

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Elliot Bishai

Defendant

) Case: 1:21-mj-00310
) Assigned To : Meriweather, Robin M.
) Assign. Date : 03/15/2021
) Description: Complaint w/ Arrest Warrant

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) Elliot Bishai

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

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

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

18 U.S.C. § 1752(a)(2) - Knowingly Engaging in Disorderly or Disruptive Conduct in any Restricted Buildings or Grounds

40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 03/15/2021

Handwritten signature of Robin M. Meriweather

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) 3/15/2021, and the person was arrested on (date) 3/16/2021 at (city and state) Fort Mill, South Carolina.

Date: 3/16/2021

Handwritten signature of Michael Worrick

Arresting officer's signature

Special Agent Michael Worrick
Printed name and title

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Elias Irizarry

Defendant

)
)
)
)
)

Case: 1:21-mj-00310

Assigned To : Meriweather, Robin M.

Assign. Date : 03/15/2021

Description: Complaint w/ Arrest Warrant

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

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
18 U.S.C. § 1752(a)(2) - Knowingly Engaging in Disorderly or Disruptive Conduct in any Restricted Buildings or Grounds
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 03/15/2021

Signature of Issuing Officer

Issuing officer's signature

City and state: Washington, D.C.

ROBIN M. MERIWEATHER, U.S. MAGISTRATE JUDGE

name and title

Return

This warrant was received on (date) 03/16/2021, and the person was arrested on (date) 03/16/2021 at (city and state) Charleston, SC

Date: 03/16/2021

Signature of Arresting Officer

Arresting officer's signature

Cary R. Davis, Task Force Officer

Printed name and title

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Elliot Bishai, (DOB: XXXXXXXXXX)
Elias Irizarry, (DOB: XXXXXXXXXX)
Defendant(s)

Case: 1:21-mj-00310
Assigned To : Meriweather, Robin M.
Assign. Date : 03/15/2021
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
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, 18 U.S.C. § 1752(a)(2) - Knowingly Engaging in Disorderly or Disruptive Conduct in any Restricted Buildings or Grounds, and 40 U.S.C. § 5104(e)(2) - 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.

Handwritten signature of Michael Worrick

Complainant's signature

Michael Worrick, 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: 03/15/2021

Judge's signature

City and state: Washington, D.C.

ROBIN M. MERIWEATHER, U.S. MAGISTRATE JUDGE
Printed name and title

Case: 1:21-mj-00310
Assigned To : Meriweather, Robin M.
Assign. Date : 03/15/2021
Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant, Michael Worrick is a Special Agent assigned to the Federal Bureau of Investigation's (FBI) Columbia Field Office. Currently, in addition to my regular duties, I am a tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. 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 a violation 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.

Subsequent to the incident at the U.S. Capitol, the FBI began publishing wanted posters on their website: <https://www.fbi.gov/wanted/capitol-violence>, which showed individuals inside of the U.S. Capitol. The posters were numbered and given the title “Photograph” followed by a number starting with number 1 (*i.e.* Photograph 1). One of the wanted posters—Photograph 19—which is illustrated below as *Figure One* depicted three individuals.

The individual to the left of the photograph in a red “Keep America Great” hooded sweatshirt, blue jeans, and dark colored combat-style boots was identified as Grayson Sherrill (SHERRILL) and arrested on March 1, 2020. *See* 21-mj-255.

The individual in the middle of the photograph is wearing a plaid bandana face covering, red baseball cap, red and black plaid long sleeved shirt, a dark colored watch on his left wrist, and a dark colored backpack with lighter colored panels. He appears to be a white male with dark hair. The individual on the right of the photograph is wearing a dark red hooded sweatshirt, a red baseball hat, dark colored gloves, a red face covering, brown military style boots, and is holding a long cylindrical object in his right hand.

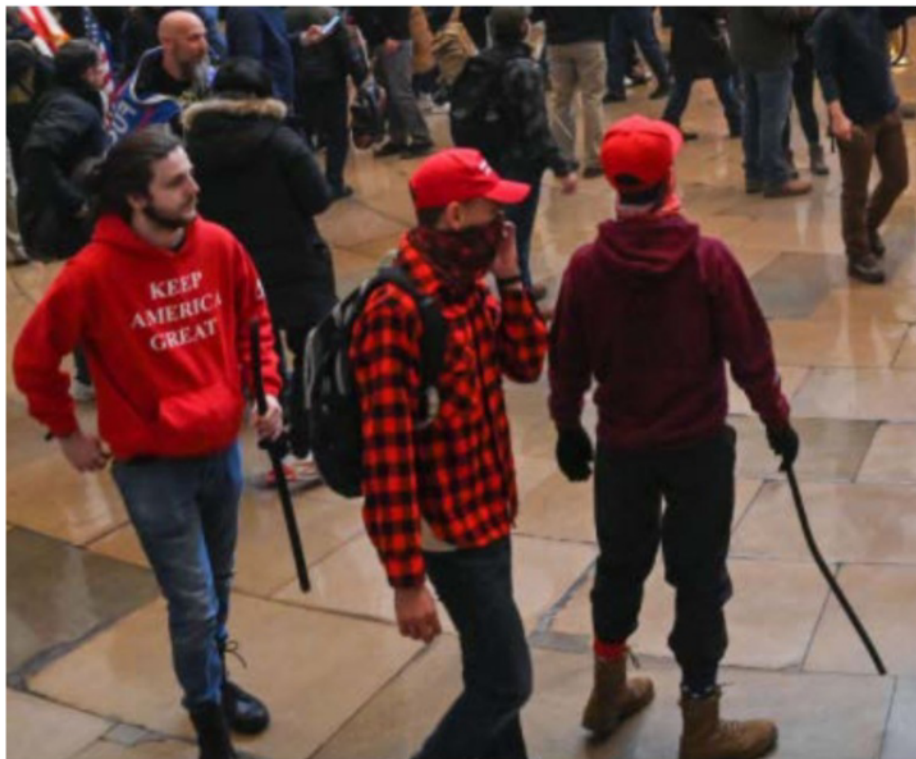


Figure One

Witness One (W1) submitted a tip to the FBI identifying the middle subject in *Figure One* (Photograph 19) as Elliot Bishai (BISHAI) and the subject to the right of the Photograph as Elias Irizarry (IRIZARRY). W1 is familiar with BISHAI and IRIZARRY as cadets in a Civil Air Patrol Unit that W1 is associated with. W1 was aware that other cadets had recognized them as well. W1

stated that their respective demeanors, way they are standing, and physical characteristics made them easily identifiable as BISHAI and IRIZARRY. Furthermore, W1 noted that IRIZARRY often wears his boots in the distinctive style seen in the photograph.

Witness Two (W2) and Witness Three (W3), also recognized BISHAI and IRIZARRY through their association with the Civil Air Patrol Unit. W2 specifically stated that he/she was familiar with BISHAI's backpack, red plaid shirt, and bandana and had seen BISHAI wear them previously. W2 also saw that BISHAI and IRIZARRY's location on the social media application Snapchat was in Washington, D.C. on January 6, 2021.

In addition to the photographs, W2 and W3 saw footage from The New Yorker and recognized BISHAI and IRIZARRY in the footage. W2 and W3 recognized them in the video making entry into the U.S. Capitol building through a broken window.



Figure Two

Figure 2 is a still shot taken from footage posted by The New Yorker. It is taken from the exterior of the building looking through a broken window into the Capitol building. In the right of the photograph is a subject wearing a dark red hooded sweatshirt and a red baseball hat. W1 and W3 identified this as IRIZARRY.



Figure Three



Figure Four

Figures Three and Four are a screen shots taken from the same video. Rioters are seen climbing through a broken window into the U.S. Capitol. In *Figure Three*, in the lower left of the frame, BISHAI is seen wearing a brown winter hat and holding a cell phone. He is also seen wearing a dark colored watch on the left wrist. W1 and W3 identified this individual as BISHAI. IRIZARRY appears to be standing directly two his right wearing a red bandana over his hat. In *Figure Four*, BISHAI's brown winter hat and plaid shirt can be seen to the left of the frame and IRIZARRY's red bandana pulled over his hat is visible to the right of BISHAI.

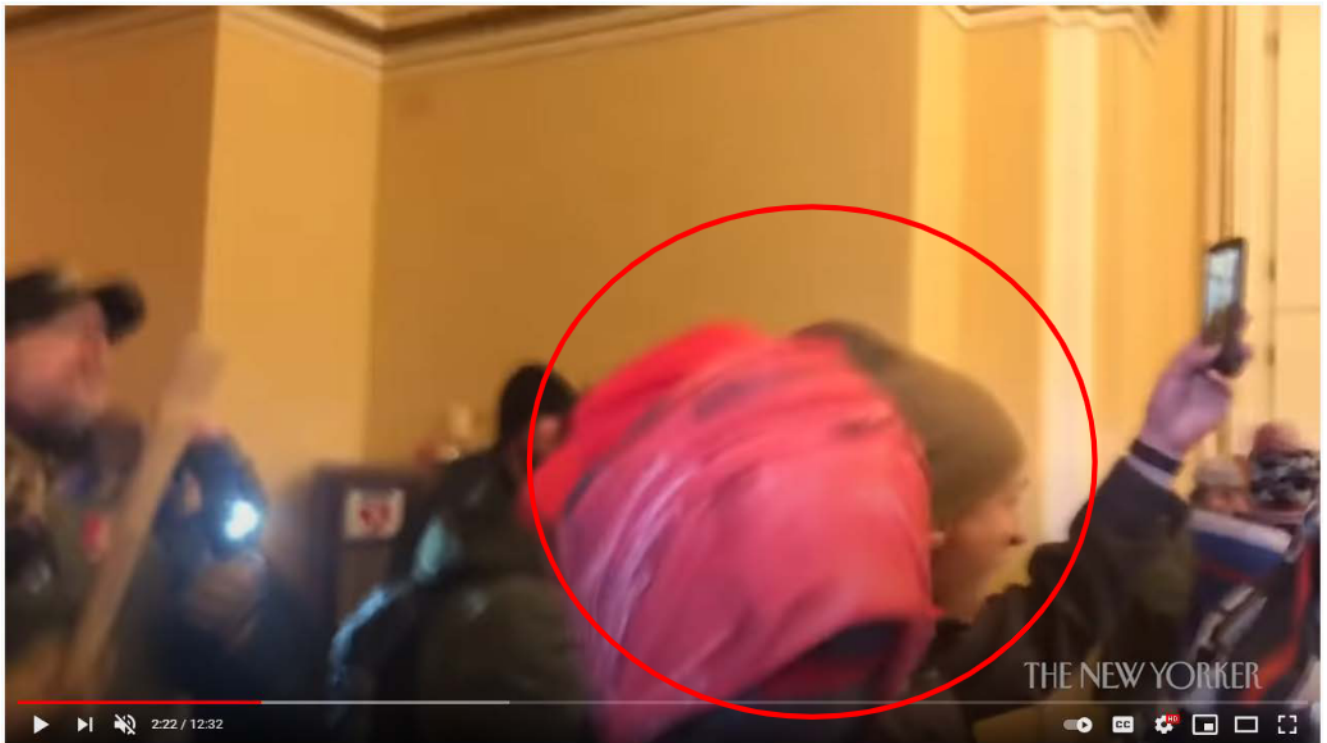


Figure Five

Figure Five is a screen shot taken from a video posted on the website of The New Yorker. The video footage was taken from inside the Capitol building. Within the red circle, IRIZARRY can be seen wearing a red hat with a red bandana pulled over it. BISHAI can be seen behind him with the same brown winter hat.

Your affiant was able to review other images showing individuals who appear to be BISHAI and IRIZARRY. In *Figure Six*, an individual who appears to be BISHAI can be seen in the right of the frame taking a photograph of SHERRILL in front of the Dwight D. Eisenhower statue. The individual who appears to be BISHAI is seen wearing the same red and black flannel shirt, red baseball hat, dark colored back pack and dark watch on his left wrist. He has pulled his bandana down and his face is more clearly visible.



Figure Six

The statue in *Figure Six* has been identified by U.S. Capitol Police as a statue of Dwight D. Eisenhower, which is located inside of the Rotunda of the U.S. Capitol Building. This information was also confirmed on the U.S. Capitol's website, which lists all of the statues inside of the U.S. Capitol with a photograph of the statue and the statue's location within the U.S. Capitol.¹

Your affiant has also reviewed and collected video provided by the U.S. Capitol Police, which includes security camera footage inside and outside of the U.S. Capitol building. While reviewing this footage, your affiant observed individuals who appear to BISHAI and IRIZARRY outside and inside of the U.S. Capitol. The following images are a sampling of screenshots obtained from that footage.

Figures Seven and *Eight* are still shots taken from security camera footage of the interior of the U.S. Capitol building. These still show rioters entering the U.S. Capitol through the door and broken window.

In *Figure Seven*, an individual who appears to be IRIZARRY can be seen coming in through a broken window (circled in red). The clothing is consistent with that of clothes worn by IRIZARRY in the photos above. An individual who appears to be BISHAI can be seen circled in blue in the brown hat and dark jacket.

¹ <https://www.aoc.gov/explore-capitol-campus/art/dwight-d-eisenhower>

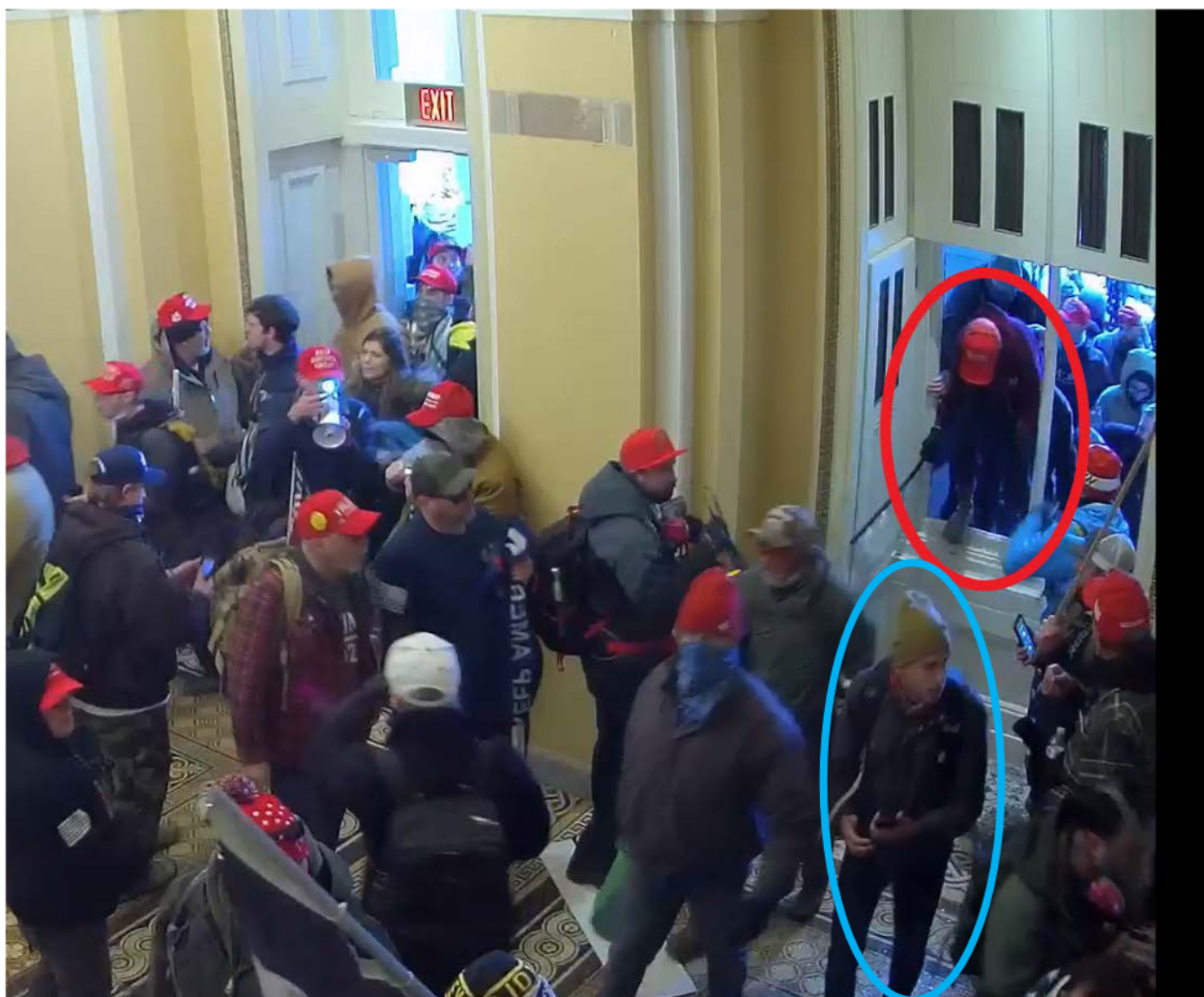


Figure Seven

Figure Eight is another still shot taken from security camera footage of the Senate Wing door area of the interior of the Capitol building. Individuals who appear to be BISHAI (circled in blue) and IRIZARRY (circled in red) can be seen standing inside the U.S. Capitol building.

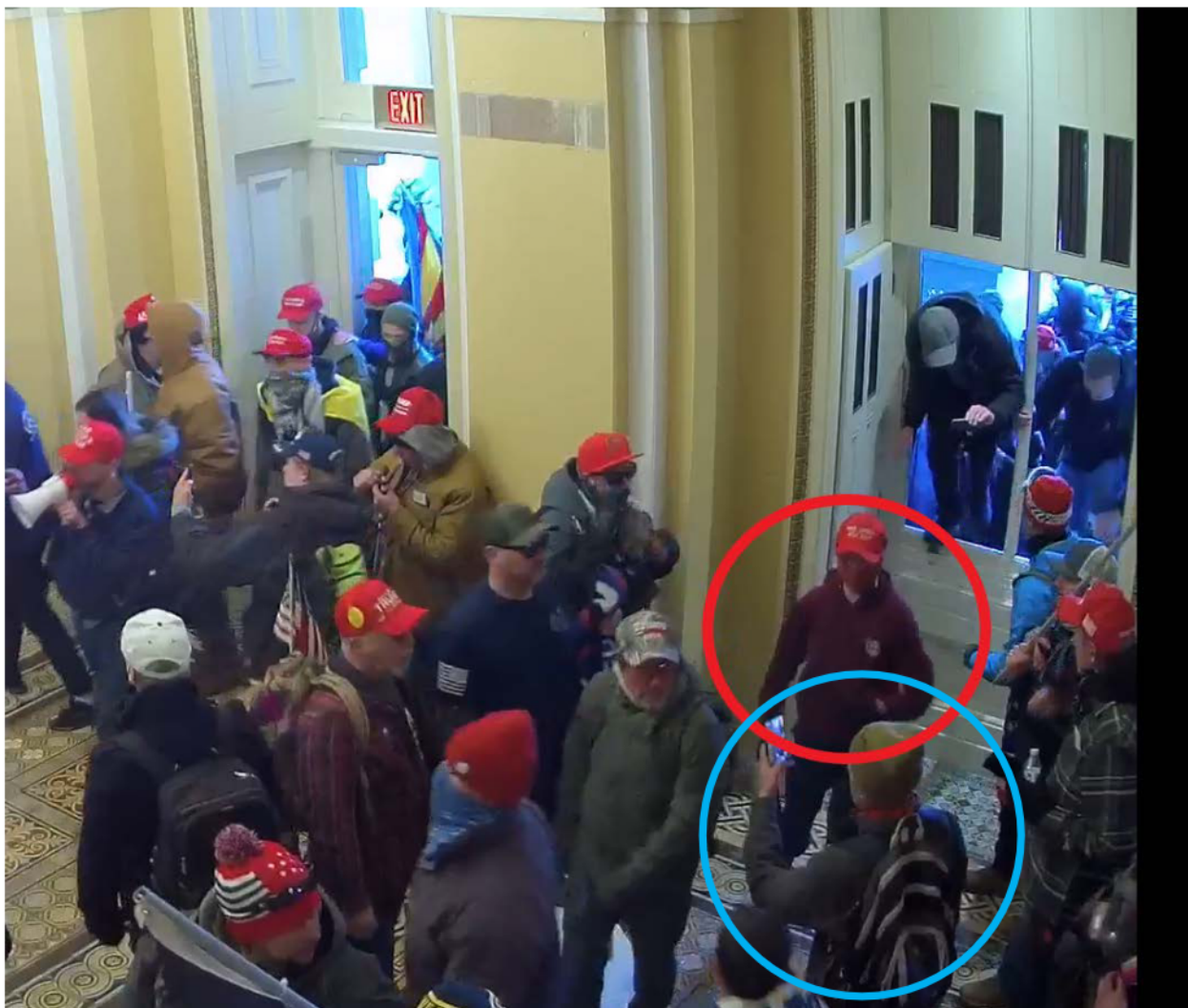


Figure Eight

In *Figure Nine*, BISHAI, IRIZARRY, and SHERRILL can be seen near the Rotunda. BISHAI and IRIZARRY's faces are visible and their clothing is consistent with what is depicted in the previous photographs. As in *Figure One* and *Figure Six* BISHAI has taken off the dark outer jacket and his red plaid shirt is visible.



Figure Nine



Figure Ten

Figure Ten was taken on the grounds of the U.S. Capitol, just outside the building on January 6, 2021. IRIZARRY's face is clearly visible looking down over a wall wearing the same dark red sweatshirt, a red baseball hat, a red bandana around his head and chin and dark colored gloves. Irizarry is also holding a metal pipe as in *Figure One*.

Your affiant has reviewed photograph's from IRIZARRY's social media as well as information from the South Carolina Department of Motor Vehicles. The still photograph shown in *Figure Six* is consistent with IRIZARRY's social media pictures as well as his South Carolina driver's license photograph.

Your affiant has reviewed photographs from BISHAI's social media as well as information from the South Carolina Department of Motor Vehicles. The still photograph shown in *Figure Four* is consistent with BISHAI's social media pictures as well as his South Carolina driver's license photograph.

On January 28, 2021, FBI Special Agents interviewed Witness Four (W4) who is a family member of BISHAI. W4 confirmed that BISHAI was at the Capitol on January 6, 2021, and that he entered the building and took selfies.

Based on the foregoing, your affiant submits that there is probable cause to believe that Elliot BISHAI and Elias IRIZARRY 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; or attempts or conspires 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 BISHAI violated 40 U.S.C. § 5104(e)(2)(D) and (G), 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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



MICHAEL WORRICK
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15 day of March 2021.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Elliot Bishai

Case: 1:21-mj-00310
Assigned To : Meriweather, Robin M.
Assign. Date : 03/15/2021
Description: Complaint w/ Arrest Warrant

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Elliot Bishai,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
Superseding Indictment
Information
Superseding Information
Complaint
Probation Violation Petition
Supervised Release Violation Petition
Violation Notice
Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
18 U.S.C. § 1752(a)(2) - Knowingly Engaging in Disorderly or Disruptive Conduct in any Restricted Buildings or Grounds
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 03/15/2021

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) , 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 Columbia

United States of America
v.
Elias Irizarry

Case: 1:21-mj-00310
Assigned To : Meriweather, Robin M.
Assign. Date : 03/15/2021
Description: Complaint w/ Arrest Warrant

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Elias Irizarry,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
Superseding Indictment
Information
Superseding Information
[X] Complaint
Probation Violation Petition
Supervised Release Violation Petition
Violation Notice
Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
18 U.S.C. § 1752(a)(2) - Knowingly Engaging in Disorderly or Disruptive Conduct in any Restricted Buildings or Grounds
40 U.S.C. § 5104(e)(2) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 03/15/2021

Issuing officer's signature

City and state: Washington, D.C.

ROBIN M. MERIWEATHER, U.S. MAGISTRATE JUDGE
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

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

UNITED STATES DISTRICT COURT

for the

District of SOUTH CAROLINA

United States of America

v.

ELLIOT BISHAI

Defendant

)
)
)
)
)
)

Case No. DSC 3:21-99

Charging District's Case No. 1:21-310

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:

- [checked] an identity hearing and production of the warrant.
[checked] 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.
[] the proceedings as marked above but request that a _____ 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: Mar 16, 2021

[Handwritten signature]

Defendant's signature

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 South Carolina

United States of America)

v.)

ELLIOT BISHAI)

Case No. 3:21-99

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, ELLIOT BISHAI (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:

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

Type of Bond

- () (1) This is a personal recognizance bond.
(X) (2) This is an unsecured bond of \$ 25,000.
() (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.

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: 3/16/2021


Defendant's signature

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: March 16, 2021


Judge's signature

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America)

v.)

ELLIOT BISHAI)

Defendant)

Case No. 3:21-99

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 34 U.S.C. § 40702.
- (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: US District Court for the District of Columbia 333 Constitution Ave NW WDC

Place

for an initial appearance

on 3/22/21 at 1:00pm

Date and Time

If blank, defendant will be notified of next appearance.

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

PJG

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

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 DC Pretrial Services weekly by phone telephone number (202)442-1000, no later than _____
 - (b) continue or actively seek employment.
 - (c) continue or start an education program.
 - (d) surrender any passport to: USPO within 48 hours
 - (e) not obtain a passport or other international travel document.
 - (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the State of SC without prior Permission of the Court through Pretrial Services, stay out of DC (and Mecklenburg County, NC) except for Court, PSA business and meetings with attorney
 - (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: _____
 - (h) get medical or psychiatric treatment: _____
 - (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
 - (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
 - (k) not possess a firearm, destructive device, or other weapon other than as required by military training with the US Army or authorized by US Pretrial Services. No weapons are permitted in defendant's residence.
 - (l) not use alcohol () at all () excessively.
 - (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
 - (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
 - (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
 - (p) participate in one of the following location restriction programs and comply with its requirements as directed.
 - (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or
 - (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
 - (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
 - (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

PJG

ADDITIONAL CONDITIONS OF RELEASE

- () (q) submit to the following location monitoring technology and comply with its requirements as directed:
 - () (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - () (ii) Voice Recognition; or
 - () (iii) Radio Frequency; or
 - () (iv) GPS.

- () (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- () (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- () (t) Abide by national, state, and local guidelines and/or directives regarding social distancing, self-isolation, quarantine, curfew, etc. related to the coronavirus emergency
- (X) (u) Do not enter federal facilities except for business related to pending charges or military service/training with the US Army or as otherwise authorized in advance by US Pretrial Services
- () (v) _____
- () (w) _____

PJG

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

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

Acknowledgment of the Defendant

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

Defendant's Signature

City and State

Directions to the United States Marshal

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

Date: March 10, 2021

Judicial Officer's Signature

Paige J. Gossett, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

United States of America)	Cr. No.: 3:21-99
)	
vs.)	ORDER ON
)	PROSECUTORIAL OBLIGATION
Elliot Bishai,)	
Elias Irizarry,)	
Defendants.)	
)	
_____)	

Pursuant to Fed. R. Crim. P. 5(f) and the Due Process Protections Act, Public Law No. 116-182, 134 Stat. 894 (2020), 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.¹ 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, and/or sanctions by the Court.

IT IS SO ORDERED.

March 16, 2021	<u>s/Paige J. Gossett</u>
Columbia, South Carolina	Paige J. Gossett
	UNITED STATES MAGISTRATE JUDGE

¹ See generally Long v. Hooks, 972 F.3d 442, 456 (4th Cir. 2020) (*en banc*) (“Brady v. Maryland instructs that ‘the suppression by the prosecution of evidence favorable to an accused’ violates due process where the evidence is ‘material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.’”) (quoting Brady, 373 U.S. at 87).

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America)

v.)

ELIAS IRIZARRY)

Case No. 3:21-99

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, ELIAS IRIZARRY (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:

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

Type of Bond

- () (1) This is a personal recognizance bond.
(X) (2) This is an unsecured bond of \$ 25,000
() (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.

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: 3/16/2021



Defendant's signature

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: March 16, 2021



Judge's signature

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America)

v.)

ELIAS IRIZARRY)

Defendant)

Case No. 3:21-99

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 34 U.S.C. § 40702.
- (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: US District Court for the District of Columbia 333 Constitution Ave NW WDC

Place

for an initial appearance _____

on _____

3/22/21 at 1:00pm

Date and Time

If blank, defendant will be notified of next appearance.

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

PJG

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

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 DC Pretrial Services weekly by phone _____, telephone number (202)442-1000, no later than _____.
 - () (b) continue or actively seek employment.
 - () (c) continue or start an education program.
 - () (d) surrender any passport to: _____
 - () (e) not obtain a passport or other international travel document. PJG
 - () (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the State of SC without prior Permission of the Court through Pretrial Services, stay out of DC and Mecklenburg County, NC, except for Court, PSA business and meetings with attorney
 - () (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: _____
 - () (h) get medical or psychiatric treatment: _____
 - () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
 - () (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
 - () (k) not possess a firearm, destructive device, or other weapon other than as required by military training with the Citadel or authorized by US Pretrial Services. No weapons ~~at~~ at mother's residence.
 - () (l) not use alcohol () at all () excessively.
 - () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
 - () (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
 - () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
 - () (p) participate in one of the following location restriction programs and comply with its requirements as directed.
 - () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or
 - () (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
 - () (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
 - () (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

PJG

ADDITIONAL CONDITIONS OF RELEASE

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 - () (ii) Voice Recognition; or
 - () (iii) Radio Frequency; or
 - () (iv) GPS.

- () (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- () (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- () (t) Abide by national, state, and local guidelines and/or directives regarding social distancing, self-isolation, quarantine, curfew, etc. related to the coronavirus emergency
- (X) (u) Do not enter federal facilities except for business related to pending charges or military service/training with the Citadel or as otherwise authorized in advance by US Pretrial Services
- () (v) _____
- () (w) _____

PJG

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

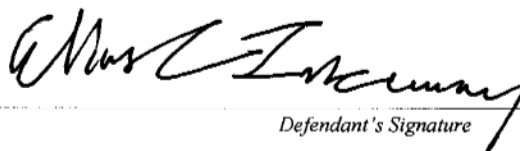
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

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

Acknowledgment of the Defendant

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



Defendant's Signature

City and State

Directions to the United States Marshal

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

Date: March 16, 2021



Judicial Officer's Signature

Paige J. Gossett, United States Magistrate Judge

Printed name and title

U.S. District Court
District of South Carolina (Columbia)
CRIMINAL DOCKET FOR CASE #: 3:21-cr-00099-PJG-1

Case title: USA v. Bishai et al

Date Filed: 03/16/2021

Other court case number: 1:21-mj-310 USDC for the District of
Columbia

Date Terminated: 03/16/2021

Assigned to: Magistrate Judge Paige J
Gossett

Defendant (1)**Elliot Bishai***TERMINATED: 03/16/2021*

represented by **Donald M Brown , Jr**
Brown and Associates PLLC Attorneys and
Counselors at Law
Park South Professional Center
10440 Park Road
Suite 200
Charlotte, NC 28210
704-542-2525
Fax: 704-541-4751
Email: brownandassociatespllc@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1752(a)(1) Knowingly Entering or
Remaining in any restricted building or
grounds without lawful authority;
18:1752(a)(2) Knowingly engaging in
disorderly or disruptive conduct in any

Disposition

restricted building or grounds; 40:5104(e)
 (2) Violent entry and disorderly conduct on
 Capitol grounds

Plaintiff

USA

represented by **Elliott Bishop Daniels**
 US Attorneys Office (Cola)
 1441 Main Street
 Suite 500
 Columbia, SC 29201
 803-929-3035
 Email: Elliott.Daniels@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
03/16/2021	1	Arrest (Rule 5 - District of Columbia) of Elliot Bishai, Elias Irizarry (jpet,) (Entered: 03/16/2021)
03/16/2021	2	Rule 5c3 Documents Received as to Elliot Bishai, Elias Irizarry (Attachments: # 1 Affidavit)(jpet,) (Additional attachment(s) added on 3/16/2021: # 2 Bishai warrant, # 3 Irizarry warrant) (jpet,). (Entered: 03/16/2021)
03/16/2021	3	NOTICE OF HEARING as to Elliot Bishai, Elias Irizarry Initial Appearance - Rule 40 set for 3/16/2021 01:00 PM in Columbia # 7, Matthew J. Perry Court House, 901 Richland St, Columbia before Magistrate Judge Paige J Gossett. (jpet,) (Entered: 03/16/2021)
03/16/2021	4	<p>Minute Entry for proceedings held before Magistrate Judge Paige J Gossett: Initial Appearance in Rule 5(c)(3) and Rule 58 Proceedings as to Elliot Bishai, Elias Irizarry held on 3/16/2021.</p> <p>Attorney Donald M Brown, Jr makes a general appearance on behalf of Defendant Bishai; attorney James Whitney Boyd makes a general appearance on behalf of Defendant Irizarry. Defendants each submit a financial affidavit for consideration in the prosecuting district for appointed counsel if necessary</p> <p>Court reviews the charges and potential penalties with defendants.</p> <p>Court advises the defendants of the following rights: no statement, counsel, Rule 20 transfer, identity hearing, proceedings before a district judge, jury trial, consular notification, and preliminary hearing. Defendants each waive an identity hearing and a preliminary hearing.</p> <p>Defense counsel present; FRCP 5(f) <u>Brady</u> admonition provided.</p> <p>Government requests an unsecured bond with special conditions as to each defendant. Bond for each defendant set at \$25,000 unsecured with special conditions; executed. Court appearance in prosecuting district set for 3/22/2021 at 1:00pm via Zoom. Defendants released. Court Reporter Courtsmart. (jpet,) (Entered: 03/16/2021)</p>

03/16/2021	5	CJA 23 Financial Affidavit (Restricted Access) by Elliot Bishai (jpet,) (Entered: 03/16/2021)
03/16/2021	7	Unsecured Bond Entered as to Elliot Bishai in amount of \$ 25,000, (jpet,) (Entered: 03/16/2021)
03/16/2021	8	ORDER Setting Conditions of Release as to Elliot Bishai (1). Signed by Magistrate Judge Paige J Gossett on 3/16/2021.(jpet,) Modified to replace with corrected scan on 3/22/2021 (jpet,). (Entered: 03/16/2021)
03/16/2021	13	WAIVER of Rule 5c3 Hearing by Elliot Bishai (jpet,) (Entered: 03/16/2021)
03/16/2021	15	FRCrP 5(f) DISCLOSURE ORDER as to Elliot Bishai, Elias Irizarry. Signed by Magistrate Judge Paige J Gossett on 3/16/2021.(jpet,) (Entered: 03/16/2021)
03/16/2021	16	OPERATIONAL ORDER (See Misc. No. 3:20-mc-107-PJG) as to Elliot Bishai, Elias Irizarry re: COVID-19 courtroom procedures. Signed by Magistrate Judge Paige J Gossett on 3/19/2020.(jpet,) (Entered: 03/16/2021)

PACER Service Center			
Transaction Receipt			
03/30/2021 17:09:12			
PACER Login:	BrittanyBryant:6635828:0	Client Code:	
Description:	Docket Report	Search Criteria:	3:21-cr-00099-PJG
Billable Pages:	2	Cost:	0.20
Exempt flag:	Exempt	Exempt reason:	Always

PACER fee: Exempt