

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Paul Russell Johnson

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)
)

Case: 1:21-mj-00367

Assigned To : Meriweather, Robin M.

Assign. Date : 4/12/2021

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) Paul Russell Johnson

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

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

This offense is briefly described as follows:

- 18 U.S.C. § 111(a)(1), (b) - Inflicting Bodily Injury on Certain Officers;
- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
- 18 U.S.C. §§ 1512(c)(2), 2 - Obstruction of Justice/Congress;
- 18 U.S.C. § 1752(a)(4) - Engaging in Physical Violence in a Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(F) - Act of Physical Violence in the Capitol Grounds or Buildings.

Date: 04/12/2021



2021.04.12

13:56:23 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

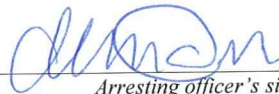
Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 4/12/2021, and the person was arrested on (date) 4/13/2021
at (city and state) LANEXA, VIRGINIA.

Date: 4/13/2021



Arresting officer's signature

SPECIAL AGENT DESIRAE MALDONADO

Printed name and title

CRIMINAL PROCEEDINGS — U.S. DISTRICT COURT, EASTERN DISTRICT OF VA, RICHMOND DIVISION

JUDGE: HANES

DOCKET NO. 3:21mj59

REPORTER: FTR

DATE: 4/14/21

UNITED STATES OF AMERICA

COUNSEL

v.

1. PAUL RUSSELL JOHNSON

1. MICHAEL SMITH, retained

Deft appeared via VTC () ZOOM (X)
deft agreed to appear via ZOOM

APPEARANCES: GOVERNMENT KASHAN PATHAN (X)
DEFENDANT WITH COUNSEL (X) DEFENDANT WITHOUT COUNSEL ()
DEFENDANT NOT PRESENT () WAIVER OF APPEARANCE FILED ()
INTERPRETER ()

BAIL STATUS: DEFENDANT ON BOND/SUPERVISED RELEASE () DEFENDANT INCARCERATED (X)
BOND NOT SET ()

TYPE OF RULE 5 INITIAL (X) ARRAIGNMENT () REARRAIGNMENT/GUILTY PLEA ()
PROCEEDINGS: PRELIMINARY () DETENTION () MOTIONS () OTHER: ()
INITIAL ON SUPERVISED RELEASE/PROBATION VIOLATION ()

PRELIMINARY WAIVER OF INDICTMENT EXECUTED, FILED ()
PROCEEDINGS: CRIMINAL INFORMATION FILED ()
OTHER ()

INITIAL HEARING DATE OF ARREST: 4/13/21 GOVT'S MOTION TO UNSEAL (X)
PROCEEDINGS: COURT SUMMARIZED CHARGES (X) DEFT. ADVISED OF RULE 5 RIGHTS (X)
FINANCIAL AFFIDAVIT () COUNSEL TO BE APPOINTED ()
DEFT TO RETAIN COUNSEL (X)
GOVT'S MOTION TO DETAIN DEFT (X) ORDER OF TEMPORARY DETENTION ()
DEFT REMANDED (X) DETENTION HEARING SET: _____

PRELIMINARY HEARING GOVT ADDUCED EVIDENCE () DEFT ADDUCED EVIDENCE ()
PROCEEDINGS: ARGUMENTS HEARD () FINDINGS STATED FROM BENCH ()
DEFT WAIVED HEARING () PROBABLE CAUSE FOUND ()
MOTION FOR CONTINUANCE () GOVT () DEFT () DEFT REMANDED ()
WITNESS(ES) _____

*DEFT ORALLY WAIVED IDENTITY HEARING AND PRODUCTION OF WARRANT

DETENTION HEARING GOVT ADDUCED EVIDENCE () DEFT ADDUCED EVIDENCE ()
PROCEEDINGS: ARGUMENTS HEARD () FINDINGS STATED FROM BENCH ()
DEFT WAIVED HEARING () DEFENDANT CONTINUED ON PRESENT BOND ()
DEFT HELD W/O BOND () FLIGHT RISK () DANGER ()
DEFENDANT RELEASED ON PR BOND () ELECTRONIC MONITORING ()
3rd PARTY CUSTODIAN () MOTION FOR CONTINUANCE () GOVT () DEFT ()
DEFT REMANDED () GOVT NOT SEEKING DETENTION ()
DEFT RELEASED ON SAME CONDITIONS AS PREVIOUSLY IMPOSED ()
WITNESS(ES) _____

*DEFENSE COUNSEL DIRECTED TO CONTACT THE COURT BY COB 4/15/21 IF A
PRELIMINARY HEARING WILL BE NEEDED

COURT REMINDED COUNSEL OF PROSECUTORIAL OBLIGATIONS AS REQUIRED UNDER RULE 5(F) ()

CASE CONTINUED TO: APRIL 19, 21 3:30 P.M. FOR DETENTION HEARING

CASE SET: 12:00 BEGAN: 12:04 ENDED: 12:15 TIME IN COURT: 11 MINS

OTHER PROCEEDINGS: MOTIONS ARE TO BE FILED WITHIN ____ DAYS; RESPONSES DUE ____ DAYS THEREAFTER; ____ DAYS FOR REPLY.

BOND CONDITIONS:

- ____ RESIDENCE/TRAVEL RESTRICTED TO EDVA
- ____ PRETRIAL SUPERVISION
- ____ NO DRUGS
- ____ NO FIREARMS
- ____ NO ALCOHOL ____ NO EXCESSIVE USE OF ALCOHOL
- ____ MAINTAIN/SEEK EMPLOYMENT ____ SHOW PROOF OF INCOME
- ____ AVOID CONTACT WITH POTENTIAL WITNESSES, VICTIMS, ETC.
- ____ SUBSTANCE ABUSE TESTING ____ TREATMENT ____ PAY COSTS AS DIRECTED
- ____ MENTAL HEALTH EVALUATION AND/OR TREATMENT ____ PAY COSTS
- ____ ELECTRONIC MONITORING ____ PAY COSTS
- ____ 3RD PARTY CUSTODIAN
- ____ MAINTAIN CONTACT WITH ATTORNEY
- ____ SURRENDER PASSPORT -- OBTAIN NO OTHER TRAVEL DOCUMENTS
- ____ IF DEFENDANT PLEADS GUILTY OR IS FOUND GUILTY REPORT TO USPO
- ____ MAY REPORT TO AUSA WITH APPROVAL OF ATTORNEY
- ____ CUSTODIAN MUST IMMEDIATELY REPORT ANY VIOLATION OF CONDITIONS

ADDITIONAL CONDITIONS: _____

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Paul Russell Johnson

DOB: XXXXXX

Case: 1:21-mj-00367

Assigned To : Meriweather, Robin M.

Assign. Date : 4/12/2021

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:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 111(a)(1), (b) - Inflicting Bodily Injury on Certain Officers, 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder, 18 U.S.C. §§ 1512(c)(2), 2 - Obstruction of Justice/Congress, 18 U.S.C. § 1752(a)(4) - Engaging in Physical Violence in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(F) - Act of Physical Violence in the Capitol Grounds or Buildings.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Jon Comottor

Complainant's signature

Jon Comottor, 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: 04/12/2021

2021.04.12 13:56:45 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Jon Comottor, is a Special Agent with the Federal Bureau of Investigation and has been since February 2012. I am currently assigned to the FBI Washington Field Office and serve on the Violent Crimes Task Force, which investigates violent crimes and threats in the Washington, D.C. metropolitan area. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. 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 a violation 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 were 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, D.C. 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 were 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 around 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.

Your affiant has obtained multiple videos depicting an individual, later identified as Paul Russell JOHNSON, assaulting a U.S. Capitol Police Officer and engaging in disruptive and disorderly conduct on Capitol grounds.

Video footage shows that at approximately 12:45 p.m. on January 6, 2021, as preparations for the proceedings described above were underway in the House and the Senate, a large crowd gathered to the west of the U.S. Capitol around the Peace Monument, located in the Pennsylvania Avenue, NW, and 1st Street, NW, roundabout, that was commonly referred to as “Peace Circle” by U.S. Capitol Police Officers.

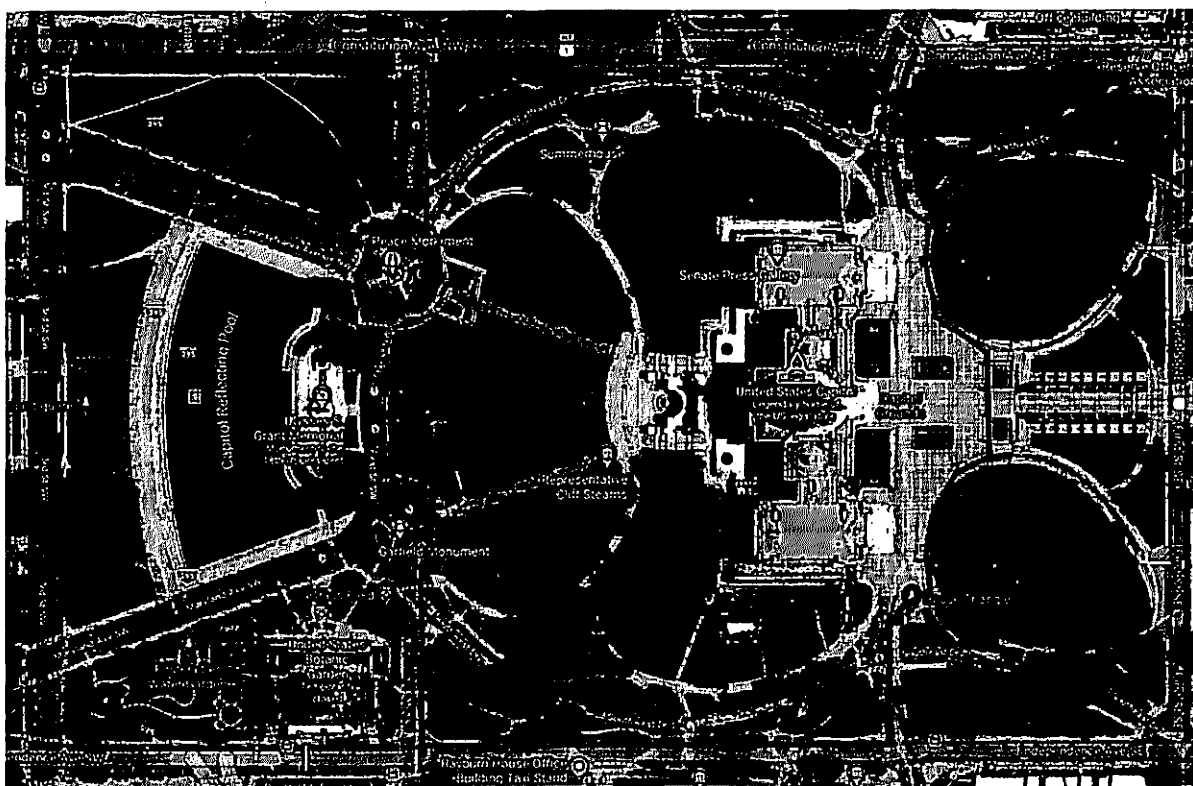


Figure 1. Aerial imagery of U.S. Capitol grounds, with the restricted perimeter outlined in red.

The crowd then moved southeast along the sidewalk that connects Peace Circle to the U.S. Capitol Building, commonly referred to as the “Pennsylvania Ave Walkway” by U.S. Capitol Police Officers. Several rows of metal barricades had been erected by U.S. Capitol Police Officers in order to keep the public away from the Capitol building and the Congressional proceedings underway inside. The first line of barricades was erected just off the roadway of Peace Circle, and

was intended to maintain a buffer zone between the road and the perimeter fence delineating the restricted area of the U.S. Capitol grounds.

At approximately 12:50 p.m., a crowd of people can be seen in open source video walking over and around the first line of barricades. As the crowd approaches a second line of barricades being guarded by uniformed U.S. Capitol Police officers, a male individual—later identified as JOHNSON—can be seen holding a black megaphone and shouting profanities toward the U.S. Capitol Police, including “Let’s go! Fuck this shit. We pay your bills, you back the fuck off.”



Figure 2. JOHNSON’s megaphone as he approaches uniformed U.S. Capitol Police officers standing guard at a second line of metal barricades.

The second line of barricades consisted of metal bike rack barriers, physically linked end-to-end, and reinforced with dark-colored plastic mesh safety fencing affixed behind the metal bike racks. The fence line was clearly marked with large white “AREA CLOSED” signs in bold red lettering. (See Figure 3, below.)

¹ Untitled video published by Instagram user “slightlyoffensive.tv” on January 6, 2021, available at <https://www.instagram.com/p/CJugaFfnFD7/> (downloaded by FBI on March 25, 2021).



2

Figure 3.

Upon approaching the second line of barricades, JOHNSON immediately became confrontational with the U.S. Capitol Police Officers guarding the barricade. JOHNSON can be heard saying through a megaphone, “It’s our house. We pay your bills. We pay for this . . . that’s some bullshit.” (Figures 4 and 5.)



3

Figure 4. JOHNSON confronting uniformed U.S. Capitol Police Officers.

² *Id.*

³ *Id.*

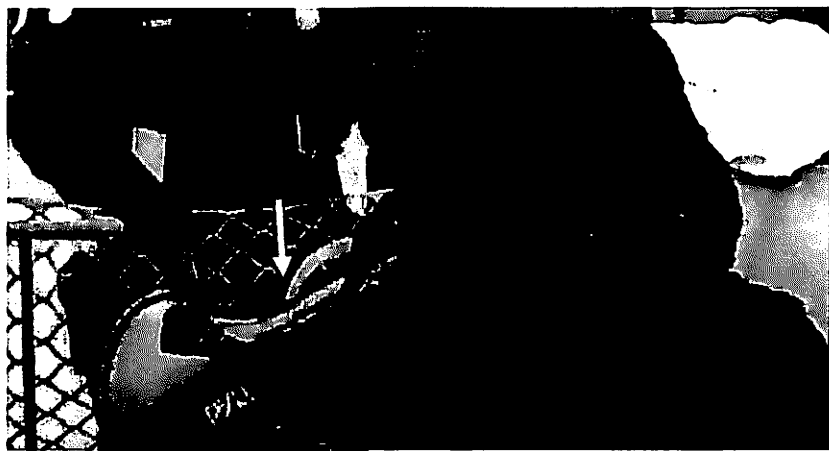


Figure 5. JOHNSON using a megaphone while confronting U.S. Capitol Police Officers.

As others in the crowd begin pushing and pulling on the barricades, JOHNSON turns around, says “Hold my backpack,” and proceeds to pass his backpack and megaphone to an unknown individual off camera, as if to prepare for a physical altercation. When JOHNSON turns around, he can be seen wearing a black flat billed hat with a white diamond-shaped logo.



Figure 6. JOHNSON asking an unknown individual in the crowd to hold his backpack.

When JOHNSON re-enters the camera’s view, he is not wearing the backpack visible in Figures 4 and 6, nor is he carrying the megaphone visible in Figures 2 and 5. Upon re-joining the crowd, JOHNSON begins forcibly pushing and pulling the barricades. (See Figures 7 and 8, below.)

⁴ *Id.*

⁵ *Id.*

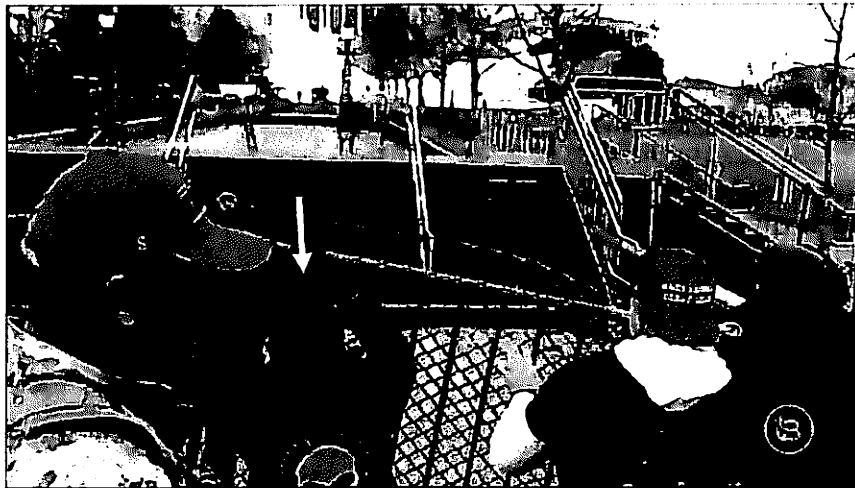


Figure 7. JOHNSON pushing and pulling on barricades.

As JOHNSON continues lifting and pushing the metal barricades, JOHNSON and others knock over a U.S. Capitol Police Officer (hereinafter “O-1”), causing O-1’s head to hit the stairs behind her, resulting in a loss of consciousness. (See Figures 8 and 9, below.) Hours later, while arresting a rioter, O-1 blacked out and collapsed in the booking area and had to be transported to the emergency room at a local hospital, where she was assessed to have suffered a concussion.



Figure 8. JOHNSON forcibly pushing the metal barricade into uniformed U.S. Capitol Police officers.

⁶ *Id.*
⁷ *Id.*



Figure 9. Officer O-1 on stairs after being knocked down.

After dismantling and knocking over the line of metal barricades, JOHNSON can be seen running up the steps and further onto the restricted grounds, in the direction of the U.S. Capitol building. (Figure 10.)

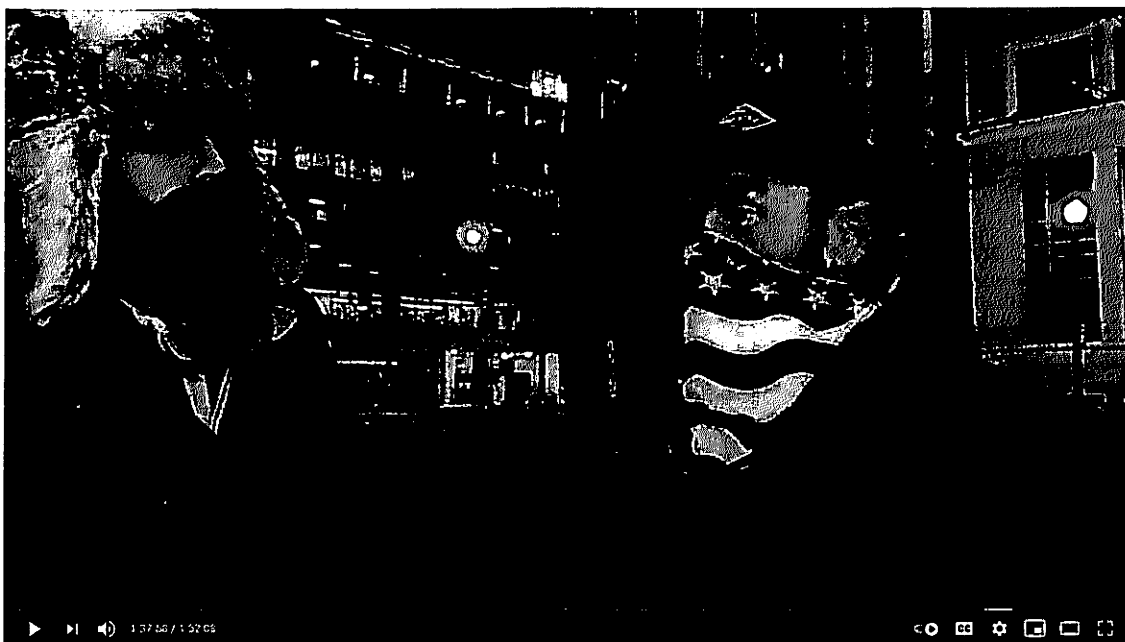


Figure 10. JOHNSON advancing past the barricaded police line toward the U.S. Capitol.

Later that evening, on January 6, 2021, a YouTube user posted a livestream video showing JOHNSON recounting the events that took place outside the Capitol earlier in the day. JOHNSON can be seen wearing a black flat billed hat with a white diamond-shaped logo, resembling the hat depicted in Figure 6 above.

⁸ *Id.*

⁹ *Id.*



10

Figure 11. JOHNSON describing the events of January 6, 2021.

Your affiant has reviewed this video and has determined that JOHNSON made the following statements while speaking to another individual outside the Hilton Garden Inn Hotel at 815 14th Street NW, Washington D.C. 20005. JOHNSON's statements begin at approximately time stamp 1:37:35 of the YouTube video, and end at approximately time stamp 1:38:46.

JOHNSON: Yeah, we're like we're going, we're going to the fucking Capitol. So we get to the Capitol and when we get to the street, you know where that uh statue is? At the street? Where the circle roundabout is? Way the fuck away from the Capitol. They had gates at that end, alright?

Me and this other guy Collins, he's in here with us. And I didn't know that he was . . . we didn't know each other for shit. I looked. I'm sitting at the gate and I've got my hands on him and there's cops. You know there's five cops standing up the way a little bit. Beyond them is a lot of cops. So me and him look at each other, we already knew what time it was . . . we started pulling the gates apart. And we started bum rushing. Cops start hightailing to the fucking Capitol, right?

¹⁰ "Police Encircle Trump Supporters at Their Hotels," streamed live by YouTube user "Millennial Millie" on January 6, 2021, available at <https://www.youtube.com/watch?v=ObVMGPGHRe8> (downloaded by FBI on March 25, 2021).

We get to the next gate. There's three sets of gates before you get to the stairs of the Capitol. Alright? We get to the next gate. There's probably . . . there's a shit load of cops up there then. Second wing, we breached, pulled up, start throwing shit. I mean we're fu-, we're we're fighting cops and shit. I have video where I'm slinging one around

So we get to the third gate, they're all hightailing to the top of the Capitol. We get up on the steps. It's bolted down to the ground, the gate was. A black gate. So we grab it, we start doing this number here. The next thing you know it's bear mace, the whole front row, dude.¹¹

Throughout the YouTube video, a woman wearing a black Harley Davidson hooded sweatshirt can be seen standing near JOHNSON and can be heard interjecting as JOHNSON describes how he personally broke through metal barricades set up outside the Capitol building. (See Figure 12, below.) The black Harley Davidson sweatshirt that the woman is wearing appears to be the same sweatshirt that JOHNSON is seen wearing in Figures 7, 8, and 10, above.

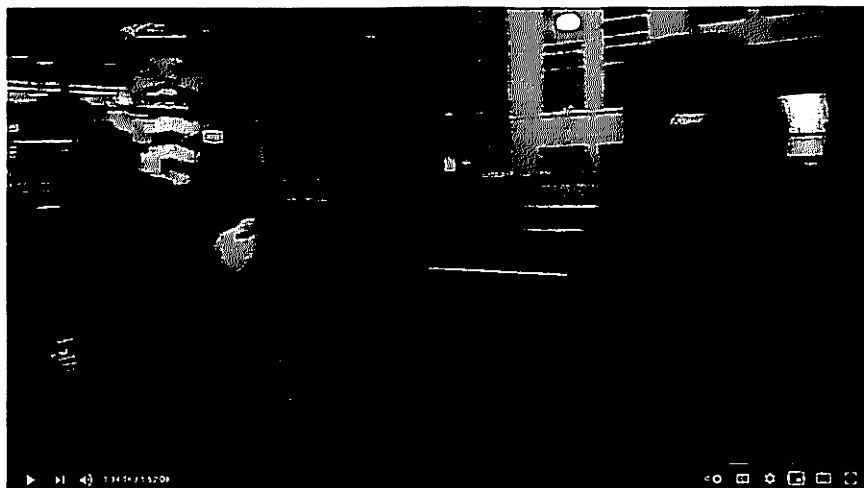
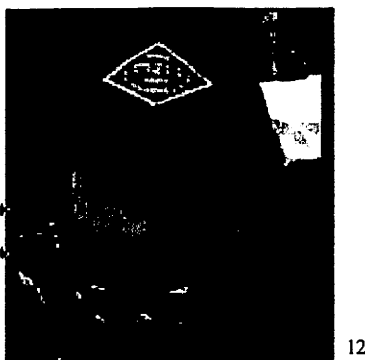


Figure 12. Woman wearing black Harley Davidson jacket standing next to JOHNSON.

¹¹ This transcript is a summary and is not intended to be a verbatim account of JOHNSON's words. A Twitter user, @SeditionHunters, has also attempted to transcribe JOHNSON's statements. See Untitled video published by Twitter user @SeditionHunters, available at <https://twitter.com/SeditionHunters/status/1359900083458887685> (downloaded by FBI on March 25, 2021).

Identification of JOHNSON

On January 11, 2021, the FBI published a “Be On The Lookout” (BOLO) flyer with the following image:



Photograph #49-AFO

Figure 13.

On January 11, 2021, the FBI received a tip from a witness (W-1) who recognized the man depicted in Figure 13 as JOHNSON. W-1 has been friends with JOHNSON’s girlfriend for approximately 15 years and recalls meeting JOHNSON in person once or twice approximately ten years ago. W-1 has seen multiple pictures of JOHNSON on JOHNSON’s girlfriend’s Facebook page, including the photo depicted in Figure 14 below, which W-1 sent to the FBI. In this photo, JOHNSON can be seen wearing the same black flat billed hat with a white diamond-shaped logo as seen in the open source footage from outside the U.S. Capitol.

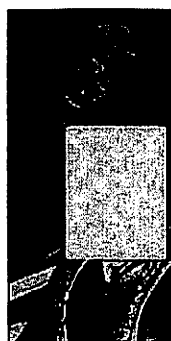


Figure 14.

On January 20, 2021, another witness (W-2) provided a tip to the FBI that JOHNSON was inside the U.S. Capitol building during the riots. W-2 reported receiving a text message from JOHNSON on January 6, 2021 stating, “We got in the Capitol.” On March 19, 2021, the FBI sent W-2 the following photo of a man believed to be JOHNSON obtained from Twitter user

¹² On January 20, 2021, FBI updated the original BOLO poster with a new photo of JOHNSON. W-1 recognized JOHNSON from the original BOLO poster depicted in Figure 13.

@SeditionHunters. (See Figure 15, below.) W-2 has previously done business with JOHNSON and last saw JOHNSON in person in February 2021. W-2 stated that he was nearly 100% sure that the individual depicted in Figure 15 is JOHNSON.



Figure 15.

Based on the foregoing, your affiant submits there is probable cause to believe that JOHNSON violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 as an officer or employee of the United States while engaged in or on account of the performance of official duties. Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties. Subdivision (b) provides for enhanced penalties when bodily injury is inflicted.

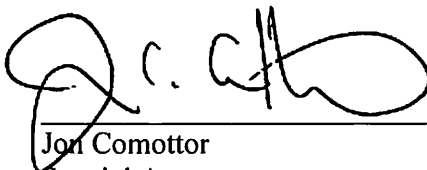
Your affiant submits there is also probable cause to believe that JOHNSON violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official 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.

Your affiant submits there is also probable cause to believe that JOHNSON violated 18 U.S.C. §§ 1512(c)(2) and 2, which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant submits there is also probable cause to believe that JOHNSON violated 18 U.S.C. § 1752(a)(4), which makes it a crime to knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, or attempt or conspire 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.

Finally, your affiant submits there is also probable cause to believe that JOHNSON violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Jon Comottor
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 12th day of April, 2021.



2021.04.12
13:55:58 -04'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal Case No. 3:21-MJ-00059 (EWH)

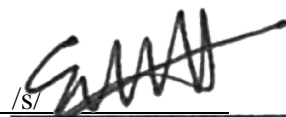
PAUL RUSSELL JOHNSON,

Defendant.

TEMPORARY DETENTION ORDER

Upon motion of the United States Attorney, and finding that this case involves (1) an offense described in 18 U.S.C. § 3142(f)(1)(A)-(E) or (2) a serious risk that the defendant will flee or will, or will attempt to, obstruct justice or threaten, injure, or intimidate a prospective witness or juror, pursuant to 18 U.S.C. § 3142(f)(2)(A)-(B), it is ORDERED that:

1. The defendant is committed to the custody of the Attorney General of the United States pursuant to 18 U.S.C. § 3142(i) for confinement in a corrections facility, separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
2. The defendant be afforded reasonable opportunity to consult with his attorney.
3. That the person in charge of the corrections facility deliver the defendant to the United States Marshal, and the United States Marshal produce the defendant before this Court on April 19, 2021 at 3:30 p.m.. for and a Detention Hearing.
4. The Clerk is directed to FILE this Order electronically and notify all counsel of record and the United States Marshals Service, Richmond Division, accordingly.



Elizabeth W. Hanes
United States Magistrate Judge

Dated: April 14, 2021
Richmond, Virginia

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

UNITED STATES OF AMERICA

v.

Criminal Case No. 3:21-MJ-00059 (EWH)

PAUL RUSSELL JOHNSON

Defendant

NOTICE OF APPEARANCE

Comes now Hall, Fox & AtLee, P.C., by and through the undersigned attorney, and hereby notes its appearance as counsel for the defendant, Paul Russell Johnson, in all proceedings in the Eastern District of Virginia.

Respectfully submitted,

/S/

Michael W. Smith, Esq. (VSB # 79080)
HALL, FOX AND ATLEE, P.C.
One Manhattan Square
Hampton, Virginia 23666-5843
michael@hallfoxandatlee.com
Telephone: (757) 865-4364
Facsimile: (757) 865-4374
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2021, I electronically filed the foregoing Notice of Appearance with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Kashan K. Pathan, Esq.
United States Attorney's Office
919 East Main Street, Suite 1900
Richmond, Virginia 23219
kashan.pathan@usdoj.gov
Counsel for United States

/S/

Michael W. Smith, Esq. (VSB # 79080)
HALL, FOX AND ATLEE, P.C.
One Manhattan Square
Hampton, Virginia 23666-5843
michael@hallfoxandatlee.com
Telephone: (757) 865-4364
Facsimile: (757) 865-4374
Counsel for Defendant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Paul Russell Johnson

)
) Case: 1:21-mj-00367
) Assigned To : Meriweather, Robin M.
) Assign. Date : 4/12/2021
) 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) Paul Russell Johnson,
who is accused of an offense or violation based on the following document filed with the court:

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

This offense is briefly described as follows:


- 18 U.S.C. § 111(a)(1), (b) - Inflicting Bodily Injury on Certain Officers;
- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
- 18 U.S.C. §§ 1512(c)(2), 2 - Obstruction of Justice/Congress;
- 18 U.S.C. § 1752(a)(4) - Engaging in Physical Violence in a Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(F) - Act of Physical Violence in the Capitol Grounds or Buildings.

Date: 04/12/2021

 2021.04.12
13:56:23 -04'00'
Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

Return	
This warrant was received on (date) <u>4/12/2021</u> , and the person was arrested on (date) <u>4/13/2021</u> at (city and state) <u>LANEXA, VIRGINIA</u> . Date: <u>4/13/2021</u>	 Arresting officer's signature <u>SPECIAL AGENT DESIRAE MALDONADO</u> Printed name and title

CRIMINAL PROCEEDINGS — U.S. DISTRICT COURT, EASTERN DISTRICT OF VA, RICHMOND DIVISION

JUDGE: HANES
 REPORTER: FTR

DOCKET NO. 3:21-MJ-00059 (EWH)
 DATE: 4/19/21

UNITED STATES OF AMERICA
 v.

COUNSEL

1. PAUL RUSSELL JOHNSON
 2. _____

1. MICHAEL SMITH
 2. _____

APPEARANCES: GOVERNMENT KASHAN PATHAN and ARMINA MANNING (X)
 DEFENDANT WITH COUNSEL (X) DEFENDANT WITHOUT COUNSEL ()
 DEFENDANT NOT PRESENT () WAIVER OF APPEARANCE FILED ()

BAIL STATUS: DEFENDANT ON BOND () DEFENDANT INCARCERATED (X) BOND NOT SET ()

TYPE OF PROCEEDINGS: ARRAIGNMENT () REARRAIGNMENT/GUILTY PLEA () MOTIONS ()
 DETENTION (X) OTHER: _____ ()

PRELIMINARY PROCEEDINGS: WAIVER OF INDICTMENT EXECUTED, FILED ()
 CRIMINAL INFORMATION FILED ()
 OTHER () _____

ARRAIGNMENT PROCEEDINGS:

	DEFENDANT(S)	WFA	FA	GUILTY	NG	JURY	WAIVED	30-DAY WAIVER
1								
2								

INITIAL HEARING PROCEEDINGS: DATE OF ARREST: _____ GOVT'S MOTION TO UNSEAL ()
 INITIAL APPEARANCE ()
 INITIAL APPEARANCE (SUPERVISED RELEASE/PROBATION) ()
 COURT SUMMARIZED CHARGES () DEFT. ADVISED OF RULE 5 RIGHTS ()
 FINANCIAL AFFIDAVIT () COUNSEL TO BE APPOINTED ()

DETENTION HEARING PROCEEDINGS: GOVT ADDUCED EVIDENCE (X) DEFT ADDUCED EVIDENCE ()
 ARGUMENTS HEARD (X) FINDINGS STATED FROM BENCH (X)
 DEFT WAIVED HEARING ()
 DEFENDANT CONTINUED ON PRESENT BOND ()
 DEFT HELD W/O BOND () FLIGHT RISK () DANGER ()
 DEFENDANT RELEASED ON BOND (X) ELECTRONIC MONITORING (X)
 MOTION FOR CONTINUANCE () GOVT () DEFT ()
 DEFT REMANDED ()

Deft submitted Waiver of Rule 5 proceedings in EDVA

ONLY waived identity, production of warrant and preliminary hearing

WITNESS(ES) _____
 Govt - Richard Pennycuff, TFO, FBI
 Exhibits 1a-1c, 2, and 3 admitted, videos of breach on Jan 6, 2021 at the Capital

OTHER PROCEEDINGS: MOTIONS ARE TO BE FILED WITHIN ___ DAYS; RESPONSES DUE ___ DAYS THEREAFTER; ___ DAYS FOR REPLY.

** Deft to be released once monitoring equipment is installed - Order to follow **

Court reminded counsel of prosecutorial obligations as required under Rule 5(f)

**Defense counsel's oral motion to withdraw from case going forward because he is not admitted to practice in DC - Granted - Order to follow

CASE CONTINUED TO: April 23, 2021 1:00 p.m. via ZOOM in DC Court FOR Status Conference

CASE SET: 3:30 BEGAN: 4:10 ENDED: 5:21 TIME IN COURT: 1 hr 11 mins

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

United States of America
v.

PAUL RUSSELL JOHNSON
Defendant

Case No. 3:21-MJ-00059 (EWH)

Charging District's Case No. 1:21mj367

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:

- [X] an identity hearing and production of the warrant.
[X] a preliminary hearing. in this District per stipulation on the record. P.J. MWS
[] 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: 4/19/2021

Handwritten signature of Paul Russell Johnson

Defendant's signature

Handwritten signature of Michael W. Smith

Signature of defendant's attorney

Michael W. Smith

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

United States of America

v.

Paul Russell Johnson

Defendant

Case No. 3:21-MJ-00059 (EWH)

re: DC case 1:21mj367

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: E. Barrett Prettyman United States Courthouse

Place

333 Constitution Ave., NW, Washington D.C. 20001

on 4/23/2021 1:00 pm ***via ZOOM***

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 Probation and Pretrial Services Office, telephone number 804-916-2500, no later than today, prior to exiting the courthouse.
 - (b) continue or actively seek employment.
 - (c) contact Pretrial Services Office(r) once a week via telephone or email.
 - (d) surrender any passport to: Pretrial Services
 - (e) not obtain a passport or other international travel document.
 - (f) abide by the following restrictions on personal association, residence, or travel: Do not depart the State of VA or District of Columbia without permission of Pretrial. Travel to DC shall be for court purposes only and is otherwise banned. Travel between VA and DC must be by the most direct route.
 - (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: co-defendant, co-conspirator, informant, juror, grand juror, officer or agent of the US, local law enforcement officer, or any person defendant suspects is acting in those capacities without permission of the Court. Defendant may meet with AUSA on advice of counsel. **** SEE PAGE 3***
 - (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 pre-approved 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 officer.
 - (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
 - (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (ii) Voice Recognition; or
 - (iii) Radio Frequency; or
 - (iv) GPS.
- (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (t) maintain contact with your attorney. If you are found guilty or plead guilty you must report to a probation officer for the purpose of preparation of a presentence report. In the event you are found guilty or plead guilty, you must be prepared to go immediately to jail if the law so requires or if the court determines in light of your conviction that detention is appropriate.

*******(g) continuation:**

Contact with potential family member co-conspirators must be limited to discussions about family matters and you may not discuss current pending charges or the events that occurred on January 6, 2021.

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.

[Handwritten signature]
Defendant's Signature
New Kent VA
City and State

Directions to the United States Marshal

- (X) 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: 4/19/2021

[Handwritten signature]
/s/
Judicial Officer's Signature

Elizabeth W. Hanes, U.S. Magistrate Judge
Printed name and title

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA

v.

Criminal Case No. 3:21-MJ-00059 (EWH)


PAUL RUSSELL JOHNSON

Defendant

ORDER GRANTING COUNSEL LEAVE TO WITHDRAW

Upon the motion of Michael W. Smith and Hall, Fox & AtLee, P.C., and with the consent of the defendant, it is ORDERED that Michael W. Smith and Hall, Fox & AtLee, P.C., are granted leave to withdraw as counsel for the defendant, and they are hereby withdrawn.

ENTERED this 19th day of April, 2021.

/s/ 

Elizabeth W. Hanes
~~United States Magistrate Judge~~
The Honorable Elizabeth W. Hanes,
United States Magistrate Judge

I ASK FOR THIS:



Michael W. Smith, Esq. (VSB # 79080)
HALL, FOX AND ATLEE, P.C.
One Manhattan Square
Hampton, Virginia 23666-5843
michael@hallfoxandatlee.com
Telephone: (757) 865-4364
Facsimile: (757) 865-4374

SEEN AND AGREED:



Kashan K. Pathan, Esq.
United States Attorney's Office
919 East Main Street, Suite 1900
Richmond, Virginia 23219
kashan.pathan@usdoj.gov
Telephone: (804) 819-5400
Facsimile: (804)



Paul R. Johnson
Defendant

**U.S. District Court
Eastern District of Virginia – (Richmond)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-00059-EWH-1**

Case title: USA v. Johnson

Date Filed: 04/13/2021

Date Terminated: 04/19/2021

Assigned to: Magistrate Judge Elizabeth
W. Hanes

Defendant (1)

Paul Russell Johnson

TERMINATED: 04/19/2021

represented by **Michael Wayne Smith**
Hall, Fox and Atlee, P.C.
One Manhattan Square
Hampton, VA 23666
(757) 865-4364
Fax: (757) 865-4374
Email: michael@hallfoxandatlee.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Kashan Khan Pathan**
United States Attorney Office
(Richmond-NA)
SunTrust Building

919 East Main Street
 Suite 1900
 Richmond, VA 23219
 NA
 804-819-5400
 Email: kashan.pathan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney

Date Filed	#	Page	Docket Text
04/14/2021			Arrest of Paul Russell Johnson in EDVA (DC case). (mful) (Entered: 04/15/2021)
04/14/2021	<u>1</u>		Minute Entry for proceedings held before Magistrate Judge Elizabeth W. Hanes: Initial Appearance in Rule 5 Proceedings as to Paul Russell Johnson held on 4/14/2021 via ZOOM; Deft waived in court appearance and agreed to appear via ZOOM; Deft appeared with retained counsel; Govt moved to formally unseal case – Granted; Court summarized charges; Deft advised of rights; Deft orally waived identity hearing and production of warrant; Govt seeking detention – Granted; Defense counsel to notify the Court by COB 4/15/21 if there will be a need for a Preliminary Hearing; Detention Hearing set for 4/19/2021 at 3:30 PM in Richmond Courtroom 5400 before Magistrate Judge Elizabeth W. Hanes; Deft remanded. (FTR)(mful) (Additional attachment(s) added on 4/15/2021: # <u>1</u> Indictment) (mful) (Entered: 04/15/2021)
04/14/2021	<u>2</u>		Temporary Detention Order as to Paul Russell Johnson. Signed by Magistrate Judge Elizabeth W. Hanes on 4/14/21. (mful) (Entered: 04/15/2021)
04/15/2021	<u>3</u>		NOTICE OF ATTORNEY APPEARANCE: Michael Wayne Smith appearing for Paul Russell Johnson (Smith, Michael) (Entered: 04/15/2021)
04/16/2021	<u>4</u>		Pretrial Services Bond REPORT (Initial Pretrial Services Bond Report) (SEALED – government and defense counsel) as to Paul Russell Johnson. (taylor, sheree) (Entered: 04/16/2021)
04/19/2021	<u>5</u>		Rule 5 Arrest Warrant Returned Executed on 4/13/21 in case as to Paul Russell Johnson. (mful) (Entered: 04/20/2021)
04/19/2021	<u>6</u>		Minute Entry for proceedings held before Magistrate Judge Elizabeth W. Hanes: Detention Hearing as to Paul Russell Johnson held on 4/19/2021; Deft submitted Waiver of Rule 5 proceedings in EDVA – deft ONLY waived identity hearing, production of warrant, and preliminary hearing in EDVA; Deft wishes to have preliminary hearing in DC Court; Govt adduced evidence; Arguments heard; Findings stated from the bench; Deft to be released on bond, home detention with electronic monitoring, pending installation of monitoring equipment; Court reminded counsel of prosecutorial obligations as required under Rule 5(f); Defense counsel made oral motion to withdraw from case as he is not admitted to practice in DC Courts – Granted; Status conference set via ZOOM in DC on 4/23/21 at 1:00 p.m. (FTR)(mful) (Entered: 04/21/2021)
04/19/2021	<u>7</u>		WAIVER of Rule 5 Hearings by Paul Russell Johnson – Deft waived identity hearing, production of warrant, and preliminary hearing in EDVA and wishes to have preliminary hearing in DC Court. (mful) (Entered: 04/21/2021)

04/19/2021	<u>8</u>	ORDER Setting Conditions of Release. Signed by Magistrate Judge Elizabeth W. Hanes on 4/19/21. (mful) (Entered: 04/21/2021)
04/19/2021	<u>9</u>	ORDER granting defense counsel's oral motion to withdraw from case going forward. Signed by Magistrate Judge Elizabeth W. Hanes on 4/19/21. (mful) Modifie (Entered: 04/21/2021)