

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
MATTHEW COUNCIL

) Case: 1:21-mj-00008
) Assigned To : Harvey, G. Michael
) Assign. Date : 1/7/2021
) Description: Complaint w/ Arrest Warrant
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Matthew Council
who is accused of an offense or violation based on the following document filed with the court:

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

This offense is briefly described as follows:

- 18 U.S.C. 1752 (a)(1)- Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
- 40 U.S.C. 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/07/2021

G. Michael Harvey
2021.01.07
15:09:54 -05'00'

Issuing officer's signature

City and state: Washington, DC

G. MICHAEL HARVEY, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 1/14/21, and the person was arrested on (date) 1/14/21
at (city and state) RIVERVIEW, FLORIDA.

Date: 1/14/21

Arresting officer's signature

SA Paul Urea

Printed name and title

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CLERK'S MINUTES

| | |
|---|--|
| CASE NO.: 8:21-mj-1025-CPT | DATE: January 14, 2021 |
| HONORABLE CHRISTOPHER P. TUIE | INTERPRETER: N/A |
| UNITED STATES OF AMERICA v. MATTHEW COUNCIL | LANGUAGE: |
| | GOVERNMENT COUNSEL Patrick Scruggs, AUSA |
| | DEFENSE COUNSEL Howard Anderson, AFPD |
| COURT REPORTER: DIGITAL | DEPUTY CLERK: Caleb Houston |
| TIME: 2:03PM - 2:29PM TOTAL: 26 Mins. | COURTROOM: 12B |

PROCEEDINGS: Initial Appearance Rule 5/Bond

Defendant present and provided a copy of the Complaint w/ Affidavit.

Arrest Date: January 14, 2021.

Court summarizes the charges and advises Defendant of Rule 5 rights.

Proceedings conducted pursuant to Rule 5(c).

Financial Affidavit submitted for approval. Court finds that Defendant qualifies for the appointment of counsel. FPD appointed for today's hearing. Defendant retained counsel in District of Columbia.

Defendant waives the formal reading of the complaint.

Identity hearing waived.

Preliminary hearing to be held in the appropriate District.

Court hears from Mr. Council (Defendants Father).

Bond

Government: Release with conditions of \$25,000 signature bond, restricted travel within MDFL and the District of Columbia, release possession of firearms, passport, curfew, not be allowed to use medical marijuana

Defense: Agreed upon conditions except the usage of medical marijuana as defendant has authorization with a medical marijuana card.

Court: Released on conditions surrender firearms, surrender passport, use or possession narcotics including Medical Marijuana, submit to substance abuse testing and evaluation/treatment, mental health/psychiatric treatment, curfew at 9pm -7am, bond of \$25,000 to be signed by defendants' parents. Court will hold hearing on issue of medical marijuana if appropriate motion is brought before the court.

Defendant directed to report to the United States District Court for the District of Columbia for further proceedings on January 21, 2021 via zoom.

Due Process Order Pronouncement.

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)

v.)

MATTHEW COUNCIL)

Case No. 8:21-MJ-1025-CPT

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, MATTHEW COUNCIL (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:

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

Type of Bond

- () (1) This is a personal recognizance bond.
(X) (2) This is an unsecured bond of \$ 25,000.00 .
() (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: 01/14/2021

Defendant's signature

June Council

Surety/property owner – printed name

Surety/property owner – signature and date

CLARKE & COUNCIL

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: 01/14/2021

Signature of Clerk or Deputy Clerk

Approved.

Date: 01/14/2021

Judge's signature

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

MDFL Case No. 8:21-mj-1025-CPT
Charging District Case No. 1:21-mj-08

MATTHEW COUNCIL
_____ /

ORDER OF RELEASE

It is hereby ORDERED:

1. The conditions of release are hereby established as set forth below.
2. The United States Marshal is hereby directed to release the above named Defendant upon his agreement, in writing, to comply with the following conditions of release.

DONE and ORDERED in Tampa, Florida this 14th day of January 2021.



HONORABLE CHRISTOPHER P. TUITE
United States Magistrate Judge

CONDITIONS OF RELEASE

1. Defendant must appear before the Court in accordance with all notices.
2. Defendant must not at any time, for any reason whatsoever, leave the Middle District of Florida without first obtaining written permission of the United States District Court for the Middle District of Florida or the district court where criminal charges are pending, except that Defendant may travel to the District of Columbia at the direction of the United States District Court for the District of Columbia or the United States Attorney for the District of Columbia.
3. Defendant must not change his present address without prior court approval.
4. Defendant shall not commit a federal, state, or local crime during the period of his release. Defendant shall inform the United States Pretrial Services Office (Pretrial Services) immediately if arrested or otherwise charged with any offense. Defendant is specifically advised that federal law prohibits conduct relating to intimidation of witnesses, jurors, and officers of the Court (18 U.S.C. § 1503); conduct relating to obstruction of criminal investigations (18 U.S.C. § 1510); conduct involving tampering with witnesses, victims, or informants (18 U.S.C. § 1512); and conduct involving retaliation against a witness, victim, or informant (18 U.S.C. § 1513), as well as attempts to commit any of the foregoing acts.
5. Defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
6. SPECIAL CONDITIONS OF DEFENDANT'S RELEASE
 - * Defendant shall report to Pretrial Services as directed.
 - * Defendant shall surrender his passport to Pretrial Services. Upon being placed on probation, being taken into custody for imposition of sentence, dismissal, or a not guilty verdict, Defendant will have 180 days to file a motion requesting the return of the passport. If such motion is not filed, Pretrial Services will return Defendant's passport to the United States Department of State.
 - * Defendant shall not apply for or obtain a passport or any new travel documents.

- * Defendant shall not use or unlawfully possess a narcotic drug or other controlled substance unless as prescribed by a licensed medical practitioner. Further, Defendant shall submit to any method of testing required by Pretrial Services for determining whether Defendant is using a prohibited substance. Such methods 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. Defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
 - * Defendant shall submit to substance abuse evaluation and/or treatment at the direction of Pretrial Services, with the costs to be borne by Defendant, as determined by Pretrial Services.
 - * Defendant shall submit to mental health evaluation and any treatment deemed necessary, to include psychiatric medication and treatment, with the costs to be borne by Defendant, as directed by Pretrial Services.
 - * Defendant shall not possess any firearms, destructive devices, or dangerous weapons.
 - * Defendant shall participate in the following location restriction program and abide by the requirements of that program. Defendant shall pay all or part of the cost of the program based upon Defendant's ability to pay as determined by Pretrial Services.

(X) **Curfew.** Defendant is restricted to his residence every day from 9:00 p.m. to 7:00 a.m., or as otherwise directed by Pretrial Services, and Defendant's compliance shall be monitored by Pretrial Services using radio frequency monitoring.
 - * Defendant shall post a signature bond in an amount totaling \$25,000.00. This signature bond shall be co-signed by Defendant's parents, June Council and Claude Council, Jr..
7. A violation of any of the above conditions may result in the immediate issuance of a warrant for Defendant's arrest and may result in a forfeiture of the bond previously given.

Further, upon re-arrest, Defendant may be detained in jail without the setting of new conditions of release or, if new conditions of release are established, those conditions will, in all likelihood, be significantly greater than the conditions previously imposed.

Moreover, a person who violates his conditions of release may be prosecuted for contempt of Court.

8. A defendant commits a separate offense against the laws of the United States if, after having been released under these conditions of release, he knowingly fails to appear before a Court as required by the conditions of release, or knowingly fails to surrender for service of a sentence pursuant to a court order. If a person fails to appear in connection with --

(a) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, the penalties for failure to appear are a \$250,000 fine, or imprisonment for not more than 10 years, or both;

(b) an offense punishable by imprisonment for a term of five or more years, but less than 15 years, the penalties for failure to appear are a fine of not more than \$250,000, or imprisonment for not more than five years, or both;

(c) any other felony, the penalties for failure to appear are a \$250,000 fine, or imprisonment for not more than two years, or both;

(d) a misdemeanor, the penalties for failure to appear are a \$100,000 fine (if the offense occurred after November 1, 1987), or a \$25,000 fine (if the offense occurred before November 1, 1987), or imprisonment for not more than one year, or both.

At the present time, the charge in this case involves penalties which equal or exceed the penalties set forth in subparagraph (d), and therefore, the penalties for failure to appear are those set forth in that subparagraph.

Any term of imprisonment for failure to appear is required by law to be consecutive to the sentence of imprisonment for any other offense.

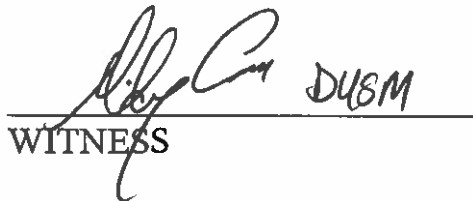
Furthermore, federal law provides that a person convicted of an offense that is committed while Defendant is released under these conditions of release shall be sentenced, in addition to the sentence prescribed for the offense, to a term of imprisonment of not more than 10 years if the offense is a felony; or a term of not

more than one year, if the offense is a misdemeanor. Any term of imprisonment imposed pursuant to this provision of law is to be consecutive to any other term of imprisonment.

I acknowledge that I have read the above or that the above has been read to me and that I fully understand the conditions of my admission to bail and the possible penalties for the violation of any of those conditions.

I further acknowledge that I have been given a copy of this instrument, as well as a copy of the bail bond to which it is attached.

Signed in Tampa, Florida, this 14th day of January 2021.


WITNESS


DEFENDANT

1. The Middle District of Florida consists of the following Florida Counties: Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Duval, Flagler, Glades, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Lake, Lee, Marion, Manatee, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Seminole, Sumter, Suwanee, Union, and Volusia.
2. The telephone number and mailing address for the Clerk of the United States District Court for the Middle District of Florida, Tampa Division, are: 813.301.5400 and 801 N. Florida Avenue, United States Courthouse, Tampa, Florida 33602.
3. The telephone number for the United States Marshal's Office for the Middle District of Florida, Tampa Division, is: 813.483.4200.
4. The telephone number and mailing address for the United States Attorney for the Middle District of Florida, Tampa Division, are: 813.274.6000; Park Tower, Suite 3200, 400 N. Tampa Street, Tampa, Florida 33602.
5. The commercial telephone number for the United States Pretrial Services Agency is 813.225.7648, and the toll-free number is 800.676.0125.

6. **NOTICE TO COUNSEL AND DEFENDANT:** In cases assigned to United States Magistrate Judge Christopher P. Tuite, any requests to travel outside the area set forth in this document must be submitted at least three (3) **BUSINESS** days prior to the date upon which travel is expected to begin. Failure to comply with this requirement will result in an automatic denial of the request unless a showing is made that an actual emergency situation exists, such as a serious family illness.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:21-mj-1025-CPT
Charging District Case No. 1:21-mj-08

MATTHEW COUNCIL
_____ /

ORDER

Defendant Matthew Council having been arrested in the Tampa Division of the Middle District of Florida on a warrant issued in the District of Columbia and having been released on bond, it is hereby ORDERED that, unless otherwise directed by the United States District Court for the District of Columbia, the Defendant shall appear via videoconference before United States Magistrate Judge G. Michael Harvey on January 21, 2021, at 1:00 p.m.

DONE and ORDERED in Tampa, Florida, this 15th day of January 2021.



HONORABLE CHRISTOPHER P. TUIITE
United States Magistrate Judge

Copies to:
Counsel of record

**U.S. District Court
Middle District of Florida (Tampa)
CRIMINAL DOCKET FOR CASE #: 8:21-mj-01025-CPT All Defendants**

Case title: USA v. Council

Date Filed: 01/14/2021

Other court case number: 1:21-mj-08 USDC District of Columbia

Date Terminated: 01/15/2021

Assigned to: Magistrate Judge Christopher
P. Tuite

Defendant (1)**Matthew Council***TERMINATED: 01/15/2021*

represented by **Howard C. Anderson**
Federal Public Defender's Office
400 N Tampa St Ste 2700
Tampa, FL 33602-4726
813-228-2715
Fax: 813-228-2562
Email: howard_anderson@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

18 U.S.C. 1752(a)(1) - Knowingly Entering
or Remaining in any Restricted Building or
Grounds Without Lawful Authority; 40
U.S.C. 5104 (e)(2) - Violent Entry and
Disorderly Conduct on Capitol Grounds

Disposition**Plaintiff**

USA

represented by **Patrick Scruggs**
 US Attorney's Office - FLM
 Suite 3200
 400 N Tampa St
 Tampa, FL 33602-4798
 813-274-6034
 Email: patrick.scruggs@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

| Date Filed | # | Docket Text |
|------------|--------------------|--|
| 01/14/2021 | 1 | Arrest pursuant to Rule 5(c)(2) of Matthew Council from the United States District Court for the District of Columbia. (AMS) (Entered: 01/14/2021) |
| 01/14/2021 | 2 | ORAL MOTION to Appoint Counsel by Matthew Council. (CAH) (Entered: 01/14/2021) |
| 01/14/2021 | 3 | ORAL ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Matthew Council Signed by Magistrate Judge Christopher P. Tuite on 1/14/2021. (CAH) (Entered: 01/14/2021) |
| 01/14/2021 | 4 | ORAL MOTION for Release from Custody by USA as to Matthew Council. (CAH) (Entered: 01/14/2021) |
| 01/14/2021 | 5 | ORAL MOTION for Release from Custody by Matthew Council. (CAH) (Entered: 01/14/2021) |
| 01/14/2021 | 6 | ORAL ORDER as to Matthew Council: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Magistrate Judge Christopher P. Tuite on 1/14/2021. (CAH) (Entered: 01/14/2021) |
| 01/14/2021 | 8 | Minute Entry for In Person proceedings held before Magistrate Judge Christopher P. Tuite: granting 4 Motion for Release from Custody as to Matthew Council (1); granting 5 Motion for Release from Custody as to Matthew Council (1); INITIAL APPEARANCE in Rule 5(c)(3) proceedings held on 1/14/2021 as to Matthew Council from the United States District Court for the District of Columbia. ; Bond Hearing as to Matthew Council held on 1/14/2021. (DIGITAL) (AMS) (Entered: 01/15/2021) |
| 01/14/2021 | 9 | Appearance BOND entered as to Matthew Council in amount of \$ 25,000. (CAH) (Entered: 01/15/2021) |
| 01/14/2021 | 10 | ORDER Setting Conditions of Release Signed by Magistrate Judge Christopher P. Tuite on 1/14/2021. (CAH) (Entered: 01/15/2021) |
| 01/15/2021 | 11 | ORDER OF REMOVAL pursuant to Rule 5(c)(3) to the District of Columbia as to Matthew Council Signed by Magistrate Judge Christopher P. Tuite on 1/15/2021. (CAH) (Entered: 01/15/2021) |
| 01/15/2021 | | NOTICE to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Matthew Council regarding your case number: 1:21-mj-08. Using your PACER account, you may retrieve the docket sheet and any documents via the case number link. No documents/record will be sent. If you require certified copies of any documents please |

send a request to InterdistrictTransfer_FLMD@flmd.uscourts.gov. If you wish the court to use a different email address in the future, please send a request to update your address to InterdistrictTransfer_TXND@txnd.uscourts.gov. (CAH) (Entered: 01/15/2021)

| PACER Service Center | | | |
|-----------------------------|--------------------------|-------------------------|-------------------|
| Transaction Receipt | | | |
| 01/25/2021 15:34:26 | | | |
| PACER Login: | BrittanyBryant:6635828:0 | Client Code: | |
| Description: | Docket Report | Search Criteria: | 8:21-mj-01025-CPT |
| Billable Pages: | 2 | Cost: | 0.20 |
| Exempt flag: | Exempt | Exempt reason: | Always |

PACER fee: Exempt