

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Kim Michael Sorgente

) Case: 1:21-mj-00634  
 ) Assigned to: Judge Meriweather, Robin M.  
 ) Assign Date: 10/21/2021  
 ) Description: COMPLAINT W/ ARREST WARRANT  
 )

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
 (name of person to be arrested) Kim Michael Sorgente,  
 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. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;  
 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without  
 Lawful Authority;  
 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building.

Date: 10/21/2021

2021.10.21

16:22:00 -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) 10/25/2021, and the person was arrested on (date) 10/25/2021  
 at (city and state) Santa Ana CA.

Date: 10/25/2021

Arresting officer's signature

SA Kellie Martin

Printed name and title

## UNITED STATES DISTRICT COURT

for the

District of Columbia

**8:21-mj-00715-DUTY**

United States of America

v.

Kim Michael Sorgente

*Defendant(s)*)  
)  
)  
)  
)  
)  
)  
)**Case: 1:21-mj-00634****Assigned to: Judge Meriweather, Robin M.****Assign Date: 10/21/2021****Description: COMPLAINT W/ ARREST WARRANT**

## 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:*Code Section**Offense Description*

18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder,

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds  
Without Lawful Authority,

18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.*Complainant's signature***Kellie Martin, 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: 10/21/2021

2021.10.21 16:22:26

-04'00'

*Judge's signature*City and state: Washington, D.C.**Robin M. Meriweather, U.S. Magistrate Judge***Printed name and title*

Case: 1:21-mj-00634

Assigned to: Judge Meriweather, Robin M.

Assign Date: 10/21/2021

Description: COMPLAINT W/ ARREST WARRANT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**8:21-mj-00715-DUTY**

<p><b>UNITED STATES OF AMERICA</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>KIM MICHAEL SORGENTE,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p><b>Case No:</b></p> <p><b>VIOLATIONS:</b></p> <p><b>18 U.S.C. § 231(a)(3)</b> <b>(Civil Disorder)</b></p> <p><b>18 U.S.C. § 1752(a)(1) and (2)</b> <b>(Restricted Building or Grounds)</b></p>
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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT  
AND ARREST WARRANT**

I, Kellie Martin, being first duly sworn, hereby depose and state as follows:

**PURPOSE OF AFFIDAVIT**

1. I make this affidavit in support of an application for an arrest warrant for KIM MICHAEL SORGENTE.

**AGENT BACKGROUND**

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been so employed since 2018. I am currently assigned to the Domestic Terrorism Squad in the San Francisco Division Office, Oakland Resident Agency. I successfully completed 21 weeks of New Agent Training at the FBI Academy in February 2019. During that time, I was trained in federal investigations, to include domestic terrorism investigations. I am assigned to investigate domestic terrorism cases, racially motivated violent crimes, and anti-government crimes. As an FBI agent, I am authorized to investigate violations of United States law and am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C).

3. I am one of the investigators assigned to an ongoing investigation by the FBI, United States Capitol Police (“USCP”), Metropolitan Police Department (“MPD”), and other law enforcement agencies, of riots and civil disorder that occurred on January 6, 2021, in and around the United States Capitol grounds. Since I became involved in this investigation on January 6, 2021, I have conducted interviews, reviewed public tips, reviewed publicly available photos and video, and reviewed relevant documents, among other things.

4. The facts in this affidavit come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

#### **BACKGROUND**

5. The United States Capitol is secured 24 hours a day by security barriers and USCP occupy various posts throughout the grounds. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

6. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and Senate met in the United



States Capitol to certify the vote count of the Electoral College for 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 Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

7. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and U.S. Capitol Police were present, attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

8. At such time, the certification proceedings were underway, the exterior doors and windows of the 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.

9. 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 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.

10. 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 United States Capitol building without authority to be there.

**STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE**

**A. The Defendant**

11. On March 15, 2021, the FBI Washington Field Office (“WFO”) opened a file on an unknown male subject who would later be identified as KIM MICHAEL SORGENTE. WFO posted to the Internet a “Be on the Lookout” (“BOLO”) for the individual depicted below (at the time referred to “263-AFO”):



*BOLO 263-AFO A*



*BOLO 263-AFO B*

12. Based on my review of publicly available video footage and still images, USCP surveillance footage, and body worn camera (“BWC”) footage of officers that responded to the Capitol on January 6, 2021, I have observed that, at various points on January 6, 2021,

SORGENTE was wearing a red “Make America Great Again” baseball hat,<sup>1</sup> sunglasses, a gray zip-up hooded sweatshirt, a black t-shirt with the words “Deus Vult” and what appears to be religious iconography printed on it, and blue jeans. He also at times carried a white megaphone and a cellphone in a distinctive light pink or beige protective case with what appears to be eyes and a beak printed on it, as depicted below:



On January 6, 2021, SORGENTE also had distinctive facial hair – a goatee and mustache – as depicted in the images in paragraph 11.

13. On April 1, 2021, an FBI agent (“Agent-1”) provided the two images in paragraph 11 above, as well as a video depicting 263-AFO to a detective with the Santa Ana (California) Police Department (“Detective-1”), a still image from which is below:

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<sup>1</sup> As discussed further in paragraphs 16-20, SORGENTE was filmed and/or photographed wearing at least two different red “Make America Great Again” baseball hats on January 6, 2021. Prior to 3:00 p.m., SORGENTE was wearing hat with a gold leaf decoration on the brim, an American flag on each side, and three gold stars on the back. After 3:26 p.m., SORGENTE was wearing a red “Make America Great Again” baseball hat that did not have any gold decoration.



Detective-1 had previously arrested and interviewed SORGENTE on March 23, 2021, in connection with events that occurred in December 2020, and identified 263-AFO as SORGENTE.<sup>2</sup> In connection with that arrest, SORGENTE provided a particular telephone number (the “Sorgente Phone Number”). Detective-1 had also called SORGENTE using the Sorgente Phone Number on January 4, 2021.

14. I have also reviewed a California Department of Motor Vehicles photograph of SORGENTE. Based on that review, I believe that SORGENTE is 263-AFO.

15. According to records obtained through a search warrant which was served on Verizon Wireless, on January 6, 2021, the Sorgente Phone Number was identified as having

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<sup>2</sup> The FBI received at least two tips that identified 263-AFO as someone other than SORGENTE. However, upon reviewing these tips, the FBI concluded that the individual identified did not match AFO-263 in appearance.



utilized a cell site consistent with providing service to a geographic area that includes the immediate vicinity and/or interior of the United States Capitol building.

**B. The Defendant's Conduct on January 6, 2021**

**1. 1:36 p.m.**

16. Based on my review of BWC footage and publicly available images, I have observed the following:

a. By at least 1:34 p.m. on January 6, 2021, numerous rioters were at the police line protecting the west side of the Capitol, with metal bike-rack barricades separating the crowd and the police officers. At approximately 1:35 p.m., the crowd of rioters was pushing against the barricades, lifting them off of the ground, and police officers were attempting to maintain them.

b. At approximately 1:36 p.m., the officers succeeded in bringing the barricades back down onto the ground, causing several rioters to fall down and/or backwards. SORGENTE emerged from the crowd, wearing a black gaiter across his face and holding a megaphone and a cellphone. SORGENTE stumbled backwards then raised the megaphone towards his face and shouted into the megaphone at the officers, "How dare you? How dare you, traitors? How dare you traitors?" as depicted below:



**2. 2:04 p.m.**

17. Based on my review of BWC footage and other publicly available video,<sup>3</sup> I have observed the following:

a. At approximately 2:04 p.m. on January 6, 2021, SORGENTE was present near the base of the inauguration scaffolding erected on the north side of the West Plaza of the Capitol. At that time, a recording was played over a loudspeaker, which stated: “All people must leave the area immediately. Failure to comply with this order may subject you to arrest and may subject you to the use of a riot control agent or impact weapon. . . This area is now a restricted access area.”

b. As police officers moved through the area, they were assaulted by other rioters. As the officers attempted to control and push back the rioters, SORGENTE, using a megaphone, shouted at the officers “What are you doing? What are you doing? How does it feel to be a traitor? How does it feel to be a traitor? What the fuck do you think you’re doing?” SORGENTE’s position is depicted in the images below:

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<sup>3</sup> Although the caption on one of these videos states that the events depicted occurred at 3:05 p.m., based on my comparison of the video to time stamped BWC footage, I believe the events occurred at approximately 2:04 p.m.





3. 2:40 – 3:03 p.m.

18. Based on my review of BWC footage, U.S. Capitol surveillance video, and other publicly available video, I have observed the following:

a. By approximately 2:40 p.m. on January 6, 2021, SORGENTE relocated to the vicinity of the terrace on the west side of the Capitol building where a stage for the Presidential Inauguration was being constructed (the “Lower West Terrace”) and positioned himself close to the arched entrance to a passageway that connects the Lower West Terrace and the interior of the U.S. Capitol building (the “Archway” and the “Tunnel,” respectively).

b. At approximately, 2:40 p.m., police officers entered the Tunnel and began to form a protective line with riot shields behind a set of glass inside of the Tunnel. Soon thereafter, numerous rioters entered the Tunnel. At approximately 2:41 p.m., SORGENTE walked through the Archway and entered the Tunnel, as depicted below:



c. SORGENTE then turned around, walked back towards the Archway, and, at approximately 2:42 p.m., exited the Tunnel.

d. At approximately 2:54 p.m. SORGENTE again entered the Tunnel, and moved towards the interior of the Capitol building, as depicted below:



Between approximately 2:54 p.m. and 2:55 p.m., at the same time that SORGENTE was in the Tunnel, several other rioters made their way out of the Tunnel and exited the Capitol building. SORGENTE appeared to offer water to several exiting rioters as they left.

e. Between at least 2:54 p.m. and 3:00 p.m., rioters, including SORGENTE, collectively pushed against the officers – at times rocking together in a coordinated fashion – in an effort to breach the line of officers and gain entry to the interior of the Capitol building. Several rioters threw objects at the officers and used poles to strike at the officers. SORGENTE's position within the crowd is depicted in the images below:









f. At approximately 2:57 p.m., a woman who was positioned at the front of the crowd of rioters, immediately in front of police officers, retreated from the front of the crowd and repositioned herself closer to the Archway. At the same time, numerous other rioters exited the Tunnel entirely.

g. By approximately 3:01 p.m., SORGENTE was positioned closer to the Archway, and appeared to wash his eyes out with water,<sup>4</sup> as depicted below:



h. At approximately 3:03 p.m., SORGENTE exited the Tunnel.

**4. 3:26 – 4:00 p.m.**

19. Based on my review of BWC footage and U.S. Capitol surveillance video, I have observed the following:

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<sup>4</sup> Police officers and rioters deployed crowd-control spray and other lachrymal agents in the Tunnel. I therefore believe that SORGENTE was attempting to wash these substances out of his eyes.

a. SORGENTE returned to the Archway by approximately 3:26 p.m., and positioned himself just outside of the Tunnel, on the south side of the Archway. SORGENTE remained in approximately that position for at least 44 minutes, until at least 4:00 p.m.<sup>5</sup> SORGENTE's approximate position is depicted in the image below:



A closer view of SORGENTE's face was captured by the BWC of MPD officers positioned in the Archway, for example, the images below:

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<sup>5</sup> During this time, SORGENTE made statements directed at the officers in the Archway such as "We're not gonna hurt you at all. We're not gonna hurt any of you. But you hurt us. And you're hurting the country, if you don't stop" and "Why don't you let us in? Let us in. It's our house. It's our house. You let us in, we'll behave. If you keep fighting us and pepper spraying us, we're gonna get upset."



b. At approximately 3:48, the crowd, including SORGENTE, began to collectively push against the line of police officers in the Archway, in an effort to force entry into the Tunnel. SORGENTE's position is depicted in the images below:







c. At approximately 3:50 p.m., the crowd of rioters, including SORGENTE, again collectively pressed against the line of police officers in the Archway, and moved back and forth in a coordinated manner, in an attempt to break through the line of officers and enter the Tunnel, as depicted below:





5. 4:24 – 4:26 p.m.

20. Based on my review of BWC footage, U.S. Capitol surveillance video, and other publicly available video, I have observed the following:

a. By approximately 4:24 p.m., officers were attempting to expel the rioters from the Archway. SORGENTE was positioned in the Archway, directly in front of the officers, as depicted below:



As the officers tried to push him out of the Archway, SORGENTE yelled “Oh god, don’t do it. Oh my god, you hurt me bad! Please! Please! Ah, I got hit in the head. I’m bleeding now.”

b. Officers continued to push SORGENTE out of the Archway for more than a minute.<sup>6</sup> Although there appears to have been space in front of SORGENTE for him to move

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<sup>6</sup> During this time, at approximately 4:25 p.m., at least two rioters were in medical distress and a member of the crowd was pleading with officers and others for help, as his friend was dying after

into, as depicted below, SORGENTE, with his back to the officers, leaned back and pushed his weight into the officers.



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being trampled by the mob. SORGENTE, apparently in response, yelled “Get her up. Get her up, please. Save her life. Save her life.”





c. By approximately 4:26 p.m., officers succeeded in pushing SORGENTE out of the Archway. SORGENTE, holding a strobing flashlight, stumbled, then got up, rinsed his eyes with water, and walked away from the Archway.

**6. 4:46 p.m.**

21. Based on my review of BWC footage, U.S. Capitol surveillance video, and other publicly available video, I have observed the following:

a. At approximately 4:46 p.m., SORGENTE returned to the Archway and positioned himself at the middle of the Archway, as depicted below:





b. Rioters positioned in front of SORGENTE, closer to the line of police officers in the Archway, were holding riot shields, and began to slam the line of officers using those shields.

c. After a few seconds, SORGENTE joined in by positioning himself behind one of the rioters holding a riot shield and propelling that rioter forward into the line of police officers, as depicted below:



### CONCLUSION

22. Based on the foregoing, your Affiant submits that there is probable cause to believe that:

a. KIM MICHAEL SORGENTE violated 18 U.S.C. § 1752(a)(1) and (2) (Restricted Building or Grounds), 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. 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.

b. KIM MICHAEL SORGENTE violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of



the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.



Kellie Martin  
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 21st day of October 2021.



2021.10.21  
16:21:31 -04'00'

ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT **8:21-mj-00715-DUTY**  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

KIM MICHAEL SORGENTE

: Case: 1:21-mj-00634  
: Assigned to: Judge Meriweather, Robin M.  
: Assign Date: 10/21/2021  
: Description: COMPLAINT W/ ARREST WARRANT  
:  
: VIOLATIONS:  
:  
: 18 U.S.C. § 231 (a)(3)  
: (Civil Disorder)  
:  
: 18 U.S.C. § 1752(a)(1), and (2)  
: (Restricted Building or Grounds)

ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: October 21, 2021



ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE

Submit this form by e-mail to:

[CrimIntakeCourtDocs-LA@cacd.uscourts.gov](mailto:CrimIntakeCourtDocs-LA@cacd.uscourts.gov) For Los Angeles criminal duty.

[CrimIntakeCourtDocs-SA@cacd.uscourts.gov](mailto:CrimIntakeCourtDocs-SA@cacd.uscourts.gov) For Santa Ana criminal duty.

[CrimIntakeCourtDocs-RS@cacd.uscourts.gov](mailto:CrimIntakeCourtDocs-RS@cacd.uscourts.gov) For Riverside criminal duty.

**FILED**

CLERK, U.S. DISTRICT COURT

10/26/2021

CENTRAL DISTRICT OF CALIFORNIA

BY: DTA DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

8:21-mj-00715-DUTY

UNITED STATES OF AMERICA

V.

PLAINTIFF

Kim Michael Sorgente

USMS#

DEFENDANT

CASE NUMBER:

1:21-mj-00634

REPORT COMMENCING CRIMINAL  
ACTION

TO: CLERK'S OFFICE, U.S. DISTRICT COURT

All areas must be completed. Any area not applicable or unknown should indicate "N/A".

1. The defendant was arrested in this district on 10/25/2021 at 3:20 ☐ AM ☒ PM  
or

The defendant was arrested in the \_\_\_\_\_ District of \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ ☐ AM ☐ PM

2. The above named defendant is currently hospitalized and cannot be transported to court for arraignment or any other preliminary proceeding: ☐ Yes ☒ No

3. Defendant is in U.S. Marshals Service lock-up (in this court building): ☒ Yes ☐ No

4. Charges under which defendant has been booked:

231(a)(3), 1752(a)(1), 1752(a)(2)

5. Offense charged is a: ☒ Felony ☐ Minor Offense ☐ Petty Offense ☐ Other Misdemeanor

6. Interpreter Required: ☒ No ☐ Yes Language: \_\_\_\_\_

7. Year of Birth: 1970

8. Defendant has retained counsel: ☒ No

☐ Yes Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

9. Name of Pretrial Services Officer notified: email sent to duty inbox on 10/26/21

10. Remarks (if any): \_\_\_\_\_

11. Name: SA Jessica Salo (please print)

12. Office Phone Number: 310-720-5220

13. Agency: FBI

14. Signature: Jessica Salo

15. Date: 10/25/2021





**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA    8:21-mj-00715-DUTY**

United States of America	CASE NUMBER
PLAINTIFF(S)	1:21-mj-00634
v.	
Kim Michael Sorgente	
DEFENDANT(S).	<b>DECLARATION RE OUT-OF-DISTRICT WARRANT</b>

The above-named defendant was charged by: Complaint  
in the \_\_\_\_\_ District of Columbia on 10/21/2021  
at 4:22 \_\_\_\_\_ ☐ a.m. / ☒ p.m. The offense was allegedly committed on or about January 6, 2021  
in violation of Title 18 \_\_\_\_\_ U.S.C., Section(s) 231(a)(3), 1752(a)(1), 1752(a)(2)  
to wit: Obstruction of Law Enforcement During Civil Disorder; Disorderly and Disruptive Conduct in a Restricted Building

A warrant for defendant's arrest was issued by: U.S. Magistrate Judge Robin M. Meriweather

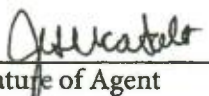
Bond of \$ \_\_\_\_\_ was ☐ set / ☐ recommended.

Type of Bond:

Relevant document(s) on hand (attach): Complaint

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/25/2021  
Date

  
Signature of Agent

Jessica Salo  
Print Name of Agent

FBI  
Agency

Special Agent  
Title

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Kim Michael Sorgente

Defendant.

Southern Division

Case #: 8:21-MJ-00715

Initial App. Date: 10/26/2021

Time: 2:00 PM

Out of District

Affidavit

Custody

Date Filed: 10/21/2021

Violation: 18;231, 18;1752

CourtSmart/Reporter: CS 10/26/2021

**PROCEEDINGS HELD BEFORE UNITED STATES  
MAGISTRATE JUDGE: Douglas F. McCormick**

**CALENDAR/PROCEEDINGS SHEET  
LOCAL/OUT-OF-DISTRICT CASE**

**PRESENT:**

Nancy K. Boehme

Charles Pell

/ None

*Deputy Clerk*

*Assistant U.S. Attorney*

*Interpreter/Language*

☒ Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and ☒ preliminary hearing

☒ Defendant advised of consequences of false statement in financial affidavit.

☒ Attorney: Lillian Chu and ☒ DFPD, and ☒ Appointed

☒ BAIL FIXED AT \$Personal Recognizance **(SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS.)**

☒ Defendant executed Waiver of Rights.

☒ Court ORDERS defendant Held to Answer to District of Columbia

☒ Bond to transfer, if bail is posted. Defendant to report on or before November 4, 2021, by Zoom

☒ RELEASE ORDER NO: 40959

Deputy Clerk Initials: nb  
00 : 12





Case Name: United States of America v. KIM MICHAEL SORGENTE

Case No. 8:21-MJ-00715

☒ Defendant ☐ Material Witness

- ☒ Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, ☐ including but not limited to \_\_\_\_\_; ☐ except \_\_\_\_\_.
- ☒ Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present: \_\_\_\_\_.
- ☒ Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. ☒ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☐ Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☐ Do not engage in telemarketing.
- ☐ Do not sell, transfer, or give away any asset valued at \$ \_\_\_\_\_ or more without notifying and obtaining permission from the Court, except \_\_\_\_\_.
- ☐ Do not engage in tax preparation for others.
- ☐ Do not use alcohol.
- ☐ Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.
- ☐ Do not use or possess illegal drugs or state-authorized marijuana. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☐ Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.
- ☐ Submit to: ☐ drug and/or ☐ alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.
- ☐ Participate in residential ☐ drug and/or ☐ alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. ☐ Release to PSA only ☐ Release to USPO only
- ☒ Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.
- ☒ Participate in the Location Monitoring Program marked below and abide by all of the requirements of the program and any indicated restrictions, under the direction of the Supervising Agency. You must pay all or part of the costs of the program based upon your ability to pay as determined by the Supervising Agency. You are financially responsible for any lost or damaged equipment.

**Location Monitoring Technology**☒ Location Monitoring technology at the discretion of the Supervising Agency

or

Defendant's Initials: X.S.Date: 10-26-21

Case Name: United States of America v. **KIM MICHAEL SORGENTE**

Case No. 8:21-MJ-00715

☒ Defendant ☐ Material Witness☒ Location Monitoring **with** a bracelet☒ at the discretion of the Supervising Agency **or**☐ Radio Frequency (RF) **or**☐ Global Positioning System (GPS)☐ Release to the Supervising Agency only **or** ☐ Placement of bracelet within 24 hours of release**or**☐ Location Monitoring **without** a bracelet☐ at the discretion of the Supervising Agency **or**☐ Virtual/Biometric **or**☐ Voice Recognition**Restrictions**☒ Location Monitoring only - no residential restrictions☐ Curfew - You are restricted to your residence every day:☐ from \_\_\_\_\_ to \_\_\_\_\_☐ as directed by Supervising Agency☐ Home Detention - You are restricted to your residence at all times except for employment, education, religious services, medical needs or treatment, attorney visits, court appearances and obligations, essential needs, and \_\_\_\_\_, all of which must be preapproved by the Supervising Agency☐ Home Incarceration - You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances and obligations, and \_\_\_\_\_, all of which must be preapproved by the Supervising Agency☐ You are placed in the third-party custody (Form CR-31) of \_\_\_\_\_.☐ Clear outstanding ☐ warrants or ☐ DMV and traffic violations and provide proof to Supervising Agency within \_\_\_\_\_ days of release from custody.☐ Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.☐ Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.☐ Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.☐ Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.Defendant's Initials: 2.S.Date: 10-26-21

Case Name: United States of America v. **KIM MICHAEL SORGENTE**

Case No. 8:21-MJ-00715

☒ Defendant ☐ Material Witness

☐ Do not view or possess child pornography or child erotica. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

☐ Other conditions:

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### GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: KSDate: 6-26-21



Case Name: United States of America v. **KIM MICHAEL SORGENTE**

Case No. 8:21-MJ-00715

☒ Defendant ☐ Material Witness**ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS**

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said **forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.**

10-26-21

Date

Signature of Defendant / Material Witness

(714) 697-1964

Telephone Number

Santa Ana, CA

City and State (DO NOT INCLUDE ZIP CODE)

☐ Check if interpreter is used: I have interpreted into the \_\_\_\_\_ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature

Date

Approved:

United States District Judge / Magistrate Judge

Date

If cash deposited: Receipt # \_\_\_\_\_ for \$ \_\_\_\_\_

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: K.M.

Date: 10-26-21

<b>UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA</b>		<div style="border: 1px solid black; padding: 5px;">             FILED CLERK, U.S. DISTRICT COURT   <b>OCT 26 2021</b>               CENTRAL DISTRICT OF CALIFORNIA              BY <u>NB</u> DEPUTY           </div>
UNITED STATES OF AMERICA,  <div style="text-align: center;">v.</div>  KIM MICHAEL SORGENTE	CASE NUMBER:  8:21-mj-715-Duty	
PLAINTIFF    DEFENDANT.		<b>WAIVER OF RIGHTS (OUT OF DISTRICT CASES)</b>

I understand that charges are pending in the \_\_\_\_\_ District of Columbia  
 alleging violation of 18 USC § 231(a)(3) and that I have been arrested in this district and  
 (Title and Section / Probation / Supervised Release)

taken before a United States Magistrate Judge, who has informed me of the charge(s) and my rights to:

- (1) have an identity hearing to determine whether I am the person named in the charges;
- (2) arrival of process;

**-Check one only-**

☐ **EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed.R.Crim.P., in order to plead guilty.

☐ **PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary hearing (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) under Rule 32.1(b), Fed.R.Crim.P., to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release.

**I HEREBY WAIVE (GIVE UP) MY RIGHT(S) TO:**

- ☐ have an identity hearing
- ☒ arrival of process
- ☐ have a preliminary hearing
- ☐ have an identity hearing, and I have been informed that I have no right to a preliminary hearing
- ☒ have an identity hearing, but I request that a preliminary hearing be held in the prosecuting district.

Defendant

Defense Counsel

Date: 10/26/2021

United States Magistrate Judge

**DOUGLAS F. McCORMICK**

I have translated this Waiver to the defendant in the \_\_\_\_\_ language.

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

Interpreter(if required)



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CLOSED

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Southern Division - Santa Ana)  
CRIMINAL DOCKET FOR CASE #: 8:21-mj-00715-DUTY All Defendants**

Case title: USA v. Sorgente

Date Filed: 10/26/2021

Date Terminated: 10/28/2021

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Assigned to: Duty Magistrate Judge

**Defendant (1)**

**Kim Michael Sorgente**

*TERMINATED: 10/28/2021*

represented by **Callie G. Steele**

Federal Public Defenders Office

321 East 2nd Street

Los Angeles, CA 90012-4206

213-894-6075

Fax: 213-894-0081

Email: [Callie\\_Steele@fd.org](mailto:Callie_Steele@fd.org)

*ATTORNEY TO BE NOTICED*

*Designation: Public Defender or*

*Community Defender Appointment*

**Lillian Chu**

Federal Public Defenders Office

Santa Ana Division

411 West Fourth Street Suite 7110

Santa Ana, CA 92701

714-338-4500

Fax: 714-338-4520

Email: [lillian\\_chu@fd.org](mailto:lillian_chu@fd.org)

*TERMINATED: 10/28/2021*

*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**

None

**Disposition****Plaintiff**

USA

represented by **US Attorney's Office**  
 AUSA - Office of US Attorney  
 411 W 4th Street Suite 8000  
 Santa Ana, CA 92701-4599  
 714-338-3500  
 Email:  
 USACAC.SACriminal@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/26/2021	<a href="#"><u>1</u></a>	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Kim Michael Sorgente, originating in the District of Columbia. Defendant charged in violation of: 18:231(a)(3), 1752(a)(1), 1752(a)(2). Signed by agent Jessica Salo, FBI, Special Agent. filed by Plaintiff USA. (cio) (Entered: 10/28/2021)
10/26/2021	<a href="#"><u>2</u></a>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Kim Michael Sorgente; defendants Year of Birth: 1970; date of arrest: 10/25/2021 (cio) (Entered: 10/28/2021)
10/26/2021	<a href="#"><u>3</u></a>	Defendant Kim Michael Sorgente arrested on warrant issued by the USDC District of Columbia at Washington D.C.. (Attachments: # <a href="#"><u>1</u></a> Out-of-District Complaint)(cio) (Additional attachment(s) added on 10/28/2021: # <a href="#"><u>2</u></a> Out of District Affidavit, # <a href="#"><u>3</u></a> Out of District Order) (cio). (Entered: 10/28/2021)
10/26/2021	<a href="#"><u>4</u></a>	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before

		Magistrate Judge Douglas F. McCormick as to Defendant Kim Michael Sorgente. Defendant arraigned and states true name is Attorney: Lillian Chu for Kim Michael Sorgente, Deputy Federal Public Defender, present. Court orders bail set as: Kim Michael Sorgente (1) Personal Recognizance, (Signature Only). Court orders defendant held to answer to District of Columbia. Bond to Transfer. Defendant ordered to report on November 4, 2021, by Zoom. Release Order no: 40959. Court Smart: CS 10/26/2021. (cio) (Entered: 10/28/2021)
10/26/2021	<a href="#">5</a>	DECLARATION RE: PASSPORT filed by Defendant Kim Michael Sorgente, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I will surrender any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case. (cio) (Entered: 10/28/2021)
10/26/2021	<a href="#">6</a>	FINANCIAL AFFIDAVIT filed as to Defendant Kim Michael Sorgente. (Not for Public View pursuant to the E-Government Act of 2002) (cio) (Entered: 10/28/2021)
10/26/2021	<a href="#">7</a>	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Kim Michael Sorgente. (cio) (Entered: 10/28/2021)
10/26/2021	<a href="#">8</a>	WAIVER OF RIGHTS approved by Magistrate Judge Douglas F. McCormick as to Defendant Kim Michael Sorgente. (cio) (Entered: 10/28/2021)
10/28/2021		Notice to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Defendant Kim Michael Sorgente. Your case number is: 1 :21-mj-00634. The clerk will transmit any restricted documents via email. Using your PACER account, you may retrieve the docket sheet and any text-only entries via the case number link. The following document link(s) is also provided: <a href="#">4</a> Initial Appearance - Arrest on Out of District Warrant - Rule 5(c)(3) (fka Rule 40),,. If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (cio) (Entered: 10/28/2021)
10/28/2021	<a href="#">9</a>	NOTICE OF APPEARANCE OR REASSIGNMENT of Deputy Public Defender Callie G. Steele on behalf of Defendant Kim Michael Sorgente. Filed by Defendant Kim Michael Sorgente. (Attorney Callie G. Steele added to party Kim Michael Sorgente(pty:dft))(Steele, Callie) (Entered: 10/28/2021)
11/01/2021	<a href="#">10</a>	COMPACT DISC Order for date of proceedings 10/26/2021 to 10/26/2021 as to Defendant Kim Michael Sorgente Court will contact Courtney Bradford at Courtney_Bradford@fd.org with any questions regarding this order. Transcript portion requested: Other: (Arrest on Out of District Warrant) 10/26/2021. Federal Government Agency - No fee required: Federal Public Defenders Office.(Steele, Callie) (Entered: 11/01/2021)