

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Mark Roderick Aungst

) Case: 1:21-mj-00176
) Assigned to: Judge Faruqui, Zia M
) Assign Date: 1/28/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) Mark Roderick Aungst, 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) and (2) (Restricted Building or Grounds)
40 U.S.C. § 5104(e)(2)(D) and (G) (Violent Entry or Disorderly Conduct)

Date: 01/28/2021

2021.01.28
16:37:59 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 1-28-2021, and the person was arrested on (date) 2-4-2021
at (city and state) WILLIAMSPORT, PA

Date: 2-4-2021

Arresting officer's signature

SPECIAL AGENT DANIELLE WERTZ

Printed name and title

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UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Mark Roderick Aungst

Case: 1:21-mj-00176

Assigned to: Judge Faruqui, Zia M

Assign Date: 1/28/2021

Description: COMPLAINT W/ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Mark Roderick Aungst

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

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

This offense is briefly described as follows:

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Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NOTICE

UNITED STATES OF AMERICA)	CRIMINAL NO. 4:21-MJ-00018
)	
v.)	
)	
MARK RODERICK AUNGST,)	(ARBUCKLE, M.J.)
Defendant)	
)	

Type of Case:

Civil Criminal

(xx) TAKE NOTICE that the proceeding in this case has been **SCHEDULED** for the place, date and time set forth below:

U.S. Courthouse
Federal Building
240 West Third Street
Williamsport, PA 17701

COURTROOM No. 3
3rd Floor
February 4, 2021
Time: **4:00 p.m.**

TYPE OF PROCEEDING:

Initial Appearance-Rule 5

Peter J. Welsh, Clerk of Court
s/Christine A. Williamson
Christine A. Williamson, Deputy Clerk

DATED: February 4, 2021

To: U.S. Attorney’s Office – Geoffrey W. MacArthur
 Defendant
 U.S. Marshal
 Pretrial / Probation
 File

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

FILED

UNITED STATES DISTRICT COURT WILLIAMSPORT

for the Middle District of Pennsylvania

FEB 04 2021

PER [Signature] DEPUTY CLERK

United States of America

v.

Mark Roderick Aungst

Defendant

Case No. 4:21-MJ-00018

Charging District's Case No. 1:21-mj-00176

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:

- [X] an identity hearing and production of the warrant.
[X] a preliminary hearing.
[X] a detention hearing.
[] an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 2/4/21

[Signature] Defendant's signature
[Signature] Signature of defendant's attorney
G. Scott Gardner Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
for the
Middle District of Pennsylvania

United States of America
v.

Mark Roderick Aungst
Defendant

Case No. 4:21-MJ-00018

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: via Zoom, U.S. District Court, District of Columbia
Place

on 2/9/2021 1:00 pm before Magistrate Judge Robin M. Merlweather
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.
Join ZoomGov Meeting
https://uscourts-dod.zoomgov.com/j/16189525787?pwd=Wlh3MUY5VTRZTUFSYXM5REliN2UvZz09

Meeting ID: 161 8952 5787
Passcode: 860903

One tap mobile
+16692545252,,16189525787#,,,,,0#,,860903# US (San Jose)
+16468287666,,16189525787#,,,,,0#,,860903# US (New York)

Dial by your location
+1 669 254 5252 US (San Jose)
+1 646 828 7666 US (New York)
+1 669 216 1590 US (San Jose)
+1 551 285 1373 US

Meeting ID: 161 8952 5787
Passcode: 860903

ADDITIONAL CONDITIONS OF RELEASE

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

(6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

(7) The defendant must:

(a) submit to supervision by and report for supervision to the U.S. Probation Department,

telephone number (570) 323-3688, no later than 02/04/2021.

(b) continue or actively seek employment.

(c) continue or start an education program.

(d) surrender any passport to: U.S. District Court, Clerk's Office

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

(f) abide by the following restrictions on personal association, residence, or travel: no travel outside Middle District of PA, except for court related proceedings.

(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: Defendant not to enter the U.S. Capitol Building

(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. remains all firearms w/ 48 hours

(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.

(q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(s) virtually as ordered by U.S. District Court for the District of Columbia, Zoom invite on the bottom of page 1 and report to US Marshal for processing in accordance with your Probation Officer's instructions.

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.

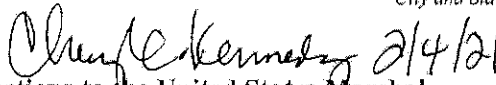
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

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

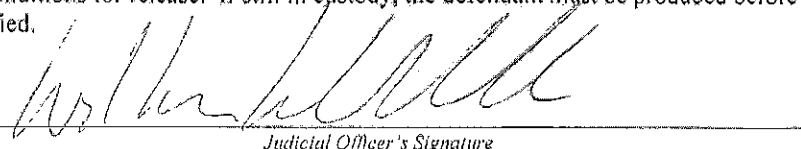
City and State

 2/4/21

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: 02/04/21


Judicial Officer's Signature

William Arbuckle USMJ
Printed name and title

**United States District Court
Middle District of Pennsylvania (Williamsport)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00018-WIA All Defendants
Internal Use Only**

Case title: USA v. Aungst

Date Filed: 02/04/2021

Other court case number: 1:21-mj-00176 District of Columbia

Assigned to: Magistrate Judge William I.
Arbuckle

Defendant (1)

Mark Aungst

represented by **G. Scott Gardner**
G. Scott Gardner, Attorney At Law
1735 Almond St.
Williamsport, PA 17701
(570) 971-0090
Fax: (570) 322-7655
Email: gsgmakeswine@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints




None

Disposition

Plaintiff

USA

represented by **Geoffrey W MacArthur**
 U.S. Attorney's Office, Middle District of
 Pennsylvania
 240 W. 3rd Street
 Suite 316
 Williamsport, PA 17703
 (570) 601-8485
 Email: geoffrey.macarthur@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
02/04/2021		Arrest of Mark Aungst in Middle District. (caw) (Entered: 02/04/2021)
02/04/2021	<u>1</u>	NOTICE OF HEARING as to Mark Aungst Initial Appearance (Rule 5 Hearing) set for 2/4/2021 at 4:00 PM in Williamsport - Courtroom 3 before Magistrate Judge William I. Arbuckle. Signed by Deputy Clerk on 2/4/2021. (caw) (Entered: 02/04/2021)
02/04/2021		(Court only) Attorney update in case as to Mark Aungst. Attorney G. Scott Gardner for Mark Aungst added. (caw) (Entered: 02/04/2021)
02/04/2021	<u>2</u>	Arrest Warrant and Criminal Complaint. (caw) (Entered: 02/04/2021)
02/04/2021	 <u>3</u>	(Court only) Minute Entry for proceedings held before Magistrate Judge William I. Arbuckle: Initial Appearance as to Mark Aungst held on 2/4/2021. (Tape #digitally.)Total Time in Court [:35] (caw) (Entered: 02/04/2021)
02/04/2021	 <u>4</u>	CJA 23 - FINANCIAL AFFIDAVIT by Mark Aungst. (caw) (Entered: 02/04/2021)
02/04/2021	<u>5</u>	ORDER APPOINTING CJA ATTORNEY, G. Scott Gardner, as to Mark Aungst. Signed by Magistrate Judge William I. Arbuckle on 2/4/2021. (caw) (Entered: 02/04/2021)
02/04/2021	<u>6</u>	WAIVER of Rule 5(c)(3) Hearings by Mark Aungst. (caw) (Entered: 02/04/2021)
02/04/2021	<u>7</u>	ORDER Setting Conditions of Release as to Mark Aungst. Signed by Magistrate Judge William I. Arbuckle on 2/4/2021. (caw) (Entered: 02/04/2021)
02/04/2021	<u>8</u>	RULE 5 NOTICE re: Brady disclosure obligations as to defendant Mark Aungst. Signed by Magistrate Judge William I. Arbuckle on 2/4/2021. (caw) (Entered: 02/04/2021)

**MINUTE SHEET OF PROCEEDINGS HELD BEFORE
WILLIAM I. ARBUCKLE, UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

USA v.	Mark Roderick Aungst	CRIMINAL NO.	4:21-mj-00018
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Courtroom No. 3	Date	2/4/2021	Time Commenced	4:20 p.m.	Time Terminated	4:55 p.m.
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Charging Document:	<input type="checkbox"/>	Indictment	<input type="checkbox"/>	Information	<input type="checkbox"/>	Petition for Revocation	<input checked="" type="checkbox"/>	Criminal Complaint
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<input type="checkbox"/>	Felony	<input checked="" type="checkbox"/>	Misdemeanor	<input type="checkbox"/>	Petty Offense
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Nature of Hearing:	Initial Appearance – Rule 5				
Gov't Counsel:	Geoffrey W. MacArthur, AUSA		Defense Counsel: G. Scott Gardner, Esquire		
Interpreter:	N/A		Retained () CJA (X) FPD ()		

<input checked="" type="checkbox"/>	Defendant Advised of Rights, Charges, Penalties	<input checked="" type="checkbox"/>	Defendant Requests Court Appointed Counsel	Appointed Yes X NO <input type="checkbox"/>
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REMARKS: Court opened. Defendant appeared with counsel. Judge Arbuckle calls the case. Defendant informed of his rights, sworn in, stated his name, age, and level of education for the record. Defendant confirms he has received a copy of the criminal complaint and he understands what he is accused of. Judge confirms that Attorney Gardner filled out the Financial Affidavit on Defendant's behalf, and that Defendant gave truthful answers on that Financial Affidavit. CJA Attorney, G. Scott Gardner, appointed for the proceedings today but not for proceedings in the District of Columbia. Waiver of 32.1 hearing form executed by Defendant and his Attorney and admitted to the record. Defendant understands that he must return and/or connect virtually with the District of Columbia for future hearings as ordered. Attorney MacArthur asked to summarize each charge and the maximum possible penalties for the record. Judge reviews the penalties with the Defendant. Counsel confirm receipt of the pretrial services report, copy of report may be kept, but counsel are reminded this report shall remain confidential. Regarding detention, Government is not seeking detention today but require Defendant ordered a stay away from District of Columbia, the Capitol Building, and not to possess any firearms. Attorney Gardner confirms that his client will obey and follow any and all conditions put on him and is willing to appear as ordered by the District of Columbia. Defendant will be ordered released under the conditions as outlined by the Government, Pretrial Services, and Judge Arbuckle. Judge Arbuckle reviews all conditions of release with Defendant. Order to follow. Judge reviews Rule 20 with Defendant. In accordance with new law regarding due process, verbal Notice given to counsel regarding *Brady v. Maryland*. Court adjourned.

Court Reporter: N/A
Digitally Recorded (X)
USPO: Cheryl Kennedy
Courtroom Deputy: Christine A. Williamson