



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA

vs.

NDFL Case No. 3:22-mj-410/HTC

RICHARD J. ESCALERA

DATE: October 24, 2022

Your Case No. 1:22-mj-00224

TO: District of Columbia

FROM: Keri Igney, Courtroom Deputy to
Hope T. Cannon, United States Magistrate Judge
United States Courthouse
One North Palafox Street
Pensacola, Florida 32502

A handwritten signature in black ink, appearing to read "Keri Igney", written over the typed name and address.

SUBJECT: Rule 5 Proceedings

The above-styled case originated in your division. Enclosed please find copies of documents regarding proceedings held in the Northern District of Florida in Pensacola, Florida:

INITIAL APPEARANCE: October 21, 2022

CHARGING DOCUMENTS: Criminal Complaint

Documents: Minute Entry - Rule 5 IA - Out of District; Order Appointing Counsel for Limited Purposes; Waiver of Rule 5 Hearings; Order to Appear; Order Setting Conditions of Release; Brady Order; FLND Docket Sheet.

Should you need additional information, please let me know how I may assist you.

Keri Igney@flnd.uscourts.gov

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Richard J. Escalera

Defendant

Case: 1:22-mj-00224
Assigned to: Judge Meriweather, Robin M.
Assign Date: 10/20/2022
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) Richard Escalera
who is accused of an offense or violation based on the following document filed with the court:

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

This offense is briefly described as follows:

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

Date: 10/20/2022

Robin M. Meriweather



Digitally signed by Robin M. Meriweather
Date: 2022.10.20 13:54:31 -04'00'

Issuing'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) 10/20/2022, and the person was arrested on (date) 10/21/2022
at (city and state) Pensacola, Florida

Date: 10/21/2022

Chris Myers

Arresting officer's signature

Christopher Alan Myers, FBI Special Agent

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Richard J. Escalera)

DOB: XXXXXX)

Case: 1:22-mj-00224

Assigned to: Judge Meriweather, Robin M.

Assign Date: 10/20/2022

Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

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

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Christopher Myers, 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: 10/20/2022

Robin M.
Meriweather

Digitally signed by Robin M.
Meriweather
Date: 2022.10.20 13:52:07 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
CRIMINAL MINUTES

Case No. 3:22-mj-410/HTC

Date: December 21, 2020
Time: 2:24 p.m. – 2:41 p.m.

DOCKET ENTRY: INITIAL APPEARANCE ON A COMPLAINT IN ANOTHER DISTRICT

PRESENT:

Honorable **Hope Thai Cannon**,
Keri Igney,
PNS Recorder,
Jeffrey Tharp
Kaitlin Klamann by phone
Thomas Keith,
None,
Monica Mendieta,

U.S. Magistrate Judge
Deputy Clerk
Court Reporter
Asst U.S. Attorney
Asst. U. S. Attorney
Defense Attorney
Interpreter
Probation Officer

Name of Defendant: RICHARD J. ESCALERA, Warrant from U.S. District of Columbia,
Case No. 1:22-mj-00224

Custody Bond O/R

PROCEEDINGS:

- Defendant advised that Defendant is before a United States Magistrate Judge.
- Defendant advised of alleged charge(s).
- Defendant advised not to make any statement before consulting an attorney.
- Defendant advised of right to hire counsel or have counsel appointed.
- Defendant executed CJA Form 23 (Financial Affidavit) and sworn to its accuracy.
- Defendant appointed the services of the Federal Public Defender in PNS for limited purpose of IA and hearings in this district. (see separate order)
- Defendant declined to complete CJA Form 23.
- Defendant advised Defendant will retain own counsel.
- Defendant advised of right to a preliminary hearing.
- Defendant advised of right to an identity hearing.
- Defendant advised of right to reasonable bail.
- Government is not seeking detention.

3:22-mj-410/HTC

- Defendant advised and **WAIVED** the identity and preliminary in this district.
- Choose an item. hearing set for Click or tap to enter a date. by separate order and Defendant temporarily detained.
- Defendant committed to the Click or tap here to enter text., by separate order.
- Initial Appearance hearing set for Thursday, October 27, 2022 at 1:00 p.m. before Judge Upadhyaya via Zoom. Zoom instructions provided to Defendant. See Order to Appear filed separately.
- Defendant released on conditions and directed to voluntarily appear at the initial appearance hearing set forth above.

Filed in Court.
October 21, 2022
CRD: kli

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

UNITED STATES DISTRICT COURT

for the

Northern District of Florida

United States of America)

v.)

RICHARD J. ESCALERA)

Defendant)

Case No. 3:22-MJ-410/HTC

Charging District's Case No. 1:22-MJ-224

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:

- 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: 10/21/2022

Defendant's signature

Signature of defendant's attorney

THOMAS KEITH

Printed name of defendant's attorney

FILED IN OPEN COURT THIS

10.21.22
CLERK, U.S. DISTRICT
COURT, NORTH DIST. FLA

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 3:22-mj-410/HTC

RICHARD J. ESCARELA
_____ /

ORDER

Pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and consistent with *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, the government must produce to defendant or his or her counsel information that is material and exculpatory and which is known to the prosecutors or those working on the government's behalf in this case. The government must produce such information such that the Defendant or his or her counsel effectively might use such information at trial or sentencing. Failure to timely produce this information may result in exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or other sanctions.

DONE AND ORDERED this October 21, 2022.

/s/ *Hope T. Cannon*

**HOPE T. CANNON
UNITED STATES MAGISTRATE JUDGE**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:22-mj-410/HTC

RICHARD J. ESCALERA
_____ /

ORDER TO APPEAR

The Defendant appeared before this Court for his initial appearance. The government did not move for detention. The Defendant was released on conditions. The Defendant is requesting court-appointed counsel.¹ The Defendant waived an identity and preliminary hearing.

The Defendant is released from custody and ordered to appear in the District of Columbia (the "Charging District"), to answer a Criminal Complaint in case number 1:22-mj-00224. Defendant is ordered to appear at the following date and time:

October 27, 2022 at 1:00 p.m. EST

Judge Moxila A. Upadhyaya

United States District Court, District of Columbia

Appearance by Defendant is to be via Zoom (Defendant shall contact the courtroom deputy for Zoom instructions prior to the hearing date).

Dated: October 21, 2022

s/ Hope Thai Cannon

Hope Thai Cannon

United States Magistrate Judge

¹ The Court did not make a determination regarding whether Defendant qualified under the CJA for the appointment of counsel since no other proceedings were to take place in this District.

UNITED STATES DISTRICT COURT
for the
Northern District of Florida

United States of America
v.
RICHARD J. ESCALERA

Case No. 3:22-mj-410/HTC

Defendant

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____
Place

on _____
Date and Time

If blank, defendant will be notified of next appearance.

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

FILED IN OPEN COURT THIS

10.21.22 *kli*
CLERK, U.S. DISTRICT
COURT, NORTH DIST. FLA

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/Probation Officer, telephone number 860-483-6496, no later than the first business day of each week.
 - (b) continue or actively seek employment.
 - (c) continue or start an education program.
 - (d) surrender any passport to: United States Probation Office by the close of business the day following release
 - (e) not obtain a passport or other international travel document.
 - (f) abide by the following restrictions on personal association, residence, or travel: travel is restricted to the NDPL and District of Columbia (for court purposes only) unless prior approval is given by the U.S. Probation Officer or the Court
 - (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.

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. **within 24 hours**
 - (t) **Follow instructions of USPO**
-

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

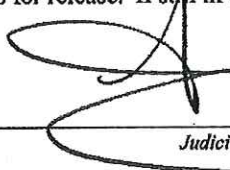
Pensacola, Florida

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: 10/21/2022



Judicial Officer's Signature

HOPE T. CANNON, U.S. MAGISTRATE JUDGE

Printed name and title

CLOSED

**U.S. District Court
Northern District of Florida (Pensacola)
CRIMINAL DOCKET FOR CASE #: 3:22-mj-00410-HTC-1
Internal Use Only**

Case title: USA v. ESCALERA

Date Filed: 10/21/2022

Other court case number: 1:22-mj-00224 US District Court,
District of Columbia

Date Terminated: 10/21/2022

Assigned to: MAGISTRATE JUDGE
HOPE T CANNON

Defendant (1)

RICHARD J ESCALERA
TERMINATED: 10/21/2022

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

18 USC § 1752(a)(1) - Entering and
Remaining in a Restricted Building or
Grounds

CERTIFIED A TRUE COPY
Jessica J. Lyublanovits, Clerk of Court



By 
Deputy Clerk

Plaintiff

USA

represented by **JEFFREY MICHAEL THARP**
DOJ-USAO
21 E GARDEN STREET
SUITE 400

PENSACOLA, FL 32502-5675
 850-444-4000
 Fax: 850-434-9050
 Email: jeffrey.tharp@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
 Designation: Retained

Date Filed	#	Docket Text
10/21/2022		Arrest of RICHARD J ESCALERA on Criminal Complaint, US District Court, District of Columbia, Case No. 1:22-mj-00224. (kli) (Entered: 10/21/2022)
10/21/2022	<u>1</u>	Copy of Criminal Complaint from US District Courts, District of Columbia as to RICHARD J ESCALERA (kli) (Entered: 10/21/2022)
10/21/2022	<u>2</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE HOPE T CANNON:Initial Appearance in Rule 5 Proceedings as to RICHARD J ESCALERA held on 10/21/2022. (Court Reporter DCR.) (kli) (Entered: 10/21/2022)
10/21/2022	 <u>3</u>	CJA 23 Financial Affidavit by RICHARD J ESCALERA (PDF sealed per Privacy Policy) (kli) (Entered: 10/21/2022)
10/21/2022	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to RICHARD J ESCALERA. Signed by MAGISTRATE JUDGE HOPE T CANNON on 10/21/2022. (kli) (Entered: 10/21/2022)
10/21/2022	<u>5</u>	WAIVER of Rule 5 Hearings by RICHARD J ESCALERA. (kli) (Entered: 10/21/2022)
10/21/2022	<u>6</u>	ORDER pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and consistent with <i>Brady v. Maryland</i> as to RICHARD J ESCALERA. Signed by MAGISTRATE JUDGE HOPE T CANNON on 10/21/2022. (kli) (Entered: 10/21/2022)
10/21/2022	<u>7</u>	ORDER TO APPEAR as to RICHARD J ESCALERA. Signed by MAGISTRATE JUDGE HOPE T CANNON on 10/21/2022. (kli) (Entered: 10/21/2022)
10/21/2022	<u>8</u>	ORDER SETTING CONDITIONS OF RELEASE as to RICHARD J ESCALERA. Signed by MAGISTRATE JUDGE HOPE T CANNON on 10/21/2022. (kli) (Entered: 10/21/2022)
10/21/2022		(Court only) ***Terminated defendant RICHARD J ESCALERA, pending deadlines, and motions. ***Criminal Case Terminated as to RICHARD J ESCALERA. (kli) (Entered: 10/21/2022)