

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Kelley O'Brien

Defendant

Case: 1:21-mj-00561
Assigned to: Judge Harvey, G. Michael
Assign Date: 8/12/2021
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)

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);
18 U.S.C. § 1752(a)(4) (Engaging in Physical Violence in a Restricted Building or Grounds);
40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building);
40 U.S.C. § 5104(e)(2)(F) (Engaging in Physical Violence in the Ground or Capitol Building);

Digitally signed by G. Michael Harvey
Date: 2021.08.12 11:23:48 -04'00'

Handwritten signature of G. Michael Harvey

Date: 08/12/2021

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 8/12/2021, and the person was arrested on (date) 8/18/2021 at (city and state) Allentown, PA.

Date: 8/24/2021

Handwritten signature of Sean Ahearn

Arresting officer's signature

Sean Ahearn, FBI Special Agent

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**BAIL STATUS AND ORDER**

NO INTERPRETER NEEDED : DATE: 08/18/21  
Date of Arrest: 08/18/21 : HEARING TYPE: IA/AC/DET/IDENTITY  
Trial Date: : ON RULE 5  
 : ESR: INNA GOLDSHTEYN  
UNITED STATES OF AMERICA : AUSA: CHRISTINE SYKES  
v. : ED of PA NO. 21-MJ-1292  
 : DC No: 1:21-mj-00561  
KELLEY O'BRIEN : CATHERINE HENRY  
 :  CJA Appointed  
 :  Retained  
 :  Defenders' Assn. Apptd.

After a hearing held this day pursuant to the Federal Rules of Criminal Procedure, or after a hearing pursuant to government's motion, the bail status as to the above-named defendant is as follows:

The Government's Motion for Temporary Detention is Granted. A detention and probable cause hearing and are scheduled for

The Defendant stipulated to  pretrial detention and  identity.

The Government's Motion for Pretrial Detention is Granted. The Defendant is detained pending further proceedings.

The Government's Motion for Pretrial Detention is Denied. See attached Conditions of Release Order.

The Government and Defense have agreed to conditions of release. See attached Conditions of Release Order.

Probable Cause for the violation of supervised release found, Defendant detained (released on conditions as outlined in the "Conditions of Release Order") pending final VOP hearing before \_\_\_\_\_.

Colloquy on defendant's financial qualifications for court-appointed counsel

Other – **Charges:** 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); 18 U.S.C. § 1752(a)(4) (Engaging in Physical Violence in a Restricted Building or Grounds); 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building); 40 U.S.C. § 5104(e)(2)(F) (Engaging in Physical Violence in the Ground or Capitol Building);

After a hearing probable cause was found by the Court.

Plea: Not Guilty to All Count(s). Counsel have 14 days to file pretrial motions.

The United States is obligated, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and subsequent cases, to timely disclose information favorable to the defense as to criminal liability on the charged offense(s) or mitigation of any punishment that may be imposed. Such favorable information includes information that may cast doubt on the credibility of government witnesses. Possible consequences for violating this order include exclusion of evidence, dismissal of charges, contempt proceedings, disciplinary referral, and any other relief authorized by law.

BY:

/s/ HENRY S. PERKIN  
UNITED STATES MAGISTRATE JUDGE

***TIME IN COURT 30 MINUTES***  
*(Form Revised June 2021)*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL**  
v. :  
**KELLEY O'BRIEN** : **NO. 21-MJ-1292**

**PROHIBITION ON POSSESSION OF FIREARM(S) AGREEMENT AND ORDER**

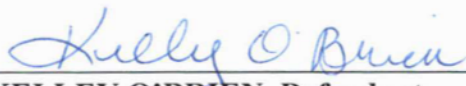
The District Court, as a condition of your release pending judicial proceedings, has ordered that you refrain from possessing a firearm. This condition expressly prohibits you from carrying a firearm or possessing a firearm inside your residence, place of temporary occupancy or vehicle. If you own or possess a firearm(s), you must lawfully transfer or sell the firearm(s) in accordance with the procedure outline below. Failure to abide by this condition may result in the revocation of your release and the filing of additional charges for violating federal firearms laws, including, but not limited to, possession of a firearm by a person under indictment.

In order to lawfully transfer or sell any firearm as required as a condition of release, you or your designee must take the following three steps:

1. Take or cause the firearm(s) to be taken to a federal firearms licensee (FFL) located within the confines of the Eastern District of Pennsylvania. A list of federal firearms licensees operating in the Eastern District of Pennsylvania will be provided to you. The firearm must be transported to the federal firearms licensee in accordance with Pennsylvania law. Pennsylvania law requires that an unloaded firearm be placed in a box and secured in the trunk of vehicle during transport to the premises of the federal firearms licensee.
2. If you sell the firearm to the federal firearms licensee, obtain a dated receipt identifying the firearm by manufacturer, model, caliber and serial number. If you transfer the firearm to a third person, the federal firearms licensee will complete an ATF Form 4473 as required by federal law. This form records the transfer of the firearm from the federal firearms licensee to the third party receiving the firearm. The third party receiving the firearm must request and obtain a photocopy of the ATF Form 4473 from the federal firearms licensee. You should then obtain a copy of the ATF Form 4473 from the third party.

3. Within 72 hours of your release, provide Pre-Trial Services with either a copy of the receipt of sale to the federal firearms licensee or a copy of the ATF Form 4473 that recorded the transfer of the firearm to a third party.

I have read the above-described prohibition on possession of a firearms while on release and agree to lawfully transfer or sell any firearm(s) in my possession in the manner described. I understand that failure to abide by this condition may result in the revocation of my release.

  
\_\_\_\_\_  
**KELLEY O'BRIEN, Defendant**

**BY THE COURT:**

/S/ HENRY S. PERKIN  
\_\_\_\_\_  
**HENRY S. PERKIN, USMJ**

**Date:** 08/18/21

UNITED STATES DISTRICT COURT

for the

EASTERN District of PENNA

United States of America

v.

KELLEY O'BRIEN

Defendant

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)

Case No. 21-MJ-1292

Charging District's Case No.
1:21-MJ-00561

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:

- 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

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

Date: 08/18/21

Kelley O'Brien
Defendant's signature

Signature of defendant's attorney

Catherine Henry

CATHERINE HENRY

Printed name of defendant's attorney

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

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

United States of America v. KELLEY O'BRIEN <hr style="width: 100%;"/> <p style="text-align: center;"><i>Defendant</i></p>	) ) ) ) )	Case No. 21-MJ-1292  Charging District: District of Columbia Charging District's Case No. 1:21-MJ-00561
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**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: VIA VIDEO	Courtroom No.:
	Date and Time: 8/24/2021 1:00 pm

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: 08/18/2021

HENRY S. PERKIN /S/  
*Judge's signature*

HENRY S. PERKIN, USMJ  
*Printed name and title*

CLOSED

**United States District Court  
Eastern District of Pennsylvania (Allentown)  
CRIMINAL DOCKET FOR CASE #: 5:21-mj-01292-1  
Internal Use Only**

Case title: USA v. O'BRIEN

Date Filed: 08/18/2021

Other court case number: 21-mj-00561 DC

Date Terminated: 08/18/2021

Assigned to: Unassigned

**Defendant (1)****KELLEY O'BRIEN***TERMINATED: 08/18/2021*

represented by **CATHERINE C. HENRY**  
FEDERAL COMMUNITY  
DEFENDER OFFICE -EDPA  
601 WALNUT ST STE 540W  
THE CURTIS CENTER  
PHILADELPHIA, PA 19106  
215-928-1100  
Email: catherine\_henry@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Pending Counts**

None

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

None

**Terminated Counts**

None

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

None


**Complaints**18 U.S.C. § 1752(A)(1) (ENTERING  
AND REMAINING IN A**Disposition**


RESTRICTED BUILDING OR  
 GROUNDS); 18 U.S.C. § 1752(A)(2)  
 (DISORDERLY AND DISRUPTIVE  
 CONDUCT IN A RESTRICTED  
 BUILDING OR GROUNDS); 18  
 U.S.C. § 1752(A)(4) (ENGAGING IN  
 PHYSICAL VIOLENCE IN A  
 RESTRICTED BUILDING OR  
 GROUNDS); 40 U.S.C. § 5104(E)(2)  
 (D) (DISORDERLY CONDUCT IN A  
 CAPITOL BUILDING); 40 U.S.C. §  
 5104(E) (2)(F) (ENGAGING IN  
 PHYSICAL VIOLENCE IN THE  
 GROUND OR CAPITOL BUILDING)

### Plaintiff

USA

represented by **CHRISTINE E. SYKES**  
 U.S. ATTORNEY'S OFFICE  
 615 CHESTNUT STREET  
 SUITE 1250  
 PHILA, PA 19106-4476  
 TEL 215-861-8441  
 Fax: FAX 215-861-8618  
 Email: christine.sykes@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
08/18/2021		Arrest (Rule 40) of KELLEY O'BRIEN (er, ) Modified on 8/19/2021 (er, ). (Entered: 08/19/2021)
08/18/2021	 <a href="#">1</a>	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN: IA/AC/DET/IDENTITY ON RULE 5 Proceedings as to KELLEY O'BRIEN held on 8/18/21. The Defendant stipulated to identity. The Government and Defense have agreed to conditions of release. Court Reporter ESR. (er, ) Modified on 8/19/2021 (er, ). (Entered: 08/19/2021)
08/18/2021	<a href="#">2</a>	ORDER SETTING CONDITIONS OF RELEASE AS TO KELLEY O'BRIEN (1) THAT DEFT. IS RELEASED ON BAIL IN THE AMOUNT OF \$250,000. DEFT. SHALL REPORT TO PRETRIAL SERVICES, ETC. Signed by MAGISTRATE JUDGE HENRY S. PERKIN on 8/18/21. 8/19/21 Entered and Copies E-Mailed. (er, ) Modified on 8/19/2021 (er, ). (Entered: 08/19/2021)
08/18/2021	<a href="#">3</a>	

		PROHIBITION ON POSSESSION OF FIREARM(S) AGREEMENT AND ORDER AS TO KELLEY O'BRIEN. Signed by MAGISTRATE JUDGE HENRY S. PERKIN on 8/18/21.8/19/21 Entered and Copies E-Mailed. (er, ) (Entered: 08/19/2021)
08/18/2021	<a href="#">4</a>	WAIVER of Rule 5(c)(3) Hearing by KELLEY O'BRIEN (er, ) (Entered: 08/19/2021)
08/18/2021	 <a href="#">5</a>	O/R Bond Entered as to KELLEY O'BRIEN in amount of \$ \$250,000, (er, ) (Entered: 08/19/2021)
08/18/2021		(Court only) ***Case Terminated as to KELLEY O'BRIEN (er, ) (Entered: 08/19/2021)
08/20/2021	<a href="#">6</a>	ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL AS TO KELLEY O'BRIEN. Signed by MAGISTRATE JUDGE HENRY S. PERKIN on 8/18/21.8/20/21 Entered and Copies E-Mailed. (er, ) (Entered: 08/20/2021)