

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
MARSHALL NEEFE

Case: 1:21-cr-00567
Assigned to: Judge Lamberth, Royce C.
Assign Date: 9/8/2021
Description: INDICTMENT (B)

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) MARSHALL NEEFE
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. § 1512(k) - Conspiracy to Obstruct Official Proceeding,
18 U.S.C. §§ 1512(c)(2), 2 - Obstruction of an Official Proceeding and Aiding and Abetting,
18 U.S.C. § 231(a)(3) - Civil Disorder,
18 U.S.C. §§ 111(a)(1) and (b), 2 - Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon and Aiding and Abetting,
18 U.S.C. §§ 1752(a)(1) and (b)(1)(A) - Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon,
18 U.S.C. §§ 1752(a)(2) and (b)(1)(A) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon,
18 U.S.C. §§ 1752(a)(4) and (b)(1)(A), 2 - Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon and Aiding and Abetting,
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building or Grounds,
40 U.S.C. § 5104(e)(2)(F) - Act of Physical Violence in the Capitol Grounds or Buildings,
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 09/08/2021

[Signature]

Zia M. Faruqui

2021.09.08 17:11:15

-04'00'

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) 9/9/21, and the person was arrested on (date) 9/13/21
at (city and state) Newville, PA

Date: 9/13/21

[Signature]

Arresting officer's signature

TFO JASON TAYLOR

Printed name and title

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:21-MJ-0088
	:	
	:	
	:	
	:	
v.	:	
	:	
MARSHAL NEEFE,	:	
CHARLES BRADFORD SMITH,	:	
	:	
Defendants	:	

ORDER

Upon a finding that the defendants are financially unable to obtain counsel, **IT IS ORDERED** that the Federal Public Defender, 100 Chestnut Street, Suite 306, Harrisburg, Pennsylvania, 17101, telephone number (717) 782-2237, is appointed to represent the defendants in all Middle District of Pennsylvania Rule 5 proceedings.

s/ Martin C. Carlson

Martin C. Carlson
United States Magistrate Judge

9/13/2021

Dated: _____

AO 94 (Rev. 06/09) Commitment to Another District

UNITED STATES DISTRICT COURT
for the
Middle District of Pennsylvania

FILED
HARRISBURG, PA
SEP 14 2021
PER KJK
DEPUTY CLERK

United States of America)
v.)
MARSHALL NEEFE)
_____)
Defendant)

Case No. 1:21-mj-0088-MCC

Charging District's
Case No. 1:21-CR-0567

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Columbia,
(if applicable) _____ division. The defendant may need an interpreter for this language:
_____.

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

The defendant remains in custody after the initial appearance.

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

s / Martin C. Carlson

Date: 9-14-2021

Judge's signature

Martin C. Carlson, U.S. Magistrate Judge

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

Middle District of Pennsylvania

United States of America)

v.)

MARSHALL NEEFE)

Defendant)

Case No. 1:21-mj-0088-MCC

Charging District's Case No. 1:21-CR-0567

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

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

Date: 9/13/21

[Handwritten signature of Marshall Neefe]
Defendant's signature

[Handwritten signature of Melissa Porter]
Signature of defendant's attorney

Melissa Porter
Printed name of defendant's attorney

FILED HARRISBURG, PA SEP 13 2021

PER DEPUTY CLERK

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

UNITED STATES OF AMERICA : CR. NO.
 :
 v. :
 :
 MARSHALL NEEFE : (U.S. Mag. Judge Carlson)

FILED
HARRISBURG, PA
SEP 13 2021
PER KUN
DEPUTY CLERK

MOTION FOR DETENTION

AND NOW comes the United States of America, by its undersigned counsel and, pursuant to Title 18 United States Code, § 3142, hereby requests detention of the above-named defendant, and sets forth in support thereof:

 x 1. That the government is entitled to a detention hearing based upon the following:

 x a. Defendant is charged with a crime of violence as defined in Title 18 U.S.C. § 3156 or an offense listed in Title 18 U.S.C. § 2332(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed, see 18 U.S.C. § 3142(f)(1)(A); or

 b. Defendant is charged with an offense for which the maximum sentence is life imprisonment or death, see 18 U.S.C. § 3142(f)(1)(B); or

- _____ c. Defendant is charged with an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (Title 21, U.S.C., § 801 et seq.), or Section 1 of the Act of September 15, 1980 (Title 21, U.S.C., § 955a), see 18 U.S.C. § 3142(f)(1)(C); or
- _____ d. Defendant is presently charged with a felony and has been convicted of two or more offenses described in subparagraph a-c above, or two or more state or local offenses that would have been offenses described in subparagraphs a-c above if a circumstance giving rise to federal jurisdiction had existed or a combination of such offenses, see 18 U.S.C. § 3142(f)(1)(D); or
- _____ e. Defendant is charged with a felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device, or involves a failure to register under § 2250 of Title 18, United States Code. See 18 U.S.C. § 3142(f)(1)(E).

X f. That a serious risk exists that defendant will flee, see
18 U.S.C. § 3142(f)(2)(A) or

 x g. That a serious risk exists that defendant will obstruct
or attempt to obstruct justice or threaten injure or
intimidate or attempt to threaten injure or intimidate,
a prospective witness or juror. See 18 U.S.C. §
3142(f)(2)(B)

 2. That a rebuttable presumption arises that no condition or
combination of conditions will reasonably assure the safety
of any other person and the community, in that:

 a. That defendant has been convicted of a federal offense
described in subsection 1(a)-(d) above, or of a state or
local offense that would have been an offense described
in subsection 1(a)-(d) above if a circumstance giving
rise to federal jurisdiction had existed;

 b. That the offenses described in paragraphs 1(a)-(d)
above were committed while defendant was on release
pending trial for a federal, state or local offense; and

_____ c. A period of not more than five years has elapsed since the date of defendant's conviction or release from imprisonment for the offenses described in paragraph 1(a)-(d) whichever is later. See 18 U.S.C. § 3142(e).

_____ 3. That a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of the community, in that:

___ a. Defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (Title 21, U.S.C., § 951 et. seq.), Section 1 of the Act of September 15, 1980 (Title 21, U.S.C., § 955a; or

___ b. Defendant committed an offense under Title 18, U.S.C., § 924(c), that is, defendant did during and in relation to any crime of violence or drug trafficking crime use or carry a firearm; or

_____ c. Defendant committed an offense under Title 18, U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of ten years or more is prescribed, or an offense involving a minor victim under Title 18, U.S.C., §§ 1201, 1591, 2241-42, 2244-45, 2251-52, 2260, 2421-23 or 2425. See 18 U.S.C. § 3142(e)(3)(C) and (E).

__x__ 4. The Government further submits that no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of any other person and the community because:

__x__ a. Defendant is a danger to any other person or the community, and/or;

__X__ b. Defendant is a flight risk.

_____ 5. The defendant is currently in custody on other matters. The United States requests the entry of a detention order at this time without prejudice to a full detention hearing in the event that the defendant's custodial status changes.

_____ 6. The United States requests a continuance of three days in which to prepare for a hearing on this motion.

Respectfully submitted,

BRUCE D. BRANDLER
Acting United States Attorney

Dated: September 13, 2021

BY: /s/ Michael A. Consiglio
Michael A. Consiglio
Assistant United States Attorney
Michael.Consiglio@usdoj.gov
PA#76103
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754
Phone: (717) 221-4482
Fax: (717)221-2246

UNITED STATES DISTRICT COURT

for the District of

FILED HARRISBURG, PA

SEP 14 2021

PER [Signature] DEPUTY CLERK

United States of America

v.

MARSHALL NEEFE

Defendant

Case No. 1:21-MJ-88

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon the

- 1 Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violator): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
(1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
(a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
(b) an offense for which the maximum sentence is life imprisonment or death; or
(c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
(d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
(e) any felony that is not otherwise a crime of violence but involves:
(i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; and
(2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; and
(3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; and
(4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

- B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3)** (*narcotics, firearm, other offenses*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:
- (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
 - (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
 - (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
 - (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
 - (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

C. Conclusions Regarding Applicability of Any Presumption Established Above

- The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. (*Part III need not be completed.*)

OR

- The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- Lack of stable employment
- Lack of stable residence
- Lack of financially responsible sureties
- Lack of significant community or family ties to this district

AO 472 (Rev. 11/16) Order of Detention Pending Trial

- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration
- Prior failure to appear in court as ordered
- Prior attempt(s) to evade law enforcement
- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date:

9-14-2021

Martin C. Carlson

United States Magistrate Judge

CLOSED

United States District Court
Middle District of Pennsylvania (Harrisburg)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00088-MCC All Defendants
SEALED
Internal Use Only

Case title: USA v. SEALED

Date Filed: 09/14/2021
Date Terminated: 09/14/2021

Assigned to: Magistrate Judge
Martin C. Carlson

Defendant (1)

Marshall Neefe

TERMINATED: 09/14/2021

represented by **Melissa B. Porter**
Federal Public Defender's Office
100 Chestnut Street, Suite 306
Harrisburg, PA 17101
717-782-2237
Email: melissa_porter@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:1512K.F

Disposition

Assigned to: Magistrate Judge
Martin C. Carlson

Defendant (2)

Charles Bradford Smith

TERMINATED: 09/14/2021

represented by **Melissa B. Porter**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1512K.F

Disposition**Plaintiff**

USA

represented by **Michael A. Consiglio**
 U.S. Attorney's Office
 Federal Building
 Suite 220
 228 Walnut Street
 Harrisburg, PA 17108-1754
 717-221-4482
 Email: michael.consiglio@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
09/13/2021	<u>1</u>	SEALED INDICTMENT from the District of Columbia as to Marshall Neefe (1), Charles Bradford Smith (2). (kjn) (Entered: 09/14/2021)
09/13/2021	<u>2</u>	(Court only) Minute Entry for proceedings held before Magistrate Judge Martin C. Carlson:Initial Appearance in Rule 40 Proceedings as to Marshall Neefe, Charles Bradford Smith held on 9/13/2021. (Tape #Webex Recorded - Saved to Network Drive.)Total Time in Court [:30] (kjn) (Entered: 09/14/2021)
09/13/2021	<u>3</u>	CJA 23 - FINANCIAL AFFIDAVIT by Marshall Neefe. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>4</u>	CJA 23 - FINANCIAL AFFIDAVIT by Charles Bradford Smith. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>5</u>	MOTION FOR DETENTION by USA as to Marshall Neefe. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>6</u>	WAIVER of of Identity Hearing by Marshall Neefe. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>7</u>	WAIVER of of Identity Hearing by Charles Bradford Smith. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>8</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Marshall Neefe, Charles Bradford Smith. Signed by Magistrate Judge Martin C. Carlson on September 13, 2021. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>9</u>	ORDER Setting Conditions of Release as to Charles Bradford Smith. Signed by Magistrate Judge Martin C. Carlson on September 13, 2021. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>10</u>	ORDER TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Charles Bradford Smith. Signed by Magistrate

		Judge Martin C. Carlson on September 13, 2021. (kjn) (Entered: 09/14/2021)
09/13/2021	<u>11</u>	ORDER SCHEDULING A DETENTION HEARING as to Marshall Neefe. Detention Hearing set for 9/14/2021 at 4:00 PM in Harrisburg – Courtroom 5 before Magistrate Judge Martin C. Carlson. Signed by Magistrate Judge Martin C. Carlson on September 13, 2021. (kjn) (Entered: 09/14/2021)
09/14/2021		Arrest (Rule 40) of Marshall Neefe, Charles Bradford Smith. (kjn) (Entered: 09/14/2021)
09/14/2021		Sealed Document as to Charles Bradford Smith – Unredacted OSCR. (kjn) (Entered: 09/14/2021)
09/14/2021	<u>12</u>	(Court only) Minute Entry for proceedings held before Magistrate Judge Martin C. Carlson:Detention Hearing as to Marshall Neefe held on 9/14/2021. (Tape #Digitally Recorded – Saved to Network Drive.)Total Time in Court [1:15] (kjn) (Entered: 09/15/2021)
09/14/2021	<u>13</u>	ORDER OF DETENTION PENDING TRIAL as to Marshall Neefe (1). Signed by Magistrate Judge Martin C. Carlson on September 14, 2021. (kjn) (Entered: 09/15/2021)
09/14/2021	<u>14</u>	COMMITMENT TO ANOTHER DISTRICT as to Marshall Neefe. Defendant committed to District of District of Columbia. Signed by Magistrate Judge Martin C. Carlson on September 14, 2021. (kjn) (Entered: 09/15/2021)
09/15/2021		(Court only) ***Case Terminated as to Marshall Neefe, Charles Bradford Smith. Transfer documents emailed to District of Columbia. (kjn) (Entered: 09/15/2021)