

AO 442 (Rev. 11/11) Arrest Warrant

# UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Mark Roger Rebegila

*Defendant*

)  
)  
)  
)  
)  
)  
)

Case: 1:21-mj-00294

Assigned To : Harvey, G. Michael

Assign. Date : 3/10/2021

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)

Mark Roger Rebegila

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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 03/10/2021

Digitally signed by G. Michael Harvey  
Date: 2021.03.10 11:02:52 -05'00'

*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) 3/10/2021, and the person was arrested on (date) 3/15/2021  
at (city and state) Topeka, KS

Date: 3/15/2021

*Arresting officer's signature*

Jason Sahin / SA

*Printed name and title*

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Mark Roger Rebegila
DOB: XXXXXX

Case: 1:21-mj-00294
Assigned To : Harvey, G. Michael
Assign. Date : 3/10/2021
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:

Code Section

Offense Description

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds
Without Lawful Authority, and
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Mark P. Engholm

Complainant's signature

Mark P. Engholm, Task Force Officer

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 03/10/2021

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

## CLERK'S COURTROOM MINUTE SHEET – CRIMINAL – MAGISTRATE JUDGE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK REBEGILA,

Defendant.

Case No: 21-mj-5032-ADM

AUSA: Skipper Jacobs

Defendant: Tom Bartee, AFPD

JUDGE:	Judge Angel D. Mitchell	DATE:	March 15, 2021
DEPUTY CLERK:	Heather Tildes	TAPE/REPORTER:	Zoom @ 1:31 pm
INTERPRETER:		PROBATION:	Mitchell Shivers

PROCEEDINGS

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Initial Appearance                                      | <input type="checkbox"/> Initial Revocation Hearing                | <input type="checkbox"/> Bond Hearing                                      |
| <input type="checkbox"/> Detention Hearing                                       | <input checked="" type="checkbox"/> Initial Rule 5(c)(3) – 19 min. | <input type="checkbox"/> Bond Revocation Hearing                           |
| <input type="checkbox"/> Arraignment   | <input type="checkbox"/> Preliminary Hearing                       | <input type="checkbox"/> Status Conference                                 |
| <input type="checkbox"/> Discovery Conference                                    | <input type="checkbox"/> Pretrial Conference                       | <input type="checkbox"/> In-Court Hearing                                  |
| <input type="checkbox"/> Defendant sworn   | <input checked="" type="checkbox"/> Examined re: financial status  | <input checked="" type="checkbox"/> Counsel appointed                      |
| <input checked="" type="checkbox"/> Charges and penalties explained to defendant |  | <input checked="" type="checkbox"/> Advised of Due Process Protections Act |
| <input checked="" type="checkbox"/> Constitutional Rights Explained              | <input type="checkbox"/> Felony                                    | <input checked="" type="checkbox"/> Misdemeanor                            |
| <input type="checkbox"/> Declines to Waive Indictment                            | <input type="checkbox"/> Will be presented to next Grand Jury      |  |
| <input type="checkbox"/> Signed Waiver of Indictment                             | <input type="checkbox"/> Information filed                         |  |
| <input type="checkbox"/> Advised of Rights Under Rule _____                      |  | <input type="checkbox"/> Signed Consent to Transfer _____                  |
| <input type="checkbox"/> Waived Reading  | <input type="checkbox"/> Read to Defendant:                        | <input checked="" type="checkbox"/> Complaint                              |
| <input checked="" type="checkbox"/> Number of Counts: 2                          | <input type="checkbox"/> Guilty                                    | <input type="checkbox"/> Not Guilty  |
| <input type="checkbox"/> Bond Revoked  | <input type="checkbox"/> Bail Fixed at: \$ _____                   |  |
| <input checked="" type="checkbox"/> Release Order executed                       | <input type="checkbox"/> Continued on present conditions           | <input type="checkbox"/> Remanded to Custody                               |

**OTHER:** Defendant appears via videoconference and the court appoints Tom Bartee to represent the defendant in the District of Kansas. Government does not move for detention. The court releases defendant on conditions of pretrial release with the conditions as stated on the record. Formal Order of Conditions of Release to follow. The Defendant will contact the District of Columbia to schedule further proceedings in this matter.

**In the United States District Court  
for the District of Kansas**

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**United States of America,**  
*Plaintiff,*

v.

Case No. 21-mj-5032-ADM

**Mark Roger Rebegila**  
\_\_\_\_\_,  
*Defendant.*

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**Consent to Appear by Video Teleconference or Telephone Conference**

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I, Mark Roger Rebegila, understand that under Federal Rule of Criminal Procedure 43 and the United States Constitution I have a right to be present in open court for the below-listed proceedings in my criminal case. After consulting with counsel, I hereby consent to appear by video teleconference or by telephone conference for the below-listed, marked proceedings:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> initial appearance | <input type="checkbox"/> Rule 40 appearance   |
| <input type="checkbox"/> arraignment                   | <input type="checkbox"/> misdemeanor plea & sentencing  |
| <input type="checkbox"/> detention hearing             | <input type="checkbox"/> felony plea  |
| <input type="checkbox"/> preliminary hearing           | <input type="checkbox"/> felony sentencing  |
| <input type="checkbox"/> waiver of indictment          | <input type="checkbox"/> probation/supervised release<br>revocation proceedings (including<br>pretrial release) |

Pursuant to Administrative Order 2020-9, defense counsel of record has signed electronically on the defendant's behalf. Counsel states the following:

- (1) The defendant has had the opportunity to consult with counsel;
- (2) The defendant agrees to the waiver or consent; and
- (3) The defendant agrees that counsel may sign the waiver or consent on the defendant's behalf.

/s/ Mark Roger Rebegila

/s/ Thomas W. Bartee

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

March 15, 2021

\_\_\_\_\_  
Date

Client is Spanish speaking; therefore, a Spanish interpreter was used.

UNITED STATES DISTRICT COURT

for the

District of Kansas

United States of America

v.

Mark Roger Rebegila

Defendant

Case No.

Charging District's Case No. 1:21-mj-00294

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

I agree to waive my right(s) to:

- [x] an identity hearing and production of the warrant.
[x] a preliminary hearing.
[] a detention hearing.
[] an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my [] preliminary hearing and/or [] detention hearing be held in the prosecuting district, at a time set by that court.

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

Date: 03/15/2021

/s/Mark Roger Rebegila
Defendant's signature

/s/Thomas W. Bartee
Signature of defendant's attorney

Thomas W. Bartee
Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
for the
District of Kansas

UNITED STATES OF AMERICA )

v. )

Mark Roger Rebegila )

Defendant )

Case No. 21-05032-ADM

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.

**ADDITIONAL CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(e)(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:

( ) (a) submit to supervision by and report for supervision to the \_\_\_\_\_, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

( ) (b) continue or actively seek employment.

( ) (c) continue or start an education program.

( ) (d) surrender any passport to: \_\_\_\_\_

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

( x ) (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the District of Kansas except (1) as otherwise allowed by the U.S. Probation Office, and/or (2) to Washington DC for Court, Pretrial, or consultation with attorney.

( ) (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 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.

( ) (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.

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**ADDITIONAL CONDITIONS OF RELEASE**

- ( ) (s) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

**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.

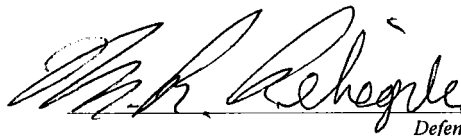
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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*

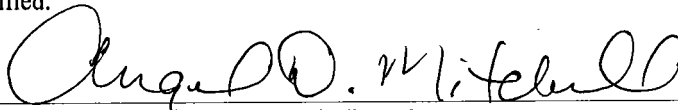
St. Mary's Kansas

*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: 3/15/2021



*Judicial Officer's Signature*

U.S. Magistrate Judge

*Printed name and title*

**U.S. District Court  
DISTRICT OF KANSAS (Topeka)  
CRIMINAL DOCKET FOR CASE #: 5:21-mj-05032-ADM All Defendants**

Case title: USA v. Rebegila

Date Filed: 03/15/2021

Other court case number: 1:21-mj-00294 District of Columbia

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Assigned to: Magistrate Judge  
Angel D. Mitchell

**Defendant (1)**

**Mark Roger Rebegila**

represented by **Thomas W. Bartee**

Office of Federal Public Defender – Topeka  
117 SW 6th Avenue, Suite 200

Topeka, KS 66603

785-232-9828

Fax: 785-232-9886

Alternative Phone:

Cell Phone:

Email: [tom\\_bartee@fd.org](mailto:tom_bartee@fd.org)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Public Defender or Community  
Defender Appointment*

*Bar Number: 15133*

*Bar Status: Active*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

Removal of arrested defendant to  
the District of Columbia

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**Disposition**

**Plaintiff**

USA

represented by **Skipper Seay Jacobs**

Office of United States Attorney – Topeka

290 US Courthouse

444 SE Quincy

Topeka, KS 66683–3592

785–295–2850

Alternative Phone:

Cell Phone:

Email: [skipper.jacobs@usdoj.gov](mailto:skipper.jacobs@usdoj.gov)*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained**Bar Number: 26848**Bar Status: Active*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
03/15/2021			ARREST (Rule 5(c)(3) Out) of Mark Roger Rebegila. (jal) (Entered: 03/15/2021)
03/15/2021	<u>1</u>		MINUTE ENTRY for INITIAL APPEARANCE IN RULE 5(c)(3) proceedings held 3/15/2021 before Magistrate Judge Angel D. Mitchell as to Mark Roger Rebegila: Attorney Tom Bartee appointed. The court releases defendant on conditions of pretrial release with the conditions as stated on the record. Formal Order of Conditions of Release to follow. The Defendant will contact the District of Columbia to schedule further proceedings in this matter. (Tape #Zoom @ 1:31 pm) (jal) (Additional attachment(s) added on 3/16/2021: # <u>1</u> Sealed Complaint – District of Columbia) (jal). (Entered: 03/15/2021)
03/15/2021	<u>2</u>		FINANCIAL AFFIDAVIT by Mark Roger Rebegila. NOTE – Access to document is restricted pursuant to the courts privacy policy. (jal) (Entered: 03/15/2021)
03/15/2021	<u>3</u>		CONSENT TO APPEAR BY VIDEO OR TELEPHONE CONFERENCE for initial appearance as to Mark Roger Rebegila. (jal) (Entered: 03/15/2021)
03/15/2021	<u>4</u>		WAIVER of RULE 5 & 5.1 HEARINGS by Mark Roger Rebegila. (jal) (Entered: 03/15/2021)
03/15/2021	<u>5</u>		ORDER SETTING CONDITIONS OF RELEASE as to Mark Roger Rebegila (1). Signed by Magistrate Judge Angel D. Mitchell on 3/15/2021. (jal) (Entered: 03/15/2021)