

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

TIMOTHY LOUIS HALE-CUSANELLI

) Case: 1:21-mj-00075
) Assigned to: Judge Robin M. Meriweather
) Assign Date: 1/15/2021
) 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) TIMOTHY LOUIS HALE-CUSANELLI,
 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
 18 U.S.C. 1752 (a)(2)- Disrupting the Orderly Conduct of Government Business
 40 U.S.C. 5104(e)(2)(D)- Violent Entry and Disorderly Conduct in a Capitol Building
 40 U.S.C. 5104(e)(2)(G)- Parading, Demonstrating, or Picketing in a Capitol Building
 18 U.S.C. 231(a)(3)- Obstructing a Law Enforcement Officer During a Civil Disorder

Date: January 15, 2021

Robin M. Meriweather
 2021.01.15 16:38:17 -05'00'

*Issuing officer's signature*City and state: Washington, DCRobin M. Meriweather, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) January 15, 2021, and the person was arrested on (date) January 15, 2021
 at (city and state) Colts Neck, NJ.

Date: January 15, 2021
Arresting officer's signature

Daniel Meyers Special Agent, NCIS
Printed name and title

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
MINUTES OF PROCEEDINGS**

OFFICE: TRENTON
MAGISTRATE JUDGE: BONGIOVANNI
ESR: Mark J. Morelli

January 19, 2021
DATE OF PROCEEDINGS

TITLE OF CASE: **MJ-21-3003 (TJB)**
U.S.D.C. of District of Columbia No. 21-mj-75
UNITED STATES OF AMERICA,
V.
TIMOTHY LOUIS HALE-CUSANELLI

APPEARANCES:

Sammi Malek, AUSA for Government
Andrea Bergman, AFPD for Defendant
Robert Hyde, Pretrial Officer

NATURE OF PROCEEDING: Rule 5 Initial Appearance via video conference

Rule 5 Initial appearance held.
All parties consent to Initial Appearance by video conference.
Defendant advised of his rights, charges and penalties.
Hearing on application by defendant for appointment of counsel.
Financial affidavit executed and filed.
Ordered application granted.
Ordered Andrea Bergman, AFPD appointed as counsel.
Defendant waives identity and preliminary hearing.
Waiver of Rule 5 & 5.1 hearing executed.
Defendant advised of Rule 5 rights.
Hearing on application of Government for pretrial detention.
Ordered application denied.
Ordered bail set at \$150,000 unsecured bond to be signed.
Brady Order to be entered.
Order Setting Conditions of Release to follow.
Ordered defendant remanded until Friday, January 22, 2021.
Orders to be entered.

TIME COMMENCED: 3:05 p.m.
TIME ADJOURNED: 3:55 p.m.
TOTAL TIME: 50 MINUTES

s/ Mark Morelli
Deputy Clerk

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

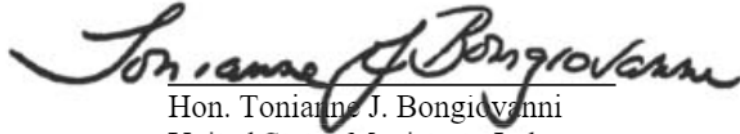
Timothy Louis Hale-Cusanelli,

Defendant.

Mag No. 21-MJ-3003 (TJB)

ORDER

Pursuant to Rule 5(f) of the Federal Rules of Criminal Procedure, and as set forth on the record during the initial appearance of the defendant on this 19th day of January, 2021, in the presence of both the prosecutor and defense counsel in this matter, the Court confirms the United States' continuing obligation to produce all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including, but not limited to, the Court's order to produce information, the granting of a continuance, the exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.



Hon. Toniaime J. Bongiovanni
United States Magistrate Judge

United States of America

v.

TIMOTHY LOUIS HALE-CUSANELLI

Defendant

**ORDER SETTING
CONDITIONS OF RELEASE**

Case Number: 21-3003 (TJB)

IT IS ORDERED on this 19th day of January, 2021 that the release of the defendant is subject to the following 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 immediately advise the court, defense counsel, and the U.S. attorney in writing before any change of address and/or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed.

Release on BondBail be fixed at \$ 150,000 and the defendant shall be released upon:

- (☒) Executing an unsecured appearance bond (☒) with co-signor(s) Cynthia Hughes and Justin Huettler
- () Executing a secured appearance bond () with co-signor(s) _____, and () depositing in cash in the registry of the Court _____% of the bail fixed; and/or () execute an agreement to forfeit designated property located at _____. Local Criminal Rule 46.1(d)(3) waived/not waived by the Court.
- () Executing an appearance bond with approved sureties, or the deposit of cash in the full amount of the bail in lieu thereof;

Additional Conditions of Release

Upon finding that release by the above methods will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, it is further ordered that the release of the defendant is subject to the condition(s) listed below:

IT IS FURTHER ORDERED that, in addition to the above, the following conditions are imposed:

- (☒) Report to Pretrial Services ("PTS") as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to, any arrest, questioning or traffic stop.
- () The defendant shall not attempt to influence, intimidate, or injure any juror or judicial officer; not tamper with any witness, victim, or informant; not retaliate against any witness, victim or informant in this case.
- (☒) The defendant shall be released into the third party custody of Cynthia Hughes and Justin Huettler.

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Custodian Signature: _____ Date: _____

Custodian Signature: _____ Date: _____

- (X) The defendant's travel is restricted to (X) New Jersey () Other _____
(X) unless approved by Pretrial Services (PTS).
- (X) Surrender all passports and travel documents to PTS. Do not apply for new travel documents.
- () Substance abuse testing and/or treatment as directed by PTS. Refrain from obstructing or tampering with substance abuse testing procedures/equipment.
- (X) Refrain from possessing a firearm, destructive device, or other dangerous weapons. All firearms in any home in which the defendant resides shall be removed by _____ and verification provided to PTS.
- () Mental health testing/treatment as directed by PTS.
- () Abstain from the use of alcohol.
- (X) Maintain current residence or a residence approved by PTS.
- (X) Maintain or actively seek employment approved by PTS.
- () No contact with minors unless in the presence of a parent or guardian who is aware of the present offense.
- () Have no contact with the following individuals: _____
- () Defendant is to participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- () (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 the following: education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer. Additionally, employment () is permitted () is not permitted.
- () (iii) Home Incarceration. You are restricted to your residence under 24 hour lock-down except for medical necessities and court appearances, or other activities specifically approved by the court.
- (X) Defendant is subject to the following computer/internet restrictions which may include manual inspection and/or the installation of computer monitoring software, as deemed appropriate by Pretrial Services. The defendant shall pay all or part of the cost of the monitoring software based upon their ability to pay, as determined by the pretrial services office or supervising officer.
- () (i) No Computers - defendant is prohibited from possession and/or use of computers or _____ connected devices.
- () (ii) Computer - No Internet Access: defendant is permitted use of computers or connected _____ devices, but is not permitted access to the Internet (World Wide Web, FTP Sites, IRC _____ Servers, Instant Messaging, etc);
- (X) (iii) Computer With Internet Access: defendant is permitted use of computers or connected devices, and is permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc.) for legitimate and necessary purposes pre-approved by Pretrial Services at [X] home [X] for employment purposes.
- () (iv) Consent of Other Residents -by consent of other residents in the home, any computers in the home utilized by other residents shall be approved by Pretrial Services, password protected by a third party custodian approved by Pretrial Services, and subject to inspection for compliance by Pretrial Services.
- (X) Other: The Defendant is to remain in custody until Friday, January 22, 2021.
- (X) Other: The Defendant is not to physically return to his employment at Naval Weapons Station (Earle)
- (X) Other: The Defendant is to report to the District Of Columbia for an initial appearance.
- (X) The defendant is not to have any access to connected devices unless approved by PTS.

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.
- (X) 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: January 19, 2021



Judicial Officer's Signature

Tonianne J. Bongiovanni

Printed Name and Title

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

TIMOTHY LOUIS HALE CUSANELLI,
Defendant.

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MAGISTRATE NO. 21-MJ-75 (RMM)

ORDER

Upon consideration of the Government's Motion for Emergency Stay and for Review of Detention Order as to defendant Timothy Louis Hale-Cusanelli

It is this 19th day of January, 2021,

ORDERED, that the Motion for an Emergency Stay is hereby **GRANTED** and the release order entered by the District of New Jersey Magistrate Judge on January 19, 2021 as to defendant Timothy Louis Hale-Cusanelli is **STAYED** pending review of the detention decision by this Court.



A handwritten signature in black ink, reading "Beryl A. Howell", is written over a horizontal line.

BERYL A. HOWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

TIMOTHY LOUIS HALE-CUSANELLI,
Defendant.

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MAGISTRATE NO. 21-MJ-75 (RMM)

TRANSPORT ORDER

Having considered the United States' Motion to have the defendant Timothy Louis Hale-Cusanelli transported from the District of New Jersey to the District of Columbia for further proceedings on the Complaint filed against him, it is hereby **ORDERED**

That the United States Marshals Service transport the defendant forthwith from the District of New Jersey to the District of Columbia for further proceedings in this matter.

DATE: January 19th, 2021



A handwritten signature in black ink that reads "Beryl A. Howell".

BERYL A. HOWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America

v.

TIMOTHY LOUIS HALE-CUSANELLI

Defendant

Case No. 21-3003 (TJB)

Charging District's Case No. 21-mj-75

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* _____
District of Columbia

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

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

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 01/19/2021

s/ Timothy Hale-Cusanelli

Defendant's signature



Signature of defendant's attorney

Andrea Dechenne Bergman

Printed name of defendant's attorney

**U.S. District Court
District of New Jersey [LIVE] (Trenton)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-03003-TJB All Defendants
Internal Use Only**

Case title: USA v. HALE-CUSANELLI
Other court case number: 21-MJ-75 DISTRICT OF
COLUMBIA

Date Filed: 01/19/2021
Date Terminated: 01/20/2021

Assigned to: Magistrate Judge Tonianne
J. Bongiovanni

Defendant (1)

**TIMOTHY LOUIS HALE-
CUSANELLI**
TERMINATED: 01/20/2021

represented by **ANDREA BERGMAN**
OFFICE OF THE FEDERAL PUBLIC
DEFENDER
22 SOUTH CLINTON AVENUE
STATION PLAZA - 4TH FLOOR
TRENTON, NJ 08609
(609) 989-2160
Email: andrea_bergman@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



WARRANT ISSUED IN THE
DISTRICT OF COLUMBIA


CHARGING THE DEFENDANT
WITH 18 U.S.C. 1752(a)(1)-
KNOWINGLY ENTERING OR
REMAINING IN ANY RESTRICTED
BUILDING OR GROUNDS
WITHOUT LAWFUL AUTHORITY.
JANUARY 6, 2021.

Plaintiff

USA

represented by **SAMMI MALEK**
OFFICE OF THE U.S. ATTORNEY
DISTRICT OF NEW JERSEY
970 BROAD STREET
7TH FLOOR
NEWARK, NJ 07102
973-645-2919
Email: sammi.malek@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
01/19/2021		Arrest (Rule 5) of TIMOTHY LOUIS HALE-CUSANELLI. (mm) (Entered: 01/19/2021)
01/19/2021	 1	*SEALED* Rule 5 Documents Received as to TIMOTHY LOUIS HALE-CUSANELLI. (mm) (Entered: 01/19/2021)
01/19/2021	2	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to TIMOTHY LOUIS HALE-CUSANELLI ANDREA BERGMAN for TIMOTHY LOUIS HALE-CUSANELLI appointed. Signed by Magistrate Judge Tonianne J. Bongiovanni on 1/19/2021. (mm) (Entered: 01/19/2021)
01/19/2021	3	Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Initial Appearance in Rule 5 Proceeding, Detention Hearing as to TIMOTHY LOUIS HALE-CUSANELLI held on 1/19/2021. Ordered bail set at \$150,000 unsecured bond to be signed. Order Setting Conditions of Release to follow. Ordered defendant remanded until Friday, January 22, 2021. (via zoom) (mm) (Entered: 01/19/2021)
01/19/2021	 4	(Court only) CJA 23 Financial Affidavit by TIMOTHY LOUIS HALE-CUSANELLI. (mm) (Entered: 01/19/2021)
01/19/2021	5	WAIVER of Rule 5 Hearing by TIMOTHY LOUIS HALE-CUSANELLI. (mm) (Entered: 01/19/2021)
01/19/2021	6	Order regarding use of video conferencing as to TIMOTHY LOUIS HALE-CUSANELLI. Signed by Magistrate Judge Tonianne J.

		Bongiovanni on 1/19/2021. (mm) (Entered: 01/19/2021)
01/19/2021	7	Brady Order as to TIMOTHY LOUIS HALE-CUSANELLI. Signed by Magistrate Judge Tonianne J. Bongiovanni on 1/19/2021. (mm) (Entered: 01/19/2021)
01/19/2021	8	ORDER Setting Conditions of Release as to TIMOTHY LOUIS HALE-CUSANELLI (1) 150,000 Unsecured bond with special conditions. (Finance notified) Signed by Magistrate Judge Tonianne J. Bongiovanni on 1/20/2021. (mm) (Entered: 01/20/2021)
01/19/2021	9	Order to stay as to TIMOTHY LOUIS HALE-CUSANELLI. Signed by District Judge Beryl A. Howell on 1/19/2021. (mm) (Entered: 01/20/2021)
01/19/2021	10	Transport Order as to TIMOTHY LOUIS HALE-CUSANELLI. Signed by District Judge Beryl A. Howell on 1/19/2021. (mm) (Entered: 01/20/2021)
01/20/2021		Notice to District of Columbia of a Rule 5 Initial Appearance as to Timothy Louis Hale-Cusanelli. Your case number is: 21-mj-75. Docket sheet attached. You can obtain the original record by accessing CM/ECF through PACER. (If you require certified copies of any documents, please send a request to InterdistrictTransfer_NJD@njd.uscourts.gov.) (Notice sent via email) (mm) (Entered: 01/20/2021)
01/20/2021		(Court only) ***Case Terminated as to TIMOTHY LOUIS HALE-CUSANELLI, ***Terminated defendant TIMOTHY LOUIS HALE-CUSANELLI, pending deadlines, and motions., ***Procedural Interval P9 start as to TIMOTHY LOUIS HALE-CUSANELLI. (mm) (Entered: 01/20/2021)