

**United States District Court
Middle District of Tennessee**

Office of the Clerk
719 Church Street
Nashville, Tennessee 37203
(615) 736-7178, ext 3208

ATTEST AND CERTIFY
A TRUE COPY
CLERK

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

Dalaina Thompson
Deputy Clerk

E-Mail: Dalaina_Thompson@tnmd.uscourts.gov

Web Site: www.tnmd.uscourts.gov

May 10, 2023

Clerk of Court
District of Columbia District Court
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, N.W., Room 1225
Washington, DC 20001

Re: TRANSMISSION OF RULE 5 DOCUMENTS

USA v Eduardo Nicolas Alvear Gonzalez
District of Columbia No. 1:21-cr-00115-001
Middle District of Tennessee Case No. 3:23-mj-1080

Dear Clerk:

Enclosed please find certified copies of Rule 5 paperwork for the above-reference case.

Sincerely,

Dalaina Thompson

Dalaina Thompson
Case Administrator

Enclosures

ATTEST AND CERTIFY

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CLERK

U.S. DISTRICT COURT

MIDDLE DISTRICT OF TENNESSEE

By [Signature]
Deputy Clerk

AO 442 (Rev. 11/11) Arrest Warrant

(DC 6/6-16)

UNITED STATES DISTRICT COURT

for the
District of Columbia

UNITED STATES OF AMERICA)

V.)

Eduardo Gonzalez)

Case No. 0090 1:21CR00115-001

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) Eduardo Gonzalez

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:

Date:

4/28/23City and State: Washington, DC

[Signature]
CHRISTOPHER R. COOPER
United States District Judge
Issuing Officer's Signature

Printed Name and Title

Return

This warrant was received on (date) 5-5-23, and the person was arrested on (date) 5-5-23
at (city and state) Washington, DC

Date:

5-5-23[Signature]
Arresting Officer's Signature[Signature]
Printed Name and Title

MAGISTRATE JUDGE HOLMES COURTROOM MINUTES FOR CRIMINAL PROCEEDING OF TENNESSEE

☐ VIDEOCONFERENCE☒ COURTROOM

U.S.A. v. Eduardo Gonzalez

No. 23-mj-1080 (D.D.C. 1:21-cr-115)

ATTORNEY FOR GOVERNMENT: Rascoe Dean

ATTORNEY FOR DEFENDANT: Caryll Alpert

☒ AFPD ☐ Panel ☐ Retained

PRETRIAL SERVICES/PROBATION OFFICER: Taylor Stewart

INTERPRETER NEEDED? ☐ YES ☒ NO

LANGUAGE/INTERPRETER:

☐ PRESENT ☐ TELEPHONE ☐ VIDEO☐ Defendant consents appear to before the Magistrate Judge by video conference.☒ INITIAL APPEARANCE ☐ ON A SUMMONS ☒ ARRESTED ON: 5/5/2023

DEFENDANT HAS A COPY OF:

- ☐ Complaint ☐ Indictment ☐ Information ☒ Supervised Release Pet. ☐ Other _____
- ☒ Defendant advised of the charges and the maximum penalties ☐ Defendant has a copy of notice of rights
- ☒ Defendant advised of right to counsel ☐ Counsel retained
- ☒ Financial affidavit filed under penalty of perjury ☒ FPD Appointed
- ☐ Defendant advised of right to silence
- ☐ Defendant advised of right to Consular notification ☐ Counsel app't based on counsel's statement
- ☐ GOV'T and DEFENDANT advised of Due Process Protections Act of 2020
- ☐ Defendant advised of right to preliminary hearing ☐ Defendant waived preliminary hearing
- ☒ Government motion for detention ☐ Defendant temporarily detained
- ☐ Defendant waived detention hearing ☐ ICE detainer on defendant
- ☐ Defendant reserved right to hearing in future ☐ Defendant to be returned to State custody
- ☒ Defendant to remain in Federal custody ☐ Defendant waived rights under IAD
- ☐ Defendant to remain on current conditions of supervised release
- ☐ Defendant ordered to psychological/psychiatric evaluation
- ☐ Defendant released on:
- ☐ Own recognizance with conditions of release ☐ standard ☐ special
- ☐ Appearance bond in the amount of: _____
- ☐ Property bond [description of property]: _____
- ☒ RULE 5 - Defendant advised of right to identity hearing ☒ Defendant waived identity hearing
- ☒ RULE 5 - Defendant reserved right to have preliminary hearing in District of Prosecution
- ☒ RULE 5 - Defendant elected to have detention hearing in District of Prosecution
- ☒ RULE 5 - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

☐ PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: To be set by prosecuting district☐ GRAND JURY WAIVED IN OPEN COURT [Defendant sworn and advised of rights by Court]☐ ARRAIGNMENT

- ☐ Defendant acknowledges he/she has copy of Indictment/Information ☐ Court advised Def. of penalties
- ☐ Defendant waives reading thereof ☐ Indictment/Information read to defendant by Judge
- PLEA: ☐ GUILTY ☐ NOT GUILTY ☐ Defendant intends to plead guilty and case referred to DJ

DATE: 5/5/2023

TOTAL TIME: 55 minutes

BEGIN TIME: 1:30 pm

END TIME: 2:25 pm

☒ Digitally Recorded ☐ Court Reporter:

UNITED STATES OF AMERICA v. Ed uardo GonzalezNO. 23-mj-1080 (D.D.C. 1:21-cr-115)☐ **RULE 5 IDENTITY HEARING**

- ☐ Held, defendant found to be person named in warrant
☐ Held, defendant found NOT to be person named in warrant and released
☐ Waived in open Court

☐ **PRELIMINARY HEARING**

CONTINUED TO: _____

- ☐ Probable Cause found/Held to answer/bound over ☐ Discharged from custody
☐ Defendant waived preliminary hearing
☐ RULE 5 - Held to answer in District of Prosecution
☐ RULE 5 - Defendant reserved right to have hearing in District of Prosecution

☐ **DETENTION HEARING**

CONTINUED TO: _____

- ☐ Government withdrew motion for detention or agreed to release
☐ Pretrial Services Report made a part of the record ☐ Counsel moved to retain copy of PTSR/granted
☐ Bond set at: _____ ☐ Defendant released on [date]: _____
☐ RULE 5 - Defendant elected to have hearing in District of Prosecution
☐ Defendant waived detention hearing ☐ Defendant reserved right to hearing in future
☐ Defendant detained, order to enter ☐ ICE detainer pending
☐ Defendant to remain in Federal custody ☐ Defendant to be returned to State custody
☐ Government moved for stay of execution of release pending appeal
☐ Motion granted ☐ Motion denied
☐ Defendant advised of right to appeal

☐ **ARRAIGNMENT ON MISDEMEANOR**

- ☐ Defendant acknowledges he/she has copy of Indictment/Information
☐ Indictment/Information read to defendant by Judge ☐ Defendant waives reading thereof

PLEA: ☐ **GUILTY** ☐ **NOT GUILTY**

- ☐ Misdemeanor - defendant consented to trial before Magistrate Judge
☐ Written plea agreement/filed in open Court ☐ Oral plea agreement
☐ Guilty plea: ☐ Accepted ☐ Rejected ☐ Taken under advisement

☐ **OTHER**

- ☐ Type of hearing and outcome: _____

☐ **DEFENDANT DID NOT APPEAR AS DIRECTED, BENCH WARRANT ISSUED**

NOTES/EVIDENTIARY MATTERS/SENTENCING:

(Witnesses, Exhibits, Attach W/Ex List if necessary)

-D.C. district court to set revocation hearing
 -order to enter

AO 466 (Rev. 12/17) Waiver of Rule 32.1 Hearing (Violation of Probation or Supervised Release)

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

Eduardo Nicolas Gonzalez

Defendant

Case No. 23-mj-1080

Charging District's Case No. 1:21-CR-00115-001

**WAIVER OF RULE 32.1 HEARING
(Violation of Probation or Supervised Release)**

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending 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 certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ 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: 05/05/2023

Defendant's signature

Signature of defendant's attorney

CARYLL S. ALPERT

Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

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CLERK

U.S. DISTRICT COURT

MIDDLE DISTRICT OF TENNESSEE

Deputy Clerk

UNITED STATES OF AMERICA)

v.)

EDUARDO NICOLAS GONZALEZ)

NO. 23-mj-1080

**ORDER HOLDING DEFENDANT TO ANSWER IN THE
DISTRICT OF COLUMBIA**

The defendant, Eduardo Nicolas Gonzalez, was arrested in this District on a Warrant issued on May 4, 2023, in the District of Columbia, D/DC Case No. 1:21-cr-00115-001, charging him with:

 x violations of probation.

Section I. Preliminary Proceedings

 x No Preliminary Hearing held because

- x Defendant elected to hold preliminary and detention hearing in the prosecuting district, at a time set by that court.

 x Defendant waived identity hearing.

Section II. Bond/Detention Proceedings

 x Defendant will remain in federal custody pending the revocation hearing to be set by the District of Columbia.

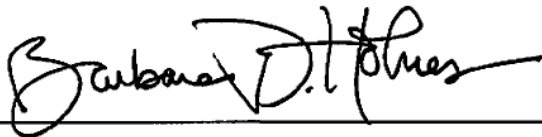
IT IS HEREBY ORDERED:

 x That defendant be HELD TO ANSWER in the District of Columbia, as required by notice or order by the District of Columbia.

SO ORDERED.

May 9, 2023

DATE


BARBARA D. HOLMES
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

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CLERK

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

By Debra Phang
Deputy Clerk

UNITED STATES OF AMERICA

v.

EDUARDO GONZALEZ

NO. 23-mj-1080 (D.C. 1:21-115)

ORDER

On the basis of Defendant's affidavit or his statements to the Court, the Court determines that

Defendant:

- ☐ is financially able to employ counsel and, therefore, denies his application for appointment of counsel at government expense.
- ☒ is financially unable to employ counsel and appoints the Office of the Federal Public Defender to represent him.
- ☒ is financially unable to pay the fee of any witness and pursuant to Rule 17(b), of the Federal Rules of Criminal Procedure, the Clerk shall issue a subpoena for any witness, PROVIDED that Defendant and his counsel shall submit subpoenas only for those witnesses whose presence is necessary to present an adequate defense to the charge or charges.
- ☒ Upon Motion of the Government, the Court may order repayment or partial repayment from Defendant for the attorney and witness fees for these services should it appear Defendant has such ability at a later time.

It is so ORDERED.

Dated:

Barbara D. Holmes
BARBARA D. HOLMES
United States Magistrate Judge

cc: United States Attorney
Federal Public Defender
United States Probation
United States Marshal

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America
v.

EDUARDO NICOLAS GONZALEZ
Defendant

Case No. 23-mj-1080

Charging District's

Case No. D.C. 1:21-cr-00115-001

ATTEST AND CERTIFY
A TRUE COPY

CLERK

U.S. DISTRICT COURT

MIDDLE DISTRICT OF TENNESSEE

By Debrae Hosup
Deputy Clerk

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the District of Columbia.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 5/9/2023

Barbara D. Holmes
Judge's signature



Barbara D. Holmes, U.S. Magistrate Judge

Printed name and title

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**U.S. District Court
Middle District of Tennessee (Nashville)
CRIMINAL DOCKET FOR CASE #: 3:23-mj-01080-1**

Case title: USA v. Gonzalez

Date Filed: 05/05/2023

Date Terminated: 05/10/2023

Assigned to: Magistrate Judge Barbara D.
Holmes

Defendant (1)

Eduardo Nicolas Alvear Gonzalez
Rule 5 to the District of Columbia
TERMINATED: 05/10/2023

represented by **Caryll S. Alpert**
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: caryll_alpert@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:3142 Violation of conditions of
probation

Disposition

Plaintiff

USA

represented by **Rascoe S. Dean**

DOJ-USAO

U.S. Attorneys Office (Nashville)

719 Church Street, Suite 3300

Nashville, TN 37203

615-736-5151

Email: rascoe.dean@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney*

Date Filed	#	Docket Text
05/05/2023	1	Warrant issued in the District of Columbia returned executed in this District on 5/5/2023 as to Eduardo Nicolas Alvear Gonzalez. (dt) (Entered: 05/08/2023)
05/05/2023		Arrest (Rule 5) of Eduardo Nicolas Alvear Gonzalez. (dt) (Entered: 05/08/2023)
05/05/2023	2	MOTION for Detention by USA as to Eduardo Nicolas Alvear Gonzalez. (dt) (Entered: 05/08/2023)
05/05/2023	3	Minute Entry for proceedings held before Magistrate Judge Barbara D. Holmes: Initial Appearance re Revocation of Probation as to Eduardo Nicolas Alvear Gonzalez held on 5/5/2023. Defendant to remain in Federal custody. District of Columbia Court to set revocation hearing. Order to enter. (dt) (Entered: 05/08/2023)
05/05/2023	4	CJA 23 Financial Affidavit by Eduardo Nicolas Alvear Gonzalez. (dt) (Entered: 05/08/2023)
05/05/2023	5	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Eduardo Nicolas Alvear Gonzalez. Signed by Magistrate Judge Barbara D. Holmes on 5/5/2023. (dt) (Entered: 05/08/2023)
05/05/2023	6	WAIVER of Rule 32.1 Hearing by Eduardo Nicolas Alvear Gonzalez: Preliminary Hearing and Detention Hearing to be held in the prosecuting district, at a time set by that court. (dt) (Entered: 05/08/2023)
05/09/2023	7	ORDER HOLDING DEFENDANT TO ANSWER IN THE DISTRICT OF COLUMBIA as to Eduardo Nicolas Alvear Gonzalez: Defendant waived an identity hearing at the initial appearance. That defendant be HELD TO ANSWER in the District of Columbia. Defendant shall be held to answer in the District of Columbia, as required by notice or order by the District of Columbia. Signed by Magistrate Judge Barbara D. Holmes on 5/9/2023. (dt) (Entered: 05/09/2023)
05/09/2023	8	COMMITMENT TO ANOTHER DISTRICT as to Eduardo Nicolas Alvear Gonzalez. Defendant committed to the District of Columbia. Signed by Magistrate Judge Barbara D. Holmes on 5/9/2023. (jb) (Entered: 05/09/2023)
05/09/2023		Motion for Detention as to Eduardo Nicolas Alvear Gonzalez 2 is granted per Order 8 . (dt) (Entered: 05/10/2023)
05/10/2023	9	Rule 5(c)(3) Documents Transmitted as to Eduardo Nicolas Alvear Gonzalez to the District of Columbia. (dt) (Entered: 05/10/2023)