

# UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America  
v.  
MICHAEL LEE ROCHE

)  
) Case: 1:21-mj-00359  
) Assigned To : Faruqui, Zia M.  
) Assign. Date : 4/7/2021  
) 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) MICHAEL LEE ROCHE,  
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,
- 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
- 18 U.S.C. § 1512(c)(2) - Obstruction Justice/Congress,
- 40 U.S.C. § 5104(e)(2)(A) - Entering and Remaining on the Floor of Congress,
- 40 U.S.C. § 5104(e)(2)(C) - Disruption of Official Business,
- 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.

Date: 04/07/2021



2021.04.07

15:35:21 -04'00'

*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) 04/07/2021, and the person was arrested on (date) 04/13/2021  
at (city and state) Murfreesboro, TN

ATTEST AND CERTIFY  
**A TRUE COPY**

Date: 04/13/2021

Clerk  
U.S. District Court  
Middle District of Tennessee  
By: [Signature]  
Deputy Clerk

*Arresting officer's signature*

Preston E. Grantham Special Agent  
*Printed name and title*

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 21-mj-4039
	)	
	)	JUDGE NEWBERN
MICHAEL LEE ROCHE	)	

**MOTION TO UNSEAL COMPLAINT AND WARRANT**

COMES NOW the United States of America, by and through Mary Jane Stewart, Acting United States Attorney, and the undersigned Assistant United States Attorney, Monica R. Morrison, and moves the court to unseal the Criminal Complaint, attendant Arrest Warrant, and other materials related to the Complaint now that the Defendant has been served with the Arrest Warrant and brought into custody. Therefore, the United States would submit that the original reasons for the previously filed Motion to Seal, and the Court's order granting that Motion, no longer exist.

A proposed order to unseal the above described documents accompanies this motion.

Respectfully submitted,

MARY JANE STEWART  
Acting United States Attorney

By: s/ Monica R. Morrison  
MONICA R. MORRISON  
Assistant U. S. Attorney  
110 9<sup>th</sup> Avenue South - Suite A-961  
Nashville, Tennessee 37203-3870  
Telephone: 615-736-5151

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U S District Court  
Middle District of Tennessee  
By:   
Deputy Clerk

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing has been served on all opposing counsel either by email, the CM/ECF electronic delivery system or by hand delivery on this the 13th day of April, 2020.

s/ Monica R. Morrison  
MONICA R. MORRISON  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 21-mj-4039
	)	
	)	JUDGE NEWBERN
MICHAEL LEE ROCHE	)	

**ORDER UNSEALING COMPLAINT AND WARRANT**

The Court is in receipt of a Motion by the United States requesting that the Criminal Complaint, Arrest Warrant, and attendant documents be unsealed now that the charged Defendant has been apprehended.

For the cause stated in the Government’s Motion, the Motion is GRANTED. The Complaint, Arrest Warrant and attendant documents (including the Government’s Motion and this Order) shall be unsealed and available for public view.

It is so ORDERED.

  
 ALISTAIR E. NEWBERN  
 United States Magistrate Judge

ATTEST AND CERTIFY  
**A TRUE COPY**  
 Clerk  
 U.S. District Court  
 Middle District of Tennessee  
 By   
 Deputy Clerk

MAGISTRATE JUDGE NEWBERN COURTROOM MINUTES FOR CRIMINAL PROCEEDINGS  
by VIDEOCONFERENCE

U.S.A. v. Michael Lee Roche, No. 21-mj-4039

ATTORNEY FOR GOVERNMENT: Josh Kurtzman

ATTORNEY FOR DEFENDANT: Mariah Wooten (AFPD) Panel Retained

PRETRIAL SERVICES/PROBATION OFFICER: Tanisha Brown

INTERPRETER NEEDED? YES  NO  LANGUAGE/INTERPRETER: \_\_\_\_\_  
 PRESENT  ON TELEPHONE

Defendant consents to Initial App. and  All future hearings before the Magistrate Judge by video conference.

INITIAL APPEARANCE  ON A SUMMONS  ARRESTED ON: 4/13/21

DEFENDANT HAS A COPY OF:

- Complaint  Indictment  Information  Supervised Release Pet.  Other \_\_\_\_\_
- Defendant advised of the charges and the maximum penalties  Defendant has a copy of notice of rights
- Defendant advised of right to counsel  Counsel retained
- Defendant sworn and/or certified under penalty of perjury and financial affidavit filed  FPD Appointed
- Defendant advised of right to silence

Defendant advised of right to **Consular notification**

GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020

- Defendant advised of right to preliminary hearing  Defendant waived preliminary hearing
- Government motion for detention  Defendant temporarily detained
- Defendant waived detention hearing  ICE detainer on defendant
- Defendant reserved right to hearing in future  Defendant to be returned to State custody
- Defendant to remain in Federal custody  Defendant waived rights under IAD
- Defendant remain on current conditions of supervised release
- Defendant ordered to psychological/psychiatric evaluation
- Defendant released on:
  - Own recognizance with conditions of release  standard  special
  - Appearance bond in the amount of: \_\_\_\_\_
  - Property bond [description of property]: \_\_\_\_\_

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U.S. District Court  
Middle District of Tennessee  
By: [Signature]  
Deputy Clerk

RULE 5 - Defendant advised of right to identity hearing  Defendant waived identity hearing

RULE 5 - Defendant reserved right to have preliminary hearing in District of Prosecution

RULE 5 - Defendant elected to have detention hearing in District of Prosecution

RULE 5 - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: April 21, 2021 at 10:30a.m.

GRAND JURY WAIVED IN OPEN COURT [Defendant sworn and advised of rights by Court]

ARRAIGNMENT  
 Defendant acknowledges he/she has copy of Indictment/Information  Court advised Def. of penalties  
 Defendant waives reading thereof  Indictment/Information read to defendant by Judge  
PLEA:  GUILTY  NOT GUILTY  Defendant intends to plead guilty and case referred to DJ

DATE: 4/13/21 TOTAL TIME: 42 min  
BEGIN TIME: 1:14p.m. END TIME: 1:56p.m.

Digitally Recorded

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,

v.

MICHAEL LEE ROCHE,

Defendant(s).

Case No. 3:21-mj-4039

Magistrate Judge Alistair E. Newbern

**ORDER**

Pursuant to the Due Process Protections Act, the Court reminds the government of its obligation under *Brady v. Maryland*, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with *Brady* and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court or any other remedy that is just under the circumstances.

It is so ORDERED.

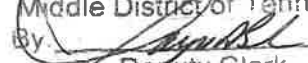


ALISTAIR E. NEWBERN  
United States Magistrate Judge

ATTEST AND CERTIFY

**A TRUE COPY**

Clerk

U.S. District Court  
Middle District of Tennessee  
By:   
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,

v.

MICHAELLEE ROCHE,

Defendant.

Case No. 3:21-mj-4039

Magistrate Judge Alistair E. Newbern

**ORDER**

On the basis of Defendant's affidavit in this cause, the Court determines that Defendant:

is financially able to employ counsel and, therefore, denies his application for appointment of counsel at government expense.

is financially unable to employ counsel and appoints the Office of the Federal Public Defender to represent him.


is financially unable to pay the fee of any witness and pursuant to Rule 17(b), of the Federal Rules of Criminal Procedure, the Clerk shall issue a subpoena for any witness, PROVIDED that Defendant and his counsel shall submit subpoenas only for those witnesses whose presence is necessary to present an adequate defense to the charge or charges.

Upon Motion of the Government, the Court may order repayment or partial repayment from Defendant for the attorney and witness fees for these services should it appear Defendant has such ability at a later time.

It is so ORDERED.



ALISTAIR E. NEWBERN  
United States Magistrate Judge

ATTEST AND CERTIFY  
**A TRUE COPY**  
Clerk  
U S District Court  
Middle District of Tennessee  
By   
Deputy Clerk

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the
Middle District of Tennessee

United States of America
v.
MICHAEL LEE ROCHE
Defendant
Case No. 3:21-mj-4039
Charging District's Case No. 1:21-mj-00359

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.
[] 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: 04/13/2021

ATTEST AND CERTIFY
A TRUE COPY

Clerk
U.S. District Court

Middle District of Tennessee
By Deputy Clerk

Signature of defendant's attorney

Mariah A. Wooten

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
for the
Middle District of Tennessee

United States of America

v.

MICHAEL LEE ROCHE

Defendant

Case No. 3:21-mj-4039

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: the District of Columbia by video conference
at 1:00 p.m. Eastern / 12:00 noon Central on April 26, 2021.

on Date and Time

If blank, defendant will be notified of next appearance.

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

ATTEST AND CERTIFY
A TRUE COPY
Clerk
U.S. District Court
Middle District of Tennessee
Deputy Clerk

**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 Service Office, telephone number (615) 736-5771, no later than as directed.
  - (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.
  - (f) abide by the following restrictions on personal association, residence, or travel: Limited to the MDTN unless approved in advance by Pretrial Services
  - (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; 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.

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**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) Allow Pretrial Services to visit at home or elsewhere and confiscate any contraband in plain view.
- 

(u) not travel to the District of Columbia except for court appearances, pretrial supervision, or meetings with counsel

**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.



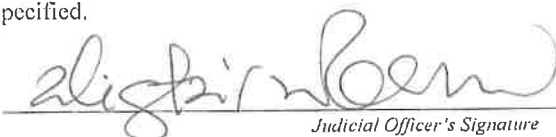
*Defendant's Signature*

*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: April 13, 2021



*Judicial Officer's Signature*

Alistair Newbern, U.S. Magistrate Judge

*Printed name and title*

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

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ATTEST AND CERTIFY  
**A TRUE COPY**  
Clerk  
U.S. District Court  
Middle District of Tennessee  
By:   
Deputy Clerk

UNITED STATES OF AMERICA,  
  
v.  
  
MICHAEL LEE ROCHE,  
  
Defendant.

Case No. 3:21-mj-4039

Magistrate Judge Alistair E. Newbern

**VIDEO HEARING ORDER**

A preliminary hearing by video is **SET** on **Wednesday**, April 21, 2021, at 10:30 a.m. Pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), H.R. 748, this Court has found that emergency conditions exist throughout the Middle District of Tennessee due to COVID-19. (Administrative Order 209-1.) The Court has therefore approved the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, in certain criminal proceedings with the Defendant's consent. Defendant's counsel has informed the Court that Defendant consents to appearing by video.

Counsel must ensure that they will have access to an audio-and-video-capable device with a Google Chrome, Mozilla Firefox, or Safari browser installed and reliable internet access for the video hearing. Counsel must ensure that any witness they intend to call also has an audio-and-video-capable device and reliable internet access. Counsel shall provide the names of any witnesses they intend to call and a telephone number at which each witness can be reached during the hearing to [Sarah\\_Dixon@tmmd.uscourts.gov](mailto:Sarah_Dixon@tmmd.uscourts.gov) no later than one hour before the hearing. Counsel shall be responsible for providing all information necessary to connect to the video hearing to any witness they intend to call.

All exhibits counsel intend to offer in the hearing must be emailed to [Sarah\\_Dixon@tnmd.uscourts.gov](mailto:Sarah_Dixon@tnmd.uscourts.gov) and to opposing counsel no later than one hour before the hearing. Counsel shall ensure that all witnesses have copies of any documents they may be asked to review during the hearing.

If Defendant intends to propose a third-party custodian as a condition of release, that person must execute the Court's third-party custodian affidavit form, which will be provided upon request.

Upon request, the Court will provide a private video teleconference for Defendant and Defendant's counsel before the hearing begins. Counsel shall request the private conference and email [Sarah\\_Dixon@tnmd.uscourts.gov](mailto:Sarah_Dixon@tnmd.uscourts.gov) of the time required, not to exceed 30 minutes, by one day before the hearing.

It is so ORDERED.

  
Alistair E. Newbern  
United States Magistrate Judge

MAGISTRATE JUDGE NEWBERN COURTROOM MINUTES FOR CRIMINAL PROCEEDINGS  
by VIDEOCONFERENCE

U.S.A. v. Michael Roche, No. 21-mj-4039

ATTORNEY FOR GOVERNMENT: Josh Kurtzman

ATTORNEY FOR DEFENDANT: Mariah Wooten (AFPD) Panel Retained

PRETRIAL SERVICES/PROBATION OFFICER: \_\_\_\_\_

INTERPRETER NEEDED? YES  NO  LANGUAGE/INTERPRETER: \_\_\_\_\_  
 PRESENT  ON TELEPHONE

Defendant consents to Initial App. and  All future hearings before the Magistrate Judge by video conference.

INITIAL APPEARANCE  ON A SUMMONS  ARRESTED ON: \_\_\_\_\_

DEFENDANT HAS A COPY OF:

- Complaint  Indictment  Information  Supervised Release Pet.  Other \_\_\_\_\_
- Defendant advised of the charges and the maximum penalties  Defendant has a copy of notice of rights
- Defendant advised of right to counsel  Counsel retained
- Defendant sworn and/or certified under penalty of perjury and financial affidavit filed  FPD Appointed
- Defendant advised of right to silence

Defendant advised of right to **Consular notification**

GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020

Defendant advised of right to preliminary hearing  Defendant waived preliminary hearing

Government motion for detention  Defendant temporarily detained

Defendant waived detention hearing  ICE detainer on defendant

Defendant reserved right to hearing in future  Defendant to be returned to State custody

Defendant to remain in Federal custody  Defendant waived rights under IAD

Defendant remain on current conditions of supervised release

Defendant ordered to psychological/psychiatric evaluation

Defendant released on:

Own recognizance with conditions of release  standard  special

Appearance bond in the amount of: \_\_\_\_\_

Property bond [description of property]: \_\_\_\_\_

**RULE 5** - Defendant advised of right to identity hearing  Defendant waived identity hearing

**RULE 5** - Defendant reserved right to have preliminary hearing in District of Prosecution

**RULE 5** - Defendant elected to have detention hearing in District of Prosecution

**RULE 5** - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: \_\_\_\_\_

GRAND JURY WAIVED IN OPEN COURT [Defendant sworn and advised of rights by Court]

ARRAIGNMENT

Defendant acknowledges he/she has copy of Indictment/Information  Court advised Def. of penalties

Defendant waives reading thereof  Indictment/Information read to defendant by Judge

PLEA:  GUILTY  NOT GUILTY  Defendant intends to plead guilty and case referred to DJ

ATTEST AND CERTIFY  
A TRUE COPY

Clerk  
U.S. District Court  
Middle District of Tennessee  
FV: \_\_\_\_\_  
Deputy Clerk

DATE: 4/21/21 TOTAL TIME: 2 minutes  
BEGIN TIME: 10:33 a.m. END TIME: 10:35 a.m.

Digitally Recorded

UNITED STATES OF AMERICA v. Michael Roche NO. 21-mj-4039

**RULE 5 IDENTITY HEARING**

- Held, defendant found to be person named in warrant
- Held, defendant found NOT to be person named in warrant and released
- Waived in open Court

**PRELIMINARY HEARING** CONTINUED TO: \_\_\_\_\_

- Probable Cause found/Held to answer/bound over  Discharged from custody
- Defendant waived preliminary hearing
- RULE 5 - Held to answer in District of Prosecution
- RULE 5 - Defendant reserved right to have hearing in District of Prosecution

**DETENTION HEARING** CONTINUED TO: \_\_\_\_\_

- Government withdrew motion for detention or agreed to release
- Pretrial Services Report made a part of the record  Counsel moved to retain copy of PTSR/granted
- Bond set at: \_\_\_\_\_  Defendant released on [date]: \_\_\_\_\_
- RULE 5 - Defendant elected to have hearing in District of Prosecution
- Defendant waived detention hearing  Defendant reserved right to hearing in future
- Defendant detained, order to enter  ICE detainer pending
- Defendant to remain in Federal custody  Defendant to be returned to State custody
- Government moved for stay of execution of release pending appeal
  - Motion granted  Motion denied
- Defendant advised of right to appeal

**ARRAIGNMENT ON MISDEMEANOR**

- Defendant acknowledges he/she has copy of Indictment/Information
- Indictment/Information read to defendant by Judge  Defendant waives reading thereof
- PLEA:**  **GUILTY**  **NOT GUILTY**
- Misdemeanor - defendant consented to trial before Magistrate Judge
- Written plea agreement/filed in open Court  Oral plea agreement
- Guilty plea:  Accepted  Rejected  Taken under advisement

**OTHER**

Type of hearing and outcome: \_\_\_\_\_

**DEFENDANT DID NOT APPEAR AS DIRECTED, BENCH WARRANT ISSUED**

NOTES/EVIDENTIARY MATTERS/SENTENCING: \_\_\_\_\_ (Witnesses, Exhibits, Attach W/Ex List if necessary)

**U.S. District Court  
Middle District of Tennessee (Nashville)  
CRIMINAL DOCKET FOR CASE #: 3:21-mj-04039 All Defendants  
Internal Use Only**

Case title: USA v. Roche

Date Filed: 04/13/2021  
Date Terminated: 04/22/2021

Assigned to: Magistrate Judge Alistair Newbern

**Defendant (1)**

**Michael Lee Roche**  
*Rule 5 to the District of Columbia*  
*TERMINATED: 04/22/2021*

represented by **Mariah A. Wooten**  
Federal Public Defender's Office (MDTN)  
810 Broadway  
Suite 200  
Nashville, TN 37203  
(615) 736-5047  
Email: mariah\_wooten@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or Community*  
*Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

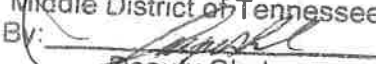
**Complaints**

18:1752(a)(1), 18:1752(a)(2), 18:1512(c)(2), 40:5104(e)(2)(A), 40:5104(e)(2)(C), 40:5104(e)(2)(D), 40:5104(e)(2)(G): Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, Disorderly and Disruptive Conduct in a Restricted Building or Grounds, Obstruction Justice/Congress, Entering and Remaining on the Floor of Congress, Disruption of Official Business, Disorderly Conduct in a Capitol Building, Picketing in a Capitol Building

**Disposition**


**Plaintiff**

USA

ATTEST AND CERTIFY  
**A TRUE COPY**  
Clerk  
U.S. District Court  
Middle District of Tennessee  
By:   
Deputy Clerk

represented by **Joshua A. Kurtzman**  
U.S. Attorney's Office (Nashville Office)  
Middle District of Tennessee  
110 Ninth Avenue, S  
Suite A961

Nashville, TN 37203-3870  
 (615) 401-6617  
 Fax: (615) 401-6626  
 Email: Joshua.Kurtzman@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
 Designation: Assistant US Attorney

Date Filed	#	Docket Text
04/13/2021	<u>1</u>	Warrant issued in the District of Columbia returned executed in this District on 4/13/2021 as to Michael Lee Roche. (jb) (Entered: 04/16/2021)
04/13/2021		Arrest (Rule 5) of Michael Lee Roche. (jb) (Entered: 04/16/2021)
04/13/2021	<u>2</u>	MOTION to Unseal by USA as to Michael Lee Roche. (jb) (Entered: 04/16/2021)
04/13/2021	<u>3</u>	ORDER granting <u>2</u> Government's Motion to Unseal as to Michael Lee Roche. Signed by Magistrate Judge Alistair Newbern on 4/13/2021. (jb) (Entered: 04/16/2021)
04/13/2021	<u>4</u>	Minute Entry for proceedings held before Magistrate Judge Alistair Newbern: Initial Appearance in Rule 5(c)(3) Proceedings as to Michael Lee Roche held on 4/13/2021. Defendant appeared with appointed counsel Mariah Wooten. Preliminary Hearing continued to 4/21/2021 at 10:30 AM. Defendant released on own recognizance. (jb) (Entered: 04/16/2021)
04/13/2021	<u>5</u>	ORDER as to Michael Lee Roche: Pursuant to the Due Process Protections Act, the Court reminds the government of its obligation under Brady v. Maryland, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with Brady and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court or any other remedy that is just under the circumstances. Signed by Magistrate Judge Alistair Newbern on 4/13/2021. (jb) (Entered: 04/16/2021)
04/13/2021	<u>6</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Michael Lee Roche. Signed by Magistrate Judge Alistair Newbern on 4/13/2021. (jb) (Entered: 04/16/2021)
04/13/2021	<u>7</u>	WAIVER of Rule 5 & 5.1 Hearings by Michael Lee Roche. (jb) (Entered: 04/16/2021)
04/13/2021	<u>8</u>	ORDER Setting Conditions of Release as to Michael Lee Roche: Defendant released on own recognizance to appear at the District of Columbia by video conference at 1:00 PM Eastern/12:00 noon Central on 4/26/2021. Signed by Magistrate Judge Alistair Newbern on 4/13/2021. (jb) (Entered: 04/16/2021)
04/13/2021	<u>9</u>	VIDEO HEARING ORDER as to Michael Lee Roche: Preliminary Hearing by video set for 4/21/2021 at 10:30 AM. Signed by Magistrate Judge Alistair Newbern on 4/13/2021. (jb) (Entered: 04/16/2021)
04/21/2021	<u>10</u>	Minute Entry for proceedings held before Magistrate Judge Alistair Newbern: Preliminary Hearing as to Michael Lee Roche waived on 4/21/2021. (jb) (Entered: 04/22/2021)
04/22/2021	<u>11</u>	Rule 5(c)(3) Documents Transmitted as to Michael Lee Roche to the District of Columbia. (jb) (Entered: 04/22/2021)
04/22/2021		(Court only) ***Case closed. (jb) (Entered: 04/22/2021)

**United States District Court  
Middle District of Tennessee**

Office of the Clerk  
800 United States Courthouse  
Nashville, Tennessee 37203  
(615) 736-7396

E-Mail: [Joyce\\_A\\_Brooks@tnmd.uscourts.gov](mailto:Joyce_A_Brooks@tnmd.uscourts.gov)  
Web Site: [www.tnmd.uscourts.gov](http://www.tnmd.uscourts.gov)

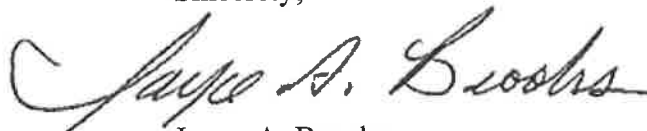
Clerk  
U.S. District Court  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, N.W., Room 1225  
Washington, DC 20001

Re: TRANSMISSION OF RULE 5 DOCUMENTS  
USA v. Michael Lee Roche  
District of Columbia Case No. 1:21-mj-00359  
Middle District of Tennessee Case No. 3:21-mj-4039

Dear Clerk:

Enclosed please find certified copies of Rule 5 paperwork for the above-reference case.

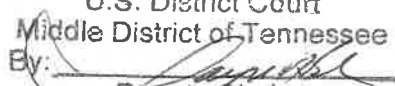
Sincerely,



Joyce A. Brooks  
Criminal Docketing Supervisor

Enclosures

cc: U. S. Marshal Service

ATTEST AND CERTIFY  
**A TRUE COPY**  
Clerk  
U.S. District Court  
Middle District of Tennessee  
By:   
Deputy Clerk