

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Nicolas Anthony Moncada

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)

)

)

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Nicolas Anthony Moncada,

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

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

This offense is briefly described as follows:

18 U.S.C. 1752 (a)(1) and (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. § 5104(e)(2)(A) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

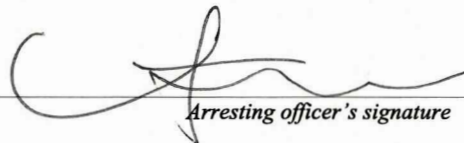


2021.01.16

14:42:19 -05'00'

Date: 01/16/2021*Issuing officer's signature*City and state: Washington, DCZia M. Faruqui U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) 01/16/2021, and the person was arrested on (date) 01/18/2021
at (city and state) New York, NY.Date: 01/18/2021*Arresting officer's signature*Anthony Grecco, Special Agent
Printed name and title

CRH:DKK/FJN/SKW

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

NICOLAS ANTHONY MONCADA,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF COLUMBIA

(Fed R. Crim. P. 5)

Case No. 21-M- 58

----- X

EASTERN DISTRICT OF NEW YORK, SS:

ANTHONY J. GRECCO, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI") assigned to the Joint Terrorism Task Force ("JTTF"), duly appointed according to law and acting as such.

On or about January 16, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of NICOLAS ANTHONY MONCADA in connection with a complaint charging him with violating the following statutes: 18 U.S.C. § 1752(a)(1) (unlawfully entering and remaining in a restricted building); 18 U.S.C. § 1752(a)(2) (impeding government business or official functions); and 40 U.S.C. § 5104(e)(2)(D), (G) (violent entry and disorderly conduct).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about January 16, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of NICOLAS ANTHONY MONCADA in connection with a criminal complaint (the "Complaint") charging him with violating the following statutes: 18 U.S.C. § 1752(a)(1) (unlawfully entering and remaining in a restricted building); 18 U.S.C. § 1752(a)(2) (impeding government business or official functions); and 40 U.S.C. § 5104(e)(2)(D), (G) (violent entry and disorderly conduct). True and correct copies of the arrest warrant, Complaint and underlying statement of facts are attached as Exhibit 1.


2. On or about January 18, 2021, JTTF agents, including the undersigned affiant, arrested the defendant NICOLAS ANTHONY MONCADA in Staten Island, New York pursuant to the warrant for his arrest. The defendant stated that his name is "Nicolas Moncada." After being advised of his Miranda rights, the defendant waived those rights and stated, in sum and substance, that he is the "Nicolas Moncada" described in the Complaint. In addition, while being processed by law enforcement agents, the defendant MONCADA provided his date of birth and the last four digits of his social security number, both of which match the date of birth and social security number of the individual wanted in the District of Columbia.

¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all of the relevant facts and circumstances of which I am aware.

3. I have compared the photographs of "Nicolas Moncada" contained in the Complaint, including a photograph of Moncada inside the United States Capitol on January 6, 2021, with the defendant and believe the photographs depict the same person – the NICOLAS ANTHONY MONCADA wanted in the District of Columbia. I also have reviewed New York State Department of Motor Vehicle records for the MONCADA wanted in the District of Columbia, including his New York State driver's license photograph, and compared that photograph to the defendant, and confirm that they are one and the same person.


4. Based on the foregoing, I submit that there is probable cause to believe that the defendant is the NICOLAS ANTHONY MONCADA wanted in the District of Columbia.

WHEREFORE, your deponent respectfully requests that the defendant NICOLAS ANTHONY MONCADA be removed to the District of Columbia so that he may be dealt with according to law.



ANTHONY J. GRECCO
Special Agent
Federal Bureau of Investigation

Sworn to before me by telephone this
19th day of January, 2021



THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Exhibit 1

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Nicolas Anthony Moncada

Case No.

*Defendant***ARREST WARRANT**

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* Nicolas Anthony Moncada

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

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

This offense is briefly described as follows:

18 U.S.C. 1752 (a)(1) and (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. § 5104(e)(2)(A) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/16/2021

2021.01.16

14:42:19 -05'00'

*Issuing officer's signature*City and state: Washington, DCZia M. Faruqui U.S. Magistrate Judge*Printed name and title***Return**This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

Nicolas Anthony Moncada

DOB: [REDACTED]

Case No.

Defendant(s)

CRIMINAL COMPLAINT

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

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ District of Columbia, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 1752 (a)(1) and (2)

- Knowingly Entering or Remaining in any Restricted Building or Grounds
Without Lawful Authority

40 U.S.C. § 5104(e)(2)(A) and (G)

- Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.


☒ Continued on the attached sheet.
Complainant's signature

Micahel Attard, Special Agent

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).Date: 01/16/2021

2021.01.16

14:45:53 -05'00'


*Judge's signature*City and state: Washington, DC

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

On January 6, 2021, your affiant, Federal Bureau Investigation (FBI) Special Agent Michael Attard was on duty and performing my official duties as a FBI Special Agent. Specifically, I am assigned to a counter-terrorism squad tasked with investigating criminal activity in and around the Capitol grounds. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, between 1:00 p.m. and 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

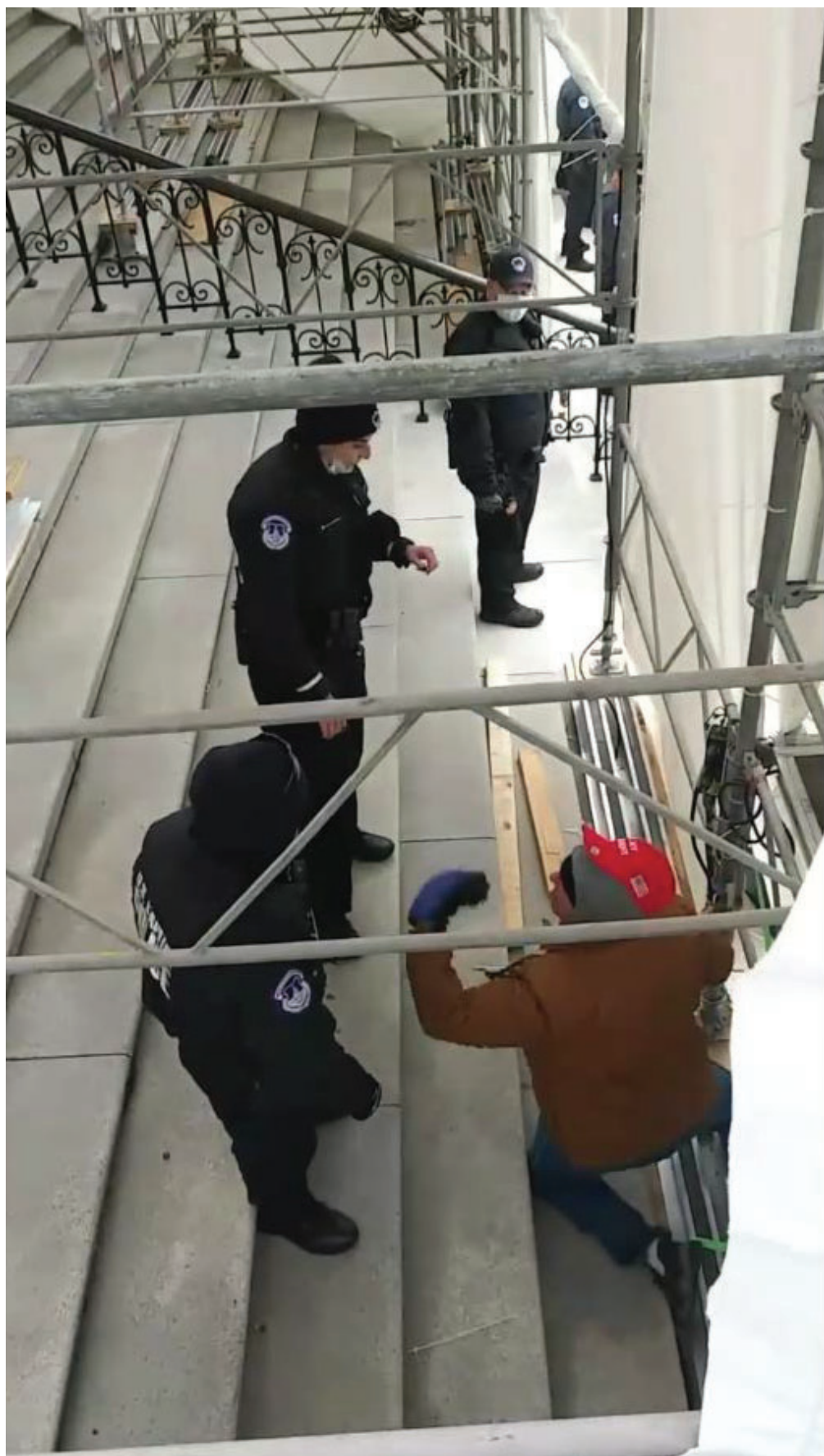
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On or about January 8, 2021, FBI New York received information from the Office of Public Safety at the Fashion Institute of Technology that several faculty and fellow students who have known Nicolas Anthony MONCADA for at least two years and have engaged with him on campus on a weekly basis, had reviewed several screen shots on social media concerning MONCADA's participation in the rioting at the U.S. Capitol on January 6, 2021. The faculty and fellow students were certain that the images were of MONCADA. In addition, the Office of Public Safety provided FBI New York with the screen shots of social media posts reportedly made by MONCADA via Instagram accounts "the_ideological_way" and "idwalkaway" and Twitter account "ideologicalway", all of which identify MONCADA by name, which depict self-photographs and/or first person video depicting rioting and unlawful entry in the U.S. Capitol Complex. These social media posts listed above were observed by several faculty and students of the Fashion Institute of Technology who positively identified MONCADA by name as the individual in the noted screen shots.

In addition, on or about January 8, 2021, FBI New York executed search warrants, issued by the U.S. District Court, Eastern District of New York, on both the Facebook and Twitter accounts believed to be owned and used by MONCADA. The content therein supports the screen shots submitted by Campus Safety at Fashion Institute of Technology. Below are those screen shots believed to be posted by MONCADA which depict MONCADA'S presence on U.S. Capitol grounds during the riot on January 6, 2021.¹ In addition, on or about the same day, law enforcement officers observed that MONCADA posted on his Instagram account a video that your affiant believes to be the scaffolding maintained outside of the U.S. Capitol which depicts what appears to be law enforcement officers standing on the U.S. Capitol steps. In a separate video MONCADA posted what appears to be blood on the steps of the U.S. Capitol. Screen shots captures of those videos are below:

¹ According to information provided by Facebook, telephone number 917-628-8109 is associated with Instagram account "Idwalkaway". Moreover, according to information provided by Fashion Institute of Technology, telephone number 917-628-8109 is associated with the student record of NICOLAS A. MONCADA.





In addition, on or about the same day, January 6, 2021, MONCADA posted on his Instagram account a photograph of himself that your affiant believes to be inside the Capitol. MONCADA captioned the photograph “Outside Pelosi’s office,” which I understand to be a reference to the Office of Speaker of the House Nancy Pelosi. The image is below:



Also on January 6, 2021, MONCADA posted on Instagram a video taken inside the Capitol during the mob's assault on the building. MONCADA captioned the video "Nothing to see here Instagram!" The video shows rioters screaming at the U.S. Capitol Police Officers. As of the date of this filing, the video appears to have been deleted from MONCADA's Instagram account. A still image of the video is below:



In response to the video MONCADA posted, an individual on the social media account asked MONCADA “what is going on.” MONCADA responded in the comment: “Storming the Capitol Building.” An image of the comment is below:



In another comment responding to MONCADA's video, an individual asked "Where is this ??!" MONCADA responded: "Capitol Building where Senate & House are conducting Electoral Vote Count." An image of the comment is below:



Based on the foregoing, your affiant submits that there is probable cause to believe that MONCADA violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance. Your affiant submits there is also probable cause to believe that MONCADA violated 40 U.S.C. § 5104(e)(2)(A) and (G), which makes it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Date: January 16, 2021



SPECIAL AGENT MICHAEL ATTARD
FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of January 2021.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE

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

UNITED STATES DISTRICT COURT
for the

United States of America

v.

Nicolas Antony Moncada

Defendant

Case No. 21-mj-58

Charging District's Case No.

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)* U.S. District Court for the District of Columbia

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

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine 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: 1/19/2021

Nicholas Moncada

Defendant's signature

Signature of defendant's attorney

Mario F. Gallucci

Printed name of defendant's attorney

United States District Court, Eastern District of New York

UNITED STATES OF AMERICA

V.

ORDER SETTING CONDITIONS OF RELEASE
AND APPEARANCE BOND

Nicholas Moncada, Defendant.

Case Number: 21-MJ-58

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released subject to the Standard Conditions of Release on the reverse and as follows:

- ☐ Upon **Personal Recognizance Bond** on his/her promise to appear at all scheduled proceedings as required, or
☒ Upon **Bond** executed by the defendant in the amount of \$ 250,000.00, and
 secured by ☒ financially responsible sureties listed below and/or ☐ collateral set forth below.

Additional Conditions of Release

The Court finding that release under the Standard Conditions of Release on the reverse will not by themselves reasonably assure the appearance of the defendant and/or the safety of other persons and the community, IT IS FURTHER ORDERED as follows:

- ☐ 1. The defendant must remain in and may not leave the following areas without Court permission: ☒ New York City; ☐ Long Island, NY; ☐ New York State; ☐ New Jersey; ☒ District of Columbia for court and travel to and from this Court and the permitted areas.
- ☐ 2. The defendant must avoid all contact with the following persons or entities: _____
- ☐ 3. The defendant must avoid and not go to any of the following locations: _____
- ☒ 4. The defendant must surrender all passports to Pretrial Services by 1/21 and not obtain other passports or international travel documents.
- ☒ 5. The defendant is placed under the supervision of the Pretrial Services Agency subject to the Special Conditions on the reverse and:
- ☒ a. is subject to random visits by a Pretrial Services officer at defendant's residence and/or place of work;
- ☒ b. must report ☒ as directed by Pretrial Services or ☒ in person _____ times per _____ and/or ☒ by telephone _____ times per _____
- ☐ c. must undergo ☐ testing, ☐ evaluation and/or ☐ treatment for substance abuse, including alcoholism, as directed by Pretrial Services.
- ☐ d. must undergo evaluation and treatment for mental health problems, as directed by Pretrial Services.
- ☐ e. is subject to the following location restriction program with location monitoring, as directed by Pretrial Services:
- ☐ home incarceration: restricted to home at all times, except for attorney visits, court appearances and necessary medical treatment;
- ☐ home detention: restricted to home at all times, except for attorney visits, court appearances, medical treatment, ☐ religious services, ☐ employment, ☐ school or training, ☐ other activities approved by Pretrial Services, ☐ _____
- ☐ curfew: restricted to home every day from _____ to _____, or ☐ as directed by Pretrial Services.
- ☐ Defendant must pay all or part of the cost of any required testing, evaluation, treatment and/or location monitoring with personal funds, based upon ability to pay as determined by the Court and the Pretrial Services Agency, and/or from available insurance.
- ☒ 6. Other Conditions: Must not attend political rallies, must not enter US Capitol, verifiable employment, education, job dev. progra

APPEARANCE BOND

I, the undersigned defendant, and each surety who signs this bond, acknowledge that I have read this Appearance Bond and, and have either read all the other conditions of release or have had those conditions explained. I further acknowledge that I and my personal representatives, jointly and severally, are bound to pay the United States of America the sum of \$ _____ and that this obligation is secured with the below interest in the following property ("Collateral") which I represent is/are free and clear of liens except as otherwise indicated:

- ☐ cash deposited in the Registry of the Court in the sum of \$ _____;
- ☒ premises located at: 7-Taunton St., S.I., NY 10306 owned by _____
- ☐ I also agree to execute a confession of judgment, mortgage or lien in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before 01-29-2021

Each owner of the above Collateral agrees not to sell the property, allow further claims or encumbrances to be made against it, or do anything to reduce its value while this Appearance Bond is in effect.

Forfeiture of the Bond. This Appearance Bond may be forfeited if the defendant fails to comply with any of the conditions set forth above and on the reverse. The defendant and any surety who has signed this form also agree that the court may immediately order the amount of the bond surrendered to the United States, including any security for the bond, if the defendant fails to comply with the above agreement. The court may also order a judgment of forfeiture against the defendant and against each surety for the entire amount of the bond, including any interest and costs. Date

| | |
|--|------------------|
| XXXXXXXXXXXX <u>7-Taunton St., S.I., NY 10306</u> | <u>1-19-2021</u> |
| XXXXXXXXXXXX <u>Same as above</u> | <u>1-19-2021</u> |
| XXXXXXXXXXXX <u>10306</u> | <u>1-19-2021</u> |

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release and of the penalties and sanctions set forth on the front and reverse sides of this form.

Is/ Nicholas Moncada by PEP

Signature of Defendant

Release of the Defendant is hereby ordered on January 19, 2021 20 ____.

STANDARD CONDITIONS OF RELEASE

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

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the Court, the Pretrial Services office, defense Counsel and the U.S. Attorney in writing before making any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender for service of any sentence imposed as directed.
- (5) The defendant must refrain from use or unlawful possession of a narcotic drug or other controlled substances as defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (6) If the defendant fails to report as required to the Pretrial Services Agency, defendant may be subject to such random visits at his/her residence or work by a Pretrial Services Officer as may be necessary to verify his/her residence or place of employment in order to secure compliance with the order of release.
- (7) The defendant must not possess a firearm, destructive device, or other weapon.

**SPECIAL CONDITIONS OF RELEASE FOR TESTING, TREATMENT OR EVALUATION
AND FOR LOCATION MONITORING**

1. If the defendant fails to appear for any specified treatment or evaluation, defendant may be subject to such random visits at his/her residence or work by a Pretrial Services Officer as may be necessary to verify his/her residence or place of employment in order to secure compliance with the order of release.
2. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, as determined by Pretrial Services.
3. If defendant is subject to a location restriction program or location monitoring, defendant must:
 - (a) stay at his/her residence at all times except for approved activities and may not leave for approved activities without providing prior notice to Pretrial Services, except in cases of medical emergencies.
 - (b) abide by all program requirements and instructions provided by Pretrial Services relating to the operation of monitoring technology. Unless specifically ordered by the court, Pretrial Services may require use of one of the following or comparable monitoring technology: Radio Frequency (RF) monitoring; Passive Global Positioning Satellite (GPS) monitoring; Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS); Voice Recognition monitoring.

FORFEITURE OF THE BOND

This appearance bond may be forfeited if the defendant does not comply with the conditions of release set forth in this Order Setting Conditions of Release and Bond. The court may immediately order the amount of the bond and any Collateral surrendered to the United States if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

RELEASE OF THE BOND

This appearance bond may be terminated at any time by the Court. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

ADVICE OF PENALTIES AND SANCTIONS TO THE DEFENDANT

Defendant is advised that violating any of the foregoing conditions of release may result in the immediate issuance of a warrant of arrest, a revocation of the order of release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if defendant commits a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence defendant may receive.

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

If, after release, defendant knowingly fails to appear as the conditions of release require, or to surrender to serve a sentence, defendant may be prosecuted for failing to appear or surrender and additional punishment may be imposed, whether or not the defendant is convicted of the pending charges. If defendant is convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – defendant will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – defendant will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – defendant will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – defendant will be fined not more than \$100,000 or imprisoned not more than one year, or both.

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

CLOSED

U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00058-RER All Defendants

Case title: USA v. Moncada

Date Filed: 01/19/2021

Date Terminated: 01/19/2021

Assigned to: Magistrate Judge Ramon E.
Reyes, Jr

Defendant (1)**Nicolas Anthony Moncada***TERMINATED: 01/19/2021*

represented by **Mario F. Gallucci**
The Gallucci Law Firm
1110 South Avenue
Suite 29
Staten Island, NY 10314
347-273-1269
Email: mfg7102@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1752.P

Disposition**Plaintiff****USA**

represented by **David K. Kessler**
United States Attorney's Office

271 Cadman Plaza East
 Brooklyn, NY 11201
 718-254-7202
 Fax: 718-254-6076
 Email: david.kessler@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Francisco J Navarro
 United States Attorney's Office
 271 Cadman Plaza East
 Brooklyn, NY 11201
 718-254-6007
 Fax: 718-254-6076
 Email: francisco.navarro@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

| Date Filed | # | Docket Text |
|------------|-------------------|--|
| 01/19/2021 | 1 | RULE 40 AFFIDAVIT by USA as to Nicolas Anthony Moncada (Sica, Michele) (Entered: 01/19/2021) |
| 01/19/2021 | | Arrest (Rule 40) of Nicolas Anthony Moncada (Sica, Michele) (Entered: 01/19/2021) |
| 01/19/2021 | | Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: For a Removal to the District of Columbia as to Nicolas Anthony Moncada (1) Count Complaint held on 1/19/2021, Attorney Appointment Hearing as to Nicolas Anthony Moncada held on 1/19/2021, Initial Appearance in Rule 5(c)(3) Proceedings as to Nicolas Anthony Moncada held on 1/19/2021. AUSA David Kessler, Ian Richardson, Sara Winik; Defense Mario Gallucci, Retained Counsel. Pretrial Officer Anna Lee present. Waiver of removal entered. Bond set on consent of both parties. The Court set an amount on the bond to be \$250,000.00 with conditions. Defendant was sworn and advised of bond conditions and signed the bond. 3 Sureties were sworn and advised of bond obligations and signed the bond. The defendant was released. (FTR Log #12:00-12:55.) (Sica, Michele) (Entered: 01/19/2021) |
| 01/19/2021 | 2 | WAIVER of Rule 5(c)(3) Hearing by Nicolas Anthony Moncada (Sica, Michele) (Entered: 01/19/2021) |
| 01/19/2021 | 4 | REDACTION by Nicolas Anthony Moncada to 3 1 - Sealed Docket Entry AND Document CR, Order Setting Conditions of Release (Sica, Michele) (Entered: 01/19/2021) |