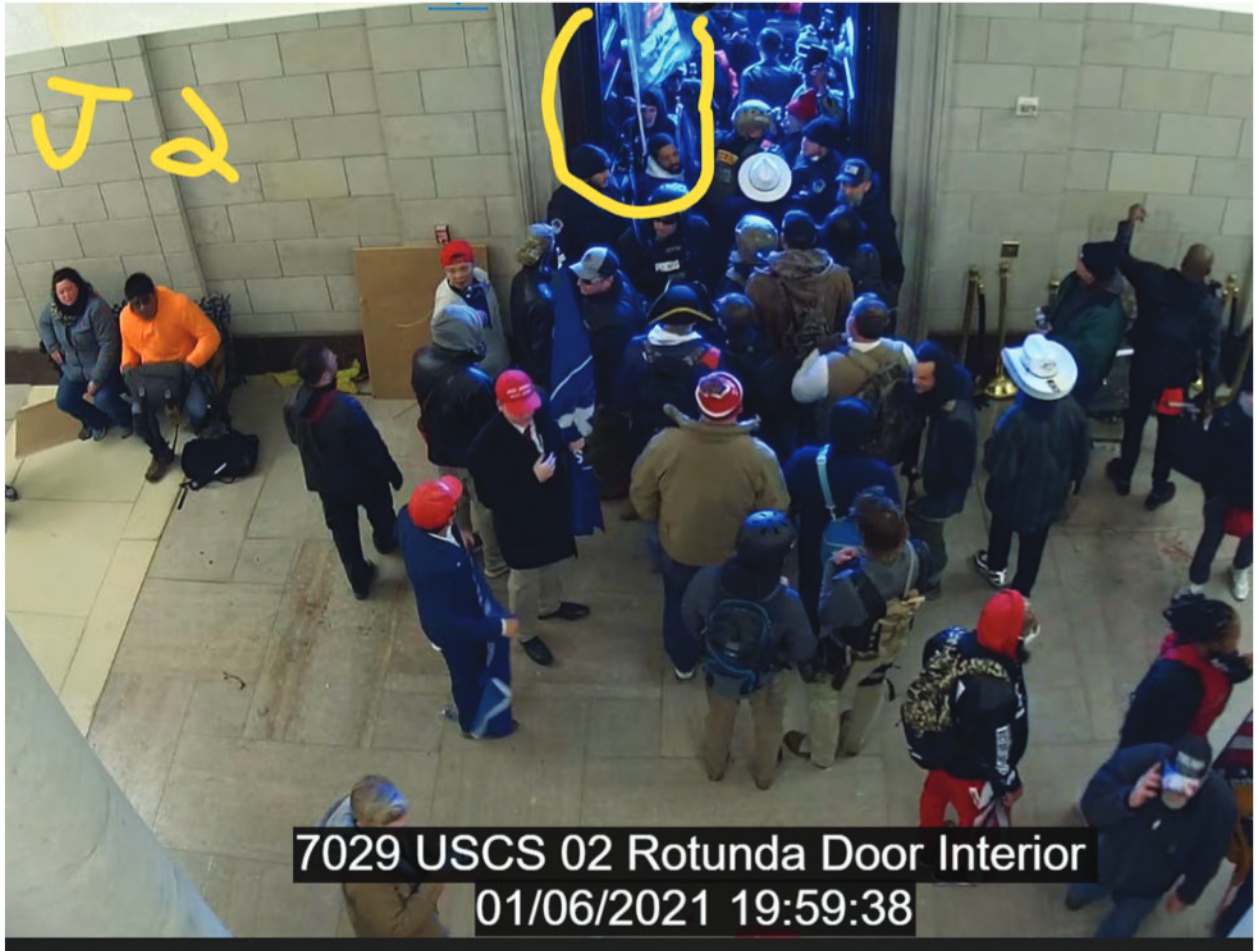
Your affiant and other FBI Agents have reviewed the video from which the three above screenshots were posted. YouTube Video 1 is filmed outside of the Capitol on January 6<sup>th</sup>, 2021, Reddit Video 1 is filmed inside the Capitol on January 6<sup>th</sup> 2021, and YouTube Video 2 is filmed inside the Capitol on January 6<sup>th</sup>, 2021.

Your affiant has compared these videos to other videos and screenshots from CCTV footage. Samples from the screenshots of the CCTV footage are included below (with yellow circles/markings indicating the presence of SMITH).

*Screenshot from CCTV footage inside the Capitol at approximately 19:59:53 UTC*



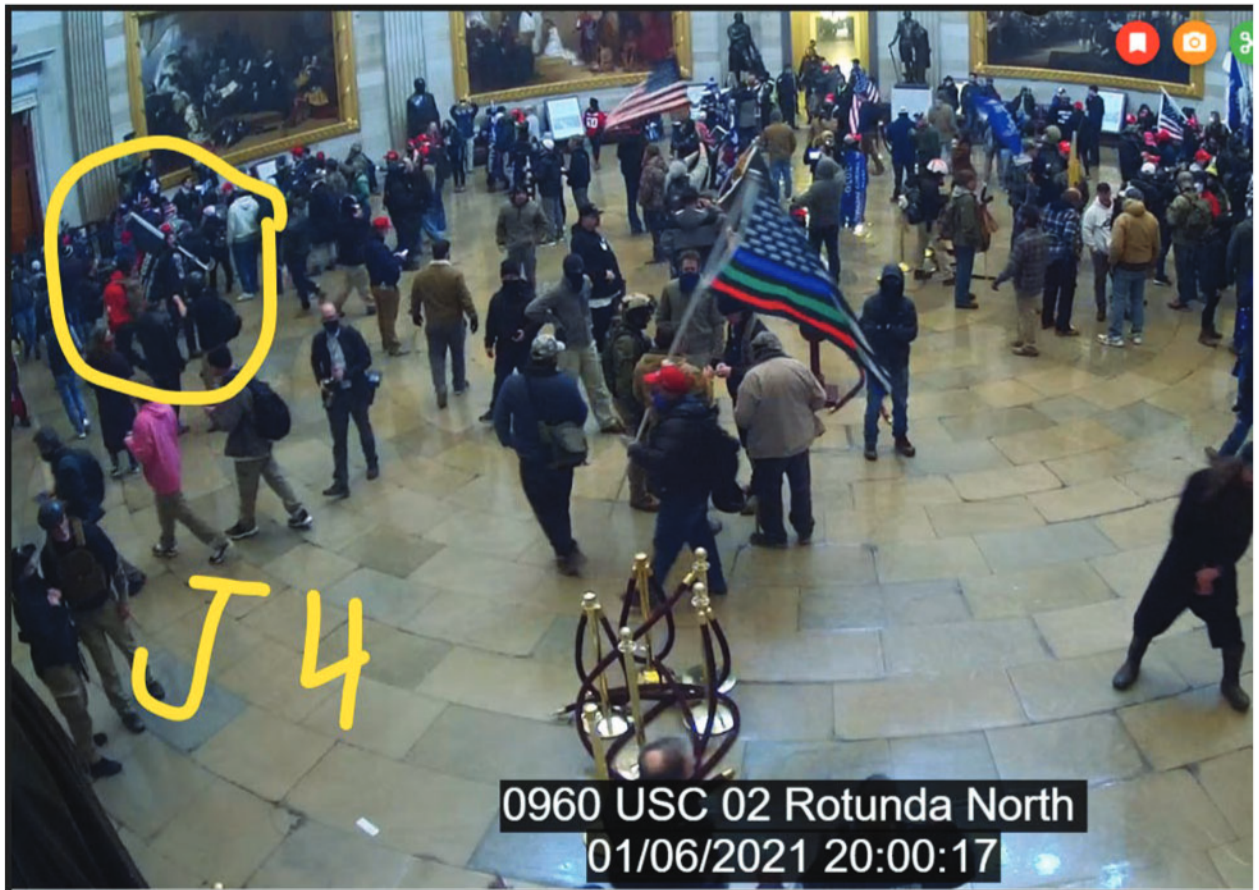
Screenshot from CCTV footage inside the Capitol at approximately 19:59:38 UTC



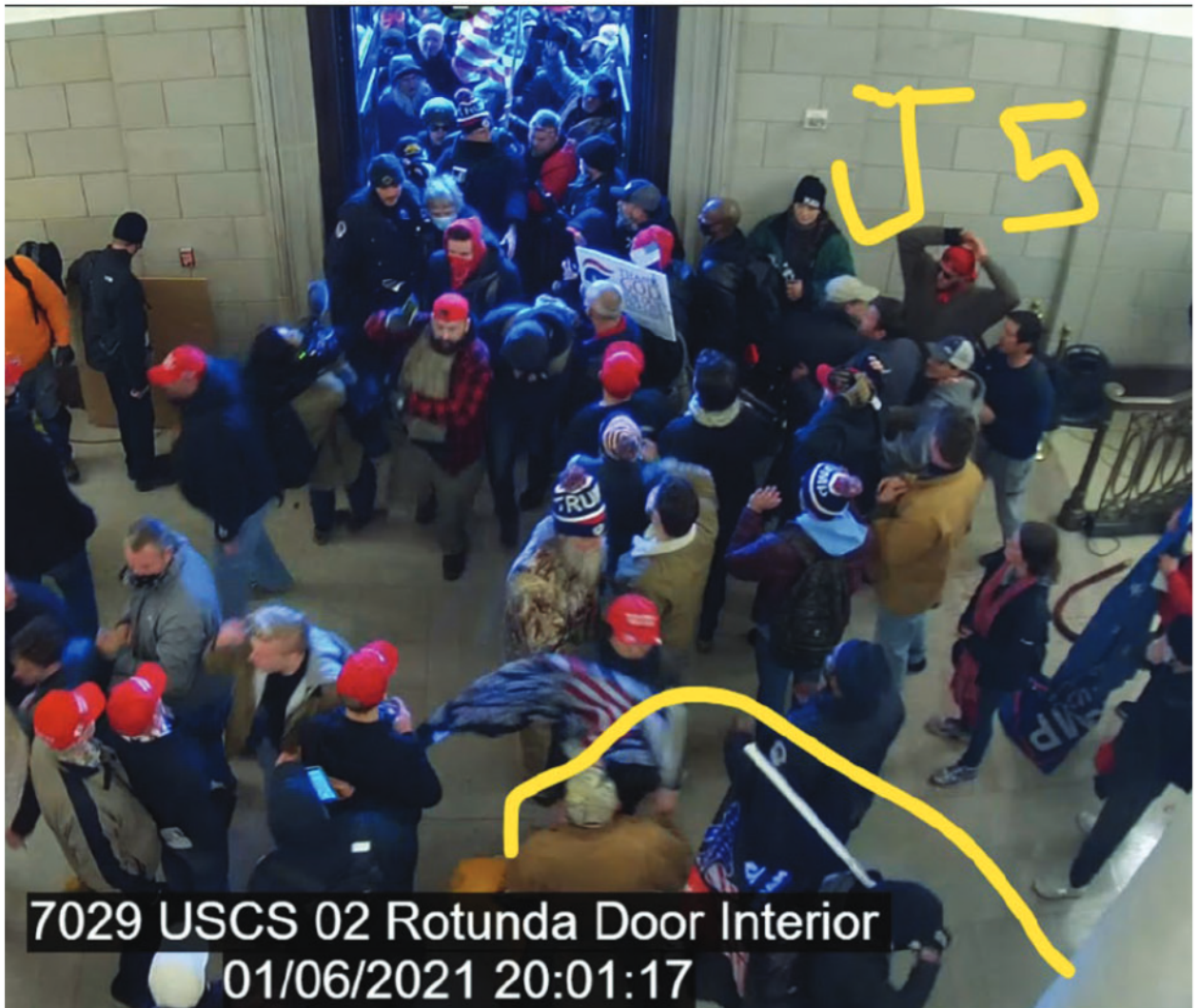
Screenshot from CCTV footage inside the Capitol Rotunda at approximately 20:00:01 UTC



Screenshot from inside the Capitol Rotunda at approximately 20:00:17 UTC



*Screenshot from Inside the Capitol Rotunda Door Interior at approximately 20:01:17 UTC*



Additionally, open-source research was conducted on Justin Michael SMITH's social media accounts and which revealed SMITH's publicly available Facebook profile. Records obtained from Facebook for Facebook Identification Number (FBID) [REDACTED] revealed that this FBID belonged to the current display name "Unborn Love", with verified email address [REDACTED] and verified cellular telephone number, [REDACTED]. Facebook also provided historic display names for the account including "[REDACTED]". A picture of Justin Michael SMITH's Facebook profile shows SMITH in the same black hooded sweatshirt that he can be seen wearing in surveillance footage from January 6, 2021, and in the publicly available YouTube videos and Reddit video from January 6, 2021. In the Facebook photo, there is a graphic that reads "When Tyranny Becomes Law – Resistance Becomes Duty."

*Screenshot of a photo taken from Justin Michael SMITH's Facebook profile*



*Photo of Justin Michael Smith wearing the same sweatshirt at the Capitol*



On or about January 13, 2022, the FBI conducted an interview of an individual who knows Justin Michael SMITH personally (hereinafter “Witness 1”). Witness 1 stated that Justin Michael SMITH used to work for him/her, and provided the personal email for Justin Michael SMITH, [REDACTED]. This is the email address that was observed to be inside the Capitol on January 6, 2021 (as stated above). Witness 1 stated that SMITH provided the employer a home telephone number of [REDACTED]. This number matches the records provided from GOOGLE regarding [REDACTED].

On or about November 29, 2021, and again on or about January 6, 2022, the FBI interviewed an additional witness (“Witness 2”) who knows Justin Michael SMITH personally, and who provided additional information about Justin Michael SMITH and his participation in the events of January 6<sup>th</sup>, 2021 at the Capitol. Witness 2 stated that he and SMITH are members of an identified political belief organization together and are acquaintances from that group. Witness 2 stated that he and SMITH were at a group meeting together in or about June 2021 when Witness 2 personally observed SMITH bragging to Witness 2 and others that he had entered the U.S. Capitol on January 6, 2021. Witness 2 stated that SMITH was showing Witness 2 and others in the group a photograph from his cellular telephone depicting SMITH inside the Capitol. SMITH claimed it was taken on January 6, 2021. Witness 2 was shown images from social media and CCTV footage (shown above, with the exception of the driver’s license photograph). Witness 2 positively identified the individual featured in the images as SMITH.

On or about November 5, 2022, the FBI interviewed an additional witness (Witness 3) who knows SMITH personally, and who provided additional information about Justin Michael SMITH and his participation in the events of January 6<sup>th</sup>, 2021, at the U.S. Capitol. Witness 3 knows SMITH because they both attended high school together. Witness 3 stated that he attended the protest at the U.S. Capitol on January 6, 2021, and that he drove to Washington, D.C. alone. Witness 3 stated that Witness 3 did not enter the U.S. Capitol on January 6<sup>th</sup>, 2021. Witness 3 stated that he had no knowledge of SMITH going inside the U.S. Capitol. However, Witness 3 was shown images from social media and CCTV footage (shown above, with the exception of the driver’s license photograph), and Witness 3 positively identified the individual featured in the images as SMITH.

Based on the foregoing, your affiant submits that there is probable cause to believe that Justin Michael SMITH violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; 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 or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Justin Michael SMITH violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

*Julie D. Gravelle*

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Julie D. Gravelle  
Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 3rd day of May, 2022.

*Rob M. Meriweather*

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ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the Northern District of Ohio

FILED

6:16 pm May 04 2022 Clerk U.S. District Court Northern District of Ohio Cleveland

United States of America )

v. )

Justin Michael Smith )

Defendant )

Case No. 1:22-mj-04142

Charging District's Case No. 1:22mj94

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) 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:

- [checked] an identity hearing and production of the warrant.
[checked] a preliminary hearing.
[ ] a detention hearing.
[ ] 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: 05/04/2022

Justin Michael Harris Defendant's signature

Heidi Lynn Ward Signature of defendant's attorney

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

FILED

6:15 pm May 04 2022
Clerk U.S. District Court
Northern District of Ohio
Cleveland

United States of America
v.
Justin Michael Smith
Defendant

Case No. 1:22-mj-04142

APPEARANCE BOND

Defendant's Agreement

I, Justin Michael Smith (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:

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

Type of Bond

- ( ) (1) This is a personal recognizance bond.
(X) (2) This is an unsecured bond of \$ 20,000.00 .
( ) (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: 5-4-2022

✘ Justin Michael Harris  
Defendant's signature

Justin Michael Smith  
Surety/property owner – printed name

✘ Justin Michael Harris  
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

CLERK OF COURT

Date: 5/4/22

s/Kyle DeVan  
Signature of Clerk or Deputy Clerk

Approved.

Date: 5/4/22

s/Jonathan D. Greenberg  
Judge's signature

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

FILED

6:13 pm May 04 2022

Clerk U.S. District Court

Northern District of Ohio

Cleveland

United States of America

v.

Justin Michael Smith

Defendant

Case No. 1:22-mj-04142

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 34 U.S.C. § 40702.
(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: Place

on Date and Time

If blank, defendant will be notified of next appearance.

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

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**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 NDOH,  
telephone number 216-357-7300, no later than ASAP.

(b) continue or actively seek employment.

(c) continue or start an education program.

(d) surrender any passport to: Clerk of Court

(e) not obtain a passport or other international travel document.

(f) abide by the following restrictions on personal association, residence, or travel: NDOH and District of Columbia for court purposes only

(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.

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**ADDITIONAL CONDITIONS OF RELEASE**

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- (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 immediately advise the Pretrial Services Office, defense counsel and the U.S. Attorney in writing before any change in address and telephone number
-

**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.

*Justin Michael Harris*  
 Defendant's Signature  
 Cleveland, Ohio  
 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: 5/4/22s/Jonathan D. Greenberg

Judicial Officer's Signature

Jonathan D. Greenberg, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT**  
for the  
Northern District of Ohio

**FILED**  
6:12 pm May 04 2022  
Clerk U.S. District Court  
Northern District of Ohio  
Cleveland

United States of America  
v.

Justin Michael Smith  
*Defendant*

)  
) Case No. 1:22-mj-04142  
)

) Charging District: District of Columbia  
) Charging District's Case No. 1:22mj94

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: 333 Constitution Avenue N.W.  
Washington D.C. 20001

Courtroom No.:

Date and Time: call to schedule

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 05/04/2022

s/Jonathan D. Greenberg

*Judge's signature*

Jonathan D. Greenberg, United States Magistrate Judge

*Printed name and title*

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Termed

**U.S. District Court**  
**Northern District of Ohio (Cleveland)**  
**CRIMINAL DOCKET FOR CASE #: 1:22-mj-04142-JDG All Defendants**

Case title: United States of America v. Smith

Date Filed: 05/04/2022

Other court case number: 1:22mj94 USDC District of  
Columbia

Date Terminated: 05/04/2022

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Assigned to: Magistrate Judge Jonathan  
D. Greenberg

**Defendant (1)**

**Justin Michael Smith**

***TERMINATED: 05/04/2022***

represented by **Vicki L. Ward**

Ste. 203

1220 West 6th Street

Cleveland, OH 44113

216-696-5580

Fax: 216-241-1312

Email: [vickiward04@yahoo.com](mailto:vickiward04@yahoo.com)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: CJA Appointment*

*Bar Status: Active*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

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**Disposition**

18:1752(a)(1) - Entering and Remaining  
in a Restricted Building or Grounds;  
18:1752(a)(2) - Disorderly and  
Disruptive Conduct in a Restricted  
Building or Grounds; 40:5104(e)(2)(D)  
- Disorderly Conduct on Capitol  
Grounds; 40:5104(e)(2)(G) - Parade,  
Demonstrate, or Picket in any of the  
Capitol Buildings

**Plaintiff****United States of America**represented by **Brian S. Deckert**

Office of the U.S. Attorney - Cleveland  
Northern District of Ohio  
Ste. 400  
801 Superior Avenue, W  
Cleveland, OH 44113  
216-622-3873  
Email: [Brian.Deckert@usdoj.gov](mailto:Brian.Deckert@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*  
*Bar Status: Active*

[Email All Attorneys](#)[Email All Attorneys and Additional Recipients](#)

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/04/2022		Arrest (Rule 40) of Justin Michael Smith (1) on 5/4/22. (D,Ky) (Entered: 05/04/2022)
05/04/2022	<a href="#">1</a>	Rule 40 Warrant received as to Justin Michael Smith (1). (Attachments: # <a href="#">1</a> Complaint, # <a href="#">2</a> Statement of facts)(D,Ky) (Entered: 05/04/2022)
05/04/2022		<b>IMPORTANT:</b> Notice [non-document] as to Justin Michael Smith (1). Initial Appearance set for 5/4/2022 at 03:00 PM to be held by video conference (Cleveland) before Magistrate Judge Jonathan D. Greenberg. (D,Ky) (Entered: 05/04/2022)
05/04/2022		<b>Minutes of proceedings</b> [non-document] Initial Appearance on rule 5 hearing before Magistrate Judge Jonathan D. Greenberg as to Justin Michael Smith held on 5/4/22. All parties appeared via video conference. AUSA Brian Deckert present for the government. Attorney Vicki Lynn Ward present and appointed for the defendant. Defendant consented to participating via video conference, with no objection from defense counsel or government. The Court finds that consent was knowingly and voluntarily made by defendant. Pursuant to the Due Process

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		<p>Protections Act, the Court reminds the government of its obligations under Brady v. Maryland, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with Brady and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances. Defendant waives right to identity and production of the warrant. Defendant waives a preliminary hearing. Government does not move for detention and agrees with Pretrial Services recommendation of bond. Defendant is released on a \$20,000.00 unsecured bond with conditions. (ECRO K. Malley) (PTS: A. Torres) Time: 30 minutes. (D,Ky) (Entered: 05/04/2022)</p>
05/04/2022	<a href="#">3</a>	CJA 23 Financial Affidavit by Justin Michael Smith (1). Magistrate Judge Jonathan D. Greenberg on 5/4/22. (D,Ky) (Entered: 05/04/2022)
05/04/2022		CJA 20 Appointment of Attorney Vicki Lynn Ward. Counsel is reminded of their obligation to report significant changes in defendant's employment or financial circumstances sufficient to enable defendant to pay, in whole or in part, for legal representation. CJA Plan, Part IV (D)(2). Magistrate Judge Jonathan D. Greenberg on 5/4/22. (D,Ky) (Entered: 05/04/2022)
05/04/2022	<a href="#">4</a>	<b>Order</b> regarding use of video conference/teleconferencing as to Justin Michael Smith (1). Signed by Magistrate Judge Jonathan D. Greenberg on 5/4/22. (D,Ky) (Entered: 05/04/2022)
05/04/2022	<a href="#">5</a>	Waiver of Rule 5(c)(3) Hearing by Justin Michael Smith (1). Defendant waives right to identity and production of the warrant. Defendant waives a preliminary hearing. (D,Ky) (Entered: 05/04/2022)
05/04/2022	<a href="#">6</a>	Appearance Bond Entered as to Justin Michael Smith (1) in amount of \$ 20,000.00, unsecured. (D,Ky) (Entered: 05/04/2022)
05/04/2022	<a href="#">7</a>	<b>Order</b> Setting Conditions of Release as to Justin Michael Smith (1) on \$20,000.00 unsecured bond. Signed by Magistrate Judge Jonathan D. Greenberg on 5/4/22. (D,Ky) (Entered: 05/04/2022)
05/04/2022	<a href="#">8</a>	Order requiring to appear to the district where charges are pending and transferring bail to District of Columbia Issued as to Justin Michael Smith (1) by Magistrate Judge Jonathan D. Greenberg. (D,Ky) (Entered: 05/04/2022)
05/04/2022		Notice to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Justin Michael Smith (1). Your case number is: 1:22mj94. Using your PACER account, you may retrieve the docket sheet and any text-only entry via the case number link. The following document link(s) is also provided: Initial Appearance - Rule 5(c)(3), <a href="#">6</a> Bond, <a href="#">8</a> Warrant of Removal Issued, <a href="#">4</a> Order Regarding Use of Video Conferencing/Teleconferencing, 2 Pretrial Services Report, Speedy Trial - Location Start, <a href="#">3</a> Financial Affidavit - CJA23, Arrest - Rule 40, CJA 20 - Appointment, <a href="#">7</a> Order Setting Conditions of Release, <a href="#">5</a> Waiver of Rule 5(c)(3) Hearing, <a href="#">1</a> Rule 40 Warrant from Another District. If you require certified copies of any documents, please send a request to

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ohndml\_InterDistrictTransfer@ohnd.uscourts.gov. If you wish to designate a  
different email address for future transfers, send your request to  
InterDistrictTransfer\_TXND@txnd.uscourts.gov. (D,Ky) (Entered: 05/04/2022)