

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Richard Michetti

Case: 1:21-mj-00238

Assigned to: Judge Harvey, G. Michael

Assign Date: 2/17/2021

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)

Richard Michetti

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) - Violent Entry and Disorderly Conduct on Capitol Grounds;
18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress;
18 U.S.C. § 2 - Principals.

Date: 02/17/2021

Digitally signed by G. Michael Harvey

Date: 2021.02.17 14:11:01 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 02/17/2021, and the person was arrested on (date) 02/23/2021 at (city and state) Ridley Park, PA

Date: 02/23/2021

Arresting officer's signature

Arresting officer's signature

Christopher J. Dillon Special Agent FBI

Printed name and title

UNITED STATES DISTRICT COURT

for the

EASTERN District of PENNA

United States of America

v.

RICHARD MICHETTI

Defendant

Case No. 21-MJ-335

Charging District's Case No. 21-MJ-238

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

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

Date: 02/23/21

Kathleen Gaughan
Defendant's signature

Kathleen Gaughan
Signature of defendant's attorney

Kathleen Gaughan
Printed name of defendant's attorney

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America v. RICHARD MICHETT <hr style="width: 100%;"/> <p style="text-align: center;"><i>Defendant</i></p>)))))	Case No. 21-MJ-335 Charging District: District of Columbia Charging District's Case No. 21-MJ-238
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**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: United States District Court for the District of Columbia 333 Constituion Ave., NW Washington, DC	Courtroom No.: 6
	Date and Time: 3/1/2021 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 02/23/2021

/S/ HENRY S. PERKIN
Judge's signature

HENRY S. PERKIN, USMJ
Printed name and title

3. Within 72 hours of your release, provide Pre-Trial Services with either a copy of the receipt of sale to the federal firearms licensee or a copy of the ATF Form 4473 that recorded the transfer of the firearm to a third party.

I have read the above-described prohibition on possession of a firearms while on release and agree to lawfully transfer or sell any firearm(s) in my possession in the manner described. I understand that failure to abide by this condition may result in the revocation of my release.

Kathleen Gaughan

RICHARD MICHETTI, Defendant

BY THE COURT:

/S/ HENRY S. PERKIN

HENRY S. PERKIN, USMJ

Date: 02/23/21

BAIL STATUS AND ORDER

NO INTERPRETER NEEDED : DATE: 02/23/21
HEARING TYPE: IA/AC/IDENTITY/DET
CASE ASSIGNED TO JUDGE ON RULE 5
Date of Arrest: : ESR REPORTER: SUZANNE WHITE
UNITED STATES OF AMERICA : AUSA: CHRISTINE SYKES
v. : Dist. Of Columbia: 21-MJ-238
: ED of PA No. 21-MJ-335
: RICHARD MICHETTI : KATHLEEN GAUGHAN
: CJA Appointed
: Retained
: Defenders' Assn. Apptd.

After hearing held this day pursuant to the Federal Rules of Criminal Procedure, or after hearing pursuant to government's motion, the bail status as to the above-named defendant is as follows:

The Government's Motion for Temporary Detention is Granted. A detention hearing and is scheduled for .

The Defendant waived their right to a preliminary hearing.

The Defendant stipulated to identity and/or pretrial detention.

The Government's Motion for Pretrial Detention is Granted. The Defendant is detained pending further proceedings.

The Government's Motion for Pretrial Detention is Denied. See attached Conditions of Release Order.

The Government and Defense have agreed to conditions of release. See attached Conditions of Release Order.

Other: **Charges:** 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) - Violent Entry and Disorderly Conduct on Capitol Grounds;
18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress;
18 U.S.C. § 2 - Principals.

AFTER A HEARING, PROBABLE CAUSE WAS FOUND BY THE COURT.

PLEA: NOT GUILTY TO ALL COUNT(S). Counsel have 14 days to file pretrial motions.

The Court confirms the prosecutors' obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and subsequent cases, to disclose information favorable to the defense as to

criminal liability on the charged offense(s) or mitigation of any punishment that may be imposed. That includes, but is not limited to, information covered by *Brady* or *Giglio* that may cast doubt on the credibility or accuracy of government witnesses or on the admissibility of government evidence. The Court also notifies the prosecutors that possible consequences of a violation of this order include the granting of a continuance, evidentiary sanctions, dismissal, disciplinary referral, and any other relief authorized by law.

BY:

S/HENRY S. PERKIN

UNITED STATES MAGISTRATE JUDGE

TIME IN COURT *15 MINUTES*

**United States District Court
Eastern District of Pennsylvania (Allentown)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-00335-1**

Case title: USA v. MICHETTI

Date Filed: 02/23/2021

Date Terminated: 02/24/2021

Assigned to: Unassigned

Defendant (1)

RICHARD MICHETTI
TERMINATED: 02/24/2021

represented by **KATHLEEN M. GAUGHAN**
FEDERAL DEFENDERS OFFICE
601 WALNUT STREET
SUITE 540
PHILADELPHIA, PA 19106
215-928-1100
Email: kathleen_gaughan@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18 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) - Violent
Entry and Disorderly Conduct on Capitol
Grounds; 18 U.S.C. § 1512(c)(2) -
Obstruction of Justice/Congress; 18 U.S.C.
§ 2 - Principals

Disposition

Plaintiff

USA

represented by **CHRISTINE E. SYKES**
 U.S. ATTORNEY'S OFFICE
 615 CHESTNUT STREET
 SUITE 1250
 PHILA, PA 19106-4476
 TEL 215-861-8441
 Fax: FAX 215-861-8618
 Email: christine.sykes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
02/23/2021		Arrest (Rule 40) of RICHARD MICHETTI (mas,) (Entered: 02/24/2021)
02/23/2021	1	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN. Initial Appearance in Rule 5(c)(3) Proceedings; Appointment of Counsel; Identity; Detention as to RICHARD MICHETTI held on 2/23/21. The Defendant stipulated to identity. The Government and Defense have agreed to conditions of release. See attached Conditions of Release Order. Court Reporter. (mas,) Modified on 2/24/2021 (mas,). (Entered: 02/24/2021)
02/23/2021		O/R Bond Entered as to RICHARD MICHETTI in amount of \$ 250,000. (mas,) (Entered: 02/24/2021)
02/23/2021	2	WAIVER of Rule 5(c)(3) Hearing by RICHARD MICHETTI. (mas,) (Entered: 02/24/2021)
02/23/2021	3	ORDER SETTING CONDITIONS OF RELEASE AS TO RICHARD MICHETTI (1) THAT DEFENDANT IS RELEASED ON BAIL IN THE AMOUNT OF \$250,000.00 O/R ; ETC. AS HEREIN. Signed by MAGISTRATE JUDGE HENRY S. PERKIN on 2/23/21.2/24/21 Entered and Copies E-Mailed. (mas,) Modified on 2/24/2021 (mas,). (Entered: 02/24/2021)
02/23/2021	4	ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL AS TO RICHARD MICHETTI THAT AFTER A HEARING IN THIS COURT, THE DEFENDANT IS RELEASED FROM CUSTODY AND ORDERED TO APPEAR IN THE DISTRICT COURT WHERE THE CHARGES ARE PENDING TO ANSWER THOSE CHARGES. IF THE TIME TO APPEAR IN THAT COURT HAS NOT YET BEEN SET, THE DEFENDANT MUST APPEAR WHEN NOTIFIED TO DO SO. OTHERWISE, THE TIME AND PLACE TO APPEAR IN THAT COURT ARE: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA 333 CONSTITUTION AVE., NW WASHINGTON, DC., COURTROOM NO.: 6, 3/1/2021 1:00 PM. THE CLERK IS ORDERED TO TRANSFER ANY BAIL DEPOSITED IN THE REGISTRY OF THIS COURT TO THE CLERK OF THE COURT WHERE THE CHARGES ARE PENDING. Signed by MAGISTRATE JUDGE HENRY S. PERKIN on 2/23/21.2/23/21 Entered and Copies E-Mailed. (mas,) (Entered: 02/24/2021)
02/24/2021	5	ORDER AS TO RICHARD MICHETTI THAT THE DISTRICT COURT, AS A CONDITION OF YOUR RELEASE PENDING JUDICIAL PROCEEDINGS, HAS ORDERED THAT YOU REFRAIN FROM POSSESSING A FIREARM. THIS CONDITION EXPRESSLY PROHIBITS YOU FROM CARRYING A FIREARM OR

	POSSESSING A FIREARM INSIDE YOUR RESIDENCE, PLACE OF TEMPORARY OCCUPANCY OR VEHICLE. IF YOU OWN OR POSSESS A FIREARM(S), YOU MUST LAWFULLY TRANSFER OR SELL THE FIREARM(S) IN ACCORDANCE WITH THE PROCEDURE OUTLINE BELOW. FAILURE TO ABIDE BY THIS CONDITION MAY RESULT IN THE REVOCATION OF YOUR RELEASE AND THE FILING OF ADDITIONAL CHARGES FOR VIOLATING FEDERAL FIREARMS LAWS, INCLUDING, BUT NOT LIMITED TO, POSSESSION OF A FIREARM BY A PERSON UNDER INDICTMENT; ETC. AS HEREIN. Signed by MAGISTRATE JUDGE HENRY S. PERKIN on 2/23/21.2/24/21 Entered and Copies E-Mailed. (mas,) (Entered: 02/24/2021)
03/03/2021	***TRANSFERRED CASE as to RICHARD MICHETTI TO THE DISTRICT OF COLUMBIA. (ap,) (Entered: 03/03/2021)

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