

# UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Klete Derik Keller

Case: 1:21-mj-00042

Assigned to: Judge Robin M. Meriweather

Assign Date: 1/13/2021

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) Klete Derik Keller

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. 231(a)(3)- Obstructing Law Enforcement Engaged In Official Duties Incident to Civil Disorder

18 U.S.C. 1752 (a)(1)&(2)- Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. 5104(e)(2)(D)(E)&(G)- Violent Entry and Disorderly Conduct on Capitol Grounds



*Robin M. Meriweather*

Robin M. Meriweather

2021.01.13 10:51:08 -05'00'

Date: 01/13/2021

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

### Return

This warrant was received on (date) 1/13/2021, and the person was arrested on (date) 1/14/2021  
 at (city and state) Denver, Colorado

Date: 1/14/2021

*John W. Smith*

Arresting officer's signature

John W. Smith - Special Agent FBI

Printed name and title

## UNITED STATES DISTRICT COURT

for the  
District of ColumbiaFILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
9:37 am, Jan 14, 2021  
JEFFREY P. COLWELL, CLERKUnited States of America  
v.  
Klete Derik Keller

COLORADO CASE # 21-mj-00009-MEH

Case: 1:21-mj-00042  
Assigned to: Judge Robin M. Meriweather  
Assign Date: 1/13/2021  
Description: COMPLAINT W/ARREST WARRANT

Defendant

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(name of person to be arrested) Klete Derik Keller,  
who is accused of an offense or violation based on the following document filed with the court:

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Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, 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  
District of ColumbiaUnited States of America  
v.Klete Derik Keller  
DOB: XXXXXXXX

Defendant(s)

Case: 1:21-mj-00042

Assigned to: Judge Robin M. Meriweather

Assign Date: 1/13/2021

Description: COMPLAINT W/ARREST WARRANT

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of \_\_\_\_\_ in the  
\_\_\_\_\_ District of Columbia, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. 231(a)(3)

Obstructing Law Enforcement Engaged In Official Duties Incident to Civil  
Disorder

18 U.S.C. 1752 (a)(1)&amp;(2)

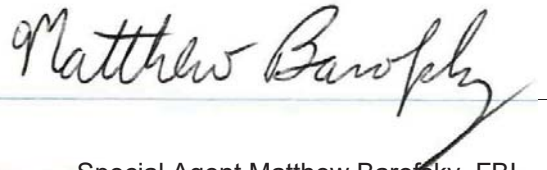
Knowingly Entering or Remaining in any Restricted Building or Grounds  
Without Lawful Authority

40 U.S.C. 5104(e)(2)(D)(E)&amp;(G)

Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Special Agent Matthew Barofsky, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
Telephone (specify reliable electronic means).Date: 01/13/2021

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

I am employed as a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed since 2010. Currently, I am assigned to a squad that investigates Counterintelligence matters as part of the FBI Washington Field Office. The focus of my Counterintelligence efforts has been foreign intelligence activities. My squad is based at the Washington Field Office. As a Special Agent, I am authorized to investigate violations of laws of the United States and am authorized to execute warrants issued under the authority of the United States. My duties with the FBI include but are not limited to the investigation of counterintelligence matters.

The United States Capitol (the Capitol), which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by United States Capitol Police (Capitol Police). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the Capitol. 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 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 of the United States Michael R. 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 Pence present and presiding over the Senate, a large crowd gathered outside of the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and Capitol Police officers, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by Capitol Police Officers or other authorized security officials.

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

Shortly thereafter, at approximately 2:20 p.m. members of the House and Senate, including Vice President Pence serving as the President of the Senate, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day.

In light of the dangerous circumstances caused by the unlawful entry to the Capitol, including the danger posed by individuals who had entered the Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the Capitol, and law enforcement could confirm the building had been secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session 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 Capitol building without authority to be there.

A search of open sources revealed a video credited to Townhall Media, a political news organization, depicting various events that occurred at the Capitol on January 6, 2021.<sup>1</sup> At approximately twelve minutes and fifty-two seconds into the video, an individual (PERSON 1) is visible in the United States Capitol Rotunda (the Rotunda), wearing a dark-colored jacket with the markings “USA” in white printed letters on the back. PERSON 1 can be seen in the bottom-center of the screenshot of the video below with a red oval around him:



<sup>1</sup> This video is publicly accessible on the Internet at the following URL: [https://www.youtube.com/watch?v=YzxvVi8wkrU&feature=emb\\_title](https://www.youtube.com/watch?v=YzxvVi8wkrU&feature=emb_title). The video is also available with dialogue from the individual who recorded the video at the following URL: <https://townhall.com/tipsheet/juliorosas/2021/01/11/watch-townhalls-frontline-video-of-capitol-building-riot-n2582910>.

Beginning at approximately thirteen minutes and six seconds, law enforcement officers attempt to remove individuals from the Rotunda and continue to do so for the next several minutes of the video. At approximately fourteen minutes and thirty-eight seconds, PERSON 1 is still in the Rotunda, and the back of his jacket is again visible. PERSON 1 stands taller than a number of individuals around him and can clearly be seen as law enforcement officers repeatedly attempt to remove him and others from the Rotunda.

At fourteen minutes and forty-one seconds, law enforcement officers appear to push PERSON 1 from behind. PERSON 1 can be seen standing in the Rotunda still wearing the dark-colored USA jacket, which also appears to bear a Nike logo on the front right side and a red and white Olympic patch on the front left side, as depicted in the below screenshot:



Below is a photograph of what appears to be the red and white Olympic patch on the front left side of PERSON 1's jacket:





Continuing through the video, at fourteen minutes and fifty-three seconds, law enforcement officers continue to try and remove PERSON 1, among other individuals, from the Rotunda. PERSON 1's bearded face is clearly visible on the left side of the video in the below screenshot depicted in the red oval:



Additional open-source research revealed that media outlets such as SwimSwam, a news organization that covers competitive swimming and other related sports, identified this individual as possibly KLETE DERIK KELLER. Your affiant has confirmed this identification.

First, a search of Colorado's Department of Motor Vehicles returned KLETE DERIK KELLER's August 2019 driver's license photograph. By comparing this photograph to the image of PERSON 1, your affiant reasonably believes that PERSON 1 is identical to KLETE DERIK KELLER. The photograph affiliated with KLETE DERIK KELLER's driver's license is below:



Second, Colorado state records and publicly available information list KELLER's height at 6 feet, 6 inches tall, and PERSON 1 appears to be one of the tallest individuals in the video depicting individuals in the Rotunda.

Third, open-source research revealed that KELLER is a three-time Olympic athlete and Olympic Gold Medalist, and PERSON 1 appears to be wearing a United States Olympic Team jacket in the video showing him in the Rotunda.

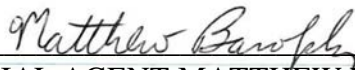
Based on the foregoing, your affiant submits that there is probable cause to believe that KLETE DERIK KELLER violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and 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; or attempt or conspire to do so. 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 KLETE DERIK KELLER violated 40 U.S.C. § 5104(e)(2), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that KLETE DERIK KELLER 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.

  
SPECIAL AGENT MATTHEW R. BAROFSKY  
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 13th day of January 2021.

\_\_\_\_\_  
ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE

## UNITED STATES DISTRICT COURT

for the  
District of Colorado

United States of America

v.

Case No. 21-mj-9-mEH

Klete Derik Keller

Defendant

Charging District's Case No. 1:21-mj-42-Rmm

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:

1/14/2021Agreed  
to by videos/ Klete Derik Keller m

Defendant's signature

s/ Laura Suelon

Signature of defendant's attorney

Printed name of defendant's attorney

AO 98 (Rev. 12/11) Appearance Bond

## UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America )

v. )

Case No. 1:21-mj-00009-MEH )

Klete Derik Keller )

Defendant )

## APPEARANCE BOND

## Defendant's Agreement

I, Klete Derik Keller (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

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

## Type of Bond

( ☒ ) (1) This is a personal recognizance bond.

*mk* ( ☒ ) (2) This is an unsecured bond of \$ \_\_\_\_\_.

( ) (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: 1/14/21

S/Klete Denik Keller  
*Defendant's signature*  
\*agreed to by video record

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Approved.

Date: 1/14/2021

Michael E. Hugarty  
*Judge's signature*

## UNITED STATES DISTRICT COURT

for the  
District of Colorado

United States of America

v.

Klete Derik Keller

*Defendant*)  
)  
)  
)  
)

Case No. 1:21-mj-00009-MEH

**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: \_\_\_\_\_

*Place*

on \_\_\_\_\_

*Date and Time*

If blank, defendant will be notified of next appearance.

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

**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
- U.S. Probation Office, 212 N. Wahsatch Ave, Colorado Springs, CO
- 
- 719-471-3387

- (✓) (b) continue or actively seek employment.

- ( ) (c) continue or start an education program.

- (✓) (d) surrender any passport to:
- To the clerk, U.S. District Court within 2 business days.

- (✓) (e) not obtain a passport or other international travel document.

- (✓) (f) abide by the following restrictions on personal association, residence, or travel: \_\_\_\_\_

Travel is restricted to Colorado except with prior permission of the Court or to attend scheduled Court hearings which require the defendant's physical presence in his pending criminal case in the U.S. District Court for the District of Columbia.

- (✓) (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:
- anyone who has been charged with a crime related to demonstrations at the U.S. Capitol on or about January 6, 2021.

- ( ) (h) get medical or psychiatric treatment:
- Get medical, psychiatric, and/or mental health treatment as required by your supervising officer.

- ( ) (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 (✓) excessively.

- (✓) (m) Except as authorized by court order, the defendant shall 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. Except as authorized by court order, the defendant shall not possess, use or sell marijuana or any marijuana derivative (including THC) in any form (including edibles) or for any purpose (including medical purposes). Without the prior permission of the probation officer, the defendant shall not enter any marijuana dispensary or grow facility.

- (✓) (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 supervising officer, and comply with all program requirements and instructions provided.

- ( ) 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 or supervising officer.

- (✓) (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.

- (✓) (s) The defendant shall not act as an informant for any law enforcement agency without prior permission of the Court.

- ( ) (t) \_\_\_\_\_

- ( ) (u) \_\_\_\_\_

- ( ) (v) \_\_\_\_\_



**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.

s/ Klete Desik Beller *\*signed to by video*  
 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: January 14, 2021

Michael E. Hegarty  
 Judicial Officer's Signature

Michael E. Hegarty, U.S. Magistrate Judge

Printed name and title

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

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

## UNITED STATES DISTRICT COURT

for the  
District of ColoradoUnited States of America  
v.Klete Derek Keller  
Defendant

Case No. 21-mj-9-MEH

Charging District: District of Columbia

Charging District's Case No. 1:21-mj-42-Rmm

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

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

Place:	Will be provided at a later time
Courtroom No.:	
Date and Time:	

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

Date:

1/14/2021Michael E. Hegarty  
Judge's signature

Printed name and title

**UNITED STATES DISTRICT COURT**  
for the  
District of Colorado

**NOTICE REGARDING UNITED STATES PASSPORT FOR CRIMINAL DEFENDANT**

**TO:** U.S. Department of State  
CA/PPT/L/LA  
44132 Mercure Circle  
P.O. Box 1227  
Sterling, VA 20166-1227

**FROM:** United States District Court  
District of Colorado  
901 19th Street, Room A105  
Denver, CO 80294

Fax (202) 485-6496

Email: [CA-PPT-CourtOrders@state.gov](mailto:CA-PPT-CourtOrders@state.gov)

☒ **Original Notice**

**Date:** 01/15/2021

**By:** s/ A. García Gallegos

☐ **Notice of Disposition**

**Date:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Defendant:** Klete Derik Keller

**Case Number:** 21-mj-00009-MEH

**Date of Birth:** [REDACTED] 1982

**Place of Birth:** Nevada, USA

**SSN:** \_\_\_\_\_

**Notice of Court Order** (Order Date: 01/14/2021 )

☐ The above-named defendant is not permitted to apply for the issuance of a passport and/or passport card during the pendency of this action.

☒ The above-named defendant surrendered passport number 532340470 and/or passport card number \_\_\_\_\_ to the custody of the U.S. District Court on 01/15/2021.

**NOTICE OF DISPOSITION**

The above case has been disposed of.

☐ The above order of the court is no longer in effect.

☐ Defendant not convicted – Document returned to defendant.

☐ Defendant not convicted – Document enclosed for further investigation due to evidence that the document may have been issued in a false name.

☐ Defendant convicted – Document and copy of judgment enclosed.

**Distribution:**

Original to case file

Department of State

Defendant (or representative)

Clerk of Court



**U.S. District Court - District of Colorado**  
**District of Colorado (Denver)**  
**CRIMINAL DOCKET FOR CASE #: 1:21-mj-00009-MEH All Defendants**

Case title: USA v. Keller

Date Filed: 01/14/2021

Other court case number: 1:21-mj-00042-RMM District of  
Columbia, Washington, D.C.

Date Terminated: 01/14/2021

Assigned to: Magistrate Judge Michael E.  
Hegarty

**Defendant (1)**

**Klete Derik Keller**

*TERMINATED: 01/14/2021*

represented by **Laura Hayes Suelau**  
Office of the Federal Public Defender-  
Denver  
633 Seventeenth Street  
Suite 1000  
Denver, CO 80202  
303-294-7002  
Fax: 303-294-1192  
Email: laura\_suelau@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Danny C. Onorato**

Schertler Onorato Mead & Sears  
901 New York Avenue NW  
Suite 500  
Washington, DC 20001  
202-628-4199  
Email: donorato@schertlerlaw.com  
*TERMINATED: 01/14/2021*  
*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18 U.S.C. §231(a)(3) Obstructing Law Enforcement Engaged in Official Duties incident to Civil Disorder, 18 U.S.C. §1752(a)(a)&(2) Knowingly Entering or Remaining in any Restricted Building of Grounds Without Lawful Authority; 40 U.S.C. §5104(e)(2)(D)(E)&(G) Violent Entry and Disorderly Conduct on Capital Grounds

**Disposition****Plaintiff**

USA

represented by **Peter Andrew McNeilly**  
 U.S. Attorney's Office-Denver  
 1801 California Street  
 Suite 1600  
 Denver, CO 80202  
 303-454-0127  
 Email: Peter.McNeilly@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Federal Agency Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/14/2021	<a href="#"><u>1</u></a>	RULE 5 AFFIDAVIT (Arrest Warrant) as to Klete Derik Keller from the District of District of Columbia, Washington, DC. as to Klete Derik Keller (1). (Attachments: # <a href="#"><u>1</u></a> Complaint and Statement of Facts) (nmarb, ) (Entered: 01/14/2021)
01/14/2021	2	Arrest of Klete Derik Keller. Initial Appearance - Rule 5 set for 1/14/2021 02:00 PM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (Text Only entry)(nmarb, ) (Entered: 01/14/2021)
01/14/2021	<a href="#"><u>3</u></a>	NOTICE OF ATTORNEY APPEARANCE: Danny C. Onorato appearing for Klete Derik KellerAttorney Danny C. Onorato added to party Klete Derik Keller(pty:dft) (Onorato, Danny) (Entered: 01/14/2021)
01/14/2021	<a href="#"><u>4</u></a>	MOTION to Withdraw Document , MOTION to Withdraw as Attorney by Danny C Onorato by Klete Derik Keller. (Onorato, Danny) (Entered: 01/14/2021)
01/14/2021	5	ORDER granting <a href="#"><u>4</u></a> Motion to Withdraw as Attorney as to Klete Derik Keller. Danny C. Onorato withdrawn from case as to Klete Derik Keller (1). ORDERED by Magistrate Judge Michael E. Hegarty on 1/14/2021. Text Only Entry. (cthom, ) (Entered: 01/14/2021)
01/14/2021	6	COURTROOM MINUTES for proceedings held before Magistrate Judge Michael E. Hegarty: Initial Appearance in Rule 5(c)(3) Proceedings as to Klete Derik Keller held on 1/14/2021. Defendant present in custody. Defendant advised. CJA 23 provided to the Court after the hearing and the Court appoints counsel. The Defendant is authorized to travel to North Carolina for his upcoming scheduled trip to see his children. Any further

		travel requests shall be made to the supervising Probation department. Waiver of Preliminary Hearing form executed. The date, time, and location of the Defendant's next court appearance in the charging district, District of Columbia, will be provided by the United States Attorney Office at a later time. Defendant advised of conditions of bond and remanded for processing and release. (Total time: 23 minutes, Hearing time: 2:01 p.m.-2:24 p.m.)  <b>APPEARANCES:</b> Peter McNeilly on behalf of the Government, Laura Suelau on behalf of the defendant, Pat Hanley on behalf of pretrial. FTR: A501. (cthom, ) Text Only Entry (Entered: 01/14/2021)
01/14/2021	<a href="#">7</a>	CJA 23 Financial Affidavit by Klete Derik Keller. (cthom, ) (Entered: 01/14/2021)
01/14/2021	<a href="#">8</a>	ORDER APPOINTING COUNSEL as to Klete Derik Keller by Magistrate Judge Michael E. Hegarty on 1/14/2021. Text Only Entry (cthom, ) (Entered: 01/14/2021)
01/14/2021	<a href="#">9</a>	WAIVER of Rule 5 & 5.1 Hearings by Klete Derik Keller (cthom, ) (Entered: 01/14/2021)
01/14/2021	<a href="#">10</a>	Personal Recognizance Bond Entered as to Klete Derik Keller (cthom, ) (Entered: 01/14/2021)
01/14/2021	<a href="#">11</a>	ORDER Setting Conditions of Release by Magistrate Judge Michael E. Hegarty on 1/14/2021. (cthom, ) (Entered: 01/14/2021)
01/14/2021	<a href="#">12</a>	ORDER Requiring a Defendant to Appear in the District Where Charges are Pending as to Klete Derik Keller by Magistrate Judge Michael E. Hegarty on 1/14/2021. (cthom, ) (Entered: 01/14/2021)
01/14/2021	<a href="#">13</a>	NOTICE OF ATTORNEY APPEARANCE: Laura Hayes Suelau appearing for Klete Derik Keller (Suelau, Laura) (Entered: 01/14/2021)
01/14/2021	<a href="#">14</a>	Notice to District of Columbia, Washington, D.C. of Rule 5 or 32 or 40 Initial Appearance: Please use PACER court links to access the public docket and documents. If the District of Colorado has a surrendered passport, it is being mailed to your court via USPS certified mail with return receipt. For a bond transmittal, please contact our case administration specialist at [cod.docketing.uscourts.gov] If you wish to designate a different email address for future transfers, please send your request to InterdistrictTransfer_TXND@txnd.uscourts.gov. as to Klete Derik Keller Your case number is:1:21-mj-00042-RMM. (Text Only Entry) (cthom, ) (Entered: 01/14/2021)
01/15/2021	<a href="#">16</a>	Passport Receipt as to Klete Derik Keller. Surrender of passport re <a href="#">11</a> Bond Conditions; Passport Number 532340470 issued by USA (cmadr, ) (Entered: 01/19/2021)

PACER Service Center			
Transaction Receipt			
01/20/2021 11:02:25			
<b>PACER Login:</b>	BrittanyBryant:6635828:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:21-mj-00009-MEH
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always



**PACER fee: Exempt**