

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

GLEN MITCHELL SIMON

Defendant

Case: 1:21-mj-00366

Assigned To : Meriweather, Robin M.

Assign. Date : 4/9/2021

Description: Complaint w/ Arrest Warrant

ARREST WARRANT

To: Any authorized law enforcement officer

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

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:

Knowingly entering or remaining in any restricted building or grounds without lawful authority in violation of 18 U.S.C. § 1752(a)(1) and (2)
 Violent entry and disorderly conduct on capitol grounds in violation of 40 U.S.C. § 5104(e)(2)(D)

Date: 04/12/2020

2021.04.12

13:50:32 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, United States Magistrate Judge

Printed name and title

Return

This warrant was received on *(date)* 4/12/2021, and the person was arrested on *(date)* 05/05/2021
 at *(city and state)* GAINESVILLE, GA

Date: 05/05/2021

*(Signature)**Arresting officer's signature*

MICHAEL BALDWIN / SPECIAL AGENT
Printed name and title FBI

43465-509

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

GLEN MITCHELL SIMON

Defendant

2:21-MJ-009-JCF

Case: 1:21-mj-00366

Assigned To : Meriweather, Robin M.

Assign. Date : 4/9/2021

Description: Complaint w/ Arrest Warrant

ARREST WARRANT

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☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
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Date: 04/12/2020


2021.04.12

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*Issuing officer's signature*City and state: Washington, D.C.Robin M. Meriweather, United States 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.

GLEN MITCHELL SIMON

DOB: |

Defendant(s)

Case: 1:21-mj-00366

Assigned To : Meriweather, Robin M.

Assign. Date : 4/9/2021

Description: Complaint w/ Arrest Warrant

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)(D)

Violent entry and disorderly conduct on capitol grounds

This criminal complaint is based on these facts:

SEE ATTACHED STATEMENT OF OFFENSE

☐ Continued on the attached sheet.*Complainant's signature*

Elizabeth KilCommons, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 12th day of April 2021.

Date: 04/12/2021

2021.04.12

13:50:53 -04'00'

*Judge's signature*City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Assigned To : Meriweather, Robin M.

Assign. Date : 4/9/2021

Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Elizabeth KilCommons, is a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and has been so employed since 2009. I am currently assigned to the FBI Washington Field Office ("WFO") in Washington, D.C. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. 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 violations 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 were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

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

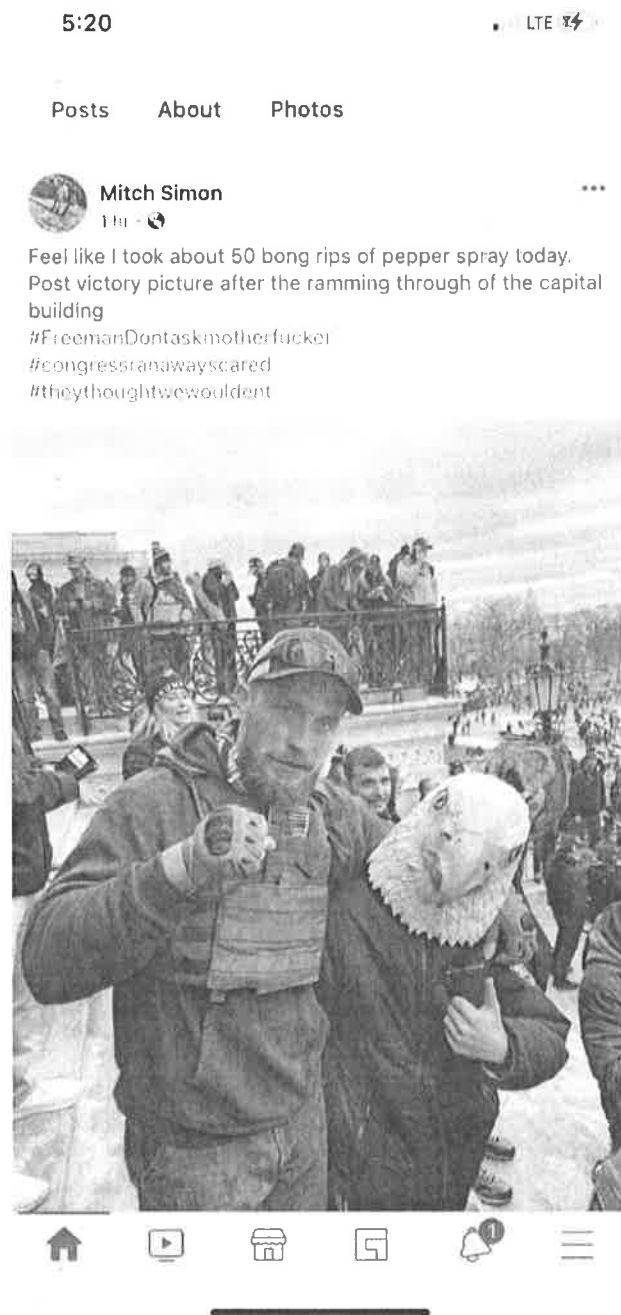
Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress 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. One such individual was GLEN MITCHELL SIMON (hereafter SIMON).

On January 7, 2021, the FBI received a tip from Witness 1 (hereafter "W1") indicating that SIMON participated in the riots, as fully described in the preceding paragraphs, at the United States Capitol on January 6, 2021. W1 reported that he/she saw posts on SIMON's Facebook account that included a photograph(s) and video showing SIMON inside the United States Capitol building. According to W1, one video showed SIMON in the halls of the U.S. Capitol saying, "We weren't invited, we broke in here." Additionally, W1 reported that one photograph he/she saw posted to SIMON's Facebook account showed SIMON standing in front of the U.S. Capitol building. W1 said that these posts had been deleted from SIMON's Facebook account. W1 did not capture or preserve the content of the video and photograph(s) that W1 saw on SIMON's Facebook account.

On January 6, 2021, the FBI received another tip from a different individual (hereafter W2), also indicating that SIMON had posted photographs and a video to his Facebook account, which appeared to show that SIMON inside the Capitol building. W2 included a screenshot of the Facebook post from SIMON's Facebook account (username <http://www.facebook.com/omega.tree.96>), which has since been deleted. According to W2, he/she recognized SIMON because he/she went to the same school that SIMON once attended, and W2 identified SIMON as the individual depicted in the following photograph:



W2 also informed law enforcement that he/she saw a video posted to SIMON's Facebook account, which appeared to have been filmed by SIMON, and which shows SIMON inside the U.S. Capitol Building. This video has also been deleted from SIMON's Facebook account.

Both W1 and W2 reported that SIMON recently moved, and that he may be living in either Georgia or Maine. W1 further reported that SIMON owned a tree removal business named "Omega Tree Removal." Your affiant has reviewed the portions of SIMON's Facebook account that are

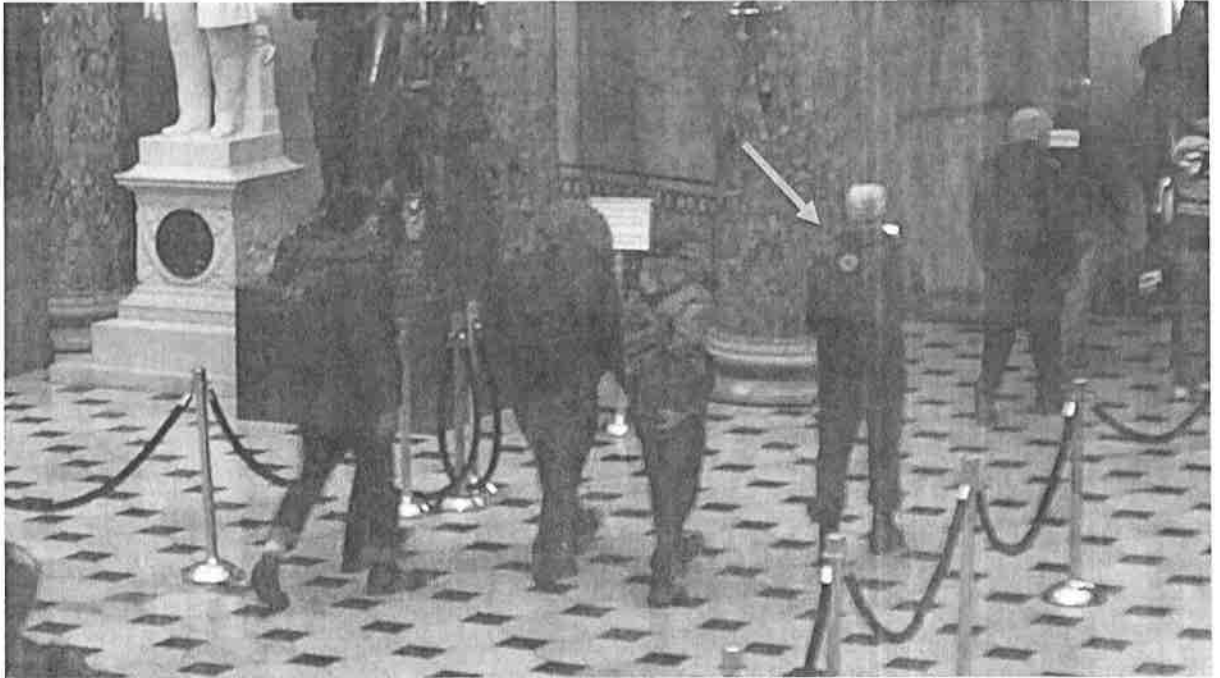
publicly available. Information on this account indicates that SIMON lives in Jefferson, Georgia and works at Omega Tree Service.

A search of publicly available databases revealed that SIMON's address was based out of Jefferson, Georgia. Furthermore, your affiant was able to lawfully obtain a picture of SIMON that is from his Georgia Driver's License. The individual depicted in the picture on the Georgia Driver's License appears to be the same individual depicted in the above-mentioned picture taken on the steps of the U.S. Capitol.

On January 14, 2021, FBI Agents from the Atlanta Field Office attempted to locate SIMON at his last known addresses in Georgia. When they were unable to locate him, the Agents contacted SIMON via telephone. During the conversation, SIMON asked if the Agents were contacting him about being at the Capitol on January 6, 2021. When asked, Simon confirmed that he used the Facebook account "Mitch Simon." SIMON admitted that he was the individual standing on the steps of the United States Capitol in the image included above, with his arm around a person wearing a rubber mask in the shape of an eagle's head. SIMON denied entering the Capitol building and claimed it took him hours to reach the Capitol steps, where the picture was taken. SIMON denied taking any photographs or video in Washington, D.C. on January 6, 2021.

Members of the FBI provided the image posted on SIMON's Facebook account to the U.S. Capitol Police/Threat Assessment Section (USCP/TAS), in an effort to compare this image of SIMON to surveillance video captured inside the U.S. Capitol on January 6, 2021. Your affiant was informed by USCP/TAS Agents that the image posted to Facebook, described and depicted above, shows the individual believed to be SIMON standing on the East Front Steps of the United States Capitol Building. USCP/TAS Agents then located video surveillance footage depicting an individual, believed to be SIMON, entering the Capitol Building through a door on the West Front, Senate side of the building at 2:14 p.m. on January 6, 2021. Once inside the Capitol, video surveillance footage shows SIMON walking toward the Crypt. Additional footage shows SIMON inside the Statuary Hall at 2:36 p.m., and inside the Rotunda at 2:56 p.m. Below are screenshots from surveillance videos that appear to depict SIMON unlawfully inside the United States Capitol on January 6, 2021. In the screenshots below, SIMON is identified by the arrow. He is seen wearing a white and blue baseball hat, a dark green sweatshirt, an olive green tactical vest, tan gloves, jeans, and boots, consistent with what he was wearing in the above photograph.





Based on the foregoing, your affiant submits that there is probable cause to believe that SIMON violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted

building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions. 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 SIMON violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G), which makes it a crime to parade, demonstrate, or picket in any of the Capitol Buildings.

Respectfully submitted,



Elizabeth KilCommons,
Special Agent
FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 12th day of April 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

United States of America

v.

GLEN MITCHELL SIMON

Defendant

Case No. 2:21-MJ-09-JCF

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)* District of Columbia

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

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

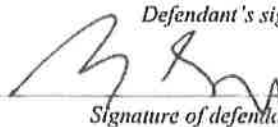
- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set 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: 5/4/2021



Defendant's signature



Signature of defendant's attorney

AFPD Rebecca Shepard

Printed name of defendant's attorney

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

**2:21-mj-00009-JCF
USA v. Simon
Honorable J. Clay Fuller**

Minute Sheet for proceedings held In Open Court on 05/05/2021.

TIME COURT COMMENCED: 11:30 A.M.
TIME COURT CONCLUDED: 12:15 P.M.
TIME IN COURT: 00:45
OFFICE LOCATION: Gainesville

TAPE NUMBER: FTR
USPO: Amanda Hornbeck
DEPUTY CLERK: Christina Klimenko

DEFENDANT(S): [1]Glen Mitchell Simon Present at proceedings
ATTORNEY(S) Jennifer Keen representing USA
PRESENT: Rebecca Shepard representing Glen Mitchell Simon
PROCEEDING CATEGORY: Bond Hearing; Initial Appearance;
PLEADINGS FILED IN COURT: Financial Affidavit; Waiver of Rule 5 & 5.1 Proceedings as to identity
MOTIONS RULED ON: DFT#1-[]Motion for Return of Property TAKEN UNDER ADVISEMENT
MINUTE TEXT: Initial Appearance held; Deft. found to be eligible for court appointed counsel; AFD Rebecca Shepard appointed; Defendant waives his right to an identity hearing; Bond hearing held; Deft. to be released on a \$10,000 unsecured bond with standard & special conditions; Defendant ordered to appear in the District of Columbia via Zoom on May 12, 2021 at 1:00 p.m. Defendant opposes an extension of time in which a preliminary hearing must be scheduled pursuant to Rule 5.1. Defendant's verbal motion for return of property is taken under advisement.

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

United States of America

v.

GLEN MITCHELL SIMON

Defendant

Case No. 2:21-MJ-09-JCF

APPEARANCE BOND

Defendant's Agreement

I, GLEN MITCHELL SIMON (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
- (☒) if convicted, to surrender to serve a sentence that the court may impose; or
- (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (☐) (1) This is a personal recognizance bond.
- (☒) (2) This is an unsecured bond of \$ 10,000.
- (☐) (3) This is a secured bond of \$ _____, secured by:
 - (☐) (a) \$ _____, in cash deposited with the court.
 - (☐) (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- (☐) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, 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.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. 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.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: _____

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Approved.

Date: 05/05/2021

/s/ J. Clay Fuller
Judge's signature

AO 98 (Rev. 12/11) Appearance Bond

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I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 5/5/21

x 
Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Approved.

Date: _____

Judge's signature

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

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

United States of America

v.

GLEN MITCHELL SIMON

Defendant

Case No. 2:21-MJ-09-JCF

Charging District: District of Columbia

Charging District's Case No. 1:21-MJ-366

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

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

Place: U.S. District Court, District of Columbia

Courtroom No.: ZOOM

Date and Time: Wednesday, May 12, 2021 @ 1 pm

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

Date: 5/5/2021

/s/ J. Clay Fuller

Judge's signature

J. Clay Fuller, United States Magistrate Judge

Printed name and title

United States District Court
Northern District of Georgia
106 United States Courthouse
121 Spring Street, SE
Gainesville, Georgia 30501

James N. Hatten
Clerk of Court

(678) 450-2760

May 4, 2021

United States District Court
District of Columbia
333 Constitution Avenue, N.W.
Roo 1225
Washington, D.C. 20001

Clerk's Office:

Removal proceedings were held in this district on regarding, N.D.Ga. Case No. 2:21-MJ-009-JCF, your Case No. 1:21-MJ-366. Enclosed are our documents of said proceedings.

If you have any questions, please call the Magistrate Courtroom Deputy's Office at (678) 450-2792.

Sincerely,

/s/ Christina Klimenko
Deputy Clerk

Enclosure

CLOSED

U.S. District Court
Northern District of Georgia (Gainesville)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-00009-JCF All Defendants

Case title: USA v. Simon

Date Filed: 05/05/2021

Date Terminated: 05/05/2021

Assigned to: Magistrate Judge J.
Clay Fuller

Defendant (1)

Glen Mitchell Simon
TERMINATED: 05/05/2021

represented by **Rebecca Shepard**
Federal Defender Program—Atl
Suite 1500
Centennial Tower
101 Marietta Street, N.W.
Atlanta, GA 30303
404-688-7530
Email: rebecca_shepard@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Disposition

18:1752.P – Knowingly entering
or remaining in any restricted
building or grounds without lawful
authority

Plaintiff

USA

represented by **Jennifer Keen**

Office of the United States

Attorney-ATL600

Northern District of Georgia

600 United States Courthouse

75 Ted Turner Dr., S.W.

Atlanta, GA 30303

404-581-6257

Email: jennifer.keen@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Date Filed	#	Page	Docket Text
05/05/2021			Arrest (Rule 40) of Glen Mitchell Simon (clk) (Entered: 05/05/2021)
05/05/2021	<u>1</u>		Copy of Arrest Warrant and Complaint issued as to Glen Mitchell Simon in the District of Columbia -- Case No. 1:21-MJ-366. (clk) (Entered: 05/05/2021)
05/05/2021	<u>2</u>		CJA 23 Financial Affidavit by Glen Mitchell Simon (clk) (Entered: 05/05/2021)
05/05/2021	<u>3</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER Rebecca Shepard for Glen Mitchell Simon as to Glen Mitchell Simon Signed by Magistrate Judge J. Clay Fuller on 5/5/2021. (clk) (Entered: 05/05/2021)
05/05/2021			Verbal MOTION for Return of Property seized upon the surrender/arrest of the defendant by Glen Mitchell Simon. (clk) (Entered: 05/05/2021)
05/05/2021	<u>4</u>		WAIVER of Rule 40 Hearings by Glen Mitchell Simon (clk) (Entered: 05/05/2021)
05/05/2021	<u>5</u>		Minute Entry for proceedings held before Magistrate Judge J. Clay Fuller: Initial Appearance held; Deft. found to be eligible for court appointed counsel; AFD Rebecca Shepard appointed; Defendant waives his right to an identity hearing; Bond hearing held; Deft. to be released on a \$10,000 unsecured bond with standard & special conditions; Defendant ordered to appear in the District of Columbia via Zoom on May 12, 2021 at 1:00 p.m. Defendant opposes an extension of time in which a preliminary hearing must be scheduled pursuant to Rule 5.1. Defendant's verbal motion for return of property is taken under advisement. (Tape #FTR) (clk) (Entered: 05/05/2021)
05/05/2021	<u>6</u>		Unsecured Bond on Rule 5(c)(3) Entered as to Glen Mitchell Simon in amount of \$ 10,000, (clk) (Entered: 05/05/2021)
05/05/2021	<u>7</u>		ORDER Setting Conditions of Release as to Glen Mitchell Simon. Signed by Magistrate Judge J. Clay Fuller on 5/5/2021. (clk) (Entered: 05/05/2021)
05/05/2021	<u>8</u>		ORDER requiring defendant to appear in the district where charges are pending and transferring bail as to Glen Mitchell Simon Signed by Magistrate Judge J. Clay Fuller on 5/5/2021. (clk) (Entered: 05/05/2021)
05/05/2021	<u>9</u>		

		Transmittal of Rule 5(c)(3) Documents as to Glen Mitchell Simon, sent to District of Columbia electronically. Original case file with certified copy of Bond and docket sheet. (clk) (Entered: 05/05/2021)
05/05/2021		(Minute entry) Order that Defendants motion for return of cellphone seized following his arrest is DENIED WITHOUT PREJUDICE as he has not shown that he is entitled to the property during the pendency of this prosecution in light of the Governments representation that it intends to obtain a warrant to search the phone. See United States v. Latorre, No. 1:20-cr-00272-ELR-RGV, 2020 U.S. Dist. LEXIS 236111, at *25 (N.D. Ga. Nov. 23, 2020) (If a motion for return of property is made while a criminal prosecution is pending, the burden is on the movant to show that he... is entitled to the property. (internal quotations omitted)). Signed by Magistrate Judge J. Clay Fuller on 5/5/2021. (clk) (Entered: 05/05/2021)
05/05/2021		Magistrate Case Closed. Defendant Glen Mitchell Simon terminated. (clk) (Entered: 05/05/2021)