

AO 442 (Rev. 11/11) Arrest Warrant

11229473

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Joshua Wagner

) Case: 1:21-mj-00162
) Assigned to: Judge Faruqi, Zia M
) Assign Date: 1/25/2021
) 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) Joshua Wagner

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

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint (checked), 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
18 U.S.C. § 1752(a)(2)- Disorderly Conduct Which Impedes the Conduct of Government Business
40 U.S.C. § 5104(e)(2)(D)- Disruptive Conduct in the Capitol Buildings
40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating, or Picketing in the Capitol Buildings

Date: 1/25/2021

2021.01.25
21:39:53 -05'00'

Issuing officer's signature

City and state: Washington, DC

Zia M. Faruqi, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 1/25/2021, and the person was arrested on (date) 1/26/2021
at (city and state) Indianapolis, IN

Date: 1/26/2021

Jesse L. Mohler
Arresting officer's signature
Jesse L. Mohler | Special Agent
Printed name and title

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
vs. ) CAUSE NO. 1:21-mj-0071  
 )  
JOSHUA WAGNER, ) - 01  
Defendant. )

**COURTROOM MINUTE FOR JANUARY 28, 2021**  
**HONORABLE TIM A. BAKER, MAGISTRATE JUDGE**

Parties appear for a Rule 5(c)(3) hearing on a complaint filed on January 25, 2021 out of the District of Columbia (1:21-mj-0162). Defendant appeared in person and by retained counsel Benjamin Jaffe. Government represented by AUSA Matthew Rinka. USPO represented by Richard Martinez.

Charges and rights were read and explained.

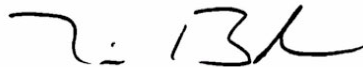
Defendant waived his right to an identity hearing.

Defendant waived any further proceedings in this Court and request those hearings he is entitled to be held in the charging district.

Government did not seek pretrial detention.

Defendant ordered released and instructed to appear via video on February 18, 2021.

Date: 1/28/2021



---

Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

**FILED**

**01/28/2021**

**U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
Roger A.G. Sharpe, Clerk**

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of Indiana

United States of America )  
v. )  
JOSHUA WAGNER )  
*Defendant* )

Case No. 1:21-mj-0071

Charging District's Case No. 1:21-mj-0162

**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:

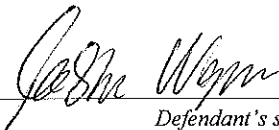
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary 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:

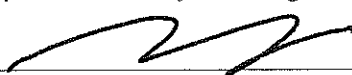
- an identity hearing and production of the warrant.
- a preliminary hearing.
- a detention hearing.
- an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, 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: 1/27/2021



*Defendant's signature*



*Signature of defendant's attorney*

**Benjamin Jaffee**

*Printed name of defendant's attorney*

UNITED STATES DISTRICT COURT
for the
Southern District of Indiana

UNITED STATES OF AMERICA )

v. )

JOSHUA WAGNER (1) )

Defendant )

Case No. 1:21-MJ-00071-TAB

ORDER SETTING CONDITIONS OF RELEASE

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

- (1) The defendant must not violate federal, state, or local law while on release.
(2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
(3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
(4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: Via video (Zoom meeting information is located on page 3)
Place

on February 18, 2021 at 1:00 PM Eastern
Date and Time

If blank, defendant will be notified of next appearance.

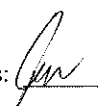
- (5) The defendant must sign an Appearance Bond, if ordered.

Def. Initials: [Signature]

**ADDITIONAL CONDITIONS OF RELEASE**

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

- (  ) (6) The defendant is placed in the custody of:  
 Person or organization \_\_\_\_\_  
 Address (only if above is an organization) \_\_\_\_\_  
 City and state \_\_\_\_\_ Tel. No. \_\_\_\_\_
- who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.
- Signed: \_\_\_\_\_  
 Custodian \_\_\_\_\_ Date \_\_\_\_\_
- (  ) (7) The defendant must:
- (  ) (a) submit to supervision by and report for supervision to the UNITED STATES PRETRIAL SERVICES AGENCY, telephone number \_\_\_\_\_, no later than AS THEY INSTRUCT.
- (  ) (b) continue or actively seek employment.
- (  ) (c) continue or start an education program.
- (  ) (d) surrender any passport to: THE U.S. PROBATION OFFICE FOR THE SOUTHERN DISTRICT OF INDIANA
- (  ) (e) not obtain a passport or other international travel document.
- (  ) (f) abide by the following restrictions on personal association, residence, or travel: RESTRICTED TO THE SOUTHERN DISTRICT OF INDIANA UNLESS PRE-APPROVED BY THE U.S. PRETRIAL SERVICES AGENCY
- (  ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: ANY CO-DEFENDANTS OR POTENTIAL CO-DEFENDANTS - IF RELATED DO NOT DISCUSS CASE
- (  ) (h) get medical or psychiatric treatment: \_\_\_\_\_
- (  ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
- (  ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- (  ) (k) not possess a firearm, destructive device, or other weapon.
- (  ) (l) not use alcohol (  ) at all (  ) not to exceed .079 BAC.
- (  ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (  ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. 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. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- (  ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- (  ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- (  ) (i) **Curfew.** You are restricted to your residence every day (  ) from \_\_\_\_\_ to \_\_\_\_\_, or (  ) as directed by the pretrial services office or supervising officer; or
- (  ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- (  ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- (  ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- (  ) RF monitoring
- (  ) GPS monitoring
- (  ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office.
- (  ) You are not responsible for payment of monitoring fees.
- (  ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

Def. Initials: 

**ADDITIONAL CONDITIONS OF RELEASE**

- (  ) (s) submit to the search of his/her person, vehicle, office/business, residence and property, including computer systems and internet-enabled devices, whenever the pretrial release office has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving the defendant. Other law enforcement may assist as necessary. The defendant shall submit to the seizure of any contraband that is found, and should forewarn other occupants or users that the property may be subject to being searched.
- (  ) (t) The defendant shall not incur new credit charges or open additional lines of credit. The defendant shall provide the pretrial release office access to any requested financial information for both business and personal accounts.

Additional conditions required by the District of Columbia:

- u. stay out of the District of Columbia unless for court, pretrial meetings or consultation with attorney.
- v. call pretrial services once per week.
- w. no travel outside of the continental U.S. without court approval.

Following the pretrial hearing, a Probation Office representative will review the conditions of release with the defendant. Contact information will be provided so the defendant can reach the office(r) upon release from custody. If the defendant fails to follow these instructions, a warrant may be issued and the defendant's pretrial release may be revoked.

Join ZoomGov Meeting

<https://uscourts-dcd.zoomgov.com/j/1600140355?pwd=VTlkQ0ZEVmJOTVN3bmUwS05nZndZQT09>

Meeting ID: 160 014 0355

Passcode: 634244

One tap mobile

+16692545252,,1600140355#,,,,,0#,,634244# US (San Jose)

+16468287666,,1600140355#,,,,,0#,,634244# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

Meeting ID: 160 014 0355

Passcode: 634244

Find your local number: <https://uscourts-dcd.zoomgov.com/u/aINbEloTB>

Join by SIP

[1600140355@sip.zoomgov.com](mailto:1600140355@sip.zoomgov.com)


Join by H.323

161.199.138.10 (US West)

161.199.136.10 (US East)

Meeting ID: 160 014 0355

Passcode: 634244

Def't. Initials: 



**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your 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 you commit 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 you 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, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

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

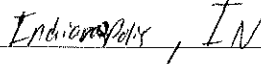
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



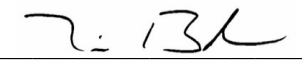
Defendant's Signature



City and State

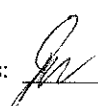
**Directions to the United States Marshal**

- (  ) The defendant is ORDERED released after processing.
- (  ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 1/28/2021


Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

Def't. Initials: 

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00071-TAB All Defendants**

Case title: USA v. WAGNER

Date Filed: 01/28/2021

Other court case number: 1:21-MJ-162 DISTRICT OF COLUMBIA

Assigned to: Magistrate Judge Tim A. Baker

**Defendant (1)**

**JOSHUA WAGNER**

**Pending Counts**

**Disposition**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

**Disposition**

WARRANT OUT OF THE DISTRICT OF COLUMBIA

**Plaintiff**

**USA**

Date Filed	#	Docket Text
01/28/2021	<a href="#">1</a>	COURTROOM MINUTES for proceedings held before Magistrate Judge Tim A. Baker: Initial Appearance in Rule 5(c)(3) Proceedings as to JOSHUA WAGNER (1) held on 1/28/2021. Defendant JOSHUA WAGNER (1) appears in person and by retained counsel Benjamin Jaffe. Appearance for the USA by AUSA Matthew Rinka. USPO represented by Richard Martinez. Charges and rights were read and explained. Defendant waived his right to an identity hearing. Defendant waived any further proceedings in this Court and request those hearings he is entitled to be held in the charging district. Government did not seek pretrial detention. Defendant ordered released and instructed to appear via video on



		February 18, 2021. Signed by Magistrate Tim A. Baker on 1/28/2021 (CBU) (Entered: 02/01/2021)
01/28/2021	<a href="#">2</a>	WAIVER of Rule 5(c)(3) Hearing by JOSHUA WAGNER (1) (CBU) (Entered: 02/01/2021)
01/28/2021	<a href="#">3</a>	ORDER Setting Conditions of Release as to JOSHUA WAGNER (1). Signed by Magistrate Judge Tim A. Baker on 1/28/2021. Electronic Notice to USM-C.(CBU) (Entered: 02/01/2021)
02/01/2021		<p>Notice of a Rule 5 Initial Appearance as to JOSHUA WAGNER (1). Transferee court case number is: 1:21-mj-162-1. Using a PACER account, the docket sheet and any documents may be received via the case number link. No documents/record will be sent to the receiving district court.</p> <p>If the receiving district court requires certified copies of any documents please send that request to InterdistrictTransfer_INSD@insd.uscourts.gov. (CBU) (Entered: 02/01/2021)</p>

**Case #: 1:21-mj-00071-TAB-All**

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
03/25/2021 16:33:18			
<b>PACER Login:</b>	BrittanyBryant:6635828:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:21-mj-00071-TAB
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always

**PACER fee: Exempt**