

AO 442 (Rev. 11/11) Arrest Warrant

# UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America

v.

NATHANIEL J. DEGRAVE (AKA: NATHAN  
DEGRAVE)

Defendant

) Case: 1:21-mj-00184  
) Assigned to: Judge Faruqi, Zia M  
) Assign Date: 1/28/2021  
) 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) NATHANIEL J. DEGRAVE,

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)&(2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,

40 U.S.C. § 5104(e)(2)(D),(E),(F)&(G) - Violent Entry and Disorderly Conduct on Capitol Grounds,

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

Date: 01/28/2021

 2021.01.28  
17:40:21 -05'00'

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) 01/28/2021, and the person was arrested on (date) 01/28/2021  
at (city and state) Las Vegas, Nevada.

Date: 01/29/2021

  
Arresting officer's signature

Christopher W. McPeak, Special Agent - FBI

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
NATHANIEL J. DEGRAVE (AKA: NATHAN DEGRAVE)
DOB: XXXXXX

Defendant(s)

Case: 1:21-mj-00184
Assigned to: Judge Faruqui, Zia M
Assign Date: 1/28/2021
Description: COMPLAINT W/ARREST WARRANT

Handwritten: 2:21-mj-109-DJA

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)&(2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,
40 U.S.C. § 5104(e)(2)(D),(E),(F)&(G) - Violent Entry and Disorderly Conduct on Capitol Grounds,
18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder.

This criminal complaint is based on these facts:
See attached statement of facts.

Stamp: FILED, ENTERED, RECEIVED, SERVED ON, COUNSEL/PARTIES OF RECORD, FEB -1 2021, CLERK US DISTRICT COURT, DISTRICT OF NEVADA, BY: DEPUTY

Continued on the attached sheet.

Signature of Paul J. West

Complainant's signature

Paul J. West, 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: 01/28/2021

Judge's signature and stamp: 2021.01.28 17:42:06 -05'00'

Judge's signature

City and state: Washington, D.C.

ZIA M. FARUQUI, U.S. MAGISTRATE JUDGE
Printed name and title

## STATEMENT OF FACTS

Your affiant, Paul J. West, is a Special Agent with the Federal Bureau of Investigation. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations of federal criminal laws.

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

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, DC. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

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

At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Following the events of January 6, 2021, your affiant reviewed a copy of surveillance video footage obtained from an internal security camera covering a hallway in the U.S. Capitol Senate Gallery with a date and time stamp reading Wednesday, January 06, 2021, at 2:41:28 PM. This camera provides a view of a hallway and several sets of doors to rooms or areas out of the view of the camera. The beginning of the video clip showed several unidentified subjects in the hallway. A U.S. Capitol Police (USCP) officer (hereinafter referred to as "USCP1") is seen entering one of these sets of doors and is shortly joined by two other USCP officers ("USCP2" and "USCP3"). As part of their official duties, USCP1, USCP2, and USCP3 were clearing individuals out of rooms and securing the doors.

Approximately 27 seconds into the video clip, an individual who was later identified as RONALD SANDLIN<sup>1</sup> entered the view of the security camera wearing a bright orange sweatshirt, baseball cap, backpack, a second smaller bag over his shoulder, and what appeared to be camera equipment, including a camera and a small tripod. Shortly thereafter, USCP2 and USCP3 moved toward the second set of doors to start to usher people out, while USCP1 finished locking the first set of doors. SANDLIN is seen walking next to USCP1 as he approached the second set of doors, and while USCP2 is attempting to close the second set of doors. SANDLIN is observed cutting in front of USCP1 and attempting to wrestle the door away from USCP2. This wrestling to keep the door open causes PERSON 1, SANDLIN, and several other unidentified subjects to become engaged in a shoving match with the USCP officers. While this shoving match transpires, the three USCPs are without backup in a hallway surrounded by what appeared to be at least 20 individuals. PERSON 1 is observed wearing black tactical gear, including what appears to be body armor, a helmet, and a mask/face shield.

As the three USCPs make their way away from the crowd down the hallway and out of view of the security camera, PERSON 1, SANDLIN, and several others are observed on the video footage acting in an aggressive manner towards the USCPs. PERSON 1 can be seen putting up his fists as if to begin boxing one of retreating USCP officers (*see* Figure 1). As the USCP officer steps away, PERSON 1 is observed banging his chest. PERSON 1 then removes his mask/face shield (*see* Figure 2), revealing an individual wearing a red-white-and-blue neck bandanna who resembles NATHAN DEGRAVE, as seen on his driver's license photograph.

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<sup>1</sup> On January 20, 2021, SANDLIN was charged with two counts of obstructing law enforcement engaged in official duties incident to civil disorder and one count each of unlawful entry on restricted grounds and violent entry and disorderly conduct on Capitol grounds.



*Figure 1*



*Figure 2*

Your affiant has reviewed the publicly-available content for the "Ronnie.Sandlin" Facebook account ("Facebook account"), including photos and videos posted by the user as well as comments to posts on the Facebook account. Below are screen captures from the Facebook

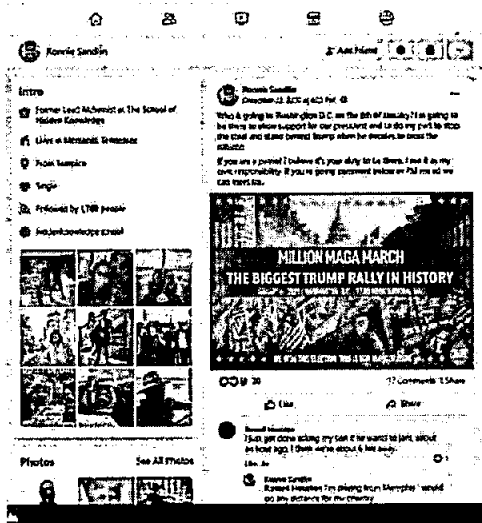


Figure 3

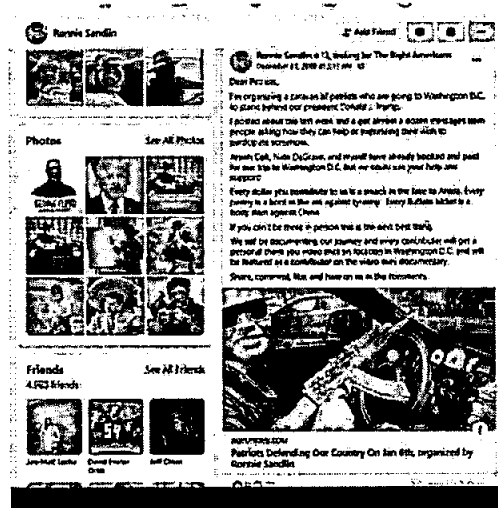


Figure 4

Your affiant also noted that a Facebook account bearing the username “Nate DeGrave” posted a comment to the post seen in Figure 4, as well as several others on SANDLIN’s Facebook account, as seen in Figure 5 below. In the comment, the “Nate Degrave” Facebook user states “It’s time the American people rise and stand up for this country. We’re tired of the corruption.” When your affiant clicks on the account for “Nate DeGrave,” it is linked to the following Facebook account “vegasrave” with the name of “Nate DeGrave” (see Figure 6).



Figure 5

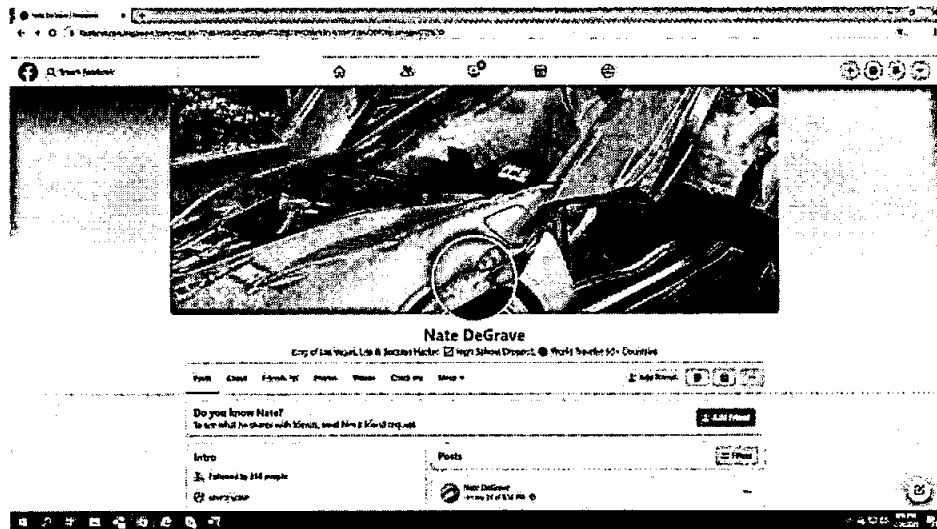


Figure 6

Your affiant reviewed another video received as an anonymous online tip. The video is another “selfie”-style video from inside a restaurant that is approximately ten and a half minutes in length, without any visible indication of the date or time it was recorded. The majority of the video appears to depict SANDLIN wearing the same bright orange sweatshirt and black rimmed glasses as the individual seen in Figures 1 through 5 above as well as COLT and an individual wearing a red-white-and-blue bandanna tied around his neck resembling both PERSON 1 and NATHAN DEGRAVE.

Based on some of SANDLIN’s statements in the video, your affiant believes this video was recorded prior to the Capitol riot. In the video, SANDLIN is heard saying:

Alright so we have been at the protests...we were there pretty early, scoped it out...there were some scimmages, I will upload the video later...I think a precursor of what is going to [happen] in a few hours. People are really mad...it is just a precursor to what’s going to happen...Either way there is going to be violence.

A little later in the video, SANDLIN states:

What is happening to this country is absolutely horrific, absolutely horrific...we are ready to occupy the state capitol if needed to...I urge other patriots watching this too, to be willing to take the capitol...if you are watching this and you are a patriot and are here, I think it is time to take the capitol and I don’t say that lightly.... I am willing to do it, I willing to go and fight for this country. Even if that means I have to sacrifice in some capacity. It is not what I want to do...

In the video, SANDLIN appears to hand the device used to record the video to two other individuals who, based on your affiant's involvement in the Capitol riot investigation, your affiant recognizes as JOSIAH COLT and the individual resembling NATHAN DEGRAVE.<sup>4</sup> SANDLIN refers to the individual recognized as COLT in the video as "JOSIAH" before handing the phone over to COLT. In the video, COLT states that "they are leaving bricks everywhere. There are piles of bricks. It seems like they are encouraging people to riot, because they are leaving stacks of bricks around the city." SANDLIN interrupts COLT, stating "allegedly." COLT replies: "No, there are pictures, dude...Nate, show him."

The individual resembling DEGRAVE then shows a picture on his phone of what appeared to be a stack of bricks (*see* Figures 7 and 8 below).



Figure 7



Figure 8

SANDLIN proceeds to ask "Nate" if he wants "to say something," at which point the third individual believed to DEGRAVE responds (a still shot of this moment can be seen in Figure 9 below):

"We are out here protecting the country, if shit goes down, if Pence does what we think he is going to do. Then we are here to defend

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<sup>4</sup> COLT was charged with various offenses in the District Court for the District of Columbia on January 9, 2021. DEGRAVE has not yet been charged in relation to the Capitol riot.

this city, defend any city in this country. Let Antifa try us, we are here, we are ready. I say bring it. We are not silent anymore.



*Figure 9*

COLT then says: "The whole thing is a scam, dude. The whole election, they can't just steal an election. Like they are trying to do in Georgia last night: It is a lie." The individual resembling DEGRAVE responds: "We are sick and tired of the fucking lies. It is time to put an end to this once and for all."

SANDLIN replies: "You either have conviction and you stand up for what you believe in or you sit down and shut the fuck up..." Towards the end of the video, SANDLIN stated:

If we need to occupy the capitol, we will occupy the capitol. You guys are driving all the way to DC and you are missing the rally. We have been at the rally, we went last night, we have been at the rally since six in the morning. We needed to grab a bite to eat, and like decompress because we went through a few intense moments and also regroup and plan for the next....one o'clock is when it is all going to go down. So we are going to be there back by one o'clock when it is action time it is game time.

Your affiant believes these statements refer to the joint session of Congress at the U.S. Capitol building that began at approximately 1:00 p.m. Eastern Standard Time (EST).

Further investigation revealed a video posted to Youtube titled "Josiah Colt Says Violence at the Capital Might be Necessary." In the video, individuals your affiant recognizes as SANDLIN and COLT are observed being interviewed alongside an individual resembling PERSON 1, with the same black body armor, helmet, and gas mask/face shield, and red-white-and-blue bandanna around his neck (*see* Figure 10 below). In the video, COLT says "[i]f violence happens, it

happens” and “we’re just here to defend ourselves,” “at which point PERSON 1 can be seen nodding, as if in approval. SANDLIN then interjects, stating that he supports Trump and that “freedom is paid for with blood.”



*Figure 10*

Research in government databases revealed that NATHAN DEGRAVE resides in an apartment in Las Vegas, NV. On January 28, 2021, surveillance was conducted in Las Vegas, NV, which led to the identification of a truck registered to SANDLIN parked outside the apartment complex where DEGRAVE resides. SANDLIN was later observed walking towards the truck from a pathway in the apartment complex and was arrested by the FBI.

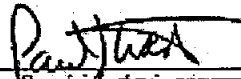
Based on the posts and information described above and a comparison of the images of PERSON 1 inside the Capitol with the photograph in government records NATHAN DEGRAVE, your affiant reasonably believes that the individual seen in the Capitol building in the videos and Facebook photos is NATHAN DEGRAVE.

Based on the foregoing, your affiant submits that there is probable cause to believe that NATHAN DEGRAVE violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; (4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will

be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that NATHAN DEGRAVE violated 40 U.S.C. § 5104(e)(2), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that NATHAN DEGRAVE violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.



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PAUL J. WEST, SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 28th day of January 2021.



2021.01.28

17:41:32 -05'00'

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>REB - 1 2021</b> </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

# UNITED STATES DISTRICT COURT

for the  
District of Nevada

United States of America )

v. )

Nathaniel DeGrave )

Defendant )

Case No. 2:21-mj-106-DJA

*109*

Charging District's Case No. 1:21-mj-00184-ZMF

## 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 within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request 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 warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings 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: 02/01/2021

\_\_\_\_\_  
*/s/Nathaniel DeGrave*  
Defendant's signature

\_\_\_\_\_  
*/s/ Cristen C. Thayer*  
Signature of defendant's attorney

\_\_\_\_\_  
**Cristen C. Thayer**  
Printed name of defendant's attorney

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB -3 2021	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

AO 472 (Rev. 11/16) Order of Detention Pending Trial

# UNITED STATES DISTRICT COURT

for the

District of NEVADA

United States of America )

v. )

NATHANIEL DEGRAVE )

*Defendant* )

Case No. 2:21-mj-00109-DJA

## ORDER OF DETENTION PENDING TRIAL

### Part I - Eligibility for Detention

Upon the

- Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
- Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

### Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violator):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
  - (1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):**
    - (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or**
    - (b) an offense for which the maximum sentence is life imprisonment or death; or**
    - (c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or**
    - (d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or**
    - (e) any felony that is not otherwise a crime of violence but involves:**
      - (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);**
      - (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; and**
  - (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; and**
  - (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; and**
  - (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.**

- B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3)** (*narcotics, firearm, other offenses*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:
- (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
  - (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
  - (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
  - (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
  - (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

**C. Conclusions Regarding Applicability of Any Presumption Established Above**

- The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. (*Part III need not be completed.*)

**OR**

- The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

**Part III - Analysis and Statement of the Reasons for Detention**

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- x By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- x By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- x Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- x Lack of stable employment
- Lack of stable residence
- x Lack of financially responsible sureties

AO 472 (Rev. 11/16) Order of Detention Pending Trial

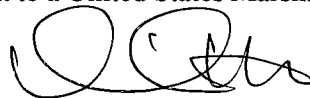
- Lack of significant community or family ties to this district
- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration
- Prior failure to appear in court as ordered
- Prior attempt(s) to evade law enforcement
- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

**OTHER REASONS OR FURTHER EXPLANATION:**

The verification for defendant's residence, employment, background and related issues is tenuous at best as the individual has not had contact with the defendant in three months and resides in Pennsylvania. Further, given the record before the court, the defendant is likely to obstruct justice. Given the allegations contained in the complaint and the strength of the evidence supporting them, the court believes the defendant would not follow any condition imposed by the court even if the court could fashion conditions to address flight risk, danger and obstruction of justice concerns.

**Part IV - Directions Regarding Detention**

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: 2/3/2021

United States Magistrate Judge

**DANIEL J. ALBRECHTS  
U.S. MAGISTRATE JUDGE**

AO 94 (Rev. 01/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the

District of NEVADA

United States of America

v.

NATHANIEL J. DEGRAVE

Defendant

Case No. 2:21-mj-00109-DJA

Charging District's

Case No. 1:21-cr-00090-PLF

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the District of Columbia

The defendant may need an interpreter for this language: n/a

The defendant: will retain an attorney.

x is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

[Handwritten signature]

Date: February 9, 2021

Judge's signature

DANIEL J. ALBREGTS, U.S. MAGISTRATE JUDGE

Printed name and title

Stamp: FILED ENTERED RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD FEB -9 2021 CLERK US DISTRICT COURT DISTRICT OF NEVADA BY: DEPUTY

**UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
DISTRICT OF NEVADA**  
LLOYD D. GEORGE U.S. COURTHOUSE  
333 LAS VEGAS BOULEVARD SOUTH  
LAS VEGAS, NEVADA 89101  
(702) 464-5400

DEBRA K. KEMPI  
DISTRICT COURT CLERK

CYNTHIA K. JENSEN  
CHIEF DEPUTY

3/24/2021

US District Court  
District of Columbia  
via Email  
InterdistrictTransfer\_DCD@dcd.uscourts.gov

RE: USA v. DeGrave  
Your Case No. 1:21-mj-00184  
Our Case No. 2:21-mj-109-DJA

Dear clerk:

Please be advised that the above-referenced defendant was arrested in the District of Nevada (Las Vegas) on a warrant issued by the \_\_\_\_\_ District of Columbia \_\_\_\_\_ and appeared before United States Magistrate Judge \_\_\_\_\_ Daniel J. Albregts \_\_\_\_\_ on \_\_\_\_\_ 2/1/2021 \_\_\_\_\_.

The Defendant has been detained and remanded to the custody of the United States Marshal for transport.

The Defendant was released on a personal recognizance bond and ordered to appear in your court on \_\_\_\_\_.

All documents completed in this district may be accessed via PACER and our website at <https://ecf.nvd.uscourts.gov>.

Thank you.

**DEBRA K. KEMPI, CLERK**  
By:

/s/ Darci Smith  
\_\_\_\_\_  
Deputy Clerk

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

Received by: \_\_\_\_\_

**United States District Court  
District of Nevada (Las Vegas)  
CRIMINAL DOCKET FOR CASE #: 2:21-mj-00109-DJA-1**

Case title: USA v. Degrave

Date Filed: 02/01/2021

Other court case number: 1:21-mj-184-ZMF District of Columbia

Assigned to: Magistrate Judge Daniel J. Albrechts

**Defendant (1)**

**Nathaniel J Degrave**

represented by **Shari L. Kaufman**  
Federal Public Defender  
411 E Bonneville  
Suite 250  
Las Vegas, NV 89101-  
Email: Shari\_Kaufman@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: FPD*

**Cristen Thayer**  
Office of the Federal Public Defender  
411 E. Bonneville, Suite 250  
Las Vegas, NV 89101  
702-388-6577  
Email: Cristen\_Thayer@fd.org  
*TERMINATED: 02/09/2021*  
*Designation: FPD*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

Count 1: 18 U.S.C. 1752(a)(1)&(2) -

**Disposition**

Knowingly Entering or Remaining in any  
 Restricted Building or Grounds Without  
 Lawful Authority  
 Count 2: 40 U.S.C. 5104(e)(2)(D),(E),(F)&  
 (G) - Violent Entry and Disorderly Conduct  
 on Capitol Grounds  
 Count 3: 18 U.S.C. 231(a)(3) - Obstruction  
 of Law Enforcement During Civil Disorder

## Plaintiff

USA

represented by **Nicholas D Dickinson**  
 US Attorneys Office  
 501 Las Vegas Blvd. South  
 Suite 1100  
 Las Vegas, NV 89101  
 702-388-6336  
 Email: nicholas.dickinson@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: USA*

**Nicholas Trutanich**  
 US Attorney's Office  
 501 Las Vegas Blvd. South, Suite 1100  
 Las Vegas, NV 89149  
 702-388-6336  
 Email: Nicholas.Trutanich@usdoj.gov  
**TERMINATED: 02/03/2021**  
*Designation: Retained*

Date Filed	#	Docket Text
02/01/2021		Case assigned to Magistrate Judge Daniel J. Albregts. (KL) (Entered: 02/01/2021)
02/01/2021	<a href="#">1</a>	<b>View Corrected Image <a href="#">2</a> as to</b> MEMORANDUM <i>re: Detention</i> by USA as to Nathaniel J Degrave. (Dickinson, Nicholas) Modified on 2/3/2021 (EDS). (Entered: 02/01/2021)
02/01/2021	<a href="#">2</a>	NOTICE of Corrected Image/Document re <a href="#">1</a> Memorandum by USA as to Nathaniel J Degrave. (Service of corrected image is attached). (Dickinson, Nicholas) (Entered: 02/01/2021)
02/01/2021	<a href="#">3</a>	Rule 5(c)(3) Documents Received as to Nathaniel J Degrave. Documents received from District of Columbia include Complaint. (DRS) (Entered: 02/01/2021)
02/01/2021	4	MINUTES OF PROCEEDINGS - Initial Appearance in Rule 5(c)(3) Proceeding as to Nathaniel J Degrave held on 2/1/2021 before Magistrate Judge Daniel J. Albregts. Crtrm Administrator: <i>J. Ries</i> ; AUSA: <i>Nicholas Dickinson</i> ; Def Counsel: <i>Cristin Thayer</i> ; PTS: <i>Misty Sanchez</i> ; Recording start and end times: 4:42 - 5:33; Courtroom: 3A; This hearing is conducted via video conferencing. Defendant is present in custody. Financial Affidavit filed. The Federal Public Defenders Office is appointed as defense counsel. Waiver of Identity Hearing filed. ORDERED defendant identified as named defendant in complaint and is held to answer in the District of Columbia. The Court issues an oral order to the parties confirming the United States' <i>Brady</i> obligations and government counsel orally

		objects. Government counsel moves for detention and the court hears arguments. ORDERED defendant is DETAINED. Defendant is remanded to custody. Rule 5 deadline set for 2/19/2021. Preliminary Examination set for 2/16/2021 at 03:00 PM before Magistrate Judge Daniel J. Albregts. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - JAR) (Entered: 02/03/2021)
02/01/2021	<a href="#">6</a>	ORDER APPOINTING COUNSEL as to Nathaniel J Degrave. FPD appointed as counsel for Defendant. Subpoenas issued upon request, with exception to out-of-state subpoenas which will require court approval. Signed by Magistrate Judge Daniel J. Albregts on 2/1/2021. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 02/03/2021)
02/03/2021	<a href="#">7</a>	WAIVER of Rule 5(c)(3) Hearings by Nathaniel J Degrave. (DRS) (Entered: 02/03/2021)
02/03/2021	<a href="#">8</a>	ORDER OF DETENTION as to Nathaniel J Degrave. Defendant shall be detained pending trial. Signed by Magistrate Judge Daniel J. Albregts on 2/3/2021. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 02/03/2021)
02/03/2021	<a href="#">9</a>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Daniel J. Albregts, as to Nathaniel J Degrave on 2/3/2021. Under federal law, including Rule 5(f) of the Federal Rules of Criminal Procedure, <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and all applicable decisions interpreting <i>Brady</i> , the government has a continuing obligation to produce all information or evidence known to the government that is relevant to the guilt or punishment of a defendant, including, but not limited to, exculpatory evidence.  Accordingly, the Court Orders the government produce to the defendant in a timely manner all information or evidence known to the government that is either: (1) relevant to the defendant's guilt or punishment; or (2) favorable to the defendant on the issue of guilt or punishment.  This Order is entered under Rule 5(f) and does not relieve any party in this matter of any other discovery obligation. The consequences for violating either this Order or the government's obligations under <i>Brady</i> include, but are not limited to, the following: contempt, sanction, referral to a disciplinary authority, adverse jury instruction, exclusion of evidence, and dismissal of charges. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - MR) (Entered: 02/04/2021)
02/09/2021	<a href="#">10</a>	NOTICE OF ATTORNEY APPEARANCE: Shari L. Kaufman appearing for Nathaniel J Degrave (Kaufman, Shari) (Entered: 02/09/2021)
02/09/2021	<a href="#">11</a>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Daniel J. Albregts, as to Nathaniel J Degrave on 2/9/2021. By Deputy Clerk: J. Ries. Preliminary hearing in this case is set for 2/16/21 at 3:00 p.m.. The U.S. District Court for the District of Columbia has filed an indictment against this defendant under case number 1:21-cr-00090-PLF. ORDERED preliminary hearing set for 2/16/21 is VACATED and a commitment order will be issued for the transportation of the defendant to the District of Columbia. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - JAR) (Entered: 02/09/2021)
02/09/2021	<a href="#">12</a>	COMMITMENT TO ANOTHER DISTRICT as to Nathaniel J Degrave. Defendant committed to District of Columbia. Signed by Magistrate Judge Daniel J. Albregts on 2/9/2021. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 02/09/2021)
02/10/2021	<a href="#">13</a>	TRANSCRIPT of Proceedings, 4 Initial Appearance - Rule 5(c)(3) (fka Rule 40),,,, as to Nathaniel J Degrave held on 02/01/2021 before Magistrate Judge Daniel J. Albregts.

		Transcriber: Heather Newman, HN@nvd.uscourts.gov. Recording start and end times: 4:42:50 p.m. - 5:32:20 p.m... Any Redaction Request is due by 3/3/2021. Redacted Transcript Deadline is set for 3/13/2021. Release of the Transcript Restriction is set for 5/11/2021. Before release date, the transcript may be viewed at the court public terminal or purchased through the Transcriber. Transcript Order form is available on court website. After that date it may be obtained through the Transcriber or PACER. (HKN) (Entered: 02/10/2021)
03/24/2021	<a href="#">14</a>	TRANSMITTAL to District of Columbia as to Defendant Nathaniel J Degrave regarding Rule 5 Proceedings. Transmittal Letter with sealed documents and docket sheet sent via email. (DRS) (Entered: 03/24/2021)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
04/01/2021 12:06:39			
<b>PACER Login:</b>	BrittanyBryant:6635828:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:21-mj-00109-DJA
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always

**PACER fee: Exempt**