

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

TIMOTHY EARL O'MALLEY

Defendant

)
) Case: 1:21-mj-00504
) Assigned To : Harvey, G. Michael
) Assign. Date : 6/28/2021
) 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) Timothy Earl O'Malley,
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), (G)—Violent Entry and Disorderly Conduct on Capitol Grounds

Date: June 28, 2021

Digitally signed by
G. Michael Harvey
Date: 2021.06.28
10:52:51 -04'00'

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) 6/28/2021, and the person was arrested on (date) 6/30/2021
at (city and state) Pensacola, FL

Date: 6/30/2021

Arresting officer's signature

Special Agent Alex Vogt 46195 J
Printed name and title

FILED IN OPEN COURT THIS

June 30, 2021
[Signature]
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF FL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
CRIMINAL MINUTES

Case No. 3:21-mj-262/HTC

Date: June 30, 2021
Time: 2:05 p.m. - 2:13 p.m.

DOCKET ENTRY: INITIAL APPEARANCE ON A COMPLAINT IN ANOTHER DISTRICT

PRESENT:

Honorable **Hope Thai Cannon**,
Keri Igney,
DCR Pensacola,
Jeffrey Tharp,
Thomas Keith,
None
Kailey Minnick,

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

Name of Defendant: TIMOTHY EARL O'MALLEY, Arrest Warrant, District of Columbia
Case No. 1:21-mj-504.

Custody Bond O/R

PROCEEDINGS:

- Defendant advised that he/she is before a United States Magistrate Judge.
- Defendant advised of alleged charge(s) against him/her.
- Defendant advised not to make any statement before consulting an attorney.
- Defendant advised of his/her 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 this proceeding in this District. (see separate order)
- Defendant declined to complete CJA Form 23, and was advised that should he subsequently change his mind, he should file a CJA 23 with Clerk of Court.
- Defendant advised he will hire his own counsel.
- Defendant advised of his right to reasonable bail.
- Government moves for detention.
- Defendant advised and **WAIVED** the identity hearing and preliminary hearing in this district.

3:21-mj262/HTC

- Detention hearing, identity hearing, and preliminary hearing (as applicable) 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 Tuesday, July 6, 2021 at 1:00 p.m. EST before Judge G. Michael Harvey at 333 Constitution Avenue N.W., Washington D.C. 20001. Zoom attendance is permitted. Instructions provided to Defendant.
- Defendant released on conditions and directed to voluntarily appear at the initial appearance hearing set forth above.

Filed in open Court
June 30, 2021
CRD: kli

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:21-mj-262/HTC

TIMOTHY EARL O'MALLEY

/

ORDER

Defendant appeared before the Court for his initial appearance on a warrant and complaint from the District of Columbia. The Defendant represented an intent to retain private counsel; however, private counsel was not present at the initial appearance.¹ Thus, the Court appointed the Federal Public Defender's office to represent Defendant for purposes of the initial appearance. Thus, it is hereby

ORDERED:

The **FEDERAL PUBLIC DEFENDER**, Blount Building, Suite 200, 3 West Garden Street, Pensacola, Florida 32502, telephone number (850) 432-1418, is appointed to represent this Defendant and serve as counsel of record for the limited purpose of handling proceedings in this District, subject to reimbursement by the Defendant. Further proceedings will be held before the United States District Court

¹ Defendant also completed a financial affidavit under the CJA. However, based on the information in the affidavit, the Court finds Defendant is able to afford counsel. Thus, this appointment is made subject to reimbursement by the Defendant.

AS DIRECTED. If a Criminal Justice Act (CJA) panel attorney is selected by the Public Defender as Defendant's attorney, this order authorizes payment of the CJA attorney for work on behalf of Defendant from the time that attorney was contacted by the Public Defender to take the case and agreed to take the case, even though that work predated this order. The pretrial service officer is hereby authorized to provide copies of the Defendant's criminal history to both parties.

DONE and ORDERED on June 30, 2021.

/s/ Hope Thai Cannon

**HOPE THAI CANNON
UNITED STATES MAGISTRATE JUDGE**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:21-mj-262/HTC

TIMOTHY EARL O'MALLEY
_____ /

WAIVER OF RULE 5 HEARING
(Indictment)

I understand that I have been charged in the 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 if I am the person named in the arrest warrant and complaint;
- (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 pursuant to Fed. R. Crim. P. 20, in order to plead guilty,

FILED IN OPEN COURT THIS

June 30 2021 hli

CLERK, U.S. DISTRICT COURT,

NORTHERN DISTRICT OF FL


I agree to waive my right(s) to:

- an identity hearing and production of the warrant,
- a preliminary hearing,
- a detention hearing,
- all of the above. I request that my preliminary hearing and/or my 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.



TIMOTHY EARL O'MALLEY



Counsel for the Defendant

June 30, 2021

UNITED STATES DISTRICT COURT
for the
Northern District of Florida

United States of America
v.
TIMOTHY EARL O'MALLEY

Case No. 3:21-MJ-262-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: (VIA ZOOM) UNITED STATES DISTRICT COURT, DISTRICT OF COLUMBIA,
Place
333 CONSTITUTION AVENUE, WASHINGTON, DC 20001, THE HONORABLE JUDGE G. MICHAEL HARVEY

on 7/6/2021 1:00 pm eastern time
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
June 30, 2021
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF FL

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 850-483-8496, no later than noon each Monday.
 - (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: no travel to D.C. except for court or attorney meetings, no travel outside of continental U.S. without court approval, advise pretrial of any travel outside of NDFL
 - (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.

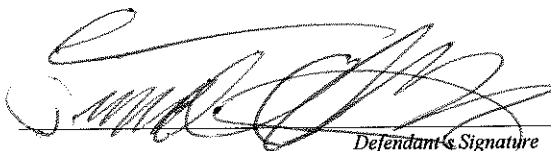
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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: 6/30/2021



Judicial Officer's Signature

UNITED STATES MAGISTRATE JUDGE HOPE T. CANNON

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:21-mj-262/HTC

TIMOTHY EARL O'MALLEY
_____ /

ORDER TO APPEAR

The Defendant appeared before this Court for his initial appearance. The government did not move for detention. The Defendant is not requesting court-appointed counsel. The Defendant waived Defendant's right to have a preliminary hearing in this District.

The Defendant is released on conditions (see separate COR) and ordered to appear in the District of Columbia (the "Charging District"), to answer a complaint in case number 1:21-mj-00504. Defendant is ordered to appear at the following place, date, and time via Zoom (instructions provided to Defendant and counsel in open court):

United States Magistrate Judge G. Michael Harvey
United States District Court, District of Columbia
333 Constitution Avenue, NW
Room 1700
Washington, D.C. 20001
July 6, 2021 at 1:00 PM Eastern Time

Dated: June 30, 2021

s/ *Hope Thai Cannon*

Hope Thai Cannon
United States Magistrate Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 3:21mj262/HTC

TIMOTHY E. O'MALLEY,

Defendant.

_____ /

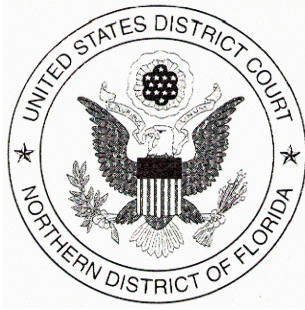
NOTICE OF APPEARANCE

COMES NOW the undersigned attorney, Assistant Federal Public Defender THOMAS S. KEITH, and gives notice that he will be counsel for the defendant in the above-styled cause.

RESPECTFULLY SUBMITTED this 1st day July, 2021.

/s/ Thomas S. Keith

THOMAS S. KEITH
Florida Bar No. 0243078
Attorney for Defendant
3 W. Garden Street, Suite 200
Pensacola, FL 32502
Thomas_Keith@fd.org
(850) 432-1418



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

MEMORANDUM

UNITED STATES OF AMERICA

-vs-

**Northern District Case No:
3:21-mj-262/HTC**

TIMOTHY EARL O'MALLEY

DATE: July 1, 2021

Your Case No.: 1:21-mj-00504/Magistrate Judge G. Michael Harvey

TO: U.S. District Court
District of Columbia
333 Constitution Avenue NW
Washington DC 20001

FROM: Keri Igney, Courtroom Deputy for
Lacey A. Collier, United States District Judge
Hope T. Cannon, United States Magistrate Judge
United States Courthouse
One North Palafox Street
Pensacola, Florida 32502

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 wherein the following action was taken:

INITIAL APPEARANCE: June 30, 2021

CHARGING DOCUMENT: Criminal Complaint/Arrest Warrant

Minute Entry - Rule 5 IA - Out of District; Completed CJA23; Order Appointing Counsel for Limited Purposes; Waiver of Rule 5 Hearings; Order Setting Conditions of Release; Executed Arrest Warrant; Order to Appear; Notice of Appearance (FLNL AFPD); FLND Docket Sheet.

Please stamp your RECEIVED notification on the extra copy of this letter and return same to me. Thank you.

[Query](#) [Reports](#) [Utilities](#) [Help](#) [What's New](#) [Log Out](#)

CLOSED

U.S. District Court
Northern District of Florida (Pensacola)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-00262-HTC-1

Case title: USA v. OMALLEY

Date Filed: 06/30/2021

Date Terminated: 06/30/2021

Assigned to: MAGISTRATE JUDGE
HOPE T CANNON

Defendant (1)

TIMOTHY E OMALLEY
TERMINATED: 06/30/2021

represented by **THOMAS S KEITH**
FEDERAL PUBLIC DEFENDER OFFICE
- PENSACOLA FL
3 W GARDEN ST
STE 200
PENSACOLA, FL 32502
850/432-1418
Fax: 434-3855
Email: thomas_keith@fd.org
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 **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
06/30/2021	1	RULE 5 INITIAL DOCUMENTS: Arrest Warrant, Criminal Complaint, Statement of Facts in U.S. Court, District of Columbia Case No. 1:21-mj-00504 assigned to Magistrate Judge G. Michael Harvey as to TIMOTHY E OMALLEY. (kli) (Entered: 06/30/2021)
06/30/2021	2	Minute Entry for proceedings held before MAGISTRATE JUDGE HOPE T CANNON:Initial Appearance in Rule 5(c)(3) Proceedings as to TIMOTHY E OMALLEY held 6/30/2021. (Court Reporter DCR Pensacola.) (kli) (Entered: 06/30/2021)
06/30/2021	3	CJA 23 Financial Affidavit by TIMOTHY E OMALLEY (PDF sealed per Privacy Policy) (kli) (Entered: 06/30/2021)
06/30/2021	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER FOR LIMITED PURPOSES as to TIMOTHY E OMALLEY. Signed by MAGISTRATE JUDGE HOPE T CANNON on 6/30/2021. (kli) (Entered: 06/30/2021)
06/30/2021	5	WAIVER of Rule 5 Hearings by TIMOTHY E OMALLEY. (kli) (Entered: 06/30/2021)
06/30/2021	6	ORDER SETTING CONDITIONS OF RELEASE as to TIMOTHY E OMALLEY. Signed by MAGISTRATE JUDGE HOPE T CANNON on 6/30/2021. (kli) (Entered: 06/30/2021)
06/30/2021	7	Arrest Warrant issued by U.S. Magistrate Judge G. Michael Harvey Executed 6/30/2021 in case as to TIMOTHY E OMALLEY. (kli) (Entered: 06/30/2021)
06/30/2021	8	ORDER TO APPEAR as to TIMOTHY E OMALLEY. Signed by MAGISTRATE JUDGE HOPE T CANNON on 6/30/2021. (kli) (Entered: 06/30/2021)
07/01/2021	9	NOTICE OF ATTORNEY APPEARANCE: THOMAS S KEITH appearing for TIMOTHY E OMALLEY (KEITH, THOMAS) (Entered: 07/01/2021)
07/01/2021	10	Transmittal letter from FLND to U.S. Courthouse District of Columbia with Rule 5 documents from 6/30/2021 proceedings as to TIMOTHY E O'MALLEY. (kli) (Entered: 07/02/2021)