

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

William Michael Sywak

Case: 1:21-mj-00417

Assigned to: Judge Harvey, G. Michael

Assign Date: 5/7/2021

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) William Michael Sywak

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) - Knowingly Entering any Restricted Building or Grounds;
18 U.S.C. § 1752(a)(2) - Disorderly Conduct in any Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parading on Capitol Grounds.

Date: 05/07/2021

Digitally signed by G. Michael Harvey
Date: 2021.05.07 12:14:57 -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) MAY 7, 2021, and the person was arrested on (date) MAY 19, 2021
at (city and state) HAMBURG, NY

Date: MAY 19, 2021

Arresting officer's signature

JOSEPH BUTTA TASK FORCE OFFICER
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

William Jason Sywak

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Case: 1:21-mj-00417

Assigned to: Judge Harvey, G. Michael

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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) William Jason Sywak

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:

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18 U.S.C. § 1752(a)(2) - Disorderly Conduct in any Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parading on Capitol Grounds.

Date: 05/07/2021

Digitally signed by G. Michael Harvey
Date: 2021.05.07 12:14:10 -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) 5/7/21, and the person was arrested on (date) 5/19/21
at (city and state) Arcade, New York

Date: 5/20/21

Arresting officer's signature

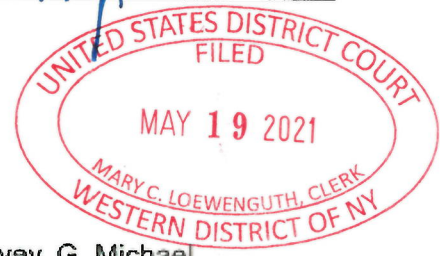
Special Agent Joseph Butterworth
Printed name and title

21-mj-5108

UNITED STATES DISTRICT COURT

for the

District of Columbia



United States of America

v.

William Michael Sywak , (DOB: XXXXXXXXX)

William Jason Sywak, (DOB: XXXXXXXXX)

Case: 1:21-mj-00417

Assigned to: Judge Harvey, G. Michael

Assign Date: 5/7/2021

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:

Code Section

Offense Description

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering any Restricted Building or Grounds;
18 U.S.C. § 1752(a)(2) - Disorderly Conduct in any Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parading on Capitol Grounds.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Complainant's signature

Joseph Butta, 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: 05/07/2021

Judge's signature

Digitally signed by G. Michael Harvey Date: 2021.05.07 12:17:27 -04'00'

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

1. Your affiant, Joseph Butta, is a Special Agent with the Department of Homeland Security, Federal Protective Service and a Task Force Officer assigned to the Federal Bureau of Investigation Joint Terrorism Task Force in the Buffalo Field Office. I am assisting in the investigation and prosecution of events which occurred at the U.S. Capitol on January 6, 2021.

2. 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.

3. 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 Michael Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President 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.

5. 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.

6. 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 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.

7. 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.

8. In late January 2021, a comparison of photographs by the FBI Washington Field Office revealed a potential match between a photograph taken on the grounds of the U.S. Capitol building on January 6, 2021 (Photograph 1 below) and a booking photograph from a prior arrest of William MICHAEL SYWAK (Photograph 2 below).



Photograph 1

Photograph 2

9. On January 27, 2021, MICHAEL SYWAK was interviewed by the FBI. MICHAEL SYWAK stated that he and his son, William JASON SYWAK, traveled together to the U.S. Capitol on January 5, 2021 to see the protests on January 6, 2021. MICHAEL SYWAK admitted to being at the Capitol on January 6, 2021, but denied going inside the building. After arriving at the Capitol, MICHAEL SYWAK stated he and his son JASON SYWAK walked around the Capitol grounds but were separated. MICHAEL SYWAK stated that his cell phone battery died, and he was unable to call his son to locate him. MICHAEL SYWAK stated his son did not go inside the Capitol or take part in any violent acts.

10. MICHAEL SYWAK was shown Photograph 1 and was asked if it was him. SYWAK stated “yeah, that’s me.” MICHAEL SYWAK stated that he was surprised his hair looked so neat because he wore a black beanie hat while he was at the Capitol.

11. On February 8, 2021, your affiant reviewed footage from a YouTube video obtained by the FBI depicting various protest activities at the Capitol on January 6, 2021. The video is approximately 5 minutes and 29 seconds in length and was reviewed in its entirety. The video shows an individual resembling MICHAEL SYWAK wearing a dark jacket and a light-colored hood exiting a doorway manned by U.S. Capitol Police Officers. A screenshot from this video is shown below (Photograph 3).



Photograph 3

12. This video appears to be the source of Photograph 1, which MICHAEL SYWAK identified as a photograph of himself. That is clear from a comparison of a cropped version of Photograph 3 and Photograph 1, demonstrated below:



Cropped version of Photograph 3

Photograph 1

13. In the YouTube video from which Photograph 3 was taken, at one point there is a door number visible above the brown wooden door over MICHAEL SYWAK's right shoulder in Photograph 3. The U.S. Capitol Police confirmed, based on that room number, that the double white doors pictured in Photograph 3 is the Memorial Door entrance to the U.S. Capitol.

14. On February 25, 2021, your affiant reviewed Closed Circuit Television (CCTV) footage of an individual exiting the U.S. Capitol building at the Memorial Door at 2:41 p.m. EST. Photographs 4 and 5 below come from that CCTV footage. I believe the individual circled in red in those three photographs is MICHAEL SYWAK. That belief is based on the fact that MICHAEL

SYWAK exited this door that afternoon; that the individual is wearing a dark jacket and light-colored hood and has a haircut and appearance that matches that of MICHAEL SYWAK in Photograph 3; and that the individual in the CCTV footage is escorted out of the door by U.S. Capitol police officers, just as MICHAEL SYWAK is in the YouTube video from which Photograph 3 apparently came.



Photograph 4



Photograph 5

15. As noted above, when MICHAEL SYWAK was interviewed on January 27, 2021, he stated that his son JASON SYWAK had traveled to the U.S. Capitol building with him on January 6, 2021, but claimed that his son had not entered the Capitol building or engaged in any violence.

16. According to records obtained through a search warrant served on Google, a mobile device associated with *****98@gmail.com was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time.

17. In this case, Google location data shows that the mobile device associated with *****98@gmail.com was within the U.S. Capitol at the locations shown in Figure 1 (at the locations reflected by each darker blue circle), below, with the “maps display radius” reflected in Figure 1 (in a lighter blue ring around each darker blue circle). As illustrated in Figure 1, the

listed locations encompass areas that are entirely within the U.S. Capitol Building between approximately 2:13 p.m. and 3:20 p.m. EST on January 6, 2021, with the exception of two location data points, which were nonetheless entirely within areas of the U.S. Capitol Grounds which were restricted on January 6, 2021.

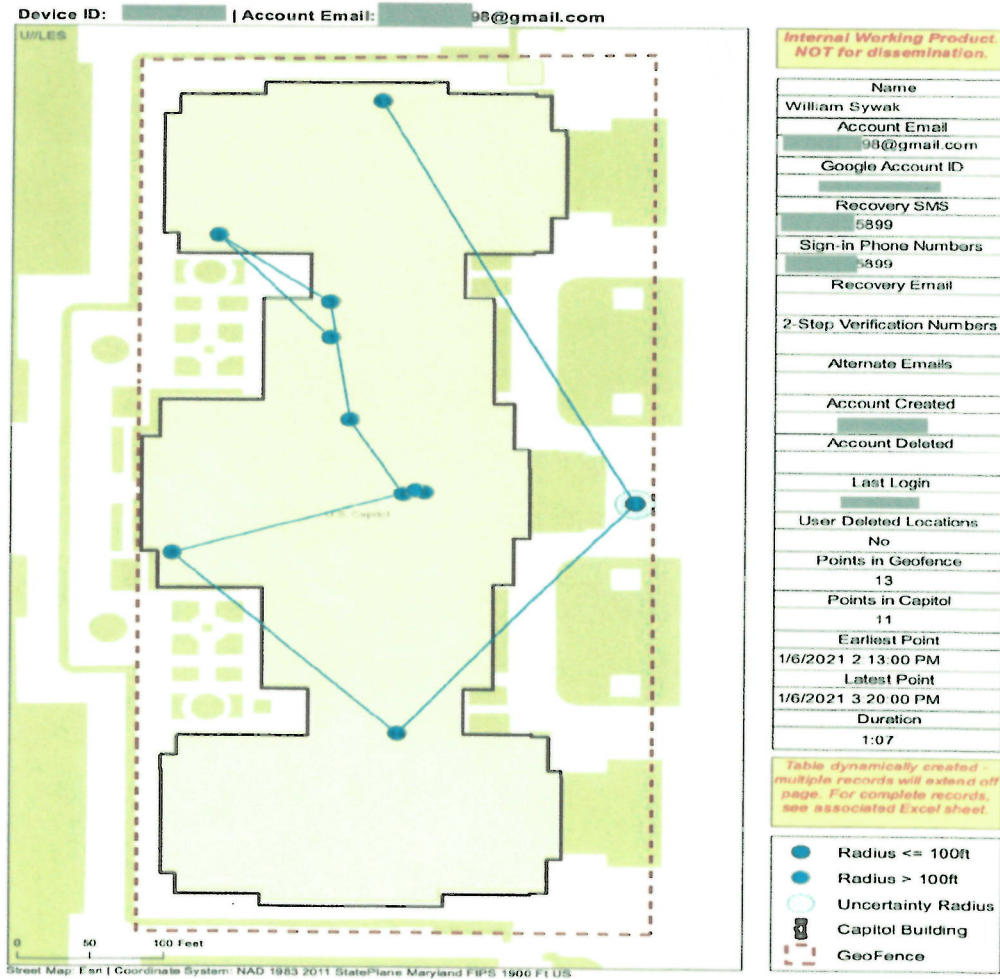


Figure 1

18. The FBI has reviewed the available information for *****98@gmail.com to determine whether there was any evidence that devices associated with that email address could have lawfully been inside the U.S. Capitol Building on January 6, 2021. The information for *****98@gmail.com did not match any information for persons lawfully within the Capitol. Accordingly, I believe that the individual possessing this device was not authorized to be within the U.S. Capitol Building on January 6, 2021.

19. Records provided by Google indicate that that *****98@gmail.com Google account was subscribed to by “William Sywak.” The account was created on November 11, 2016, with an account recovery and sign-in phone number of ***-***-5899.

20. Records from Verizon Wireless indicate that the ***-***-5899 phone number is subscribed to by “N.M.” at an address in Arcade, NY. Several weeks ago, William JASON SYWAK was seen departing that address in a vehicle registered to him in the early morning.

21. N.M.’s public Facebook page states that she and “Billy Sywak” are in a relationship. Her Facebook page shows a photo of her and a male kneeling next to each other with a dog. I believe that male to be William JASON SYWAK, MICHAEL SYWAK’s son, based on a comparison of that photograph to JASON SYWAK’s New York Department of Motor Vehicles photograph. Based on a review of the Facebook page, I believe “Billy Sywak” is William JASON SYWAK. A screenshot from N.M.’s Facebook page is shown below.

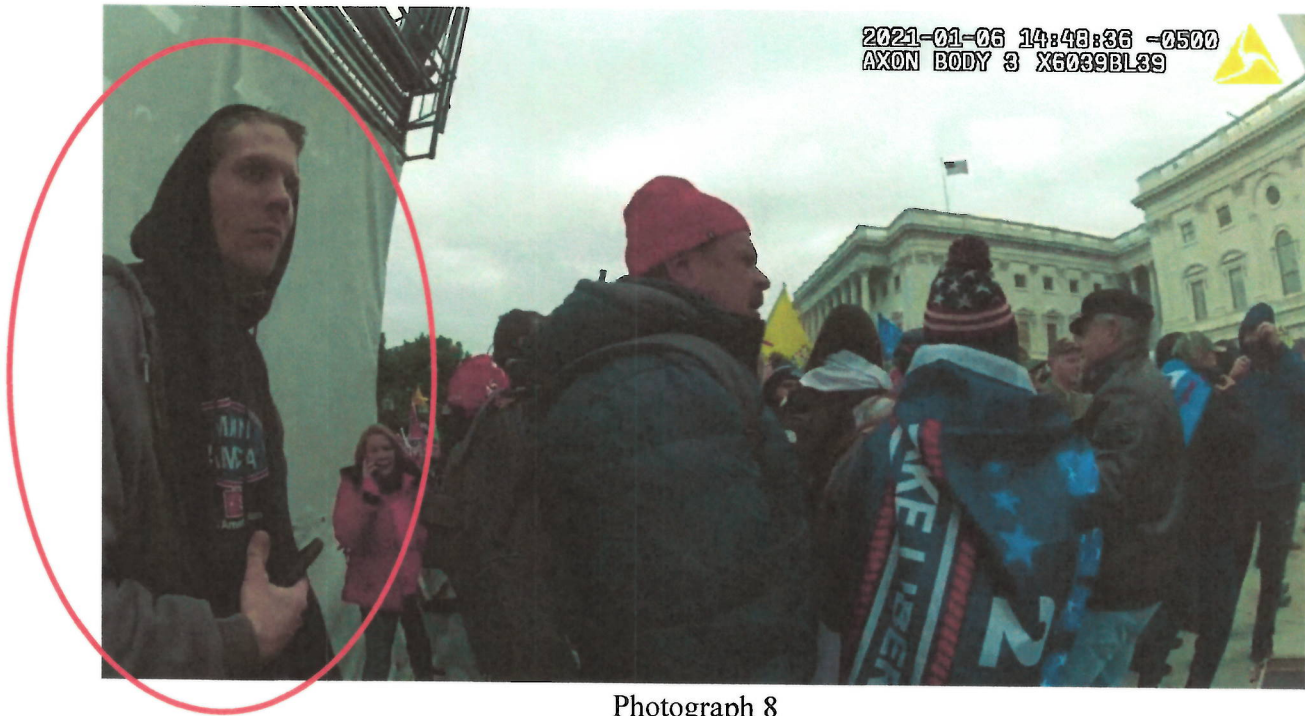


Photograph 6

22. I have reviewed Washington, D.C. Metropolitan Police Department bodycam video obtained by the FBI. The video contains footage of an individual on the grounds of the U.S. Capitol Building whom I believe to be JASON SYWAK. I have attached two screenshots from this video below; the person whom I believe to be JASON SYWAK is circled in red. JASON SYWAK is wearing a black hooded sweatshirt under a gray jacket and dark pants, and is holding a cellphone in his right hand. In Photograph 8, a gray neck gaiter or face covering is visible under his chin.



Photograph 7



Photograph 8

23. On March 2, 2021, your affiant reviewed surveillance footage of two individuals entering the U.S. Capitol at 2:18 p.m. EST. I believe the first individual, pictured in photos 9 and 10 wearing a dark beanie hat, light-colored hood, dark jacket, dark pants, and carrying a cell phone, to be MICHAEL SYWAK. This individual appears to be wearing a black beanie beneath a gray hood. As noted above, MICHAEL SYWAK told the FBI that he wore a black beanie on January 6, 2021.



Photograph 9



Photograph 10

24. Moments after MICHAEL SYWAK enters, an individual I believe to be JASON SYWAK appears in the doorway. In photographs 11, 12, and 13 below, JASON SYWAK is wearing, as he was in Photographs 7 and 8, a gray jacket over a black hooded sweatshirt and a gray face covering, and dark pants; he is carrying a water bottle in his left hand and holding up a cell phone in his right hand. After JASON SYWAK enters the Capitol (Photograph 11), he walks up to and locks arms with the individual identified as MICHAEL SYWAK, JASON SYWAK's father (Photograph 12). JASON SYWAK and his father MICHAEL SYWAK then proceed down a hallway as JASON SYWAK appears to be recording a video with his cell phone (Photograph 13).



Photograph 11



Photograph 12



Photograph 13

25. Based on the foregoing, your affiant submits that there is probable cause to believe that MICHAEL SYWAK and JASON SYWAK each violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance. As noted above, both MICHAEL SYWAK and JASON SYWAK were within a posted, cordoned off, or otherwise restricted area of a building or grounds where the Vice President was temporarily visiting on January 6, 2021.

26. Your affiant submits there is also probable cause to believe that MICHAEL SYWAK and JASON SYWAK each violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol buildings. As noted above, both MICHAEL SYWAK and JASON SYWAK were within “the Grounds or in any of the Capitol buildings” on January 6, 2021.



Task Force Officer Joseph Butta
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 7th day of May, 2021.



Digitally signed by G.
Michael Harvey
Date: 2021.05.07 12:16:11
-04'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

William Michael Sywak

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)
)
)
)

Case: 1:21-mj-00417

Assigned to: Judge Harvey, G. Michael

Assign Date: 5/7/2021

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) William Michael Sywak,
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) - Knowingly Entering any Restricted Building or Grounds;
- 18 U.S.C. § 1752(a)(2) - Disorderly Conduct in any Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
- 40 U.S.C. § 5104(e)(2)(G) - Parading on Capitol Grounds.

Date: 05/07/2021

Digitally signed by G. Michael Harvey
Date: 2021.05.07 12:14:57 -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) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

William Jason Sywak

)
)
)
)
)
)
)

Case: 1:21-mj-00417

Assigned to: Judge Harvey, G. Michael

Assign Date: 5/7/2021

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) William Jason Sywak

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

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- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
- 40 U.S.C. § 5104(e)(2)(G) - Parading on Capitol Grounds.

Date: 05/07/2021



Digitally signed by G. Michael Harvey
Date: 2021.05.07 12:14:10 -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) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title



dl-my-5100

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

WILLIAM MICHAEL SYWAK AND

WILLIAM JAMES SYWAK,

DEFENDANTS

Case: 1:21-mj-00417
Assigned to: Judge Harvey, G. Michael
Assign Date: 5/7/2021
Description: COMPLAINT W/ARREST WARRANT

VIOLATIONS:

18 U.S.C. § 1752(a)(1) and (a)(2)
(Entry into and Disorderly Conduct in
Restricted Building or Grounds)
40 U.S.C. § 5104(e)(2)(D) and (G)
(Violent Entry, Disorderly Conduct, and
Parading in Capitol Building or Grounds)

ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the complaint, affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: May 7, 2021

Digitally signed by G. Michael Harvey Date: 2021.05.07 12:19:38 -04'00'

G. MICHAEL HARVEY UNITED STATES MAGISTRATE JUDGE

MIME-Version:1.0
From:webmaster@nywd.uscourts.gov
To:Courtmail@nywd.uscourts.gov
Bcc:
--Case Participants: Charles Mark Kruly (charles.kruly@usdoj.gov,
jessica.olszewski@usdoj.gov), Hon. Michael J. Roemer (colleen_roberts@nywd.uscourts.gov,
michael_roemer@nywd.uscourts.gov, molly_miranda@nywd.uscourts.gov,
rosalie_zavarella@nywd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:4848336@nywd.uscourts.gov
Subject:Activity in Case 1:21-mj-05108-MJR USA v. Sywak et al Set/Reset Hearings
Content-Type: text/html

U.S. DISTRICT COURT

U.S. District Court, Western District of New York

Notice of Electronic Filing

The following transaction was entered on 5/19/2021 at 8:57 AM EDT and filed on 5/19/2021

Case Name: USA v. Sywak et al
Case Number: 1:21-mj-05108-MJR
Filer:
Document Number: No document attached

Docket Text:

SCHEDULING NOTICE as to William Michael Sywak, William Jason Sywak. Rule 5 Initial Appearance set for 5/19/2021 02:30 PM in Allegany Courtroom – 6th Floor, US Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. Michael J. Roemer. (RAZ)

1:21-mj-05108-MJR-1 Notice has been electronically mailed to:

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

1:21-mj-05108-MJR-1 Notice has been delivered by other means to:

1:21-mj-05108-MJR-2 Notice has been electronically mailed to:

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

1:21-mj-05108-MJR-2 Notice has been delivered by other means to:

MIME-Version:1.0

From:webmaster@nywd.uscourts.gov

To:Courtmail@nywd.uscourts.gov

Bcc:

--Case Participants: Charles Mark Kruly (charles.kruly@usdoj.gov, jessica.olszewski@usdoj.gov), MaryBeth Covert (kathleen_grabiec@fd.org, marybeth_covert@fd.org), Hon. Michael J. Roemer (colleen_roberts@nywd.uscourts.gov, michael_roemer@nywd.uscourts.gov, molly_miranda@nywd.uscourts.gov, rosalie_zavarella@nywd.uscourts.gov)

--Non Case Participants:

--No Notice Sent:

Message-Id:4850661@nywd.uscourts.gov

Subject:Activity in Case 1:21-mj-05108-MJR USA v. Sywak et al Add and Terminate Attorneys

Content-Type: text/html

U.S. DISTRICT COURT

U.S. District Court, Western District of New York

Notice of Electronic Filing

The following transaction was entered on 5/20/2021 at 2:25 PM EDT and filed on 5/19/2021

Case Name: USA v. Sywak et al

Case Number: 1:21-mj-05108-MJR

Filer:

Document Number: 2(No document attached)

Docket Text:

Minute Entry for proceedings held before Hon. Michael J. Roemer. Appearances: AUSA Charles M. Kruly on behalf of government; AFPD MaryBeth Covert w/defendant William Michael Sywak and defendant William Jason Sywak; USPO Brian M. Mamizuka.

Initial Appearance in Rule 5(c)(3) Proceedings as to William Michael Sywak, William Jason Sywak held on 5/19/2021. Government summarized charges in the Criminal Complaint and stated possible penalties. Court advised defendants of their rights, including right to counsel. Defendants each requested assigned counsel and are sworn, questioned and found eligible. AFPD MaryBeth Covert accepted assignment as to both defendants.

Each defendant waived an identity hearing. Government had no objection to defendants being released on conditions. The Court reviewed the conditions of release with each defendant and each stated they understood all conditions imposed. Defendants waived a preliminary hearing. The government advised the defendants that their next appearance is 5/27/2021 at 1:00 PM via ZoomGov before the District Court of Columbia and will supply the defendants and AFPD Covert with further details. Time excluded through 5/27/2021 for the purpose of the Speedy Trial Act as stated on the record. Defendants are released on conditions. Court advised the government of their Brady obligations. (Court Reporter FTR Gold.)(RAZ)

1:21-mj-05108-MJR-1 Notice has been electronically mailed to:

MaryBeth Covert marybeth_covert@fd.org, kathleen_grabiec@fd.org

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

1:21-mj-05108-MJR-1 Notice has been delivered by other means to:

1:21-mj-05108-MJR-2 Notice has been electronically mailed to:

MaryBeth Covert marybeth_covert@fd.org, kathleen_grabiec@fd.org

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

1:21-mj-05108-MJR-2 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

21-mj-5108

v.

WILLIAM MICHAEL SYWAK and
WILLIAM JASON SYWAK,
Defendants.

This Order is entered, pursuant to Federal Rule of Criminal Procedure 5(f) and the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), to confirm the Government's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligations.

The Government must disclose to the defense all information “favorable to an accused” that is “material either to guilt or to punishment” and that is known to the Government. *Id.* at 87. This obligation applies regardless of whether the defendant requests this information or whether the information would itself constitute admissible evidence. The Government shall disclose such information to the defense promptly after its existence becomes known to the Government so that the defense may make effective use of the information in the preparation of its case.

As part of these obligations, the Government must disclose any information that can be used to impeach the trial testimony of a Government witness within the meaning of *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny. Such information must be disclosed sufficiently in advance of trial in order for the defendant to make effective use of it at trial or at such other time as the Court may order.¹

¹ This Order does not purport to set forth an exhaustive list of the Government's disclosure obligations.

The foregoing obligations are continuing ones and apply to materials that become known to the Government in the future. These obligations also apply to information that is otherwise subject to disclosure regardless of whether the Government credits it.

In the event the Government believes that a disclosure under this Order would compromise witness safety, victim rights, national security, a sensitive law-enforcement technique, or any other substantial government interest, it may apply to the Court for a modification of its obligations, which may include in camera review or withholding or subjecting to a protective order all or part of the information otherwise subject to disclosure.²

For purposes of this Order, the Government has an affirmative obligation to seek all information subject to disclosure under this Order from all current or former federal, state, and local prosecutors, law enforcement officers, and other officers who have participated in the prosecution, or investigation that led to the prosecution, of the offense or offenses with which the defendant is charged.

If the Government fails to comply with this Order, the Court, in addition to ordering production of the information, may:

- (1) specify the terms and conditions of such production;
- (2) grant a continuance;
- (3) impose evidentiary sanctions;
- (4) impose contempt or other sanctions on any lawyer responsible for violations of the Government's disclosure obligations, or refer the matter to disciplinary authorities;
- (5) dismiss charges before trial or vacate a conviction after trial or a guilty plea; or
- (6) enter any other order that is just under the circumstances.

² The Classified Information Procedures Act sets forth separate procedures to be followed in the event that the Government believes matters relating to classified information may arise in connection with the prosecution. *See* 18 U.S.C. app. 3 §§ 1 *et seq.*

IT IS SO ORDERED.

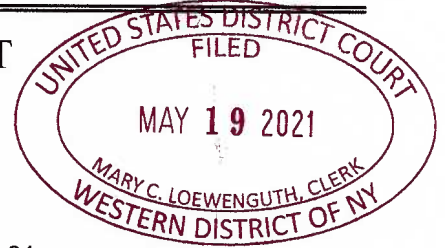
DATED: May 19, 2021
Buffalo, NY

/s/ Michael J. Roemer
MICHAEL J. ROEMER
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Western District of New York



United States of America)

v.)

Case No. 21-mj-5108-01

WILLIAM MICHAEL SYWAK)

Defendant)

Charging District's Case No. 1:21-mj-00417

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: 05/19/2021

William M. Sywak
Defendant's signature

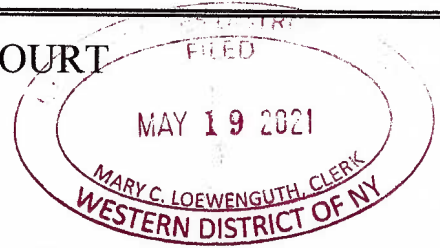
Marybeth G. Covert
Signature of defendant's attorney

MARYBETH COVERT
Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Western District of New York



United States of America)

v.)

Case No. 21-mj-5108-02

WILLIAM JASON SYWAK)

Charging District's Case No. 1:21-mj-00417

Defendant)

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:

- [x] an identity hearing and production of the warrant.
[x] 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.

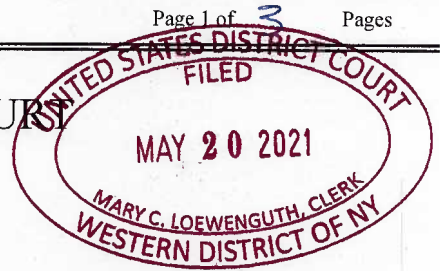
I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 05/19/2021

Handwritten signature of William Jason Sywak (Defendant's signature)
Handwritten signature of Mary Beth Covert (signature of defendant's attorney)
Printed name: MARYBETH COVERT (Printed name of defendant's attorney)

Judge: MJR
AUSA: C. Kruly
USPO: BMM

UNITED STATES DISTRICT COURT
for the
Western District of New York



United States of America
v.

ORDER SETTING CONDITIONS
OF RELEASE

William Michael Sywak
Defendant

Case Number: 21-MJ-5108-01

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

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant shall immediately advise the court, defense counsel, U.S. Attorney and the U.S. Probation and Pretrial Services office in writing before any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified)

U.S. District Court on May 27, 2021 @ 1pm and as directed thereafter.
Place *Date and Time*

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (5) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (6) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- (7) The defendant is placed in the custody of:
(Name of person or organization): _____
(City and state): _____ (Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or is no longer in the custodian's custody.

Signed: _____
Custodian or Proxy Date

Additional Conditions of Release (continued)

(8) The defendant shall:

- (a) Report to the Pretrial Services within 24 hours of release, telephone number (716) 551-4241, and as directed thereafter.
- (b) Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
- (c) Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described:
- (d) Execute a bail bond with solvent securities in the amount of \$ _____
- (e) Maintain or actively seek employment.
- (f) Maintain or commence an educational program.
- (g) Surrender any passport/passport card to: **the Clerk of the Court**¹. Surrender other international travel documents to appropriate authorities (i.e. Enhanced Driver's License or NEXUS card).
- (h) Not obtain a passport or other international travel document (i.e. Enhanced Driver's License or NEXUS card).
- (i) Restrict travel to: WJ/NY for residency and D.C. for court appearances, unless court permission is granted to travel elsewhere.
- (j) Remain at a verifiable address as approved by Pretrial Services.
- (k) Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services.
- (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____
- (m) Submit to a mental health evaluation and/or treatment as approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- (n) Return to custody each (week)day as of _____ after being released each (week)day as of _____ for employment, schooling, or the following limited purpose(s): _____
- (o) Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services.
- (p) Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- (q) Refrain from any excessive use of alcohol.
- (r) Refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner, and/or any other mind altering substances.
- (s) Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, including co-payment.
- (t) Participate in a program of inpatient or outpatient substance abuse therapy and counseling approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- (u) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is ~~are~~ required as a condition~~s~~ of release.
- (v)(1) Participate in one of the following location restriction programs and abide by all the requirements of the program which will or will not include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
 - (i) **Curfew.** You are restricted to your residence every day from _____ to _____, or as directed by the officer.
 - (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 as pre-approved by the officer.
 - (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- (v)(2) Participate in one of the following location restriction programs and abide by all the requirements of the program which will be monitored by a Global Positioning Satellite system (G.P.S.). You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
 - (i) **Curfew.** You are restricted to your residence every day from _____ to _____, or as directed by the officer.
 - (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 as pre-approved by the officer.
 - (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- (w) Report within 72 hours, to Pretrial Services any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- The defendant must not operate a motor vehicle
- Stay away from Washington, D.C. unless for Court or pretrial obligations
- The defendant shall appear in the District of Columbia as directed by mm on May 27, 2021 at 4pm by Zoom Conference

¹For U.S. Passports, the passport will be returned to the U.S. Office of Passport Policy and Planning upon conviction; For Foreign Passports, the passport will be forwarded to the Bureau of Immigration and Customs Enforcement (ICE); The passport will only be returned to defendant if the case is dismissed.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliating and intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of 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 shall 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 shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of 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 to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

William M. ...
Signature of Defendant

Buffalo, NY
City and State

Directions to 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 judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

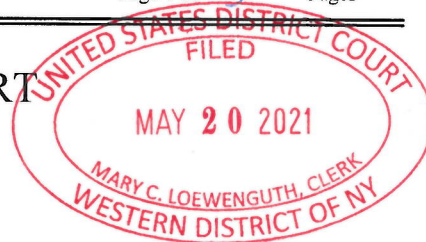
Date: *May 19, 2021*

Michael J. ...
Signature of Judicial Officer

Michael J. ... U.S.M.S.
Name and Title of Judicial Officer

Judge: MJK
AUSA: C. Kruly
USPO: BMM

UNITED STATES DISTRICT COURT
for the
Western District of New York



United States of America
v.

ORDER SETTING CONDITIONS
OF RELEASE

William Jason Sywak
Defendant

Case Number: 21-MJ-5108-02

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

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant shall immediately advise the court, defense counsel, U.S. Attorney and the U.S. Probation and Pretrial Services office in writing before any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified)

U.S. District Court on May 27, 2021 @ 1pm and as directed thereafter.
Place Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (X) (5) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (6) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (7) The defendant is placed in the custody of:
(Name of person or organization): _____
(City and state): _____ (Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or is no longer in the custodian's custody.

Signed: _____
Custodian or Proxy Date

Additional Conditions of Release (continued)

(8) The defendant shall:

- (X) (a) Report to the Pretrial Services within 24 hours of release, telephone number (716) 551-4241, and as directed thereafter.
- () (b) Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
-
- () (c) Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described:
- () (d) Execute a bail bond with solvent securities in the amount of \$ _____
- () (e) Maintain or actively seek employment.
- () (f) Maintain or commence an educational program.
- (X) (g) Surrender any passport/passport card to: the Clerk of the Court¹. Surrender other international travel documents to appropriate authorities (i.e. Enhanced Driver's License or NEXUS card).
- (X) (h) Not obtain a passport or other international travel document (i.e. Enhanced Driver's License or NEXUS card).
- (X) (i) Restrict travel to: WOLBY for residency and D.C. for court appearances, unless court permission is granted to travel elsewhere.
- (X) (j) Remain at a verifiable address as approved by Pretrial Services.
- () (k) Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services.
- () (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:
- () (m) Submit to a mental health evaluation and/or treatment as approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- () (n) Return to custody each (week)day as of _____ after being released each (week)day as of _____ for employment, schooling, or the following limited purpose(s): _____
- () (o) Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services.
- (X) (p) Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- (X) (q) Refrain from () any (X) excessive use of alcohol.
- (X) (r) Refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner, and/or any other mind altering substances.
- (X) (s) Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, including co-payment.
- (X) (t) Participate in a program of inpatient or outpatient substance abuse therapy and counseling approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- (X) (u) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is ~~(are)~~ required as a condition~~(s)~~ of release.
- () (v)(1) Participate in one of the following location restriction programs and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
- () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or as directed by the officer.
- () (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 as pre-approved by the officer.
- () (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- () (v)(2) Participate in one of the following location restriction programs and abide by all the requirements of the program which will be monitored by a Global Positioning Satellite system (G.P.S.). You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
- () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or as directed by the officer.
- () (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 as pre-approved by the officer.
- () (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- (X) (w) Report within 72 hours, to Pretrial Services any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (X) stay away from Washington, D.C. unless for Court or Pretrial obligations
- (X) The defendant shall appear in the District of Columbia on May 27, 2021 at 1pm by zoom conference.

¹For U.S. Passports, the passport will be returned to the U.S. Office of Passport Policy and Planning upon conviction; For Foreign Passports, the passport will be forwarded to the Bureau of Immigration and Customs Enforcement (ICE); The passport will **only** be returned to defendant if the case is dismissed.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliating and intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of 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 shall 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 shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of 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 to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

[Handwritten Signature]
Signature of Defendant

Buffalo, NY
City and State

Directions to 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 judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: *May 19, 2021*

Michael J. Roman
Signature of Judicial Officer

Michael J. Roman, U.S. M-J.
Name and Title of Judicial Officer

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-05108-MJR All Defendants

Case title: USA v. Sywak et al

Date Filed: 05/19/2021

Other court case number: 1:21-mj-00417 District of Columbia

Date Terminated: 05/20/2021

Assigned to: Hon. Michael J. Roemer

Defendant (1)

William Michael Sywak

TERMINATED: 05/20/2021

represented by **MaryBeth Covert**

Federal Public Defender Office

300 Pearl Street

Suite 450

Buffalo, NY 14202

716-551-3341

Fax: 716-551-3346

Email: marybeth_covert@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender

Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Hon. Michael J. Roemer

Defendant (2)

William Jason Sywak
TERMINATED: 05/20/2021

represented by **MaryBeth Covert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender
Appointment

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 **Charles Mark Kruly**
U.S. Attorney's Office – Bflo
Federal Centre
138 Delaware Avenue
Buffalo, NY 14202
716-843-5838
Fax: 716-551-3146
Email: charles.kruly@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: government attorney

Date Filed	#	Page	Docket Text
05/19/2021	<u>1</u>	4	Rule 5(c)(3) Documents Received as to William Michael Sywak, William Jason Sywak. (RAZ) (Entered: 05/19/2021)
05/19/2021		21	SCHEDULING NOTICE as to William Michael Sywak, William Jason Sywak. Rule 5 Initial Appearance set for 5/19/2021 02:30 PM in Allegany Courtroom – 6th Floor, US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Michael J. Roemer. (RAZ) (Entered: 05/19/2021)
05/19/2021	2	22	

			<p>Minute Entry for proceedings held before Hon. Michael J. Roemer. Appearances: AUSA Charles M. Kruly on behalf of government; AFPD MaryBeth Covert w/defendant William Michael Sywak and defendant William Jason Sywak; USPO Brian M. Mamizuka.</p> <p>Initial Appearance in Rule 5(c)(3) Proceedings as to William Michael Sywak, William Jason Sywak held on 5/19/2021. Government summarized charges in the Criminal Complaint and stated possible penalties. Court advised defendants of their rights, including right to counsel. Defendants each requested assigned counsel and are sworn, questioned and found eligible. AFPD MaryBeth Covert accepted assignment as to both defendants.</p> <p>Each defendant waived an identity hearing. Government had no objection to defendants being released on conditions. The Court reviewed the conditions of release with each defendant and each stated they understood all conditions imposed. Defendants waived a preliminary hearing. The government advised the defendants that their next appearance is 5/27/2021 at 1:00 PM via ZoomGov before the District Court of Columbia and will supply the defendants and AFPD Covert with further details. Time excluded through 5/27/2021 for the purpose of the Speedy Trial Act as stated on the record. Defendants are released on conditions. Court advised the government of their Brady obligations. (Court Reporter FTR Gold.)(RAZ) (Entered: 05/20/2021)</p>
05/19/2021	<u>3</u>	24	RULE 5(f) ORDER as to William Michael Sywak, William Jason Sywak. Signed by Hon. Michael J. Roemer on 5/19/2021.(RAZ) (Entered: 05/20/2021)
05/19/2021	<u>4</u>		CJA 23 Financial Affidavit by William Michael Sywak. (RAZ) (Entered: 05/20/2021)
05/19/2021	<u>5</u>		CJA 23 Financial Affidavit by William Jason Sywak. (RAZ) (Entered: 05/20/2021)
05/19/2021	<u>6</u>	27	WAIVER of Rule 5(c)(3) Hearing by William Michael Sywak. (RAZ) (Entered: 05/20/2021)
05/19/2021	<u>7</u>	28	WAIVER of Rule 5(c)(3) Hearing by William Jason Sywak. (RAZ) (Entered: 05/20/2021)
05/20/2021	<u>8</u>	29	ORDER Setting Conditions of Release as to William Michael Sywak. Signed by Hon. Michael J. Roemer on 5/19/2021.(RAZ) (Entered: 05/20/2021)
05/20/2021	<u>9</u>	32	ORDER Setting Conditions of Release as to Michael Jason Sywak. Signed by Hon. Michael J. Roemer on 5/19/2021.(RAZ) (Entered: 05/20/2021)