

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Jerod Wade Hughes

Case: 1:21-mj-00180

) Assigned to: Judge Faruqui, Zia M

) Assign Date: 1/28/2021

) 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) Jerod Wade Hughes

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. § 1512(c)(2) - Obstruction of an Official Proceeding
18 U.S.C. § 231(a)(3) - Obstruct/Impede/Interfere with Law Enforcement during a Civil Disorder
18 U.S.C. § 1752(a)(1) - Knowingly Enter or Remain in Restricted Building Without Authorization;
18 U.S.C. § 1752(a)(2) - Knowingly Disrupt Government Business or Official Function;
40 U.S.C. § 5104(e)(2)(A) - Enter or Remain in Capitol Building Without Authorization;
40 U.S.C. § 5104(e)(2)(C) - Enter Capitol Building with the Intent to Disrupt Official Business;
40 U.S.C. § 5104(e)(2)(G) - Parade, Demonstrate, or Picket in a Capitol Building;
18 U.S.C. § 1361 - Destruction of Property;
18 U.S.C. § 2 - Aiding and Abetting

Date: 01/28/2021

[Signature]



2021.01.28 17:07:16 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 1/29/21, and the person was arrested on (date) 2/1/21 at (city and state) GREAT FALLS, MT

Date: 2/1/21

[Signature]

Arresting officer's signature

GUNTHER SHIH DEPUTY U.S. MARSHAL

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Joshua Calvin Hughes

Case: 1:21-mj-00180
Assigned to: Judge Faruqui, Zia M
Assign Date: 1/28/2021
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 Calvin Hughes 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:

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18 U.S.C. § 2 - Aiding and Abetting

Date: 01/28/2021

Signature of Issuing Officer, Date: 2021.01.28 17:05:48 -05'00'

City and state: Washington, D.C.

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

Return

This warrant was received on (date) 1/29/21, and the person was arrested on (date) 2/1/21 at (city and state) GREAT FALLS, MT

Date: 2/1/21

Signature of Arresting Officer, Gunther Shih, Deputy U.S. Marshal
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Joshua Calvin Hughes, (DOB: XXXXXXXXXX))

Jerod Wade Hughes, (DOB: XXXXXXXXXX))

Case: 1:21-mj-00180

Assigned to: Judge Faruqui, Zia M

Assign Date: 1/28/2021

Description: COMPLAINT W/ARREST WARRANT

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 in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

- 18 U.S.C. § 1512(c)(2) - Obstruction of an Official Proceeding
18 U.S.C. § 231(a)(3) - Obstruct/Impede/Interfere with Law Enforcement during a Civil Disorder
18 U.S.C. § 1752(a)(1) - Knowingly Enter or Remain in Restricted Building Without Authorization;
18 U.S.C. § 1752(a)(2) - Knowingly Disrupt Government Business or Official Function;
40 U.S.C. § 5104(e)(2)(A) - Enter or Remain in Capitol Building Without Authorization;
40 U.S.C. § 5104(e)(2)(C) - Enter Capitol Building with the Intent to Disrupt Official Business;
40 U.S.C. § 5104(e)(2)(G) - Parade, Demonstrate, or Picket in a Capitol Building
18 U.S.C. § 1361 - Destruction of Property
18 U.S.C. § 2 - Aiding and Abetting

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Alexandro M. Flores (handwritten signature)

Complainant's signature

Alejandro M. Flores, 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.

Date: 01/28/2021

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

On January 6, 2021, your affiant, Alejandro M. Flores, was on duty and performing my official duties as a Special Agent with the Federal Bureau of Investigation (“FBI”). 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.

At 8:45am on January 11, 2021, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES**, who are brothers, reported in-person to the Helena (Montana) Police Department because they had seen themselves on news coverage of regarding the riot at the United States Capitol, and they believed they were wanted by the Federal Bureau of Investigation (“FBI”). **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** were provided copies of the FBI “BOLO” for January 6, 2021, and each circled a picture of himself. At approximately 10am, an FBI Special Agent responded to the Helena Police Department to to interview **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES**. The FBI Special Agent informed **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** that they were not under arrest, that they could leave at any time, and that their interview was being recorded. **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** advised that they wanted to turn themselves in, and wanted to have an attorney present before they answered questions. **JOSHUA CALVIN HUGHES** and **JEROD HUGHES** provided their contact information to the FBI Special Agent and were allowed to return home.

A review of surveillance and social media footage confirms that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** were present at the United States Capitol building on January 6, 2021, and that they actively participated in the riot. **JOSHUA CALVIN HUGHES** was observed wearing a green coat, a red stocking hat, glasses and a beard. **JEROD WADE HUGHES** was seen wearing a long-sleeved black shirt, glasses, and short hair.

JOSHUA CALVIN HUGHES and **JEROD WADE HUGHES** were present and participated as a group of rioters who broke open windows and doors and forced entry into the United States Capitol building. Specifically, video footage shows **JOSHUA CALVIN HUGHES** standing next to a man who threw a 2x4 piece of wood through a window, and **JEROD WADE HUGHES** is watching the events from just a few feet away.



JOSHUA CALVIN HUGHES



JEROD WADE HUGHES

Immediately thereafter, **JEROD WADE HUGHES** can be seen on video watching from a few feet away as another rioter attempted to kick his way through a door into the United States Capitol. When that rioter was not able to kick his way through the door, **JEROD WADE HUGHES** rejoined his brother and watched as a third rioter broke through a window using a plastic riot shield that appears to have been taken from a law enforcement officer. Once all of the glass

was broken out of the window frame, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** joined other rioters in climbing through the window into the Capitol.



JEROD WADE HUGHES

JOSHUA CALVIN HUGHES



Internal surveillance footage shows that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** entered the United States Capitol building at approximately 2:13pm, and were among the first ten rioters to enter at this location.



JOSHUA CALVIN HUGHES

JEROD WADE HUGHES

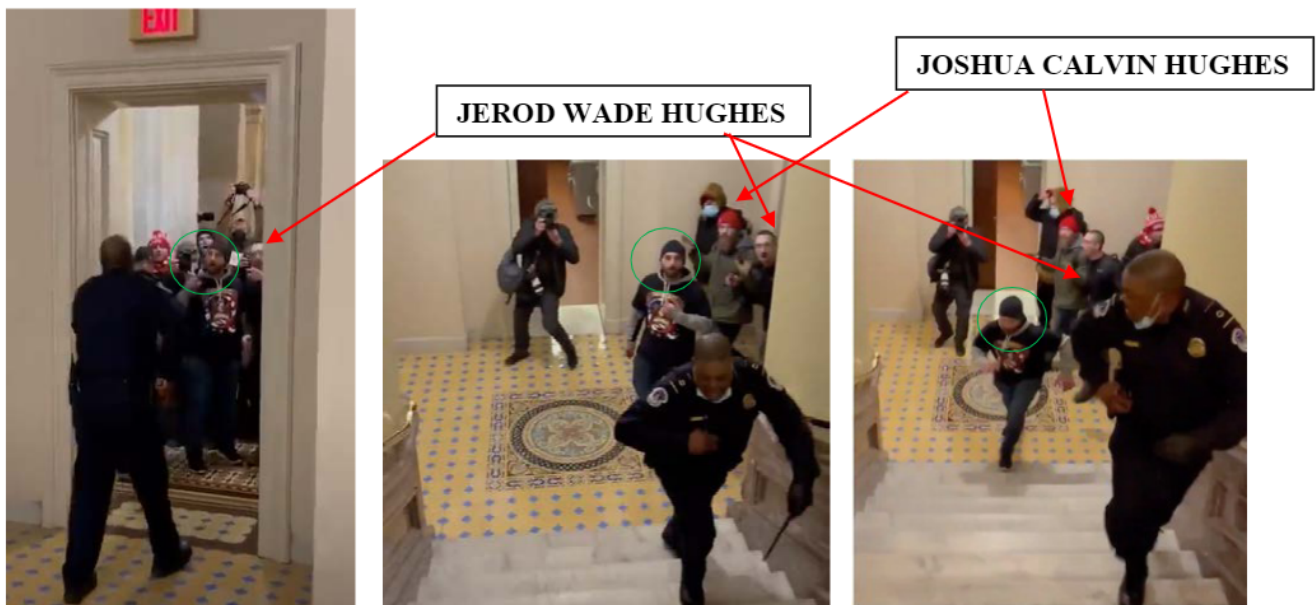
Once inside the Capitol, **JEROD WADE HUGHES**, both on his own and with another rioter, kicked a door until the lock broke so that other rioters could enter the United States Capitol. **JOSHUA CALVIN HUGHES**, upon seeing **JEROD WADE HUGHES** kick the door, walked toward the door to assist in kicking it open, but the door is opened before he could reach it.



Once the door was opened, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** worked their way back to the front of the mob and advanced toward the Senate floor.



JOSHUA CALVIN HUGHES and **JEROD WADE HUGHES** then joined up with Douglas Austin Jensen¹ who was engaged in a confrontation with Capitol Police Officer Eugene Goodman. Officer Goodman repeatedly ordered the rioters to back up and leave the Capitol building. **JOSHUA CALVIN HUGHES**, **JEROD WADE HUGHES**, and the other rioters refused those commands. Rather, the rioters kept advancing toward Officer Goodman in a menacing manner – even as Officer Goodman retreated to recover a baton that had been dropped onto the floor. The video shows that Douglas Austin Jensen (circled below in green) was the primary aggressor, followed immediately by **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES**.



¹ Douglas Austin Jensen is charged in Case Number 21-CR-6 (TJK).

Officer Goodman, who was facing the rioters on his own, retreated up the stairs and radioed twice for backup to direct other officers to the mob's location. Jensen, followed by the mob, chased Officer Goodman up the stairs. As Douglas Austin Jensen pursued Goodman, he was followed by **JOSHUA CALVIN HUGHES**, **JEROD WADE HUGHES**, and the other rioters. When Officer Goodman reached the second floor, he positioned himself so that he was between the rioters and the Senate floor – which had not yet been evacuated. Realizing that he could not prevent the mob from storming the Senate floor by himself, Officer Goodman baited the rioters into continuing to follow him – luring them away from the Senate floor and into an adjacent hallway.

Several additional U.S. Capitol Police officers joined Officer Goodman in that hallway and attempted to quell the mob. Officers reported that they were too far outnumbered to attempt to arrest the rioters, so instead they used their training to try and de-escalate the situation by talking with individuals in an attempt to calm them down. Notwithstanding these efforts, officers were met with shouting and aggression. In reviewing a digital video recording of this altercation, rioters can be heard shouting “this is our house,” “this is *our* America,” and “we’re here for the corrupt government”.



A Capitol Police Officer reported that, during this altercation, one of the rioters slammed a fire extinguisher on the ground causing it to rupture. The Officer described that it sounded like an “explosion,” and – given both the sound and the white powder in the air – both the rioters and the officers were momentarily shocked and everyone took a step back.

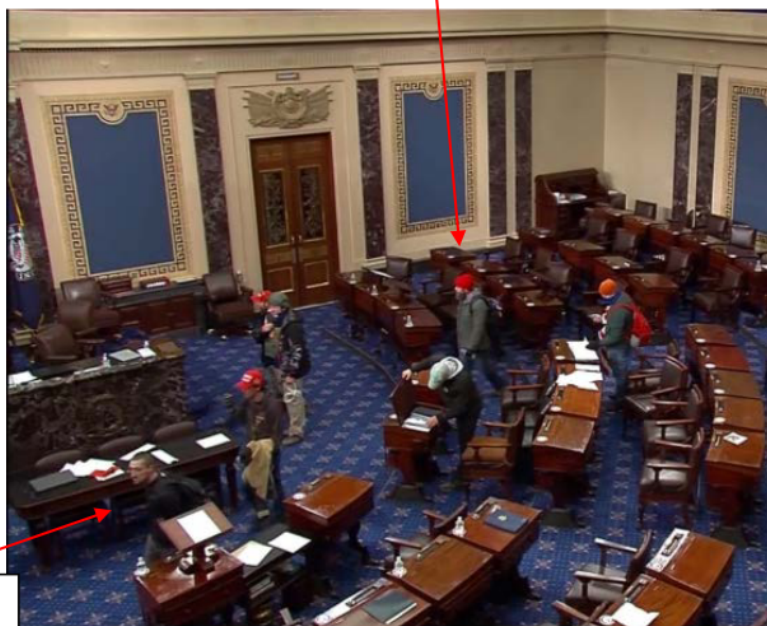


The Officer reported that, after that event, he and the rest of the officers were able to de-escalate the tension between the rioters and the officers, and the rioters all left the atrium where this confrontation occurred.

Upon leaving the atrium, **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** found their way onto the Senate floor – which had since been evacuated while this confrontation took place. While on the Senate floor, **JOSHUA CALVIN HUGHES**, **JEROD WADE HUGHES**, and other rioters sat in Senators' chairs, opened Senators' desks, and reviewed sensitive material stored therein.



JOSHUA CALVIN HUGHES



JEROD WADE HUGHES



Based on the foregoing, your affiant submits that there is probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** 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.

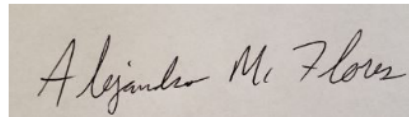
Your affiant submits there is also probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** violated 40 U.S.C. § 5104(e)(2)(A), (C), and (G), which make it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby 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; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits there is also probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman

or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Finally, your affiant submits there is probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant submits there is probable cause to believe that **JOSHUA CALVIN HUGHES** and **JEROD WADE HUGHES** violated 18 U.S.C. § 1361, and 2, by willfully injuring or deprecating of any property of the United States, or attempting to do so, or aiding and abetting in the commission of those acts, and the damage or attempted damage to such property exceeds \$1,000.

A rectangular box containing a handwritten signature in cursive script that reads "Alejandro M. Flores".

Special Agent Alejandro M. Flores
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of January 2021.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Jerod Wade Hughes

Case: 1:21-mj-00180
Assigned to: Judge Faruqui, Zia M
Assign Date: 1/28/2021
Description: COMPLAINT W/ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

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(name of person to be arrested) Jerod Wade Hughes
who is accused of an offense or violation based on the following document filed with the court:

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This offense is briefly described as follows:

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18 U.S.C. § 2 - Aiding and Abetting

Date: 01/28/2021

Handwritten signature and stamp: 2021.01.28 17:07:16 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia 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
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v.
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) Case: 1:21-mj-00180
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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:

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Date: 01/28/2021



2021.01.28
17:05:48 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia 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

Detention Order Pending Trial

UNITED STATES DISTRICT COURT

for the

District of MONTANA

United States of America

v.

Jerod Wade Hughes,

Defendant

)
)
)
)
)

ORDER OF DETENTION

Case No. mj 21-07-GF-JTJ

DETENTION ORDER

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial

Part I—Findings of Fact

- (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted of
 - a federal offense
 - a state or local offense that would have been a federal offense if federal jurisdiction had existed - that is
 - a crime of violence as defined in 18 U.S.C. § 3156(a)(4) or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.
 - an offense for which the maximum sentence is death or life imprisonment.
 - an offense for which a maximum prison term of ten years or more is prescribed in _____*
 - a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:
 - any felony that is not a crime of violence but involves:
 - a minor victim
 - the possession or use of a firearm or destructive device or any other dangerous weapon
 - a failure to register under 18 U.S.C. § 2250
- (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.
- (3) A period of less than five years has elapsed since the
 - date of conviction
 - the defendant's release
 from prison for the offense described in finding (1).
- (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person

Alternative Findings (A)

- X (1) There is probable cause to believe that the defendant has committed an offense for which a maximum prison term of ten years or more is prescribed in 18 U.S.C. § 1361 under 18 U.S.C. § 924(c).

Detention Order Pending Trial

- X (2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

- (1) There is a serious risk that the defendant will not appear.
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II— Statement of the Reasons for Detention

Defendant Jerod Wade Hughes (Hughes) is charged by Criminal Complaint with 9 crimes: Obstruction of an Official Proceeding; Obstructing, Impeding or Interfering with Law Enforcement during a Civil Disorder; Knowingly Entering or Remaining in a Restricted Building Without Authorization; Knowingly Disrupting Government Business or an Official Function; Entering or Remaining in a Capitol Building Without Authorization; Entering a Capitol Building with the Intent to Disrupt Official Business; Parading, Demonstrating or Picketing in a Capitol Building; Destruction of Property; and Aiding and Abetting.

The Court conducted a detention hearing in this matter on February 1, 2021. The government presented the bond report. Hughes presented the testimony of his brother Joshua Hughes.

The Court has considered the evidence and arguments presented at the detention hearing. The Court finds that the government has met its burden to show by a preponderance of the evidence that no combination of release conditions will reasonably assure Hughes's appearance at future court proceedings. The Court also finds that the government has met its burden to show by clear and convincing evidence that no combination of release conditions will reasonably assure the safety of the community.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: February 1, 2021

Judge's Signature

John Johnston, United States Magistrate Judge

Name and Title

Detention Order Pending Trial

UNITED STATES DISTRICT COURT

for the

District of MONTANA

United States of America

v.

Joshua Calvin Hughes,

Defendant

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ORDER OF DETENTION

Case No. mj 21-07-GF-JTJ

DETENTION ORDER

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial

Part I—Findings of Fact

- (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted of
 - a federal offense
 - a state or local offense that would have been a federal offense if federal jurisdiction had existed - that is
 - a crime of violence as defined in 18 U.S.C. § 3156(a)(4) or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.
 - an offense for which the maximum sentence is death or life imprisonment.
 - an offense for which a maximum prison term of ten years or more is prescribed in _____.
 - a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:
 - any felony that is not a crime of violence but involves:
 - a minor victim
 - the possession or use of a firearm or destructive device or any other dangerous weapon
 - a failure to register under 18 U.S.C. § 2250
- (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.
- (3) A period of less than five years has elapsed since the _____ date of conviction the defendant's release from prison for the offense described in finding (1).
- (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person

Alternative Findings (A)

- X (1) There is probable cause to believe that the defendant has committed an offense for which a maximum prison term of ten years or more is prescribed in 18 U.S.C. § 1361
- X under 18 U.S.C. § 924(c).

Detention Order Pending Trial

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

- X (2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

- (1) There is a serious risk that the defendant will not appear.
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II— Statement of the Reasons for Detention

Defendant Joshua Calvin Hughes (Hughes) is charged by Criminal Complaint with 9 crimes: Obstruction of an Official Proceeding; Obstructing, Impeding or Interfering with Law Enforcement during a Civil Disorder; Knowingly Entering or Remaining in a Restricted Building Without Authorization; Knowingly Disrupting Government Business or an Official Function; Entering or Remaining in a Capitol Building Without Authorization; Entering a Capitol Building with the Intent to Disrupt Official Business; Parading, Demonstrating or Picketing in a Capitol Building; Destruction of Property; and Aiding and Abetting.

The Court conducted a detention hearing in this matter on February 1, 2021. The government presented the bond report. Hughes testified on his own behalf.

The Court has considered the evidence and arguments presented at the detention hearing. The Court finds that the government has met its burden to show by a preponderance of the evidence that no combination of release conditions will reasonably assure Hughes's appearance at future court proceedings. The Court also finds that the government has met its burden to show by clear and convincing evidence that no combination of release conditions will reasonably assure the safety of the community.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: February 1, 2021



Judge's Signature

John Johnston, United States Magistrate Judge

Name and Title

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>JOSHUA CALVIN HUGHES, and JEROD WADE HUGHES,</p> <p style="text-align: center;">Defendant.</p>	<p>MJ 21-07-GF-JTJ</p> <p>(1:21-mj-00180)</p> <p>ORDER FOR TRANSFER TO DISTRICT OF OFFENSE</p>
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IT IS HEREBY ORDERED that the United States Marshal shall transport the defendants to the District of Washington D.C., where the original charging documents were filed.

DATED this 1st day of February, 2021.



John T. Johnston
United States Magistrate Judge

U.S. District Court
District of Montana (Great Falls)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00007-JTJ All Defendants

Case title: USA v. Hughes et al

Date Filed: 01/29/2021

Date Terminated: 02/05/2021

Assigned to: Magistrate Judge John
Johnston

Defendant (1)

Joshua Calvin Hughes
TERMINATED: 02/05/2021

represented by **Palmer A. Hoovestal**
HOOVESTAL LAW FIRM
PO Box 747
Helena, MT 59624-0747
406-457-0970
Fax: 406-457-0475
Email: palmer@hoovestal-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition

Assigned to: Magistrate Judge John
Johnston

Defendant (2)

Jerod Wade Hughes
TERMINATED: 02/05/2021

represented by **Palmer A. Hoovestal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts**Disposition**

None

Highest Offense Level (Opening)

None

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints**Disposition**

None

Plaintiff

USA

represented by **Jeffrey K. Starnes**
 U.S. ATTORNEY'S OFFICE - GREAT
 FALLS
 PO Box 3447
 119 1st Avenue North
 Suite 300
 Great Falls, MT 59403-3447
 (406) 761-7715
 Email: jeff.starnes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
01/29/2021	1	Rule 5 Documents Received for Defendant From District of Columbia Arrested in Montana as to Joshua Calvin Hughes, Jerod Wade Hughes (TLO) (Entered: 01/29/2021)
01/29/2021		Set Hearings as to Joshua Calvin Hughes, Jerod Wade Hughes; Initial Appearances - Rule 5 set for 2/1/2021 at 11:00 AM in Great Falls, MT before Magistrate Judge John Johnston. (TLO) (Entered: 01/29/2021)
01/31/2021	2	NOTICE OF ATTORNEY APPEARANCE: Palmer A. Hoovestall appearing for Joshua Calvin Hughes, Jerod Wade Hughes (Hoovestall, Palmer) (Entered: 01/31/2021)
01/31/2021	3	Signed Rule 5 Documents as to Joshua Calvin Hughes, Jerod Wade Hughes: (Attachments: # 1 Signed Statement of Fact, # 2 Signed arrest warrant, # 3 Signed arrest warrant) (SLL) (Entered: 01/31/2021)
02/01/2021	4	MOTION to Transfer Defendants to District of Offense by USA as to Joshua Calvin Hughes, Jerod Wade Hughes. (Attachments: # 1 Text of Proposed Order) (Starnes, Jeffrey) (Entered: 02/01/2021)
02/01/2021	5	MINUTE ENTRY for INITIAL APPEARANCES ON Rule 5(c)(3) Proceedings as to

		Joshua Calvin Hughes, Jerod Wade Hughes before Magistrate Judge John Johnston. AUSA Starnes, Retained Counsel Hoovestal, Defendants present in person not in custody. Defendants consent to court conducting initial appearance at the same time. Court is proceeding over motion to transfer defendant to District of Columbia for further proceedings; states Due Process Protections Act. Defts are not requesting identity hearings; request detention hearing. Defts state names, have retained cnsl Hoovestal and are advised of right to remain silent. USA has filed criminal complaint in WA D.C. Defts have received and reviewed complaint with counsel. AUSA advises defts of charges and max penalties. None of the charges are petty offenses. Defts waive preliminary hearing. AUSA states no transfer has been approved. Alleged offenses were committed in WA D.C. Warrants have been filed. Govt has filed motion for transfer. Defts do not dispute case will be prosecuted in WA D.C.; object to being transported by USM. AUSA moves for detention, proceeds by proffer. Witness testifying on behalf of defendants: Josh Hughes. AUSA states this is a presumption case. Defts object. Court with findings; finds govt has met burden of proof. Defendants are ordered detained pending further proceedings. USM to transfer defts to WA D.C. Hearing commenced at 11:09 and concluded at 12:29 (Court Reporter FTR Gold Recorded) (USPO: Kelly), (Law Clerk: Hammer), (Hearing held in Great Falls, Chief Mountain Courtroom) (TLO) (Entered: 02/01/2021)
02/01/2021	6	TEXT ORDER - 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 it to do so. Failing to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court as to Joshua Calvin Hughes, Jerod Wade Hughes. Signed by Magistrate Judge John Johnston on 2/1/2021. (TLO) (Entered: 02/01/2021)
02/01/2021	7	ORDER FOR TRANSFER TO DISTRICT OF OFFENSE granting 4 Motion for Transfer as to Joshua Calvin Hughes (1), Jerod Wade Hughes (2). Signed by Magistrate Judge John Johnston on 2/1/2021. (TLO) (Entered: 02/01/2021)
02/01/2021	10	ORDER OF DETENTION as to Joshua Calvin Hughes. Signed by Magistrate Judge John Johnston on 2/1/2021. (ACC) (Entered: 02/01/2021)
02/01/2021	11	ORDER OF DETENTION as to Jerod Wade Hughes. Signed by Magistrate Judge John Johnston on 2/1/2021. (ACC) (Entered: 02/01/2021)
02/01/2021	12	Arrest Warrant Returned Executed on 2/1/21 in case as to Joshua Calvin Hughes. (ACC) (Entered: 02/01/2021)
02/01/2021	13	Arrest Warrant Returned Executed on 2/1/21 in case as to Jerod Wade Hughes. (ACC) (Entered: 02/01/2021)
02/02/2021	14	TRANSCRIPT DESIGNATION ORDER FORM by Joshua Calvin Hughes as to Joshua Calvin Hughes, Jerod Wade Hughes for proceedings held on Feb. 1, 2021 before Judge Johnston. Court reporter Yvette Heinze. Type of transcript: 30-Day. Transcript due by 3/1/2021. (Hoovestal, Palmer) (Entered: 02/02/2021)
02/05/2021	15	Transfer Letter sent to Washington D.C. as to Joshua Calvin Hughes, Jerod Wade Hughes (TLO) (Entered: 02/05/2021)
02/15/2021	16	TRANSCRIPT of Initial Appearance/Detention Hearing as to Joshua Calvin Hughes, Jerod Wade Hughes held on 02/01/2021 before Judge Johnston. Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerks office, or the court reporter. NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 7 DAYS OF THIS FILING. Contact court

	reporter Yvette Heinze, 406-422-8619, yvettecsrrpr@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website. Redaction Request due 3/8/2021. Redacted Transcript Deadline set for 3/18/2021. Release of Transcript Restriction set for 5/17/2021. (YMH) (Entered: 02/15/2021)
03/12/2021	Terminate Deadlines and Hearings as to Joshua Calvin Hughes, Jerod Wade Hughes: as to 14 Transcript filed; 16 redaction request ddl due 3/8/21. (ACC) (Entered: 03/12/2021)
03/30/2021	Terminate Redacted Transcript Deadline 16 as to Joshua Calvin Hughes, Jerod Wade Hughes. (MMS) (Entered: 03/30/2021)

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