

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

DAVID MOERSCHER

Defendant

)
) Case: 1:21-mj-00512
) Assigned To : Meriweather, Robin M.
) Assign. Date : 7/1/2021
) 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) David Moerschel,
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:

Obstruction of Justice/Congress, in violation of 18 U.S.C. 1512(c)(2)
Conspiracy, in violation of 18 U.S.C. 371
Unlawful Entry into Restricted Buildings or Grounds, in violation of 18 U.S.C. 1752(a)

Date: 07/01/2021

 2021.07.01
16:44:05 -04'00'

*Issuing officer's signature*City and state: Washington, D.C.

Robin M. Meriweather, United States Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 07/01/2021, and the person was arrested on (date) 07/02/2021
at (city and state) Fort Myers, FL.

Date: 07/02/2021


Arresting officer's signature
ALEXANDER GRANAT TFO
Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America)

v.)

DAVID MOERSCHEL)
D.O.B.)

Case: 1:21-mj-00512

Assigned To : Meriweather, Robin M.

Assign. Date : 7/1/2021

Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

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

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

Code Section

Offense Description

18 U.S.C. 371

Conspiracy

18 U.S.C. 1512(c)(2)

Obstruction of Justice/Congress

18 U.S.C. 1752(a)

Unlawful Entry into Restricted Buildings or Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Alexander Grandy, Task Force Office,

Printed name and title FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).Date: 07/01/2021

2021.07.01

16:44:29 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

DAVID MOERSCHEL,

Defendant.

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Case: 1:21-mj-00512

Assigned To : Meriweather, Robin M.

Assign. Date : 7/1/2021

Description: COMPLAINT W/ ARREST WARRANT

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Alexander Grandy, being duly sworn, affirm and state:

INTRODUCTION

1. I am a Task Force Officer assigned to Federal Bureau of Investigation (FBI) / Joint Terrorism Task Force (JTTF). I am assigned to the Tampa Field Office / Fort Myers Resident Agency. I have been in this position since August 2018. In my current duties I am responsible for investigating individuals engaging in Domestic and International Terrorism. Since my time with the FBI I have led and participated in investigations of criminal violations of federal laws including, but not limited to Bomb Threats and providing material support to terrorists. I have participated in the execution of search warrants involving violent crimes, fraud, drug or computer related offenses, and the search of digital devices. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, 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.

2. This affidavit is submitted for the purpose of establishing probable cause. The facts in this affidavit are based on my investigation, personal observations, training, and experience, as well as information conveyed to me by other law enforcement officials. Because this affidavit is limited in purpose, it is not intended to include each and every fact and matter observed by me or known to the United States.

PURPOSE OF AFFIDAVIT

3. This affidavit is submitted in support of a criminal complaint charging the defendant, David Moerschel, with one count of Obstruction of Justice/Congress, in violation of Title 18, United States Code, Section 1512(c)(2); one count of Conspiracy, in violation of Title 18, United States Code, Section 371; and one count of Unlawful Entry into Restricted Buildings or Grounds, in violation of Title 18, United States Code, Section 1752(a). This affidavit is also submitted in support of an arrest warrant for Moerschel.

STATEMENT OF FACTS

Background

4. The U.S. Capitol Police (USCP), the FBI, and assisting law enforcement agencies are investigating a riot and related offenses that occurred at the United States Capitol Building, located at 1 First Street, NW, Washington, D.C., 20510 on January 6, 2021.

The 2020 United States Presidential Election and the Official Proceeding on January 6, 2021

5. The 2020 United States Presidential Election occurred on November 3, 2020.

6. The United States Electoral College is a group required by the Constitution to form every four years for the sole purpose of electing the president and vice president, with each state appointing its own electors in a number equal to the size of that state's Congressional delegation.

7. On December 14, 2020, the presidential electors of the U.S. Electoral College met in the state capital of each state and in the District of Columbia and formalized the result of the 2020 U.S. Presidential Election: Joseph R. Biden Jr. and Kamala D. Harris were declared to have won sufficient votes to be elected the next president and vice president of the United States.

8. On or about December 19, 2020, President Donald J. Trump tweeted, “Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild!”

9. On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate (“the Joint Session”) convened in the United States Capitol building (the “Capitol” or the “U.S. Capitol”) to certify the vote of the Electoral College of the 2020 U.S. Presidential Election (the “Certification”).

The Attack at the U.S. Capitol on January 6, 2021

10. The Capitol is secured 24 hours a day by United States Capitol Police. The Capitol Police maintain permanent and temporary barriers to restrict access to the Capitol exterior, and only authorized individuals with appropriate identification are allowed inside the Capitol building.

11. On January 6, 2021, at approximately 1:00 p.m., the Joint Session convened in the Capitol building to certify the Electoral College vote. Vice President Michael R. Pence, in his constitutional duty as President of the Senate, presided over the Joint Session.

12. A large crowd began to gather outside the Capitol perimeter as the Joint Session got underway. Crowd members eventually forced their way through, up, and over Capitol Police barricades and advanced to the building’s exterior façade. Capitol Police officers attempted to maintain order and stop the crowd from entering the Capitol building, to which the doors and

windows were locked or otherwise secured. Nonetheless, shortly after 2:00 p.m., crowd members forced entry into the Capitol building by breaking windows, ramming open doors, and assaulting Capitol Police officers. Other crowd members encouraged and otherwise assisted the forced entry. The crowd was not lawfully authorized to enter or remain inside the Capitol, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials.

13. Shortly thereafter, at approximately 2:20 p.m., members of the House and Senate (including Vice President Pence)—who had withdrawn to separate chambers to resolve an objection—were evacuated from their respective chambers. The Joint Session and the entire official proceeding of the Congress was halted while Capitol Police and other law-enforcement officers worked to restore order and clear the Capitol of the unlawful occupants.

14. Later that night, law enforcement regained control of the Capitol. At approximately 8:00 p.m., the Joint Session reconvened, presided over by Vice President Pence, who had remained hidden within the Capitol building throughout these events.

15. In the course of these events, approximately 81 members of the Capitol Police and 58 members of the Metropolitan Police Department were assaulted. Additionally, many media members were assaulted and had cameras and other news-gathering equipment destroyed, and the Capitol suffered millions of dollars in damage—including broken windows and doors, graffiti, and residue of various pepper sprays, tear gas, and fire extinguishers deployed both by crowd members who stormed the Capitol and by Capitol Police officers trying to restore order.

Facts Specific to This Application

The Oath Keepers Organization

16. Law enforcement and news-media organizations observed that members of an organization known as the Oath Keepers were among the individuals and groups who forcibly entered the Capitol on January 6, 2021. The Oath Keepers are a large but loosely organized collection of individuals, some of whom are associated with militias. Some members of the Oath Keepers believe that the federal government has been coopted by a cabal of elites actively trying to strip American citizens of their rights. Though the Oath Keepers will accept anyone as members, they explicitly focus on recruiting current and former military, law enforcement, and first-responder personnel. The organization's name alludes to the oath sworn by members of the military and police to defend the Constitution "from all enemies, foreign and domestic." The Oath Keepers are led by Person One.

17. In a widely disseminated video¹ recorded by a photojournalist on January 6, 2021, a "stack" of individuals dressed in matching uniforms consisting of camouflaged-combat attire, to include confirmed Oath Keeper members (further described below), moves up and through a crowd on the east side of the U.S. Capitol.

18. Based on my training and experience, a stack or line formation is a tactical formation used by infantryman in the military. One defining feature of this formation is that members keep their hands on the backs or vests of the person in front of them to remain together while entering a room or weaving through a crowd. The purpose of maintaining direct physical contact with one another is to efficiently communicate with one another, especially in crowded or noisy areas.

¹ See <https://apnews.com/article/ex-military-cops-us-capitol-riot-a1cb17201dfddc98291edead5badc257/gallery/0ecd1781c66d437f92c61b3f4848a74e> (at slide 10).

19. A service called “News2Share” uploaded to YouTube a video of the January 6, 2021, attack at the Capitol. At the approximate 3-minute-and-8-second mark, the video shows eight-to-ten individuals in matching uniforms consisting of camouflaged-combat attire aggressively approaching an entrance to the Capitol.² These individuals, who are wearing helmets, reinforced vests, and clothing with Oath Keeper logos and insignia, can be seen moving in an organized and practiced fashion and forcing their way to the front of the crowd gathered around a set of doors to the Capitol.

20. A close-up view of the badges on the vest of one of these individuals, seen just under the Oath Keepers emblem on his shirt, displays the Oath Keepers motto, “Not On Our Watch.” The badge also says, “I don’t believe in anything. I’m just here for the violence.”

21. Based on the foregoing observations of the video, and information gained in the course of my investigation, it is reasonable to believe that the organized group of individuals marching to the doors of the Capitol in the video above are members and affiliates of the Oath Keepers.

22. On January 6, 2021, the particular Capitol doors through which this “stack” of Oath Keepers (and other members of the crowd) breached were significantly damaged. Among other damage, multiple panes of glass were smashed, and a door handle was missing or broken off. The damage is estimated at over \$1000.

Coconspirators

23. On May 26, 2021, a federal grand jury in Washington, D.C., handed up a

² See <https://www.youtube.com/watch?v=b76KfHB0QO8&feature=youtu.be>.

superseding indictment in case number 21-CR-00028, charging Jessica Watkins, Donovan Crowl, Thomas Caldwell, Sandra Parker, Bennie Parker, Graydon Young, Laura Steele, Kelly Meggs, Connie Meggs, Kenneth Harrelson, Roberto Minuta, Joshua James, Jonathan Walden, Joseph Hackett, Jason Dolan, and William Isaacs on counts of Conspiracy, in violation of 18 U.S.C. § 371; Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2), 2; and Restricted Building or Grounds Access, in violation of 18 U.S.C. §§ 1752(a)(1). The indictment also charges some of the defendants with additional related counts, including notably Destruction of Government Property, in violation of 18 U.S.C. § 1361.

24. Watkins, Crowl, Young, Steele, Sandra Parker, Kelly Meggs, Connie Meggs, Harrelson, Hackett, Dolan, and Isaacs were among the “stack” members who breached the east doors of the Capitol and penetrated the Rotunda.

25. Caldwell, who lives in Virginia, provided logistical assistance, including finding the hotel in Northern Virginia where several members of the conspiracy stayed from January 5 through 7, 2021. Caldwell further coordinated with a group of co-conspirators who agreed to serve as a “quick reaction force” (“QRF”) to be prepared to travel to the Capitol in the event they were called upon, possibly while armed.

26. The evidence is that at least some members of the QRF were staged at the Comfort Inn Ballston hotel in Arlington, Virginia. Surveillance video shows known members and affiliates of the Oath Keepers transporting what appear to be rifle cases into the hotel on January 5, 2021, and out of the hotel on January 7, 2021. Defendants Caldwell and Harrelson are two of the several individuals observable on the surveillance video.

27. Records received from Facebook show that, in the weeks preceding the attack,

Kelly Meggs wrote the following messages on Facebook:

- a. On December 22, 2020: “Trump said It’s gonna be wild!!!!!! It’s gonna be wild!!!!!! He wants us to make it WILD that’s what he’s saying. He called us all to the Capitol and wants us to make it wild!!! Sir Yes Sir!!! Gentlemen we are heading to DC pack your shit!!”
- b. On December 22, 2020: “Nice, we will have at least 50-100 OK³ there.”
- c. On December 25, 2020: “I was named State lead of Florida today.”
- d. On December 31, 2020: “You guys Gonna carry?” and “Ok we aren’t either, we have a heavy QRF⁴ 10 Min out though.”

David Moerschel

28. David Moerschel is a 43-year-old⁵ resident of Punta Gorda, Florida. As described more fully herein, Moerschel conspired with others known and unknown to forcibly enter the Capitol on January 6, 2021, and to obstruct the Congressional proceeding occurring that day.

29. Pursuant to legal process, the government obtained Signal encrypted message content for a group “OK FL DC OP Jan 6.” This Signal group message appears to have been used by members of the Oath Keepers – including defendants Kelly Meggs, Harrelson, and Watkins – to coordinate in advance of and on January 6, 2021. User “Hatsy” posted in the group on January 5, 2021, among other things, “@ GATOR 6, @ OK Gator 1 when do you want to stop for gas?”

³ Based on the investigation, OK appears to refer to “Oath Keepers.”

⁴ Based on the investigation, QRF appears to refer to a “quick reaction force.”

⁵ The ages listed herein are as of January 6, 2021.

and “@OK Gator 1 or anyone else who knows: what time are you leaving your hotel (the garden inn on 1st) to walk to ellipse? Kraut and I will meet you.” Then, on January 7, 2021 at 6:35 a.m., in response to another user, “Hatsy” wrote: “We have your bag, We will leave it with Kane at the QRF. We are en route there now.” “Hatsy” also wrote: “Anyone else leave anything in the white van? We can leave it for you at QRF.”

30. The Signal group message shows that user “Hatsy” is associated with a particular phone number ending in 5476.

31. Pursuant to legal process, the government obtained records from Republic Wireless Inc, which showed that phone number ending in 5476 is registered to “David Moerschel.”⁶ According to Republic Wireless, the payment method on the account is a MasterCard ending in 6055.

32. Pursuant to legal process, the government obtained records from GoToMeeting of certain online meetings of individuals affiliated with the Oath Keepers. A user with Moerschel’s phone number ending in 5476 attended approximately 17 meetings between September 28, 2020 and January 3, 2021, with meeting session names such as “ok florida,” “florida dc op planning chat,” and “dc planning call.” Defendants Harrelson (as “gator 6”) and Kelly Meggs (as “gator 1”) were two of the three “organizers” of the “dc planning call.”

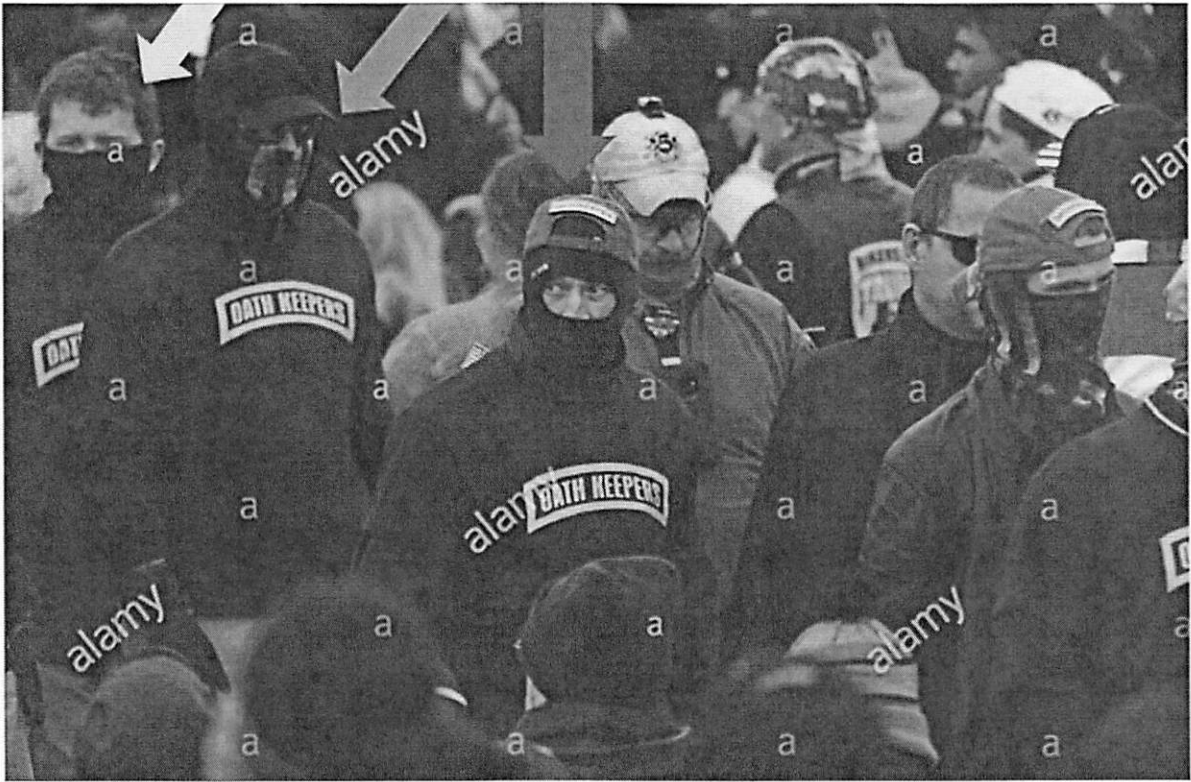
33. Pursuant to legal process, the government obtained records from Stripe showing that Moerschel made a payment to Oath Keepers, Inc., in September 2020, utilizing a credit card ending in 6055.

⁶ Republic Wireless lists an address for Moerschel in North Carolina that does not appear to be his true address.

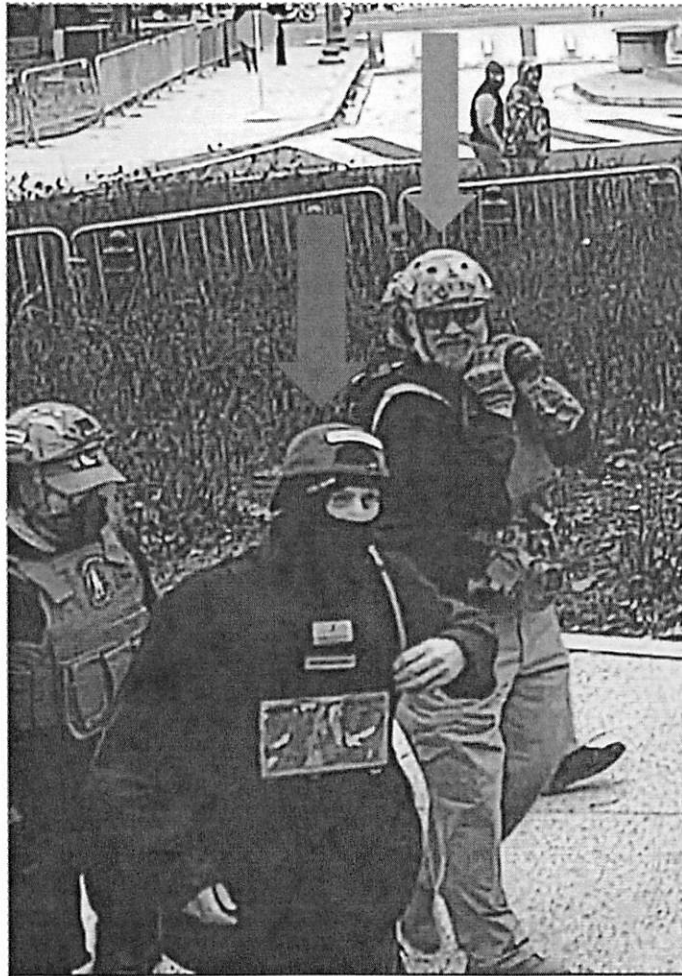
34. Pursuant to legal process, the government obtained records from Citibank showing Moerschel as the owner of the Mastercard debit card ending in 6055. The same records show that the debit card was used to make a purchase at multiple food establishments in Northern Virginia during the period of January 5 to 7, 2021.

35. The Republic Wireless records show that Moerschel's account has a Device ID with an IEMI associated with a Motorola G7 XT1951-4 cell phone. From your affiant's training and experience, I know that the Motorola cell phone is an Android, which runs on Google's operating system.

36. From an open source, the FBI received the following photograph of individuals affiliated with the Oath Keepers departing a rally at the Ellipse on the morning of January 6, 2021. The group includes Moerschel (red arrow) and defendants Joseph Hackett (green arrow) and William Isaacs (yellow arrow):



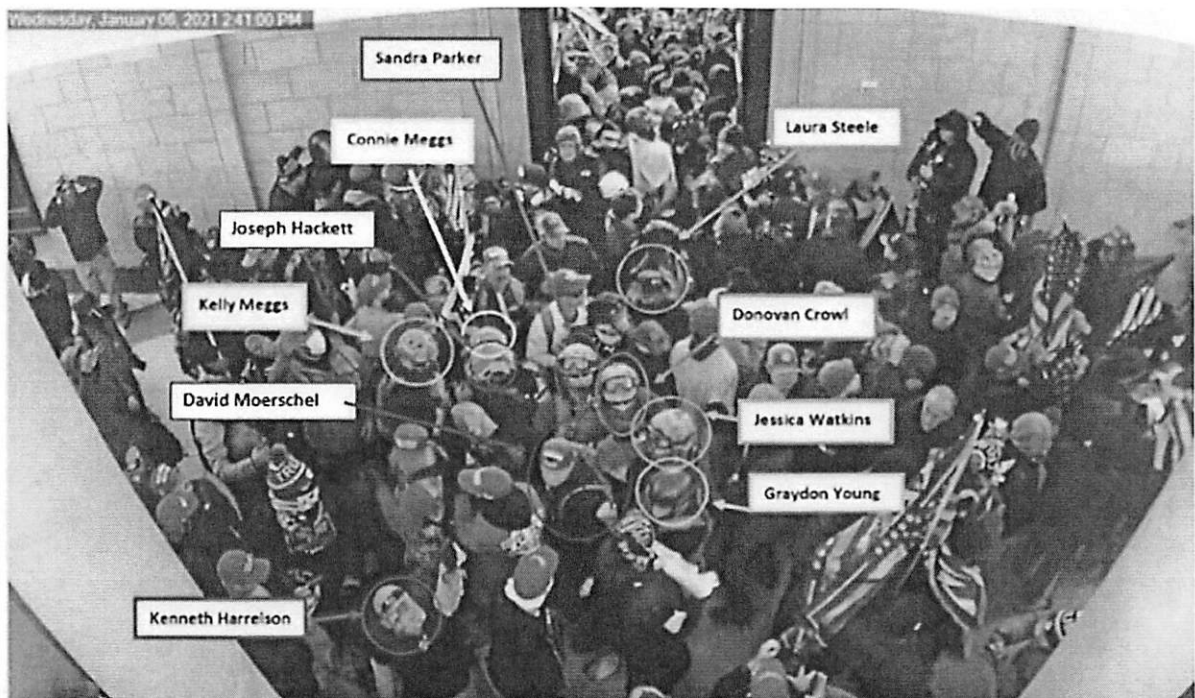
37. Surveillance footage from the exterior of the Capitol shows an individual who appears to be Moerschel (red arrow) with other Oath Keepers, including Kelly Meggs (green arrow), walking towards the eastern façade of the Capitol at 2:27 p.m. Moerschel appears to be wearing a long sleeve black jacket and backwards green baseball cap with an Oath Keepers insignia:



38. AP News footage shows an individual who appears to be Moerschel (red arrow) in the military-style "stack" formation of individuals moving up through the crowd towards the door of the Capitol:



39. Surveillance video from inside the Capitol shows this “stack” of Oath Keepers (and other members of the crowd) shortly after the Capitol’s east Rotunda doors are breached at around 2:40 p.m.:



40. Surveillance video from inside the Capitol on January 6, 2021, also shows a person consistent with Moerschel's appearance, along with other members of the Oath Keepers:



41. From an open source,⁷ the FBI received the following photograph of individuals affiliated with the Oath Keepers outside the U.S. Capitol on January 6, 2021. The group includes Moerschel (red arrow), along with defendants Isaacs (purple), Watkins (yellow), Crowl (green), Steele (orange), Kelly Meggs (blue), and Connie Meggs (white):

⁷ <https://www.nytimes.com/2021/02/19/us/politics/oath-keepers-capitol-riot-plot.html>



42. On June 14, 2021, the FBI recovered from Moerschel's attorney a black flak vest (without Velcro patches) that appears to be consistent with the one Moerschel is wearing in the above photo.

43. FBI agents met Moerschel in person in May 2021 and reported to me that Moerschel appears to be the person depicted in the above photographs at and inside the Capitol.

44. As described above, the government has evidence that several defendants and other individuals stored firearms at the Comfort Inn Ballston in Arlington, Virginia, from January 5 through 7, 2021, and that they referred to this hotel as the "QRF" (or Quick Reaction Force) hotel. Pursuant to legal process, the government obtained surveillance video from the Comfort Inn Ballston on January 7, 2021, showing three individuals wheeling a concierge cart with at least one long gun case onto an elevator. An individual that appears to be Moerschel can be seen wearing a long black jacket. A still frame from the surveillance video is below:



45. On June 14, 2021, the FBI recovered from Moerschel's attorney a black jacket that appears to be consistent with the one Moerschel is wearing in the Comfort Inn surveillance video described above. The FBI also recovered from Moerschel's attorney a black duffel-type bag that appears to be consistent with one of the bags on the cart described above, and firearm case containing a firearm that is of a size to fit within the black duffel-type bag.

CONCLUSION

46. Based on the foregoing, your affiant submits that there is probable cause to believe that Moerschel violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

47. Your affiant also submits that there is probable cause to believe that Moerschel violated 18 U.S.C. § 1752(a), which makes it a crime to (1) knowingly enter or remain in any

restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions. For purposes of Section 1752 of Title 18, a restricted building includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service 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.


48. Finally, your affiant also submits that there is probable cause to believe that Moerschel violated 18 U.S.C. § 371, which makes it a crime to conspire with others to commit a crime, here, obstruction of justice in violation of 18 U.S.C. § 1512(c)(2).



TASK FORCE OFFICE ALEXANDER GRANDY
FEDERAL BUREAU OF INVESTIGATION

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS
OF FED. R. CRIM. P. 4.1 BY TELEPHONE, THIS 1st DAY OF JULY, 2021.

2021.07.01
16:45:29
-04'00'



ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

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*Issuing officer's signature*City and state: Washington, D.C.Robin M. Meriweather, United States 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
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:21-mj-1091-MRM

DAVID MOERSCHEL

APPEARANCE BOND AND ORDER SETTING CONDITIONS OF RELEASE

To reasonably assure the appearance of the defendant and the safety of other persons and the community, the Court hereby **ORDERS** that defendant's release is subject to this **BOND** and the **CONDITIONS** set forth herein. Defendant and each surety jointly and severally agree to forfeit the following cash or other property specified below to the United States of America if defendant fails to appear as required for any court proceeding, fails to surrender to serve any sentence imposed as may be noticed or ordered by any court, or fails to comply with any condition of release set by the Court.

Type of Bond / Financial Conditions

☒ This is an unsecured bond in the amount of \$ 25,000.00.

☐ This is a secured bond in the amount of \$.00, secured by:

☐ \$.00, in cash deposited with the Court.

☐ the agreement of the defendant and each surety to forfeit the following cash or other property *(describe the case 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.

☐ 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 bond may be forfeited if the defendant does not comply with the conditions set forth herein. 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 any condition set forth herein. 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 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

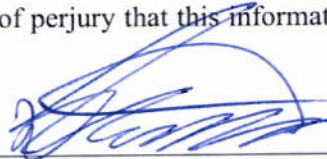
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this bond are included on the bond;
- (2) the property is not subject to any claims, liens, mortgages, or other encumbrance 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 bond is in effect.

Acceptance. I, the defendant – and each surety – have read this bond and have either read all of the conditions of release set by the Court or had them explained to me. I agree to this bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. *See* 28 U.S.C. § 1746.

Date: 7/2/2021


 Defendant's signature

 Surety/Property Owner (printed name)

 Surety/Property Owner (signature)

 Date

 Surety/Property Owner (printed name)

 Surety/Property Owner (signature)

 Date

 Surety/Property Owner (printed name)

 Surety/Property Owner (signature)

 Date

 Surety/Property Owner (printed name)

 Surety/Property Owner (signature)

 Date

Standard Conditions of Release

IT IS ORDERED that the defendant's release is subject to the following standard conditions:

- (1) The defendant **must not** commit any offense in violation of 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 immediately** advise the Court, the Pretrial Services Office (or the supervising officer), defense counsel, and the U.S. Attorney in writing of any change in address and telephone number.
- (4) The defendant **must** appear at all proceedings as required and must surrender for service of any sentence imposed as directed. The defendant **must** next appear in the United States Courthouse and Federal Building or other location in the Courtroom directed upon notice.

Additional Conditions of Release

IT IS FURTHER ORDERED that the defendant's release is subject to the condition(s) marked below:

- ☐ The defendant is placed in the third-party custody of the third-party custodian identified below, 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.

Custodian (printed name)

Custodian (signature)

Date

- ☒ Report as directed by the Pretrial Services Office, **BUT NO LESS THAN WEEKLY.**
- ☒ Obtain no passport (or other international travel document) and surrender any existing passport (active or expired) to the Clerk's Office no later than 7/6/2021 by (noon) 12:00 PM.
- ☐ Maintain or actively seek verifiable employment.
- ☐ Defendant may not maintain or seek employment in any position that:

- ☐ Defendant must inform any employer of the existence and nature of the pending charge(s).
- ☐ Continue or start an education program.
- ☒ Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☐ Refrain from any consumption of alcoholic beverages.
- ☐ Refrain from excessive consumption of alcoholic beverages.
- ☐ Refrain from any use or unlawful possession of a narcotic drug or other controlled substance in 21 U.S.C. § 802, unless with prior written approval of the Pretrial Services Office or the supervising officer, or as may be lawfully prescribed in writing by a licensed medical practitioner.
- ☒ Report as soon as possible to the Pretrial Services Office any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- ☐ Abide by the following restriction(s) on personal association:
Defendant must not have contact, directly or indirectly, with _____.
- ☐ Abide by the following restriction(s) on residence:
Defendant's residence is restricted to _____.
- Notwithstanding this restriction, the Pretrial Services Office or the supervising officer may permit the defendant to change his or her residence temporarily in response to a genuine emergency (including, but not limited to, any condition that may threaten the defendant's life, health, or safety) until such time as an appropriate motion seeking to modify this residential restriction can be filed with and resolved by the Court.
- ☒ Abide by the following restriction(s) on travel:
Defendant's travel is restricted to the Middle of District of Florida and the District for the District of Columbia; however, Defendant may only travel to the District for the District of Columbia for purposes related to the criminal prosecution pending against him there—including court appearances—meetings with his legal counsel, and reporting as directed to the Office of Pretrial Services) but not for leisure, business, or other purposes.

The defendant may also visit defendant's attorney if outside this area, but only after providing notification to the Pretrial Services Office or the supervising officer. All other travel must be approved by the Pretrial Services Office or the supervising officer. Any request to travel outside

the area set forth above must be submitted in writing and approved by the Pretrial Services Office or the supervising officer at least three (3) days before the date on which travel is to commence. A courtesy copy of this written request must also be submitted to the Assistant United States Attorney assigned to this case.

The Middle District of Florida consists of the following Florida counties: Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Duval, Flagler, Glades, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Lake, Lee, Marion, Manatee, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Seminole, Sumter, Suwannee, Union, and Volusia. The Ft. Myers Division consists of the following Florida counties: Charlotte, Collier, DeSoto, Glades, Hendry, and Lee.

- ☐ Submit to a mental health evaluation or psychiatric evaluation as directed by the Pretrial Services Office.
- ☐ Submit to a mental health evaluation and/or treatment to include crisis counseling, psychiatric treatment, and/or medication management treatment as determined by the Pretrial Services Office.
- ☐ Participate in a program of inpatient or outpatient substance abuse testing, education, or treatment if deemed advisable by the Pretrial Services Office and pay a percentage of the fee as determined by the Pretrial Services Office.
- ☐ Submit to any method of testing required by the Pretrial Services Office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing.
- ☐ Participate in the following location restriction program and comply with its requirements as directed, which may include electronic monitoring or location monitoring.
 - ☐ **Curfew:** You are restricted to your residence every day as follows. "Your residence" means the interior (*i.e.*, within the walls) of your house, condominium, or apartment.
 - ☐ from _____ to _____; or
 - ☐ as directed by the Pretrial Services Office or the supervising officer.
 - ☐ **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 as pre-approved by the Pretrial Services Office. "Your residence" means the interior (*i.e.*, within the walls) of your house, condominium, or apartment.
 - ☐ **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. "Your residence" means the interior (*i.e.*, within the walls) of your house, condominium, or apartment. Visits to your attorney or to the United States Attorney's Office outside of your residence require court approval.
 - ☐ **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. Stand-Alone Monitoring will require electronic monitoring or location monitoring with global positioning system (GPS) technology.
- ☐ Submit to electronic monitoring or location monitoring and comply with its requirements as directed. If Stand-Alone Monitoring is ordered, the Pretrial Services Office must use a GPS tracking device. Otherwise, the Pretrial Services Office must determine the use of appropriate location monitoring technology (e.g., a land line, voice recognition system, radio frequency system, cellular monitoring unit, or GPS tracking device). Defendant must refrain from

obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any electronic monitoring or location monitoring technology. Defendant must pay all or part of the cost of the program based upon Defendant's ability to pay as determined by the Pretrial Services Office.

- ☐ Avoid and refrain from any unsupervised contact with minors, including any verbal, written, telephonic, or electronic communication.
- ☐ Avoid and refrain from any contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including but not limited to: _____.
- ☒ Avoid and refrain from any contact with: (1) any defendant(s) in Case No. 21-cr-00028 pending the United States District Court for the District of Columbia; and (2) any person who is a member of or identified with the group known as the Oath Keepers.
- ☐ Refrain from visiting any commercial transportation establishments, including but not limited to: airports; seaports; marinas; commercial bus terminals; train stations; etc. Defendant may not obtain any travel documents from any such establishments.
- ☐ Defendant must not have any computer or internet access. This includes any cellular telephone, smart phone, tablet, gaming console, or any other device that has or is capable of internet access.
- ☒ Other condition(s):

Defendant may not possess, use, or access any electronic device that allows communication through encrypted or non-encrypted applications (including, but not limited to, a computer, a smart phone, a tablet, a hand-held computing device, a smart watch, a gaming console, or other electronic device that will allow communication through encrypted or non-encrypted applications). **Limited Exception for Employment:** Defendant may use a computer at defendant's place of employment solely for work-related purposes as required by defendant's employer. **Consent to Inspection:** As a condition of the Court's approval to possess or use a device, the defendant consents to inspection of the device, including the hard drive and any other electronic data storage medium, to confirm adherence to this condition. The United States Pretrial Services Office must conduct the inspection in a manner no more intrusive than necessary to ensure compliance with this condition. If this condition might affect a third party, including the defendant's employer, the defendant must inform the third party of this condition.

ADVICE OF PENALTIES AND SANCTIONS

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.

If you commit a federal felony offense while on release, the punishment is an additional prison term of not more than ten years. For a federal misdemeanor offense, the punishment is an additional prison term of not more than one year. This sentence will be consecutive to (*i.e.*, in addition 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:

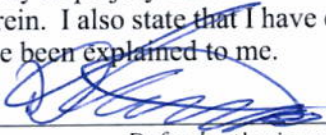
- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen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

Acknowledgments

I acknowledge that I am the defendant in this case, a surety, or a custodian and that I am aware of the conditions of release. I, the defendant, promise to obey all conditions of release, to appear as directed, and to surrender to serve any sentence imposed. I – the defendant, surety, or custodian – am aware of the penalties and sanctions set forth above. I swear under penalty of perjury that the above information is true as it relates to me, and I agree to the conditions set forth herein. I also state that I have either read all of the conditions of release imposed on the defendant or they have been explained to me.

Date: 7/2/2021


Defendant's signature

Surety (printed name)

Surety (signature)

Date

Surety / Custodian (printed name)

Surety / Custodian (signature)

Date

Surety / Custodian (printed name)

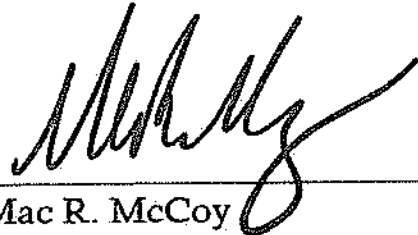
Surety / Custodian (signature)

Date

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 Judicial Officer 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 judicial officer at the time and place specified.

Date: July 2, 2021

A handwritten signature in black ink, appearing to read 'Mac R. McCoy', written over a horizontal line.

Mac R. McCoy
United States Magistrate Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

CASE NO.: 2:21-mj-1091-MRM

v.

Charging District:
District of Colombia

DAVID MOERSCHEL

Charging District Case No.:
1:21-MJ-512

_____ /

**ORDER ON REMOVAL PROCEEDINGS AND
COMMITMENT TO ANOTHER DISTRICT**

The Defendant was arrested and presented for an Initial Appearance before this Court in connection with removal proceedings pursuant to Fed. R. Crim. P. 5(c). The Court informed Defendant of the rights specified in Fed. R. Crim. P. 5(c) and the provisions of Fed. R. Crim. P. 20. Defendant retained private counsel who appeared at the Initial Appearance. Defendant waived the right to an identity hearing. Defendant also waived the right to production of the warrant. Following a detention hearing, Defendant was released on conditions pending Defendant's removal to the District of Colombia. Defendant, through Defendant's counsel, also waived a preliminary hearing in this District and in the charging District as to the Complaint pursuant to Fed. R. Crim. P. 5.1(a).

Accordingly, the Court **ORDERS** that:

1. Defendant is released from custody and ordered to appear in the District Court in which the charge(s) and prosecution are pending: *i.e.*, the District of Colombia.

2. Defendant must appear in the charging District when notified to do so.
3. The Clerk of this Court is directed to promptly transmit the papers to the charging District.

DONE and **ORDERED** in Fort Myers, Florida on July 2, 2021.



Mac R. McCoy
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties
United States Marshals Service

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:21-mj-1091-MRM

DAVID MOERSCHEL

Judge:	Mac R. McCoy	Counsel for Government	Michael Leeman
Deputy Clerk:	Jackie Clay	Counsel for Defendant:	Scott Weinberg
Court Reporter	Digital	Pretrial/Probation	Tad Parks
Date/Time	July 2, 2021 02:55 PM-03:26 PM	Interpreter	N/A
Bench Time	31 Minutes		

Initial Appearance - Rule 5(c)/Detention/Bond Hearing

Court calls case and counsel enters appearances.

Defendant was arrested on a warrant out of the District of Colombia.

Counsel for Defendant is not a current member of the Middle District of Florida Bar requests by oral motion special admission appointment. Court after inquiry, grants special admission for 30 days under local rule 2.01(d). Government advises Defendant of charges contained in Complaint. Defendant understands. Court advises defendant of Rule 5 rights.

Defendant waives his right to an identity hearing and production of the warrant.

Government: Not seeking detention. Proposes \$25,000 signature bond and other conditions of release.

Defendant: In agreement with governments position.

Court: Defendant released on a signature bond, standard conditions of release, and special conditions of release: Order to follow. Date and time to appear in District of Colombia to be determined. Oral Due Process Order pronounced.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

IN RE: Due Process Protections Act

CASE NO. 3:20-mc-20-J-32

**STANDING ORDER REGARDING
DUE PROCESS PROTECTIONS ACT**

Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions.

The Clerk is directed to enter this order in all criminal cases pending on October 21, 2020, or filed thereafter.

DONE AND ORDERED in Jacksonville, Florida on December 1, 2020.



Timothy J. Corrigan

TIMOTHY J. CORRIGAN

Chief United States District Judge

BOND

**U.S. District Court
Middle District of Florida (Ft. Myers)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-01091-MRM All Defendants**

Case title: USA v. Moerschel

Date Filed: 07/02/2021

Other court case number: 1:21-mj-00512 District of Columbia

Date Terminated: 07/02/2021

Assigned to: Magistrate Judge Mac R.
McCoy

Defendant (1)**David Moerschel***TERMINATED: 07/02/2021***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints18:1752.P RESTRICTED BUILDING OR
GROUNDS**Disposition****Plaintiff****USA**

represented by **Michael V. Leeman**
US Attorney's Office - FLM
Room 3-137
2110 First Street
Ft Myers, FL 33901
239-461-2200
Fax: 2394612219
Email: Michael.Leeman@usdoj.gov

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Date Filed	#	Docket Text
07/02/2021	1	Arrest pursuant to Rule 5(c)(2) of David Moerschel from the District of Columbia. (jmc) (Entered: 07/02/2021)
07/02/2021	2	NOTICE OF HEARING as to David Moerschel: Initial Appearance - Rule 5(c) set for 7/2/2021 at 02:45 PM in Ft. Myers Courtroom 5 C before Magistrate Judge Mac R. McCoy. (jmc) (Entered: 07/02/2021)
07/02/2021	3	ORDER as to David Moerschel: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Judge Timothy J. Corrigan on 12/1/2021. (jmc) (Entered: 07/02/2021)
07/02/2021	5	ORAL MOTION for Miscellaneous Relief, specifically for Temporary Admission Of An Eligible Lawyer under Local Rule 2.01 (d) by Counsel for David Moerschel. (jmc) (Entered: 07/02/2021)
07/02/2021	6	ORAL ORDER granting 5 ORAL MOTION for Miscellaneous Relief, specifically for Temporary Admission Of An Eligible Lawyer under Local Rule 2.01 (d) by Counsel for David Moerschel. Attorney Scott Weinberg is granted special admission for a period of 30 days under Local Rule 2.01(d). Signed by Magistrate Judge Mac R. McCoy on 7/2/2021. (jmc) (Entered: 07/02/2021)
07/02/2021	7	ORAL MOTION for Conditions of Release by USA as to David Moerschel. (jmc) (Entered: 07/02/2021)
07/02/2021	8	ORAL MOTION for Conditions of Release by David Moerschel. (jmc) (Entered: 07/02/2021)
07/02/2021	9	Minute Entry for In Person proceedings held before Magistrate Judge Mac R. McCoy: granting 7 Oral Motion for Bond as to David Moerschel (1); granting 8 ORAL Motion for Bond. as to David Moerschel (1); INITIAL APPEARANCE in Rule 5(c)(3) proceedings held on 7/2/2021 as to David Moerschel from the District of Columbia. ; Detention Hearing as to David Moerschel held on 7/2/2021; Bond Hearing as to David Moerschel held on 7/2/2021. (Digital) (jmc) (Entered: 07/02/2021)
07/02/2021	10	ORAL ORDER as to David Moerschel: DUE PROCESS PROTECTION ACT ORAL ORDERAs required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Failing to do so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instruction, dismissal of charges and contempt proceedings. Signed by Magistrate Judge Mac R. McCoy on 7/2/2021. (jmc) (Entered: 07/02/2021)
07/02/2021	11	Unsecured BOND entered as to David Moerschel in amount of \$ 25,000.00 and ORDER Setting Conditions of Release Signed by Magistrate Judge Mac R. McCoy on 7/2/2021. (jmc) (Entered: 07/02/2021)
07/02/2021	12	ORDER OF REMOVAL pursuant to Rule 5(c)(3) to the District of Columbia as to David Moerschel and COMMITMENT TO ANOTHER DISTRICT. Signed by Magistrate Judge Mac R. McCoy on 7/2/2021. (jmc) (Entered: 07/02/2021)

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		may retrieve the docket sheet and any documents via the case number link. No documents/record will be sent. If you require certified copies of any documents please send a request to InterdistrictTransfer_FLMD@flmd.uscourts.gov. If you wish the court to use a different email address in the future, please send a request to update your address to InterdistrictTransfer_TXND@txnd.uscourts.gov. (jmc) (Entered: 07/02/2021)
07/08/2021	13	Receipt for Surrender of Passport as to David Moerschel Passport Number 456396921 issued by USA (jmc) (Entered: 07/08/2021)