

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Mark Middleton

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Case: 1:21-mj-00380
Assigned To : Meriweather, Robin M.
Assign. Date : 4/16/2021
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)

Mark Middleton

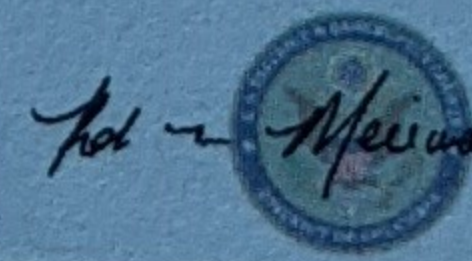
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 111(a)(1) - Assaulting, Resisting, or Impeding Certain Officers;
- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
- 18 U.S.C. §§ 1512(c)(2) and 2 - Obstruction of Justice/Congress;
- 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 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)(F) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 04/16/2021



2021.04.16
14:53:50 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

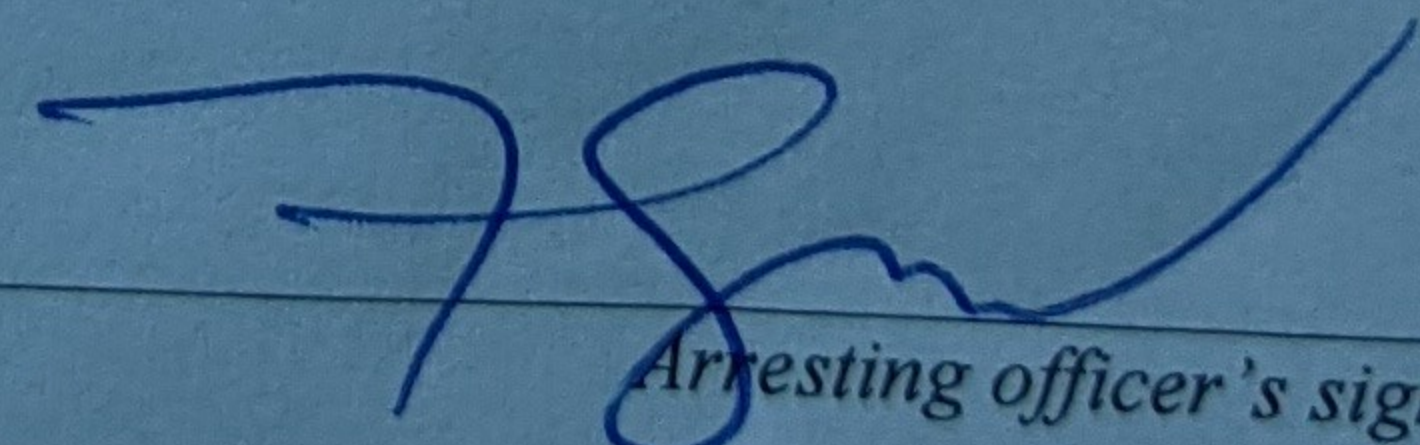
Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 4-16-21, and the person was arrested on (date) 4-21-21
at (city and state) Forestburg, TX

Date: 4-21-21



Arresting officer's signature

Nicholas. B Shepard Special Agent

Printed name and title

MIME-Version:1.0
From:txedCM@txed.uscourts.gov
To:txedcmcc@txed.uscourts.gov
Bcc:
--Case Participants: William Richardson Tatum (caseview.ecf@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov, william.tatum@usdoj.gov), Billy Jack Stovall, II (britt32msu@yahoo.com, stovall@texasdefense.us), Magistrate Judge Kimberly C Priest Johnson (jane_amerson@txed.uscourts.gov, karen_sessions@txed.uscourts.gov, kimberly_johnson@txed.uscourts.gov, lance_henderson@txed.uscourts.gov, thanh_nguyen@txed.uscourts.gov)
--Non Case Participants: USM Plano/Sherman (usm_notify_planosherman@txed.uscourts.gov), USPO Sherman (txep_notify_sherman@txep.uscourts.gov)
--No Notice Sent:

Message-Id:12934747@txed.uscourts.gov
Subject:Activity in Case 4:21-mj-00289-KPJ USA v. SEALED Initial Appearance - Rule 5c
Content-Type: text/html

U.S. District Court

Eastern District of TEXAS [LIVE]

Notice of Electronic Filing

The following transaction was entered on 4/22/2021 at 3:29 PM CDT and filed on 4/22/2021

Case Name: USA v. SEALED
Case Number: 4:21-mj-00289-KPJ
Filer:
Document Number: 2(No document attached)

Docket Text:

Minute Entry for proceedings held before Magistrate Judge Kimberly C Priest Johnson: Initial Appearance in Rule 5(c)(3) Proceedings as to Mark Middleton held on 4/22/2021. Defendant requested appointed counsel and Billy Jack Stovall, II appointed. Government did not move to detain and defendant placed on Conditions of Release. Defendant waived preliminary hearing and the court found probably cause. Attorney Appearances: Tracey Batson, AUSA; Billy Stovall, CJA. (time in court: 10:45 – 11:05 *hearing held with 4:20cr358 & 4:21mj290). (Court Reporter Digital.) (jwam,)

4:21-mj-00289-KPJ-1 Notice has been electronically mailed to:

Billy Jack Stovall , II stovall@texasdefense.us, britt32msu@yahoo.com

William Richardson Tatum William.Tatum@usdoj.gov, CaseView.ECF@usdoj.gov, karon.moore@usdoj.gov, katie.branch@usdoj.gov

4:21-mj-00289-KPJ-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:txedCM@txed.uscourts.gov
To:txedcmcc@txed.uscourts.gov
Bcc:
--Case Participants: Magistrate Judge Kimberly C Priest Johnson
(jane_amerson@txed.uscourts.gov, karen_sessions@txed.uscourts.gov,
kimberly_johnson@txed.uscourts.gov, lance_henderson@txed.uscourts.gov,
thanh_nguyen@txed.uscourts.gov)
--Non Case Participants: USM Plano/Sherman (usm_notify_planosherman@txed.uscourts.gov),
USPO Sherman (txep_notify_sherman@txep.uscourts.gov)
--No Notice Sent:

Message-Id:12934706@txed.uscourts.gov
Subject:Activity in Case 4:21-mj-00289-KPJ USA v. SEALED Arrest - Rule 5c
Content-Type: text/html

U.S. District Court

Eastern District of TEXAS [LIVE]

Notice of Electronic Filing

The following transaction was entered on 4/22/2021 at 3:22 PM CDT and filed on 4/21/2021

Case Name: USA v. SEALED
Case Number: 4:21-mj-00289-KPJ
Filer:
Document Number: No document attached
Docket Text:
Arrest (Rule 5c) of Mark Middleton. (jwam,)

4:21-mj-00289-KPJ-1 Notice has been electronically mailed to:

4:21-mj-00289-KPJ-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

APR 22 2021

Clerk, U.S. District Court
Eastern District of Texas

UNITED STATES OF AMERICA

v.

MARK MIDDLETON

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CASE NUMBER 4:21-MJ-00289-KPJ


WAIVER OF PRELIMINARY EXAMINATION OR HEARING

I, **MARK MIDDLETON**, charged in this District with a Complaint, having appeared before this Court and been advised of my rights as required by Rule 5 or Rule 32.1, Fed. R. Crim. P., including my right to have a preliminary examination/hearing, do hereby waive (give up) my right to a preliminary examination/hearing.

April 22, 2021
Date



Defendant



Defendant's Attorney

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

MARK MIDDLETON

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CASE NUMBER 4:21-MJ-00289-KPJ

ORDER

The Court held an initial appearance on a Complaint and considered the matter of Defendant’s right to a preliminary hearing. Defendant executed a waiver at hearing. Based on the signed waiver, the Court finds that there is probable cause to believe that the allegations have been committed and that Defendant, **MARK MIDDLETON**, should be held over to answer to the Grand Jury.

So **ORDERED** and **SIGNED** this 22nd day of April, 2021.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
for the
Eastern District of Texas

FILED

APR 22 2021

Clerk, U.S. District Court
Eastern District of Texas

United States of America
v.
Mark Middleton
Defendant

Case No. 4:21mj289 KPJ

ORDER SETTING CONDITIONS OF RELEASE

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

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

The defendant must appear at: _____
Place

on _____ TBD _____
Date and Time

If blank, defendant will be notified of next appearance.

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

ADDITIONAL CONDITIONS OF RELEASE

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

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

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

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

Signed: Custodian Date

- (x) (7) The defendant must: (x) (a) submit to supervision by and report for supervision to the telephone number Pretrial Services as directed, no later than () (b) continue or actively seek employment. () (c) continue or start an education program. (x) (d) surrender any passport to: with 24 hours of release to U.S. District Clerk's Office (x) (e) not obtain a passport or other international travel document. (x) (f) abide by the following restrictions on personal association, residence, or travel: No travel to DC except for court appearances, restricted to ES/TX + ND/TX () (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. (x) (k) not possess a firearm, destructive device, or other weapon. (surrender all firearms prior to release) () (l) not use alcohol () at all () excessively. () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. () (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing. () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer. () (p) participate in one of the following location restriction programs and comply with its requirements as directed. () (i) Curfew. You are restricted to your residence every day () from to , or () as directed by the pretrial services office or supervising officer; or () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or () (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or () (iv) Stand Alone Monitoring. You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court. Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- (q) submit to the following location monitoring technology and comply with its requirements as directed:
 - (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (ii) Voice Recognition; or
 - (iii) Radio Frequency; or
 - (iv) GPS.
 - (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
 - (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
 - (t) _____
-

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

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

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

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

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

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

Acknowledgment of the Defendant

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



Defendant's Signature

City and State

Directions to the United States Marshal

- The defendant is ORDERED released after processing.
- The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 4/22/2021

Judicial Officer's Signature

KIMBERLY C. PRIEST JOHNSON, U.S. MAGISTRATE JUDGE

Printed name and title

CLOSED

[Jump to Docket Table](#)

**U.S. District Court
Eastern District of TEXAS [LIVE] (Sherman)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00289-KPJ-1**

Case title: USA v. Middleton

Date Filed: 04/20/2021

Other court case number: 1:21-mj-380 District of Columbia

Date Terminated: 04/26/2021

Assigned to: Magistrate Judge
Kimberly C Priest Johnson

Defendant (1)

Mark Middleton

TERMINATED: 04/26/2021

represented by **Billy Jack Stovall , II**

Law Office of Bill J Stovall
7700 Windrose Avenue, G300
Plano, TX 75024
214-887-0911
Fax: 214-887-0915
Email: stovall@texasdefense.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

O/D Arrest

Disposition

Plaintiff

USA

represented by **William Richardson Tatum**
 US Attorney's Office – Sherman
 600 East Taylor, Suite 2000
 Sherman, TX 75090
 903–868–9454
 Fax: 903–892–2792
 Email: William.Tatum@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

| Date Filed | # | Page | Docket Text |
|------------|----------|------|--|
| 04/20/2021 | <u>1</u> | | Rule 5 documents received from District of Columbia (1:21–mj–380) as to Mark Middleton: Complaint (Attachments: # <u>1</u> Order) (mem) (Entered: 04/20/2021) |
| 04/21/2021 | | 4 | Arrest (Rule 5c) of Mark Middleton. (jwam,) (Entered: 04/22/2021) |
| 04/22/2021 | | | Case unsealed as to Mark Middleton – arrested 4/21/2021 (jwam,) (Entered: 04/22/2021) |
| 04/22/2021 | 2 | 3 | Minute Entry for proceedings held before Magistrate Judge Kimberly C Priest Johnson: Initial Appearance in Rule 5(c)(3) Proceedings as to Mark Middleton held on 4/22/2021. Defendant requested appointed counsel and Billy Jack Stovall, II appointed. Government did not move to detain and defendant placed on Conditions of Release. Defendant waived preliminary hearing and the court found probable cause. Attorney Appearances: Tracey Batson, AUSA; Billy Stovall, CJA. (time in court: 10:45 – 11:05 *hearing held with 4:20cr358 & 4:21mj290). (Court Reporter Digital.) (jwam,) (Entered: 04/22/2021) |
| 04/22/2021 | <u>3</u> | 5 | SEALED CJA 23 Financial Affidavit by Mark Middleton (daj,) (Entered: 04/23/2021) |
| 04/22/2021 | <u>4</u> | | ORDER APPOINTING COUNSEL as to Mark Middleton. Signed by Magistrate Judge Kimberly C Priest Johnson on 4/22/2021. (daj,) (Entered: 04/23/2021) |
| 04/22/2021 | <u>5</u> | 6 | WAIVER of Preliminary Examination or Hearing by Mark Middleton (daj,) (Entered: 04/23/2021) |
| 04/22/2021 | <u>6</u> | 7 | ORDER FINDING PROBABLE CAUSE as to Mark Middleton. Signed by Magistrate Judge Kimberly C Priest Johnson on 4/22/2021. (daj,) (Entered: 04/23/2021) |
| 04/22/2021 | <u>7</u> | 8 | E–GOV SEALED ORDER Setting Conditions of Release. Signed by Magistrate Judge Kimberly C Priest Johnson on 4/22/2021. (daj,) (Entered: 04/23/2021) |