

AO 442 (Rev 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

Matthew Greene,

Defendant

Case No. 21-cr-52

Assigned to: Judge Timothy J. Kelly

Assign Date: 4/16/2021

Description: SUPERSEDING INDICTMENT (B)

Case Related to 21 CR-52 (TJK)

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) Matthew Greene

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. § 371 (Conspiracy); 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers);
 18 U.S.C. §§ 231(a)(3), 2 (Civil Disorder); 18 U.S.C. §§ 1361, 2 (Government Property or Contracts); 18 U.S.C. §§ 1512
 (c)(2), 2 (Obstruction of an Official Proceeding); 18 U.S.C. §§ 2112 (Robbery of Personal Property of the United States);
 18 U.S.C. § 1752(a)(1), (2) and (4) (Restricted Building or Grounds)

Date: 04/16/2021*Issuing officer's signature*City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 04/16/2021, and the person was arrested on (date) 04/21/2021
 at (city and state) FABULUS, NY.

Date: 04/22/2021*Arresting officer's signature*MICHAEL RENN, SPECIAL AGENT*Printed name and title*

**UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLUMBIA**

Holding a Criminal Term

Grand Jury Sworn in On or about January 11, 2021

UNITED STATES OF AMERICA	:	CRIMINAL NO. 21-cr-52 (TJK)
	:	
v.	:	MAGISTRATE NOS.
	:	21-mj-47, 21-mj-32
DOMINIC PEZZOLA,	:	
	:	
Also Known As "Spaz,"	:	VIOLATIONS:
	:	
Also Known As "Spazzo,"	:	18 U.S.C. § 371
	:	(Conspiracy)
Also Known As "Spazzolini,"	:	
	:	18 U.S.C. §§ 111(a)(1)
(Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	:	(Assaulting, Resisting, or Impeding
	:	Certain Officers)
WILLIAM PEPE, and	:	
	:	18 U.S.C. §§ 231(a)(3), 2
(Counts 1, 2, 3, 6, 7, 8, 9)	:	(Civil Disorder)
	:	
MATTHEW GREENE,	:	18 U.S.C. §§ 1361, 2
	:	(Government Property or Contracts)
(Counts 1, 2, 3, 6, 7, 8, 9)	:	
	:	18 U.S.C. §§ 1512(c)(2), 2
Defendants.	:	(Obstruction of an Official
	:	Proceeding)
	:	
	:	18 U.S.C. §§ 2112
	:	(Robbery of Personal Property of the
	:	United States)
	:	
	:	18 U.S.C. §§ 1752(a)(1), (2), & (4)
	:	(Restricted Building or Grounds)
	:	

FIRST SUPERSEDING INDICTMENT

The Grand Jury charges that, on or about the dates set forth below:

COUNT ONE
(18 U.S.C. § 371—Conspiracy)

Background

The 2020 United States Presidential Election and the Official Proceeding on January 6, 2021

1. The 2020 United States Presidential Election occurred on November 3, 2020.
2. The United States Electoral College (“Electoral College”) is a group required by the Constitution to form every four years for the sole purpose of electing the president and vice president, with each state appointing its own electors in a number equal to the size of that state’s Congressional delegation.
3. On December 14, 2020, the presidential electors of the Electoral College met in the state capital of each state and in the District of Columbia and formalized the result of the 2020 U.S. Presidential Election: Joseph R. Biden, Jr. and Kamala D. Harris were declared to have won sufficient votes to be elected the next president and vice president of the United States.
4. On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate (“the Joint Session”) convened in the United States Capitol (“the Capitol”) to certify the vote of the Electoral College of the 2020 U.S. Presidential Election (“the Electoral College vote”).

The Proud Boys

5. The Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.” Proud Boys members routinely attend rallies, protests, and other events, some of which have resulted in violence involving members of the group. There is an initiation process for new members of the Proud Boys, and members often wear black and yellow polo shirts or other apparel adorned with Proud Boys logos to public events.

6. The Proud Boys organization has a national chairman, referred to here as Proud Boys Chairman, and is led by group of individual members known as the “Elders” chapter. Throughout the United States, there are local Proud Boys chapters, which are typically led by chapter “presidents.”

Conspirators

7. DOMINIC PEZZOLA, also known as “Spaz,” also known as “Spazzo,” also known as “Spazzolini” (“PEZZOLA”) is a U.S. citizen and resident of Rochester, New York, and a member of the Proud Boys. PEZZOLA advertised in one of his social media profiles that he was a second-degree Proud Boy. PEZZOLA kept at his home a tactical vest with the Proud Boys logo on it.

8. WILLIAM PEPE (“PEPE”) is a U.S. citizen residing in Beacon, New York. He is a member of the Proud Boys and kept various articles of Proud Boy-related paraphernalia in his home in Beacon, including a tactical vest with the Proud Boys logo on it. He is President of his local Proud Boys chapter.

9. MATTHEW GREENE (“GREENE”) is a resident of Syracuse, New York. He is a member of his local Proud Boys chapter. GREENE kept at his residence a Proud Boys pin, and he advertised on at least one of his social media profiles that he was a first-degree Proud Boy.

The Attack at the U.S. Capitol on January 6, 2021

10. On December 19, 2020, plans were announced for a protest event in Washington, D.C. to coincide with Congress’s certification of the Electoral College vote.

11. On December 29, 2020, Proud Boys Chairman posted a message on social media that read, in part, that the Proud Boys planned to “turn out in record numbers on Jan 6th but this time with a twist We will not be wearing our traditional Black and Yellow. We will be

incognito and we will be spread across downtown DC in smaller teams. And who knows . . . we might dress in all BLACK for the occasion.”

12. On December 31, 2020, Proud Boys Chairman posted a message on social media that included a photograph of PEZZOLA. The caption under this photograph posted by Proud Boys Chairman stated, “Lords of War. #J6 #J20.”

13. On January 6, 2021, only authorized individuals with appropriate identification were allowed on the Capitol grounds or inside the Capitol building. The Capitol is secured 24 hours a day by United States Capitol Police (“Capitol Police”) and permanent and temporary barriers that restrict access to the Capitol grounds and building.

14. On January 6, 2021, at 12:45 p.m., a large crowd began to gather outside the Capitol perimeter, including near a pedestrian entrance to the Capitol grounds on First Street, Northwest, near the Peace Monument. Among those present were PEZZOLA, PEPE, and GREENE, each of whom had travelled to Washington, D.C. from out of state on January 5 or 6, as well as many other Proud Boys members and others who had been marching with them throughout the day.

15. The First Street pedestrian entrance was guarded by Capitol Police. Prominent signs posted on metal barriers at the pedestrian entrance and other locations stated, “AREA CLOSED By order of the United States Capitol Police Board.”

16. At 12:53 p.m., a group of people forcibly breached the barriers at the pedestrian entrance. A crowd followed, including PEZZOLA, PEPE, and GREENE. Members of the crowd charged past the trampled police barriers.

17. At 1:00 p.m., the Joint Session convened in the Capitol to certify the Electoral College vote. Vice President Michael R. Pence, in his constitutional duty as President of the Senate, presided over the Joint Session, and Vice President-elect Harris was also present.

18. Outside the Capitol, between 12:53 and 2:00 p.m., law enforcement struggled to maintain control of the growing crowd, which included PEZZOLA, PEPE, and GREENE.

19. Crowd members eventually forced their way through, up, and over additional Capitol Police barriers and advanced to the building's exterior façade. Capitol Police officers attempted to maintain order and stop the crowd from entering the Capitol building—the doors and windows of the Capitol building were at that time locked or otherwise secured.

20. By 2:13 p.m., crowd members, including PEZZOLA, had begun to force entry into the Capitol building by breaking windows and ramming open doors. The crowd was not lawfully authorized to enter or remain inside the Capitol building, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials. Other crowd members encouraged and otherwise assisted the forced entry, affording PEZZOLA and PEPE the ability to enter the Capitol building.

21. Shortly after the Capitol had been breached, at 2:20 p.m., members of the House and Senate (including Vice President Pence)—who had withdrawn to separate chambers to resolve an objection—were evacuated from their respective chambers. The Joint Session was halted while Capitol Police and other law-enforcement officers worked to restore order and clear the Capitol building and grounds of the unlawful occupants.

22. Later that night, law enforcement regained control of the Capitol building and grounds. At approximately 8:00 p.m., the Joint Session reconvened, presided over by Vice President Pence, who had remained within the Capitol building in a secure location throughout these events.

23. In the course of these events, approximately 81 members of the Capitol Police and 58 members of the Metropolitan Police Department were assaulted. The Capitol suffered millions

of dollars in damage—including broken windows and doors, graffiti, and residue from pepper spray, tear gas, and fire extinguishers deployed both by crowd members who stormed the Capitol and by Capitol Police officers trying to restore order.

24. PEZZOLA, PEPE, and GREENE celebrated the events of January 6, 2021, through communications on social media and in encrypted chat messages. For example:

- a. PEZZOLA posted a video on social media that depicted him smoking a cigar inside the Capitol and proclaiming, “I knew we could take this motherf***er over if we just tried hard enough. Proud of your mother***ing boy.”
- b. PEPE posted a video on social media that depicted him inside the Capitol rotunda, making a hand gesture, and stating “proud of your boy.”
- c. GREENE sent a message through an encrypted messaging app to an associate who inquired about his well-being on January 6, 2021, which stated, “I’m good, we took the capital.”

The Conspiracy

25. From at least as early as January 5, 2021, and continuing through January 6, 2021, in the District of Columbia, the defendants,

**DOMINIC PEZZOLA,
WILLIAM PEPE, and
MATTHEW GREENE**

did knowingly combine, conspire, confederate, and agree, with each other and others known and unknown to the Grand Jury, to commit an offense against the United States, namely, (1) to corruptly obstruct, influence, and impede an official proceeding, that is, Congress’s certification of the Electoral College vote, in violation of Title 18, United States Code, Section 1512(c)(2), and (2) to obstruct, impede, and interfere with law enforcement officers engaged in the lawful performance of official duties incident to and during the commission of a civil disorder, in violation

of Title 18, United States Code, Section 231(a)(3).

Purpose of the Conspiracy

26. The purpose of the conspiracy was to stop, delay, or hinder Congress's certification of the Electoral College vote, by force if necessary.

Manner and Means

27. PEZZOLA, PEPE, and GREENE, with others known and unknown, carried out the conspiracy through the following manner and means, among others:

- a. Coordinating travel and lodging arrangements for travel to Washington, D.C., during the days around and including January 6, 2021;
- b. Obtaining and using communication supplies, including programmable handheld radios, encrypted messaging applications, and other communications equipment to communicate and coordinate the January 6 attack;
- c. Dressing in clothing that concealed their membership in the Proud Boys, as Proud Boys Chairman had recommended in December 2020;
- d. Dismantling metal barriers that law enforcement had deployed to protect the Capitol;
- e. Storming past barriers, Capitol Police, and other law enforcement officers; and
- f. Breaking into the Capitol building by damaging its windows.

Overt Acts

28. In the support of the conspiracy, and in furtherance of the objects thereof, the following individuals undertook the following overt acts, among others:

29. On January 5-6, 2021, PEZZOLA, PEPE, GREENE, and other individuals

affiliated with the Proud Boys, whose identities are known and unknown to the Grand Jury, traveled to Washington, D.C. from different locations and arranged to meet in Washington, D.C.

30. On January 6, 2021:

- a. PEZZOLA, PEPE, GREENE, and other individuals affiliated with the Proud Boys, whose identities are known and unknown to the Grand Jury, assembled on the National Mall for the purpose of receiving instructions from Proud Boys leadership;
- b. PEZZOLA and GREENE connected earpieces to digital handheld radios and put them on. PEPE carried a digital handheld radio that he planned to use in connection with the conspiracy.
- c. Individuals known and unknown to the Grand Jury, including PEZZOLA, PEPE, GREENE, and other members or affiliates of the Proud Boys, traveled to and gathered near the northwest pedestrian entrance to the Capitol grounds on First Street, NW (the "Pedestrian Entrance"), where Capitol Police had set up metal barriers for the purpose of controlling access to the Capitol grounds.
- d. Shortly after 12:53 p.m., PEZZOLA, PEPE, and GREENE charged toward the Capitol by crossing over the barriers that the crowd had violently disassembled and trampled moments before PEZZOLA, PEPE, and GREENE advanced.
- e. As the crowd approached additional sets of metal barriers, PEZZOLA and PEPE were among those individuals leading the group, which included many members and affiliates of the Proud Boys who had assembled outside the Capitol grounds before the breach. PEZZOLA and PEPE, walking in close proximity to one another, approached the Capitol building, which was guarded by Capitol Police officers assigned to protect the Capitol and the elected official inside.

- f. Upon reaching police barriers that had been erected at the entrance to the west plaza of the U.S. Capitol, PEPE removed a police barrier so that others, including members of the Proud Boys, could infiltrate that plaza, thus preventing Capitol Police officers from controlling access to the Capitol and certain areas within the Capitol grounds.
- g. After another set of barriers controlling access to the west plaza of the U.S. Capitol had been torn down and trampled, PEZZOLA, PEPE, and GREENE entered the west plaza and positioned themselves at or near the front of the crowd. PEZZOLA ripped away a Capitol Police officer's riot shield, while the officer was physically engaging with individuals who had gathered unlawfully in the west plaza of the Capitol.
- h. PEZZOLA and GREENE continued to move together through the crowd with PEZZOLA in the lead and GREENE trailing close behind. PEZZOLA and GREENE moved together toward a flight of stairs leading from the west plaza to the Capitol building with PEZZOLA in possession of the riot shield he had forcibly taken from the Capitol Police officer.
- i. GREENE trailed closely behind PEZZOLA and another Proud Boy as they jointly carried the riot shield PEZZOLA had forcibly taken from the Capitol Police officer.
- j. PEZZOLA, PEPE, and GREENE assisted the crowd's effort to advance up a flight of stairs leading from the west plaza to the Capitol building by positioning themselves near the front of the line between Capitol Police and rioters.
- k. At the top of the flight of stairs leading from the west plaza to the Capitol building, PEZZOLA shouted at Capitol Police officers attempting to prevent the crowd from

advancing further, words to the effect of, “We ain’t stopping! We ain’t f***ing stopping! F*** you! . . . You think Antifa’s f***ing bad, just you wait!,” among other things.

- l. At approximately 2:13 p.m., PEZZOLA used a Capitol Police riot shield to break a window in the Capitol building, which allowed rioters to enter the building and force open an adjacent door from the inside.
- m. Seconds later, PEZZOLA entered the Capitol building through the window he had broken.
- n. Within minutes of PEZZOLA breaking the window with the shield, PEPE and other Proud Boys members, along with others, entered the Capitol building through the door adjacent to the window broken by PEZZOLA.

(In violation of Title 18, United States Code, Sections 371, 1512(c)(2), and 231(a)(3)).

COUNT TWO
(18 U.S.C. §§ 1512(c)(2), 2—Obstruction of an Official Proceeding and Aiding and Abetting)

31. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged and incorporated as though set forth herein.

32. On January 6, 2021, in the District of Columbia, the defendants,

**DOMINIC PEZZOLA,
WILLIAM PEPE, and
MATTHEW GREENE**

attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, and did aid and abet others known and unknown to do the same; that is, **PEZZOLA, PEPE, and GREENE** unlawfully entered the Capitol grounds and the Capitol building to, and did, stop, delay, and hinder Congress’s certification of the Electoral College vote.

(In violation of Title 18, United States Code, Sections 1512(c)(2), 2)

COUNT THREE

(18 U.S.C. §§ 231(a)(3), 2)— Obstruction of Law Enforcement During Civil Disorder and Aiding and Abetting)

33. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged and incorporated as though set forth herein.

34. On January 6, 2021, in the District of Columbia, the defendants,

**DOMINIC PEZZOLA,
WILLIAM PEPE, and
MATTHEW GREENE**

committed and attempted to commit an act to obstruct, impede, and interfere with law enforcement officers lawfully engaged in official duties incident to and during the commission of a civil disorder, and did aid and abet others known and unknown to do the same, that is, **PEZZOLA, PEPE, and GREENE** obstructed, impeded, and interfered with law enforcement who were attempting to prevent crowds from unlawfully advancing on the Capitol building, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function, to wit: **PEZZOLA, PEPE, and GREENE** rushed past toppled metal barriers that had, until moments earlier, been guarded by Capitol Police officers tasked with preventing the crowd's advance on the Capitol; **PEPE** dragged a metal barrier out of the crowd's path, allowing the crowd to more easily advance on the Capitol; and **PEZZOLA** ripped away a Capitol Police officer's riot shield;

(In violation of Title 18, United States Code, Sections 231(a)(3), 2)

COUNT FOUR

(18 U.S.C. § 2112—Robbery of Personal Property of the United States)

35. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged

and incorporated as if fully set forth herein.

36. On January 6, 2021, in the District of Columbia,

DOMINIC PEZZOLA,

by force and violence and by intimidation, did take and attempt to take, from the person and presence of a Capitol Police officer, personal property belonging to the United States, that is a riot shield.

(In violation of Title 18, United States Code, Section 2112)

COUNT FIVE

(18 U.S.C. § 111(a)(1)—Assaulting, Resisting, or Impeding Certain Officers)

37. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged and incorporated as if fully set forth herein.

38. On January 6, 2021, within the District of Columbia,

DOMINIC PEZZOLA,

with intent to commit a felony, that is, to obstruct, impede, and interfere with a law enforcement officer engaged in the lawful performance of his official duties, as charged in Count Three of this Indictment, and robbery, as charged in Count Four of this Indictment, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and did make physical contact with that officer and employee, while such person was engaged in and on account of the performance of official duties.

(In violation of Title 18, United States Code, Section 111(a)(1))

COUNT SIX

(18 U.S.C. §§ 1361, 2)—Destruction of Government Property and Aiding and Abetting)

39. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged and incorporated as though set forth herein.

40. On January 6, 2021, in the District of Columbia, the defendants,

**DOMINIC PEZZOLA,
WILLIAM PEPE, and
MATTHEW GREENE**

attempted to, and did, willfully injure and commit depredation against property of the United States, and did aid and abet others known and unknown to do so; that is, **PEZZOLA, PEPE, GREENE**, and others known and unknown, forcibly entered the Capitol by breaking a window to the building with a riot shield, and thereby caused damage to the building in an amount more than \$1,000.

(In violation of Title 18, United States Code, Sections 1361, 2)

COUNT SEVEN

(18 U.S.C. § 1752(a)(1))—Entering and Remaining in a Restricted Building or Grounds)

41. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged and incorporated as though set forth herein.

42. On January 6, 2021, within the District of Columbia, the defendants,

**DOMINIC PEZZOLA,
WILLIAM PEPE, and
MATTHEW GREENE**

did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-Elect were temporarily visiting, without lawful authority to do so.

(In violation of Title 18, United States Code, Section 1752(a)(1))

COUNT EIGHT

(18 U.S.C. § 1752(a)(2))—Disorderly Conduct in a Restricted Building or Grounds)

43. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged and incorporated as though set forth herein.

44. On January 6, 2021, within the District of Columbia, the defendants,

**DOMINIC PEZZOLA,
WILLIAM PEPE, and
MATTHEW GREENE**

did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-Elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions.

(In violation of Title 18, United States Code, Section 1752(a)(2))

COUNT NINE

(18 U.S.C. § 1752(a)(4), 2)—Disorderly Conduct in a Restricted Building or Grounds and Aiding and Abetting)

45. Paragraphs 1 through 24 and paragraphs 29 and 30 of this Indictment are re-alleged and incorporated as though set forth herein.

46. On January 6, 2021, within the District of Columbia, the defendants,

**DOMINIC PEZZOLA,
WILLIAM PEPE, and
MATTHEW GREENE**

did knowingly engage in any act of physical violence against any property in a restricted building and grounds, that is **PEZZOLA, PEPE, GREENE**, and others known and unknown to the Grand

Jury, broke a window in the Capitol building, which was inside the posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting.

(In violation of Title 18, United States Code, Section 1752(a)(4), 2)

COUNT TEN

(18 U.S.C. § 231(a)(3), 2) – Obstruction of Law Enforcement during a Civil Disorder and Aiding and Abetting)

47. Paragraphs 1 through 24 and paragraph 29 and 30 of this Indictment are re-alleged and incorporated as if fully set forth herein.

48. On January 6, 2021, within the District of Columbia,

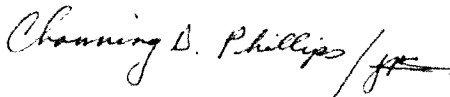
DOMINIC PEZZOLA

did commit and attempt to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is E.G., engaged in the performance of his official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

(In violation of Title 18, United States Code, Sections 231(a)(3) and 2)

A TRUE BILL:

FOREPERSON

A handwritten signature in cursive script, reading "Channing D. Phillips", followed by a stylized flourish or mark.

CHANNING D. PHILLIPS
Acting United States Attorney in
and for the District of Columbia

AO 442 (Rev 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of ColumbiaUnited States of America
v.Matthew Greene,Defendant

Case No. 21-cr-52

Assigned to: Judge Timothy J. Kelly

Assign Date: 4/16/2021

Description: SUPERSEDING INDICTMENT (B)

Case Related to 21 CR-52 (TJK)

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) Matthew Greene

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. § 371 (Conspiracy); 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers);
 18 U.S.C. §§ 231(a)(3), 2 (Civil Disorder); 18 U.S.C. §§ 1361, 2 (Government Property or Contracts); 18 U.S.C. §§ 1512
 (c)(2), 2 (Obstruction of an Official Proceeding); 18 U.S.C. §§ 2112 (Robbery of Personal Property of the United States);
 18 U.S.C. § 1752(a)(1), (2) and (4) (Restricted Building or Grounds)

Date: 04/16/2021

Issuing officer's signature

City and state: Washington, D.C.Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

The United States has filed a motion to seal the above-captioned First Superseding Indictment, Arrest Warrant, and related documents, including the application and affidavit in support thereof and all attachments thereto and other related materials (collectively the “First Superseding Indictment”).

IT IS FURTHER ORDERED that, notwithstanding this Order to Seal, the Government may disclose the First Superseding Indictment and Arrest Warrant to (1) appropriate U.S. and

foreign law enforcement officials and other officials and personnel to the extent that such disclosure is in furtherance of national security or efforts to locate, arrest, detain, transfer, extradite, or expel the defendant, and (2) the court, court officials, and defense counsel in this district or any other appropriate district as necessary to conduct any court proceedings in that district.

It is, therefore, this 24th day of March, 2021,

ORDERED that the motion is hereby GRANTED, and that the First Superseding Indictment, Arrest Warrant, Affidavit, and related documents, the instant motion to seal, and this Order be SEALED until further order of the Court. It is

FURTHER ORDERED that the First Superseding Indictment remain sealed until further order of this Court, or until Matthew Greene is arrested pursuant to the warrant issued contemporaneously with this Indictment, whichever occurs first.

ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

CASE NO. 5:21-MJ-235 (ML)

MATTHEW GREENE,

Defendant.

NOTICE OF APPEARANCE

OFFICE OF THE FEDERAL PUBLIC DEFENDER

☒ I, the undersigned, hereby appear as Attorney of Record on behalf of the defendant in the above-entitled action. The Defendant invokes his Fifth and Sixth Amendment Rights to silence and representation by counsel. The Defendant refuses to be questioned or interviewed by anyone without the advice and presence of the undersigned counsel, whether regarding this case or any other investigation. **The Defendant hereby revokes any and all prior consent given to the Government and its agents.**

~~~~~

☐ I will appear as counsel for the Defendant. This is the first appearance of counsel from the Office of the Federal Public Defender.

☐ Please accept my appearance as substituted counsel for the Defendant, in place of: \_\_\_\_\_, who previously appeared from the Office of the Federal Public Defender on behalf of the Defendant in this case.

I certify that I have either completed six credit hours in federal criminal defense continuing education within the past two years or, if not, that I will do so within 30 days from filing this notice of appearance.

I further certify that I am registered for Electronic Case Filing and am familiar with General Order #22.

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
/s/Gabrielle DiBella, Esq.  
(Signature)

\_\_\_\_\_  
April 22, 2021  
(Date)

cc: United States Attorney's Office (via ECF)





GOVERNMENT  
EXHIBIT

1





GOVERNMENT  
EXHIBIT

2

PENGAD 800-631-8888





GOVERNMENT  
EXHIBIT

3

PENCAID 100-631-6999







241-5580

A yellow sticky note with the number 9 is pinned to a patterned surface. The note is slightly tilted and has a small metal fastener at the top. The background is a textured, patterned fabric.

| DAILY FEEDING AMOUNTS |                                      |                            |                                 |
|-----------------------|--------------------------------------|----------------------------|---------------------------------|
|                       | FOR BRIDGE<br>MAINTENANCE<br>(grams) | CORRECT<br>WEIGHT<br>(gms) | FOR BRIDGE<br>REPAIR<br>(grams) |
| 100 gms               | 17-25                                | 1.7-2.4                    | 35-50                           |
| 150 gms               | 42-50                                | 1.5-1.9                    | 55-70                           |
| 200 gms               | 58-70                                | 1.5-2.0                    | 80-95                           |
| 250 gms               | 75-90                                | 1.5-2.0                    | 100-120                         |
| 300 gms               | 90-105                               | 1.5-2.4                    | 120-140                         |
| 400 gms               | 105-120                              | Over 6.4                   | 140-160                         |
| 500 gms               | 120-135                              |                            | 160-180                         |
| 600 gms               | 135-150                              |                            | 180-200                         |
| 700 gms               | 150-165                              |                            | 200-220                         |
| 800 gms               | 165-180                              |                            | 220-240                         |
| 900 gms               | 180-195                              |                            | 240-260                         |
| 1000 gms              | 195-210                              |                            | 260-280                         |
| 1200 gms              | 210-225                              |                            | 280-300                         |
| 1400 gms              | 225-240                              |                            | 300-320                         |
| 1600 gms              | 240-255                              |                            | 320-340                         |
| 1800 gms              | 255-270                              |                            | 340-360                         |
| 2000 gms              | 270-285                              |                            | 360-380                         |
| 2200 gms              | 285-300                              |                            | 380-400                         |
| 2400 gms              | 300-315                              |                            | 400-420                         |
| 2600 gms              | 315-330                              |                            | 420-440                         |
| 2800 gms              | 330-345                              |                            | 440-460                         |
| 3000 gms              | 345-360                              |                            | 460-480                         |
| 3200 gms              | 360-375                              |                            | 480-500                         |
| 3400 gms              | 375-390                              |                            | 500-520                         |
| 3600 gms              | 390-405                              |                            | 520-540                         |
| 3800 gms              | 405-420                              |                            | 540-560                         |
| 4000 gms              | 420-435                              |                            | 560-580                         |
| 4200 gms              | 435-450                              |                            | 580-600                         |
| 4400 gms              | 450-465                              |                            | 600-620                         |
| 4600 gms              | 465-480                              |                            | 620-640                         |
| 4800 gms              | 480-495                              |                            | 640-660                         |
| 5000 gms              | 495-510                              |                            | 660-680                         |
| 5200 gms              | 510-525                              |                            | 680-700                         |
| 5400 gms              | 525-540                              |                            | 700-720                         |
| 5600 gms              | 540-555                              |                            | 720-740                         |
| 5800 gms              | 555-570                              |                            | 740-760                         |
| 6000 gms              | 570-585                              |                            | 760-780                         |
| 6200 gms              | 585-600                              |                            | 780-800                         |
| 6400 gms              | 600-615                              |                            | 800-820                         |
| 6600 gms              | 615-630                              |                            | 820-840                         |
| 6800 gms              | 630-645                              |                            | 840-860                         |
| 7000 gms              | 645-660                              |                            | 860-880                         |
| 7200 gms              | 660-675                              |                            | 880-900                         |
| 7400 gms              | 675-690                              |                            | 900-920                         |
| 7600 gms              | 690-705                              |                            | 920-940                         |
| 7800 gms              | 705-720                              |                            | 940-960                         |
| 8000 gms              | 720-735                              |                            | 960-980                         |
| 8200 gms              | 735-750                              |                            | 980-1000                        |
| 8400 gms              | 750-765                              |                            | 1000-1020                       |
| 8600 gms              | 765-780                              |                            | 1020-1040                       |
| 8800 gms              | 780-795                              |                            | 1040-1060                       |
| 9000 gms              | 795-810                              |                            | 1060-1080                       |
| 9200 gms              | 810-825                              |                            | 1080-1100                       |
| 9400 gms              | 825-840                              |                            | 1100-1120                       |
| 9600 gms              | 840-855                              |                            | 1120-1140                       |
| 9800 gms              | 855-870                              |                            | 1140-1160                       |
| 10000 gms             | 870-885                              |                            | 1160-1180                       |
| 10200 gms             | 885-900                              |                            | 1180-1200                       |
| 10400 gms             | 900-915                              |                            | 1200-1220                       |
| 10600 gms             | 915-930                              |                            | 1220-1240                       |
| 10800 gms             | 930-945                              |                            | 1240-1260                       |
| 11000 gms             | 945-960                              |                            | 1260-1280                       |
| 11200 gms             | 960-975                              |                            | 1280-1300                       |
| 11400 gms             | 975-990                              |                            | 1300-1320                       |
| 11600 gms             | 990-1005                             |                            | 1320-1340                       |
| 11800 gms             | 1005-1020                            |                            | 1340-1360                       |
| 12000 gms             | 1020-1035                            |                            | 1360-1380                       |
| 12200 gms             | 1035-1050                            |                            | 1380-1400                       |
| 12400 gms             | 1050-1065                            |                            | 1400-1420                       |
| 12600 gms             | 1065-1080                            |                            | 1420-1440                       |
| 12800 gms             | 1080-1095                            |                            | 1440-1460                       |
| 13000 gms             | 1095-1110                            |                            | 1460-1480                       |
| 13200 gms             | 1110-1125                            |                            | 1480-1500                       |
| 13400 gms             | 1125-1140                            |                            | 1500-1520                       |
| 13600 gms             | 1140-1155                            |                            | 1520-1540                       |
| 13800 gms             | 1155-1170                            |                            | 1540-1560                       |
| 14000 gms             | 1170-1185                            |                            | 1560-1580                       |
| 14200 gms             | 1185-1200                            |                            | 1580-1600                       |
| 14400 gms             | 1200-1215                            |                            | 1600-1620                       |
| 14600 gms             | 1215-1230                            |                            | 1620-1640                       |
| 14800 gms             | 1230-1245                            |                            | 1640-1660                       |
| 15000 gms             | 1245-1260                            |                            | 1660-1680                       |
| 15200 gms             | 1260-1275                            |                            | 1680-1700                       |
| 15400 gms             | 1275-1290                            |                            | 1700-1720                       |
| 15600 gms</           |                                      |                            |                                 |

GOVERNMENT  
EXHIBIT  
5



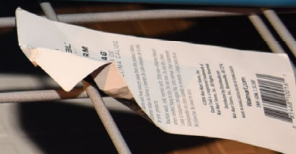


PENDAD 800-631-4989  
GOVERNMENT  
EXHIBIT  
6













09:29

100%



Republic Mags: Order #3994.

Order confirmation Inbox

Republic Mags 12/20/2020

to me ^



From Republic Mags • support@republicmags.com

Reply-to support@republicmags.com

To

Date Dec 20, 2020, 23:30



Standard encryption (TLS).

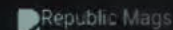
[View security details](#)**Dear Matthew Greene!**

Your order has been processed. Thank you for your business.  
We will notify you by email of any further order status updates.

**Invoice #3994**

Dec 20, 2020, 20:30

Grand total: \$96.00

**Shipping address**

Matthew Greene

Syracuse

United States

New York

13206

2175522783

**Billing address**

Matthew Greene

Syracuse

United States

New York

13206

2175522783

**Republic Mags**Republic, Washington,  
United States<https://www.republicmags.com/>**Shipping method**

USPS Priority

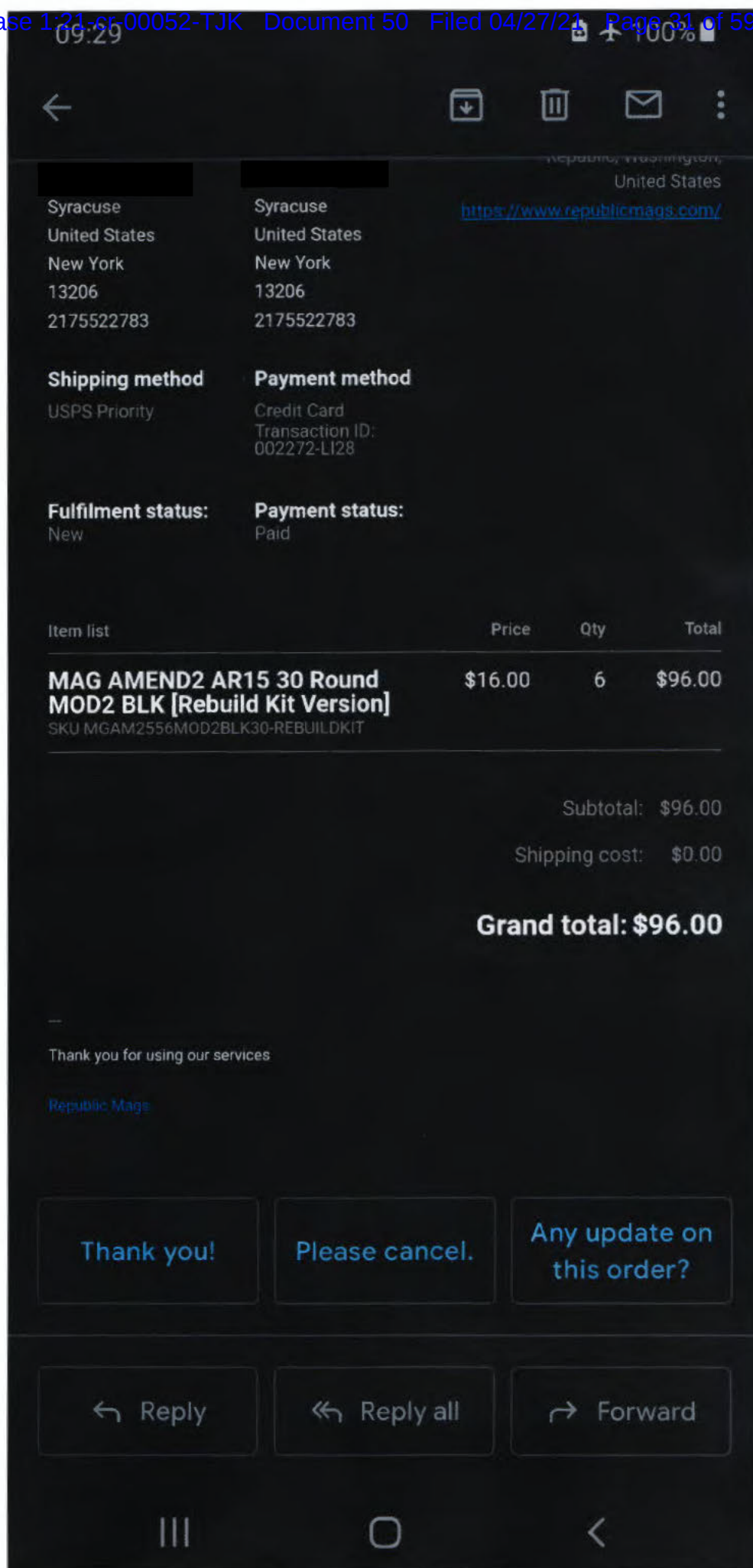
**Payment method**Credit Card  
Transaction ID:

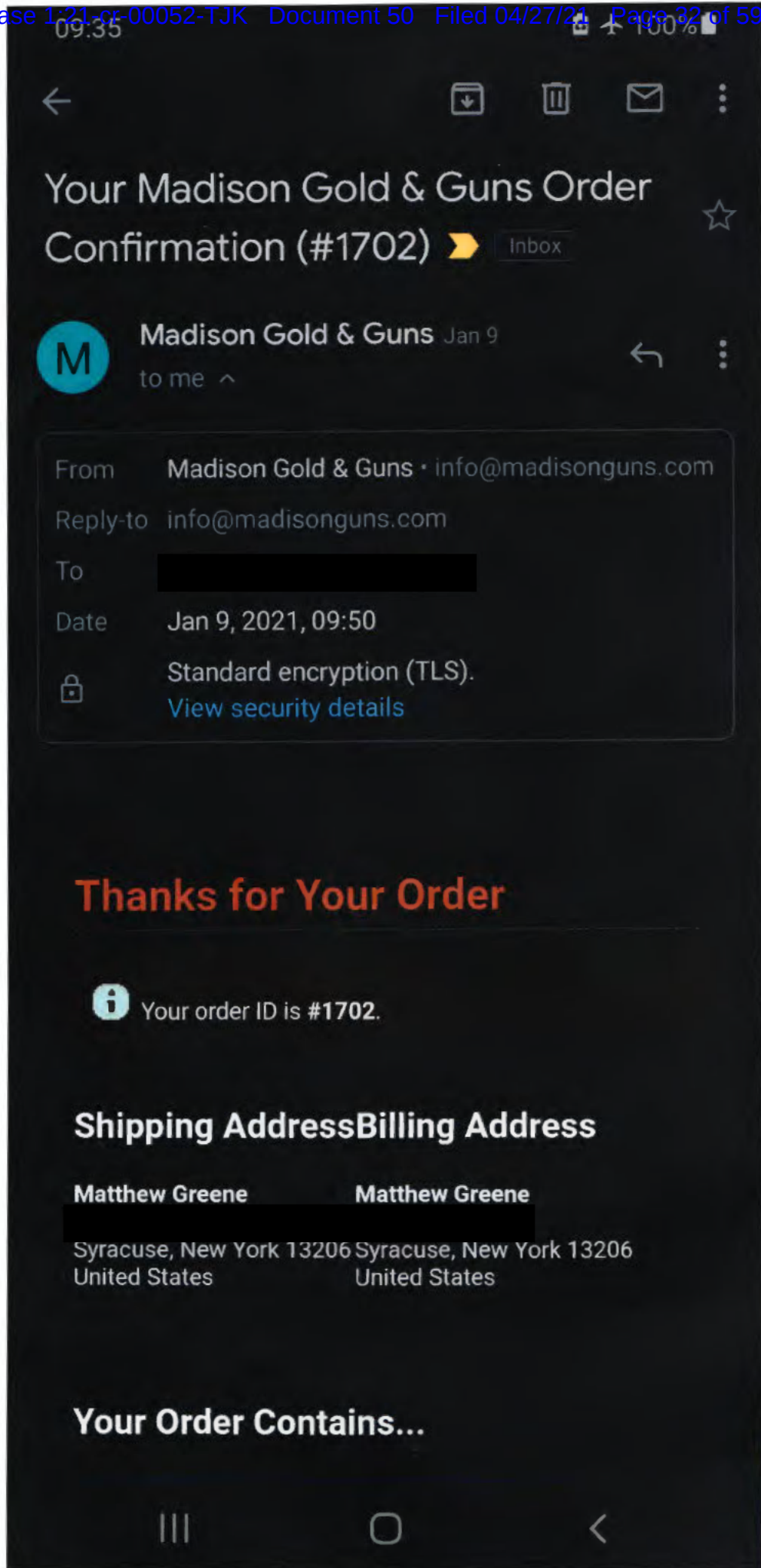
PENGAD 800-631-6969

GOVERNMENT  
EXHIBIT

10







## Your Madison Gold & Guns Order Confirmation (#1702)



**Madison Gold & Guns** Jan 9  
to me ^



From **Madison Gold & Guns** · info@madisonguns.com  
Reply-to info@madisonguns.com  
To [REDACTED]  
Date Jan 9, 2021, 09:50  
Standard encryption (TLS).  
[View security details](#)

### Thanks for Your Order



Your order ID is #1702.

### Shipping AddressBilling Address

**Matthew Greene**

**Matthew Greene**

Syracuse, New York 13206  
United States

Syracuse, New York 13206  
United States

### Your Order Contains...





## Thanks for Your Order



Your order ID is #1702.

### Shipping AddressBilling Address

Matthew Greene

Matthew Greene

Syracuse, New York 13206 Syracuse, New York 13206  
United States United States

### Your Order Contains...

| Cart Items | SKU | Qty | Item Price | Item Total |
|------------|-----|-----|------------|------------|
|------------|-----|-----|------------|------------|

Maxxtech 5.56x45mm

NATO Ammunition

PTGB556 55 Grain

FMJ M193 CASE 1000

Rounds - FREE

SHIPPING PROMO

PTGB556 1

\$849.50

USD

**\$849.50**

**USD**

Subtotal: \$849.50 USD

Shipping: \$0.00 USD

Grand Total: \$849.50 USD

Payment Method: NMI

**Madison Gold & Guns**

<https://madisonguns.com/>

Madison Gold & Guns is powered by BigCommerce. [Launch your own store for free](#) with BigCommerce.





## Your Madison Gold & Guns Order Has Been Updated (#1702) ➔

Inbox



**Madison Gold & Guns** Jan 11

to me ^



From **Madison Gold & Guns** • info@madisonguns.com

Reply-to info@madisonguns.com

To

Date Jan 11, 2021, 15:59



Standard encryption (TLS).

[View security details](#)

### Order Status Changed

Hi Matthew

An order you recently placed on our website has had its status changed.

The status of order #1702 is now **Shipped**

#### Order Details

**Order Total:** \$849.50 USD

**Date Placed:** 9th Jan 2021

**Payment Method:** NMI

#### Products shipped

Cart Items

SKU

Qty

Maxxtech  
5.56x45mm NATO  
Ammunition  
PTGR556 55 Grain



## Order Status Changed

Hi Matthew

An order you recently placed on our website has had its status changed.

The status of order #1702 is now **Shipped**

### Order Details

**Order Total:** \$849.50 USD

**Date Placed:** 9th Jan 2021

**Payment Method:** NMI

### Products shipped

| Cart Items                                                                                                               | SKU     | Qty |
|--------------------------------------------------------------------------------------------------------------------------|---------|-----|
| Maxxtech<br>5.56x45mm NATO<br>Ammunition<br>PTGB556 55 Grain<br>FMJ M193 CASE<br>1000 Rounds -<br>FREE SHIPPING<br>PROMO | PTGB556 | 1   |

### Shipment Tracking Numbers / Links

- [782487354824](#) (Free Shipping)

**Madison Gold & Guns**

<https://madisonguns.com/>

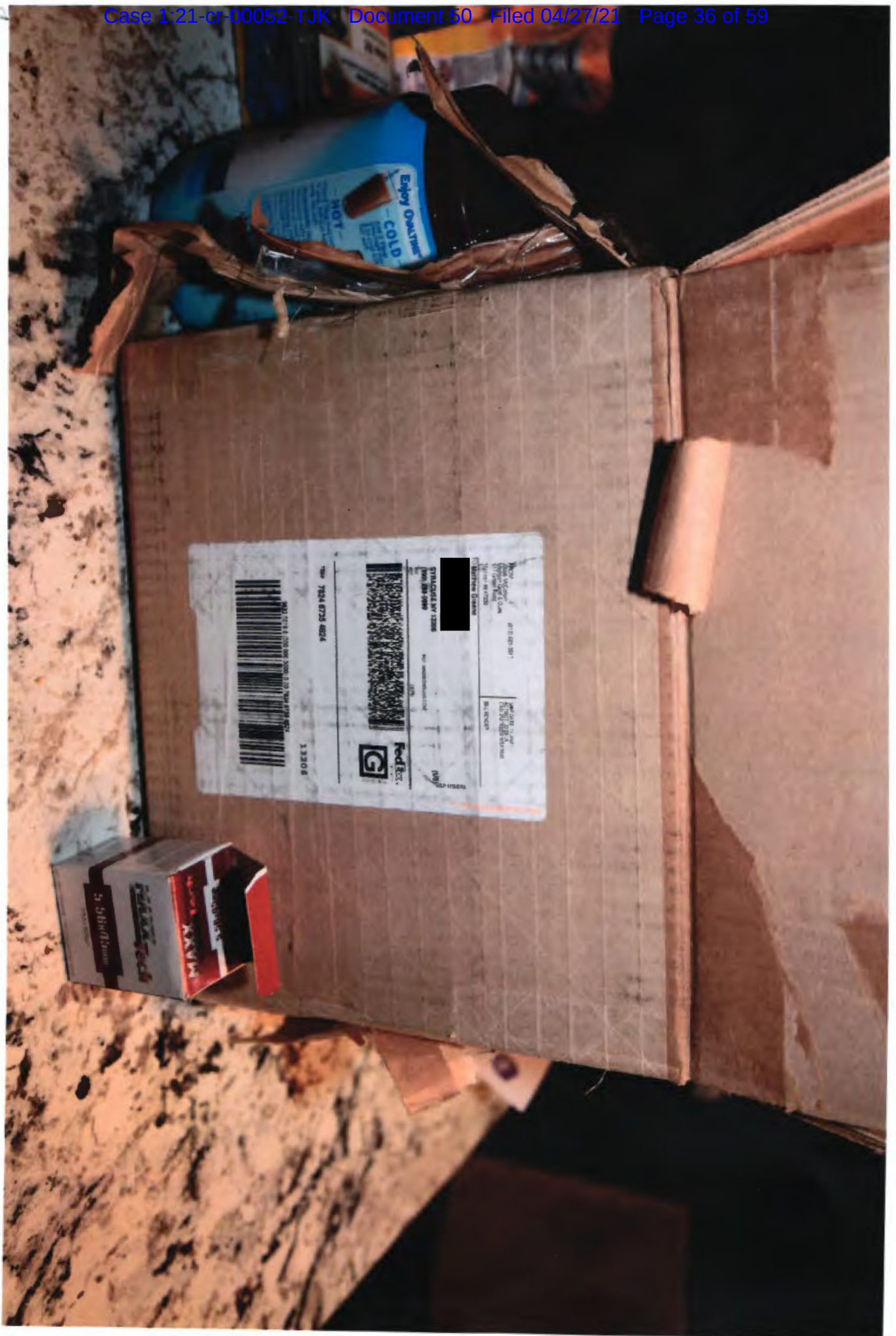
Madison Gold & Guns is powered by BigCommerce. [Launch your own store for free](#) with BigCommerce.

← Reply

↩ Reply all

→ Forward









09:35

100%



## Your Outdoor Limited Order Has Been Updated (#1136939) ➔

Inbox



Outdoor Limited Jan 10

to me ^



From Outdoor Limited · cs@outdoorlimited.com

Reply-to cs@outdoorlimited.com

To

Date Jan 10, 2021, 09:33



Standard encryption (TLS).

[View security details](#)

EXCELLENT



4.93 Average 13004 Reviews

REVIEWS

877-229-0351 Mon - Fri

(9AM - 5PM EST)

Email Us

## Your Order Status is Updated.

Hi Matthew

An order you recently placed on our website has had its  
status changed.

The status of order #1136939 is now **Shipped**

### Order Details

Order Total: \$624.49 USD

Date Placed: Jan 9th 2021

Payment Method: Credit Card

PENGAD 800-631-6080

GOVERNMENT  
EXHIBIT

12





Date Placed: Jan 9th 2021

Payment Method: Credit Card

### Products shipped

| Cart Items                                                                                                                       | SKU             | Qty |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------|-----|
| Rush Processing                                                                                                                  | rush_processing | 1   |
| Czech Mfg. Surplus<br>7.62x39mm<br>Ammunition RD-43<br>SB762RD43CRATE<br>46 Grain Hollow Core<br>Low Recoil CRATE<br>1560 Rounds | SB762RD43CRATE  | 1   |

### Shipment Tracking Numbers / Links

- [1ZR9460Y0399513413](#) (UPS (UPS® Ground Estimated 1/15/2021))

[Click here to view the status of your order](#)



**Need More Ammo?**

Save **BIG** by buying in **BULK**



**Need More Help?**



[cs@outdoorlimited.com](mailto:cs@outdoorlimited.com)



1-877-229-0351



1-919-590-1765

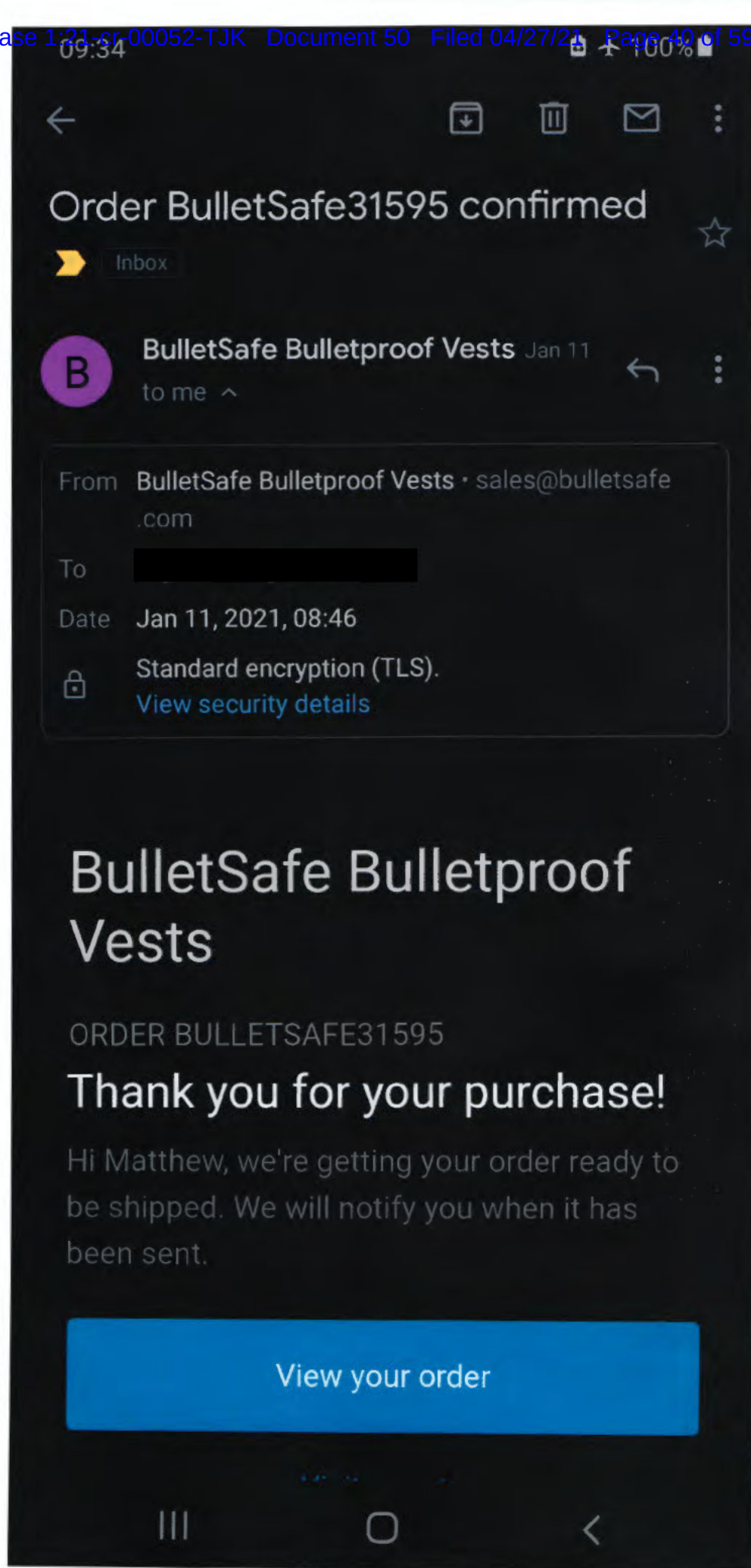
© 2018 Outdoor Limited All Rights Reserved

← Reply

↩ Reply all

→ Forward







or [Visit our store](#)

## Order summary



~~BreatheSafe~~ - Gas Mask  
Replacement Filter Set -  
Will Ship February  
25th × 1

\$39.99



The BreatheSafe  
Respirator / ~~Gas~~ Mask  
Kit - Will Ship January  
11th × 1

\$149.00

\$188.99

\$21.95

\$0.00

**\$210.94 USD**

## Customer information

09:34

100%



## Customer information

### Shipping address

Matthew Greene

[REDACTED]  
syracuse NY 13206

United States

### Billing address

Matthew Greene

[REDACTED]  
Syracuse NY 13211

United States

### Shipping method

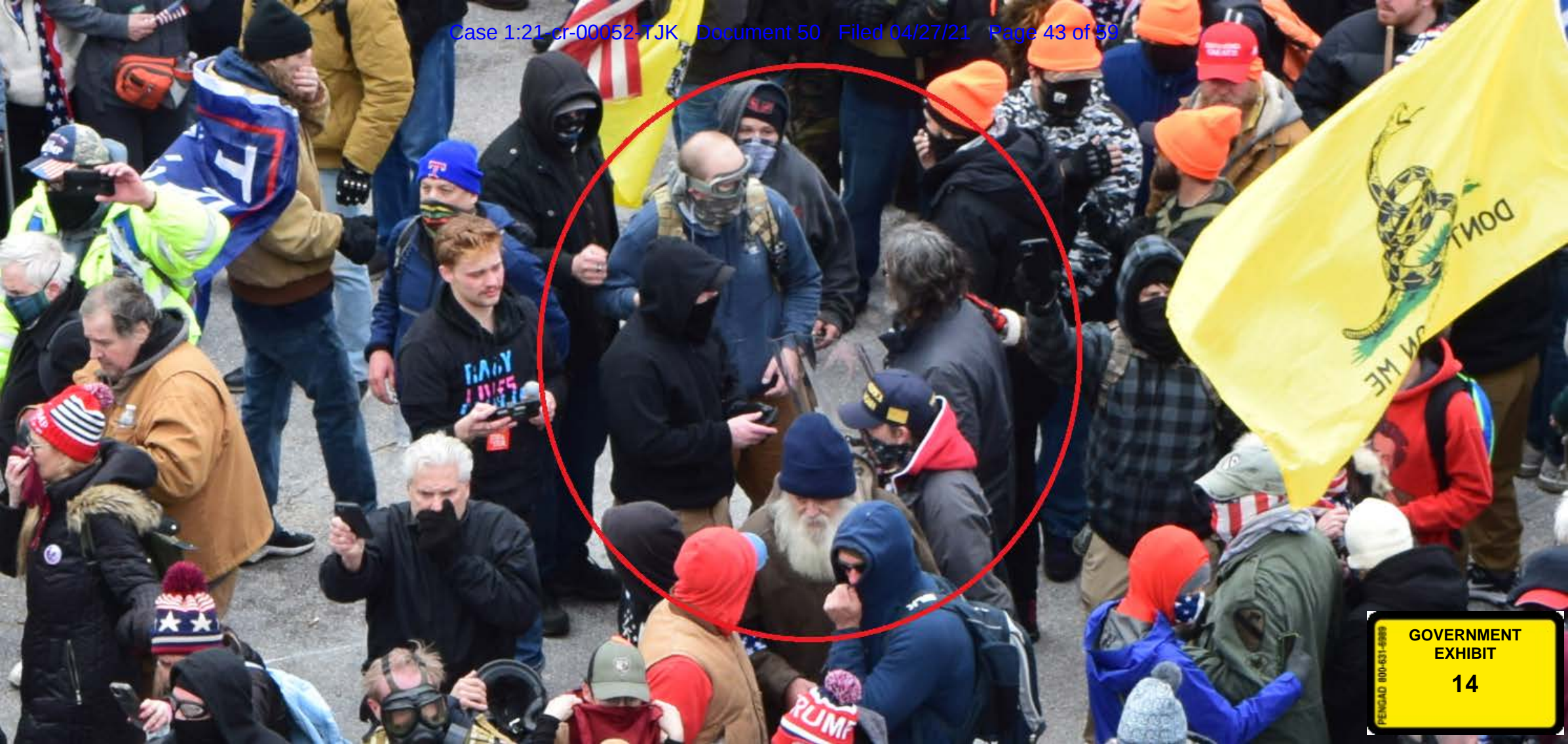
Accelerated Priority Delivery - Delivery in 3-5  
Business Days

### Payment method

Paypal — **\$210.94**







100-431-4999

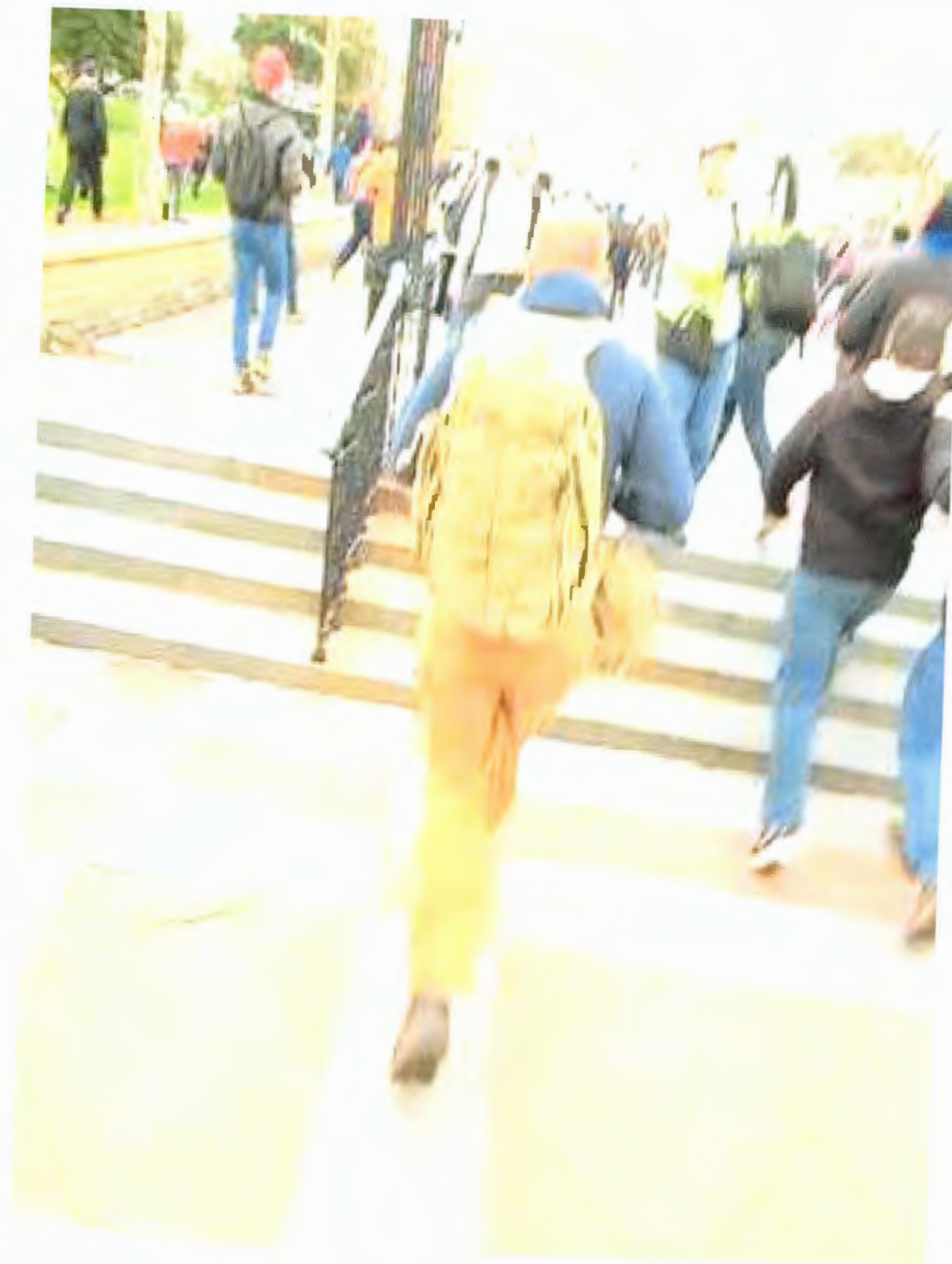
GOVERNMENT  
EXHIBIT

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

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America )

v.  
Matthew Greene )

Case No. 5:21-MJ-235 (ML)

Defendant )

Charging District's Case No. 21-CR-52

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

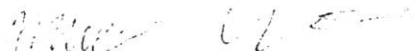
I have been informed of the charges and of my rights to:

- (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: 04/27/21

Defendant's signature



Signature of defendant's attorney

Gabrielle DiBella

Printed name of defendant's attorney

Print

Save As...

Reset

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MATTHEW GREENE,

Defendant.

5:21-MJ-0235  
(ML)

MIROSLAV LOVRIC, United States Magistrate Judge

**ORDER**

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. *Brady*, 373 U.S. at 87. This obligation applies regardless of whether 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 Defendant to make effective use of it at trial or at such other time as the Court may order.<sup>1</sup>

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.<sup>2</sup>

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 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;

---

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

<sup>2</sup> 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.*

- (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.

SO ORDERED.

Dated: April 21, 2021  
Binghamton, NY

A handwritten signature in black ink, reading "Mirosław Loric". The signature is written in a cursive style with a horizontal line underneath it.

United States Magistrate Judge

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America

v.

MATTHEW GREENE

*Defendant*

Case No. 5:21-MJ-00235-ML

## ORDER OF DETENTION PENDING TRIAL

## Part I - Eligibility for Detention

Upon the

- ☒ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or  
☐ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

## Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- ☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2)** (*previous violator*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
- ☐ **(1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
- ☐ **(a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**
  - ☐ **(b)** an offense for which the maximum sentence is life imprisonment or death; **or**
  - ☐ **(c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
  - ☐ **(d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
  - ☐ **(e)** any felony that is not otherwise a crime of violence but involves:
    - (i)** a minor victim; **(ii)** the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);
    - (iii)** any other dangerous weapon; or **(iv)** a failure to register under 18 U.S.C. § 2250; **and**
- ☐ **(2)** the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**
- ☐ **(3)** the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**
- ☐ **(4)** a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.



☒ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3)** (*narcotics, firearm, other offenses*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☒ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☒ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

☒ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. (*Part III need not be completed.*) [AS TO DANGER TO THE COMMUNITY]

**OR**

☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

**Part III - Analysis and Statement of the Reasons for Detention**

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- ☒ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☐ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☒ Weight of evidence against the defendant is strong
- ☒ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties
- ☐ Lack of significant community or family ties to this district

- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☐ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

**OTHER REASONS OR FURTHER EXPLANATION:**

Additionally, the Court set forth on the record at the Detention Hearing all additional reasons and justification, and which are in addition to all the factors and reasons set forth in this written Order, for ordering defendant detained pending trial.

**Part IV - Directions Regarding Detention**

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: 4/26/2021

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United States Magistrate Judge

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America )

Matthew<sup>v</sup> Greene )

Case No. 5:21-MJ-235 (ML)

Charging District's )

Case No. 21-CR-52 )

\_\_\_\_\_  
*Defendant*

## COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the \_\_\_\_\_ District of Columbia,  
 (if applicable) \_\_\_\_\_ division. The defendant may need an interpreter for this language:

N/A

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 04/26/2021

\_\_\_\_\_  
*Judge's signature*

U.S. Magistrate Judge Miroslav Lovric

\_\_\_\_\_  
*Printed name and title*

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**U.S. District Court**  
**Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF Release 1.5**  
**(Revision 1.5.3)] (Syracuse)**  
**CRIMINAL DOCKET FOR CASE #: 5:21-mj-00235-ML All Defendants**

Case title: USA v. Greene

Date Filed: 04/21/2021

Other court case number: 21-CR-52 (TJK) USDC - District of  
Columbia

Date Terminated: 04/27/2021

Assigned to: Magistrate Judge Miroslav  
Lovric

**Defendant (1)****Matthew Greene****TERMINATED: 04/27/2021**represented by **Gabrielle DiBella**Office of the Federal Public Defender -  
Syracuse Office

Northern District of New York

4 Clinton Square, 3rd Floor

Syracuse, NY 13202

315-701-0080

Email: [gabrielle\\_dibella@fd.org](mailto:gabrielle_dibella@fd.org)**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Public Defender or**Community Defender Appointment**Bar Status: Active**Fee Status: paid\_2019***Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**

18:371.F - Conspiracy, 18:1512C.F -

**Disposition**

Obstruction of an Official Proceeding and Aiding and Abetting, 18:231.F - Obstruction of Law Enforcement During Civil Disorder and Aiding and Abetting, 18:1361.F- Destruction of Government Property and Aiding and Abetting, 18:1752.P - Entering and Remaining in a Restricted Building or Grounds, 18:1752.P Disorderly Conduct in a Restricted Building or Grounds, 18:1752.P - Disorderly Conduct in a Restricted Building or Grounds and Aiding and Abetting.

## **Plaintiff**

**USA**

represented by **Stephen C. Green**  
 Office of the United States Attorney -  
 Syracuse  
 P.O. Box 7198  
 100 South Clinton Street  
 Syracuse, NY 13261-7198  
 315-448-0672  
 Fax: 315-448-0658  
 Email: [stephen.green@usdoj.gov](mailto:stephen.green@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*  
*Bar Status: Active*  
*Fee Status: waived\_2019*

Email All Attorneys

Email All Attorneys and Additional Recipients

| <b>Date Filed</b> | <b>#</b>                 | <b>Docket Text</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/21/2021        | <u><a href="#">1</a></u> | Rule 5 Documents Received as to Matthew Greene (jdp ) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 04/21/2021        |                          | Rule 5 arrest of Matthew Greene. (jdp ) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 04/21/2021        |                          | NOTICE OF HEARING as to Matthew Greene Initial Appearance set for 4/21/2021 at 5:00 PM before Magistrate Judge Miroslav Lovric via video.(jdp ) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 04/21/2021        |                          | Minute Entry for proceedings held before Magistrate Judge Miroslav Lovric: on 4/21/2021, the Court held an initial appearance and removal proceeding on an indictment from the District of Columbia as to Matthew Greene. Defendant appeared with Counsel, an AFPD from OFPD. The parties consented to proceeding via video conferencing due to the COVID-19 pandemic, pursuant to the Cares Act and G.O. 59. The parties were provided with a copy of the indictment. The Court assigned the OFPD to represent Defendant. Defendant was advised of all of his rights, the charges, the applicable maximum penalties, the right to an identity hearing, the right to a formal removal hearing, and the right to a detention hearing. Defendant was advised of F.R.Cr.P., rule 20 provisions. Defendant waived his right to an identity hearing. The Government moved for detention. A detention hearing is scheduled for 4/26/2021 at 11:00 a.m., via video conferencing. Pursuant to Fed. R. Crim. P. 5(f), the Court advised the Government of its Brady obligations and the consequences of failing to comply. Defendant is remanded to the |

|            |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |          | custody of the U.S. Marshal's Service pending the detention hearing. APP: S. Green, Esq., AUSA for the Government; G. DiBella, Esq., AFPD for Defendant; Defendant M. Greene; M. Martinez, U.S. Probation Officer; T. Casal, Court Reporter. (jdp ) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 04/21/2021 | <u>2</u> | TEXT ORDER: a detention hearing is scheduled for 4/26/2021 at 11:00 a.m., via video conferencing. SO ORDERED by Magistrate Judge Miroslav Lovric on 4/21/2021. (jdp ) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 04/21/2021 | <u>3</u> | TEXT ORDER: APPOINTING OFFICE OF THE FEDERAL PUBLIC DEFENDER as to Matthew Greene: The Court assigns the Office of the Federal Public Defender (OFPD) to represent the Defendant in this matter for proceedings held in the NDNY. The OFPD is directed to file a notice of attorney appearance with the Clerk of Court via CM/ECF, if they have not already done so. SO ORDERED by Magistrate Judge Miroslav Lovric on 4/21/2021. (jdp ) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 04/21/2021 | <u>4</u> | BRADY ORDER as to Matthew Greene. Signed by Magistrate Judge Miroslav Lovric on 4/21/2021. (jdp ) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 04/22/2021 | <u>5</u> | NOTICE OF ATTORNEY APPEARANCE: Gabrielle DiBella appearing for Matthew Greene (DiBella, Gabrielle) (Entered: 04/22/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 04/23/2021 | <u>6</u> | PRETRIAL SERVICES INVESTIGATION REPORT - [LODGED] as to Matthew Greene. <b>[This document has been electronically lodged with the Court and is viewable by ONLY the attorney for the government, the attorney for the defendant, and the presiding judge. Any further distribution or dissemination is prohibited.]</b> (mkh, ) (Entered: 04/23/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 04/26/2021 | <u>7</u> | DEFT Matthew Greene: CHARACTER LETTER(S) RE: SENTENCING (DiBella, Gabrielle) (Entered: 04/26/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 04/26/2021 |          | Minute Entry for proceedings held before Magistrate Judge Miroslav Lovric: on 4/26/2021, the Court held a detention hearing and removal proceeding on an indictment from the District of Columbia as to Matthew Greene. Defendant appeared with Counsel, an AFPD from OFPD. The parties consented to proceeding via video conferencing due to the COVID-19 pandemic, pursuant to the CARES Act and G.O. 59. The parties were provided with a copy of the Pre-Trial Services (PTS) report <u>6</u> from the U.S. probation Office, which recommended Defendants detention. The Government moved for detention. The Court heard arguments from both sides. The Government introduced 18 exhibits into evidence. The Court rendered its decision and reasoning on the record. The Court ordered Defendant detained in custody. Defendant waived a formal removal hearing. Defendant previously waived his right to an identity hearing at the initial appearance. The Court ordered Defendant removed to the District of Columbia. Defendant is remanded to the custody of the U.S. Marshal's Service and ordered removed to the District of Columbia. APP: S. Green, Esq., AUSA for the Government; G. DiBella, Esq., AFPD for Defendant; Defendant M. Greene; J. Kulakowski, U.S. Probation Officer; R. Lynch, Court Reporter. (jdp ) (Entered: 04/27/2021) |
| 04/26/2021 | <u>8</u> | ORDER OF DETENTION PENDING TRIAL as to Matthew Greene. Signed by Magistrate Judge Miroslav Lovric on 4/26/2021. (jdp ) (Entered: 04/27/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 04/26/2021 | <u>9</u> | COMMITMENT TO ANOTHER DISTRICT as to Matthew Greene. Defendant committed to District of Columbia. Certified copy of this Order has been provided to the USMS via email. Signed by Magistrate Judge Miroslav Lovric on 4/26/2021. (jdp ) (Entered: 04/27/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 04/27/2021 |          | TEXT NOTICE to the Clerk, Columbia of a Rule 5, Rule 32, or Rule 40 Appearance as to Matthew Greene: Your case number is: 21-CR-52. On April 21, 2021, Defendant appeared                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



|            |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                           | in the NDNY as a result of an arrest warrant issued. The defendant waived his right to Identity Hearing and Removal Hearing in this district and was remanded to custody. NDNY did not collect a bond or passport. Please use PACER Court Links to access the public docket and documents. (jdp ) (Entered: 04/27/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 04/27/2021 | <a href="#"><u>10</u></a> | Governments Exhibit 1-18 received during the Detention Hearing as to Matthew Greene: (Attachments: # <a href="#"><u>1</u></a> Exhibit 2, # <a href="#"><u>2</u></a> Exhibit 3, # <a href="#"><u>3</u></a> Exhibit 4, # <a href="#"><u>4</u></a> Exhibit 5, # <a href="#"><u>5</u></a> Exhibit 6, # <a href="#"><u>6</u></a> Exhibit 7, # <a href="#"><u>7</u></a> Exhibit 8, # <a href="#"><u>8</u></a> Exhibit 9, # <a href="#"><u>9</u></a> Exhibit 10, # <a href="#"><u>10</u></a> Exhibit 11, # <a href="#"><u>11</u></a> Exhibit 12, # <a href="#"><u>12</u></a> Exhibit 13, # <a href="#"><u>13</u></a> Exhibit 14, # <a href="#"><u>14</u></a> Exhibit 15, # <a href="#"><u>15</u></a> Exhibit 16, # <a href="#"><u>16</u></a> Exhibit 17, # <a href="#"><u>17</u></a> Exhibit 18) (jdp ) (Attachment 9 replaced on 4/27/2021) (jdp, ). (Entered: 04/27/2021) |
| 04/27/2021 | <a href="#"><u>11</u></a> | WAIVER of Rule 5 Hearings in this District by Matthew Greene (jdp ) (Entered: 04/27/2021)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |