

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

MICHEAL JOSEPH RUSYN

Case No.

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)

MICHEAL JOSEPH RUSYN

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 any Restricted Building or Grounds ;
 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds ;
 40 U.S.C. § 5104(e)(2)(D) -Disorderly Conduct in a Capitol Building;
 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.



2021.04.08

21:04:50 -04'00'

Date: 04/08/2021

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 4/8/21, and the person was arrested on (date) 4/9/21
 at (city and state) Scranton, PA.

Date: 4/9/21

Arresting officer's signature

SA Nicholas Mathis

Printed name and title

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
MICHEAL JOSEPH RUSYN
DOB: XXXXXX

)
) Case: 1:21-mj-00361
) Assigned To : Faruqui, Zia M.
) Assign. Date : 4/7/2021
) 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

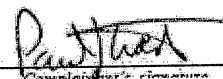
Offense Description

18 U.S.C. § 1752(a)(1) - Entering and Remaining in any Restricted Building or Grounds,
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building,
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.



Complainant's signature

Michael B. Miller, 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: 04/07/2021


2021.04.07

16:00:00 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MINUTE SHEET

USA v Micheal Joseph Rusyn

5:21-MJ-0046

DATE: April 9, 2021

TIME COMMENCED: 1:10 p.m.

COMPLETED: 1:42 p.m.

NATURE OF HEARING: Rule 5 and Rule 40 (WEBEX)

BEFORE: JOSEPH F. SAPORITO, JR., U.S. Magistrate Judge

COUNSEL:

PLAINTIFF: Phillip Caraballo, AUSA DEFENDANT: Elliot Smth, AFD
Michael Romano, AUSA, D.C.

Defendant waives the issue of identity. Court calls case and explains charges against Defendant. Court explains proceedings and advises Defendant of his rights. Court reviews defendant's financial affidavit and appoints Federal Public Defender to represent him. Defendant waives his right to an identity hearing and production of warrant but requests a probable cause hearing.

Government does not seek detention.

Court advises defendant of a hearing scheduled in his matter in the U.S.D.C., District of Columbia, on 4/16/21 at 1:00 p.m. via ZOOM.

Government requests a preliminary hearing be scheduled during week of April 19; hearing scheduled for April 21, 2021, at 10:00 a.m. in Wilkes-Barre.

COURT ROOM DEPUTY: M. Schirra

COURT REPORTER: Laura Boyanowski

FILED
WILKES BARRE
APR 09 2021
PER MS
DEPUTY CLERK

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

FILED
WILKES BARRE

APR 09 2021

UNITED STATES OF AMERICA

5:21-MJP-46

v.

MS
DEPUTY CLERK

:
:
:
: MAGISTRATE JUDGE SAPORITO
:
:
:

MICHEAL JOSEPH RUSYN,

Defendant

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

NOW, this ^{9th} day of April, 2021, the above-named defendant having requested an attorney without payment of fee, and having completed the required Financial Affidavit (Form CJA 23) in support of said request, and having certified same to be correct;

AND, the Court being satisfied that said individual neither is financially able to obtain counsel nor is waiving the right to counsel;

IT IS ORDERED THAT the Federal Public Defender for the Middle District of Pennsylvania, 201 Lackawanna Avenue, Suite 317, Scranton, Pennsylvania 18503-1953, be and hereby is appointed to represent the defendant in all matters pertaining to the above-captioned action.


JOSEPH F. SAPORITO, JR.
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

MIDDLE District of PENNSYLVANIA PER

United States of America)

v.)

Case No. 5:21-MJ-46)

MICHEAL JOSEPH RUSYN)

Defendant)

Charging District's Case No. 1:21-MJ-00361)

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)

U.S. District Court, District of
Columbia

I have been informed of the charges and of my rights to:

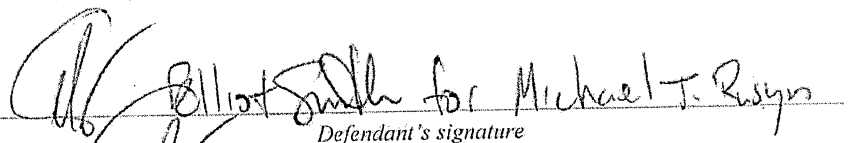
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary 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:

- ☒ an identity hearing and production of the warrant.
- ☐ 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.

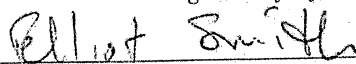
I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 4/9/2021



Defendant's signature

Signature of defendant's attorney



Printed name of defendant's attorney

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

UNITED STATES OF AMERICA

5:21-MJ-46

v.

Magistrate Judge Saporito


MICHEAL JOSEPH RUSYN,

Defendant

ORDER

FILED
WILKES BARRE
APR 09 2021
PER MS
DEPUTY CLERK

AND NOW, this 9th day of April, 2021, IT IS HEREBY
ORDERED THAT a Preliminary Hearing shall be conducted in the
above-captioned action on **April 21, 2021 at 10:00 a.m.** in the Max
Rosenn United States Courthouse, 197 South Main Street, Wilkes-
Barre, Pennsylvania, in Courtroom Number 1.


JOSEPH F. SAPORITO, JR.
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Middle District of AP

United States of America)

v.)

MICHEAL JOSEPH RUSYN)Defendant)

Case No. 5:21-MJ-26

FILED
WILKES BARRE
APR 09 2021
PER MS
DEPUTY CLERK

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: U.S. DISTRICT COURT, DISTRICT OF COLUMBIA*Place*BY ZOOMon 04/16/2021 1:00 PM*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

(☒) (7) The defendant must:

(☒) (a) submit to supervision by and report for supervision to the Pretrial Services Office, Middle District of _____,

☐

telephone number _____, no later than April 12, 2021

(☒) (b) continue or actively seek employment.

☐

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

(☒) (d) surrender any passport to: Clerk, U.S. District Court, Middle District of Pennsylvania

☐

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

☐

(☒) (f) abide by the following restrictions on personal association, residence, or travel:

☐

Travel restricted to the Middle District of Pennsylvania and District of Columbia. NO TRAVEL TO DISTRICT OF COLUMBIA EXCEPT FOR COURT PURPOSES

(☒) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution,

☐

including: _____

(☐) (h) get medical or psychiatric treatment: _____

(☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

(☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(☒) (k) not possess a firearm, destructive device, or other weapon.

☐

(☒) (l) not use alcohol (☐) at all (☒) excessively.

☐

(☒) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(☒) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

☐

(☒) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

☐

(☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services;

ADDITIONAL CONDITIONS OF RELEASE

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.

- ☒ (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

570 780-1690

- (☒) 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: 4/9/2021

Judicial Officer's Signature

Joseph F. Saporito, Jr., United States Magistrate Judge
 Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

United States District Court
Middle District of Pennsylvania (Wilkes-Barre)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-00046-JFS-1
Internal Use Only

Case title: USA v. RUSYN

Date Filed: 04/09/2021

Other court case number: 1:21-MJ-00361 District of
ColumbiaAssigned to: Magistrate Judge Joseph F.
Saporito, Jr**Defendant (1)****Micheal Joseph RUSYN**

represented by **Elliot A. Smith**
Federal Public Defender's Office
201 Lackawanna Avenue
Suite 317
Scranton, PA 18503
570-343-6285
Email: elliott_a_smith@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Pro Bono

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

ComplaintsEntering and Remaining in any
Restricted Building or Grounds**Disposition****Plaintiff**





USA

represented by **Phillip J Caraballo-Garrison**U.S. Attorney's Office, Middle District
of Pennsylvania235 N. Washington Avenue, Suite 311
Scranton, PA 18503

(570) 348-2806

Email: phillip.caraballo@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney*

Date Filed	#	Docket Text
04/15/2021	10	ORDER as to Micheal Joseph RUSYN CANCELLING April 21, 2021, preliminary hearing. Signed by Magistrate Judge Joseph F. Saporito, Jr on 4/15/21. (ms)(Copy to Scranton Court Reporters and Marshal from Chambers) (Entered: 04/15/2021)
04/09/2021	 9	*SEALED* HSD Filed. This is an Authorized HSD as defined in Section 1.a. of Standing Order 2021-2. (ktt) (Entered: 04/13/2021)
04/09/2021	8	ORDER Setting Conditions of Release as to William Rusyn. Signed by Magistrate Judge Joseph F. Saporito, Jr on 4/9/21. (ms)(Copy to Scranton Marshal from Chambers) (Entered: 04/09/2021)
04/09/2021	7	SCHEDULING ORDER as to Micheal Joseph RUSYN Preliminary Hearing Examination set for 4/21/2021 10:00 AM in Wilkes-Barre - Courtroom 1 before Magistrate Judge Joseph F. Saporito Jr.. Signed by Magistrate Judge Joseph F. Saporito, Jr on 4/9/21. (ms)(Copy to Scranton Court Reporters and Marshal from Chambers) (Entered: 04/09/2021)
04/09/2021	6	WAIVER of Rule 5(c)(3) Hearings by Micheal Joseph RUSYN (ms) (Entered: 04/09/2021)
04/09/2021	5	ORDER APPOINTING CJA ATTORNEY OR FEDERAL PUBLIC DEFENDER as to Micheal Joseph RUSYN. FPD Scranton, Elliot Smith, appointed. Signed by Magistrate Judge Joseph F. Saporito, Jr on 4/9/21. (ms) (Entered: 04/09/2021)
04/09/2021	 4	CJA 23 Financial Affidavit by Micheal Joseph RUSYN (ms) (Entered: 04/09/2021)
04/09/2021	3	Notice of Defendant's Consent to Video Teleconference (ms) (Entered: 04/09/2021)
04/09/2021	 2	(Court only) Minute Entry for proceedings held before Magistrate Judge Joseph F. Saporito, Jr: Initial Appearance in Rule 40 Proceedings as to Micheal Joseph RUSYN held on 4/9/2021 (Court Reporter Laura Boyanowski.) Total Time in Court [:32] (ms) (Entered: 04/09/2021)
04/09/2021		(Court only) Attorney update in case as to Micheal Joseph RUSYN. Attorney Elliot A. Smith for Micheal Joseph RUSYN added. (ms) (Entered: 04/09/2021)

04/09/2021	<u>1</u>	COMPLAINT as to Micheal Joseph RUSYN (1) (USDC, District of Columbia). (ms) (Entered: 04/09/2021)
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