

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
DEREK COOPER GUNBY

Case: 1:21-mj-00508
Assigned To : Harvey, G. Michael
Assign. Date : 6/29/2021
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) DEREK COOPER GUNBY,
who is accused of an offense or violation based on the following document filed with the court:

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

This offense is briefly described as follows:

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

Date: 06/29/2021

Digitally signed by G. Michael Harvey
Date: 2021.06.29 11:17:14 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 6-29-2021, and the person was arrested on (date) 8-10-2021
at (city and state) 213 Rock Creek Rd. Anderson SC

Date: 8-10-2021

John F. Dyer
Arresting officer's signature

TFO JOHN F. DYAS
Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
DEREK COOPER GUNBY
DOB: XXXXXX

Defendant(s)

) Case: 1:21-mj-00508
) Assigned To : Harvey, G. Michael
) Assign. Date : 6/29/2021
) Description: Complaint w/ Arrest Warrant
)

CRIMINAL COMPLAINT

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

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

Code Section

Offense Description

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

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

John F. Dyas
Complainant's signature

John Dyas, Task Force Officer
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 06/29/2021

Digitally signed
by G. Michael
Harvey

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge
Printed name and title

## STATEMENT OF FACTS

Your affiant is a Task Force Officer with the Federal Bureau of Investigation (FBI) and I am currently assigned to the Columbia, South Carolina Field Office. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, and prosecution of violations of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

*Evidence Linking DEREK GUNBY to Assault on the U.S. Capitol*

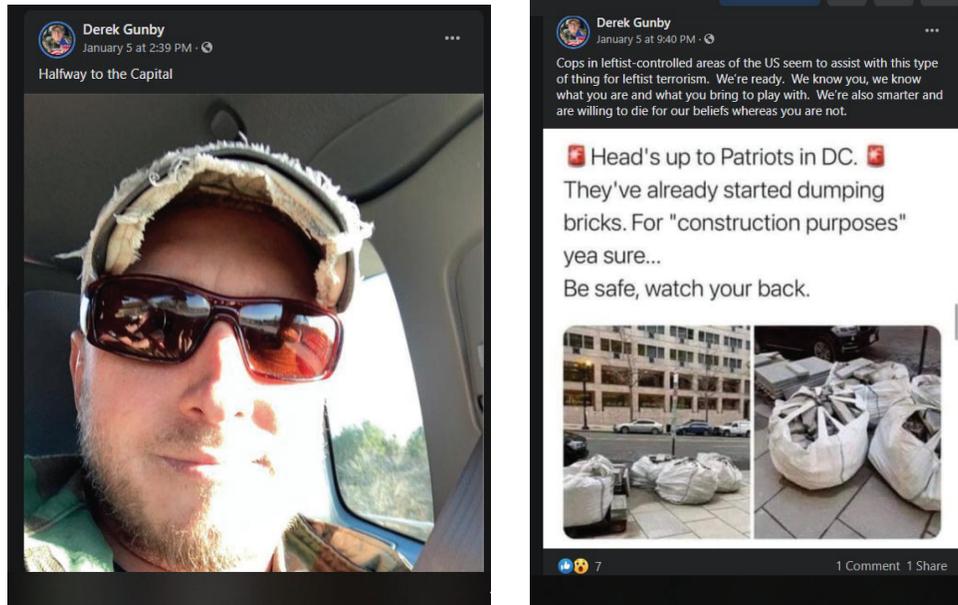
On or about January 13, 2021, the Columbia, South Carolina Field Office of the FBI received information that DEREK GUNBY had posted photos and a video to Facebook indicating that he had been involved in the riot at the Capitol building. Law enforcement reviewed the publicly available Facebook page of “Derek Gunby.” Under his name was the phrase, “Hold the Line.” Additionally, his Facebook page stated that he was employed as a “Sleeper/Agent,” was a “Former Vice President/Member Board of Directors at the Fathers’ Rights Movement,” and was a former satellite communications non-commissioned officer in the U.S. Army. The Facebook page of “Derek Gunby” also indicated that he lived in Anderson, South Carolina. A screenshot of “Derek Gunby’s” Facebook page is shown below.



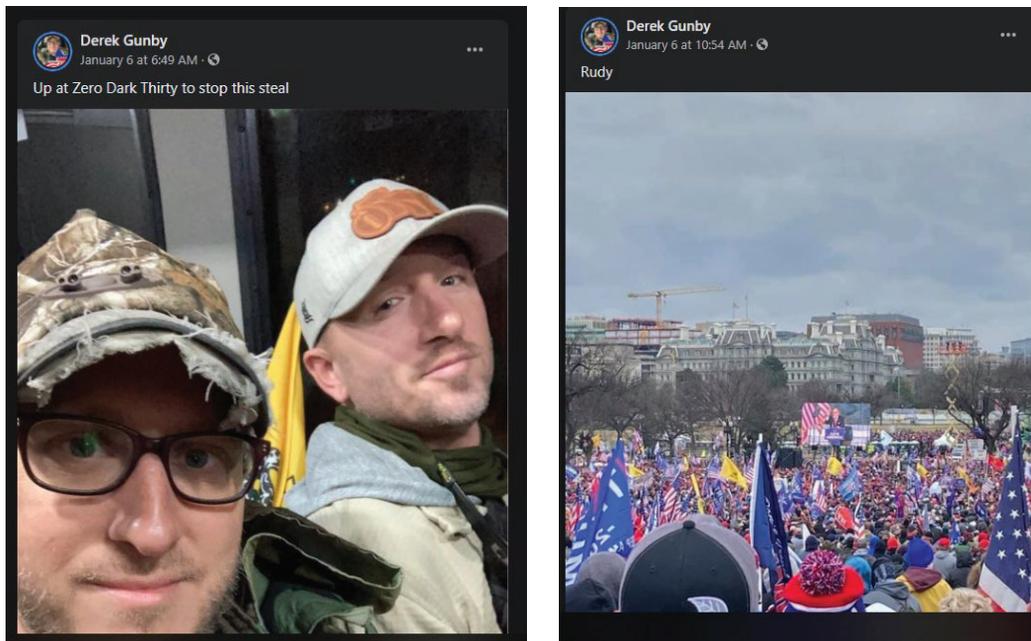
Law enforcement obtained the driver’s license information, including photo, for DEREK GUNBY from the South Carolina Department of Motor Vehicles (“DMV”). According to the DMV records, DEREK GUNBY resides at an address in Anderson, South Carolina. Based on the fact that DEREK GUNBY resides in Anderson, South Carolina, and the similarities between DEREK GUNBY’s DMV photo and the photos of the individual displayed in the “Derek Gunby” Facebook page, law enforcement determined that the individual in the “Derek Gunby” Facebook photos is a positive match with DEREK GUNBY’s DMV photo.

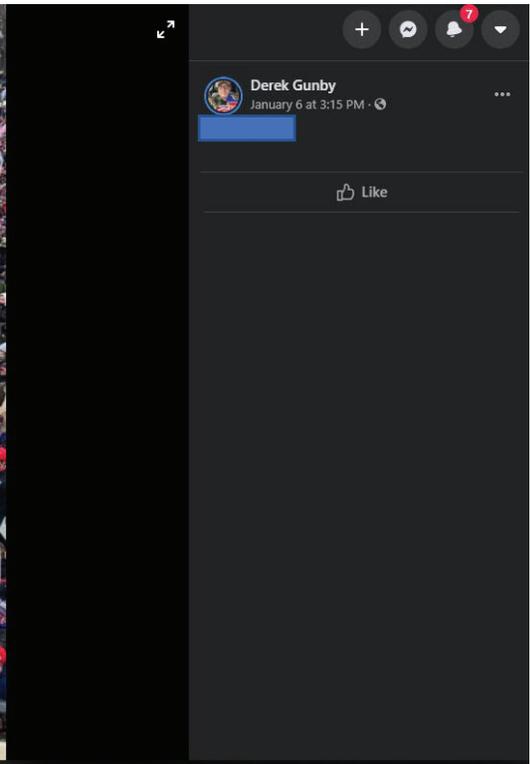
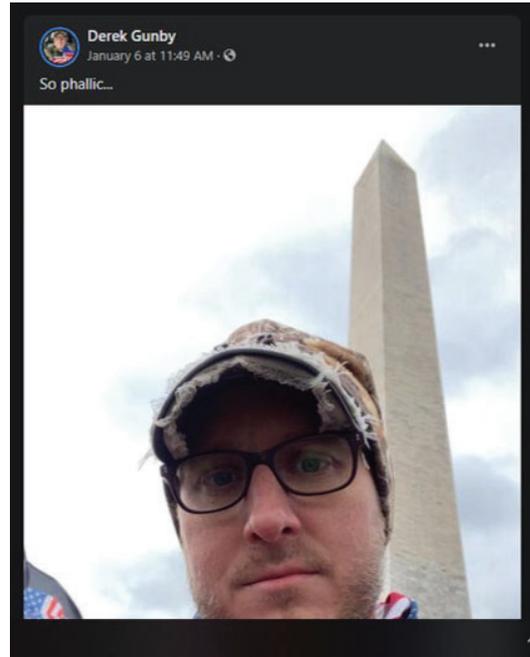
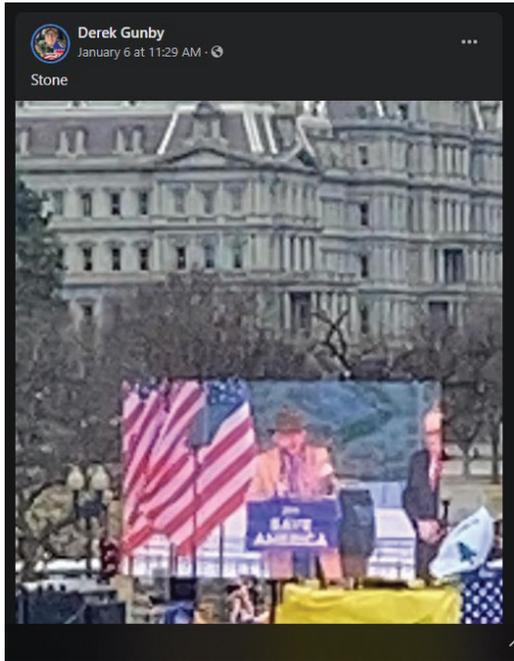
On or about January 5, 2021, DEREK GUNBY posted to his Facebook page, a photo of himself in a car with the caption, “Halfway to the Capital.” Additionally, later that evening, DEREK GUNBY posted to Facebook a photo of what appears to be bags of bricks in Washington, D.C., with the following caption: “Cops in leftist-controlled areas of the US seem to assist with this type of thing for leftist terrorism. We’re ready. We know you, we know what you are and what you bring to play with. We’re also smarter and are willing to die for our beliefs whereas you

are not.” Shown below are the two above-described Facebook postings made by DEREK GUNBY on or about January 5, 2021.



On or about January 6, 2021, DEREK GUNBY posted additional photos to his Facebook page indicating he was in Washington, D.C. and near the Capitol building that day. The posts, shown below, include a photo of DEREK GUNBY and another individual who appear to be riding the Metro posted at 6:49 a.m. with the caption, “Up at Zero Dark Thirty to stop this steal;” photos of the rally for President Trump posted at approximately 10:54 a.m. and 11:29 a.m.; a photo of DEREK GUNBY in front of the Washington Monument at 11:49 a.m., photos of the rioters outside the Capitol building at 3:15 p.m. In all the photos of DEREK GUNBY, he appears to be wearing a frayed camouflage baseball cap, a military issued camouflage coat, and dark-frame glasses.





DEREK GUNBY also posted to his Facebook account a video that appears to have been livestreamed as he was riding the Metro following the riots at the Capitol. In the video, DEREK GUNBY is wearing the same frayed camouflage baseball cap, military issued coat, and dark-frame glasses that he is wearing in the other photos. Your affiant also observed that DEREK GUNBY was wearing an American flag bandana around his neck. In the video, your affiant observed a

“GUNBY” nametag over the right breast pocket of the military coat and a “U.S. ARMY” tag is over the left breast pocket. In the video, DEREK GUNBY states, in part, the following:

So, I went with James here . . . and we met up with some people from Texas, . . . . So yeah we went, we were in front of the White House earlier this morning, and then going into the afternoon, everyone headed down to the National Mall towards the Capitol. And we all pretty much surrounded the Capitol. We are at a point now in this county where they’re going to listen to us. They have to listen to us. Your congressional leaders are not afraid of you. They are more afraid of the Chinese Communist party. They’re more afraid of left wing media. And they are more afraid of ANTIFA and Black Lives Matter than they are of the American patriot, the American conservative, the American libertarian. The person who is on the right side of the Constitution.

. . . .

The American patriot in this country has been, we’ve been saints. Saints. Because the capability of America, and Americans, especially if we were the kind of people that the media always portrays us to be, we can take this country back pretty quickly. We didn’t bring weapons. Americans that came here for this event did not bring weapons. That’s saying a lot considering how late it is in this game. How much they have tried to take from us, and we are still not taking up arms against our government, against the Capitol. So, we surrounded the Capitol today. Eventually tear gas started flying. They started shooting tear gas. I got, I’m still, my lips are still burning from it.

. . . .

They detonated, it was like a flash bang with a, they did a lot of flash bangs and things, and people stayed peaceful. I don’t care what the media is telling you. The media told you that, that we terrorized anybody, that the American patriot, that the Trumps supporters, that the people that were here to protest the stealing of the votes, of the election in this country.

. . . .

Came a little closer to some nightsticks and rubber bullets than we wanted to. But, this was ultimately peaceful. I do believe that the Metro police here in Washington do understand the stark difference between Trump supporters, the patriots, what have you, than say ANTIFA, Black Lives Matter. The character is completely different. There couldn’t be more of a stark difference in

justification, and intent, and capability. If the American patriot wanted to storm this Capitol, take over this building, and take care of all of Congress in there, they could do it. They could do it.

....

They just tried to steal this election right in front of everybody's face. And any of you, any of you, who are gonna sit there and look anybody in the face, and say that that didn't happen, that this election fraud didn't happen, that we're making it up, that it's unsubstantiated, you need to wake up.

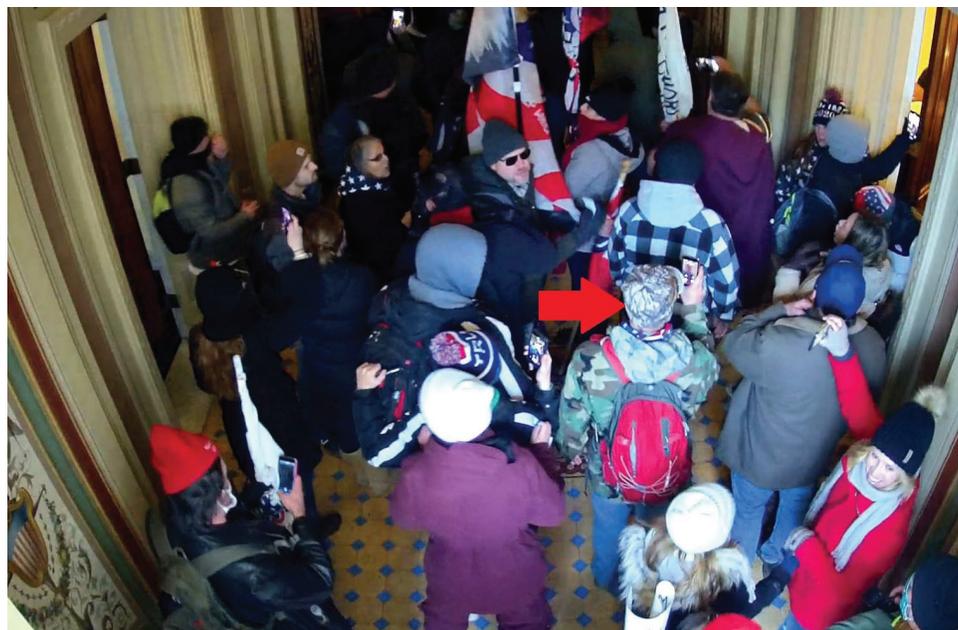
A screenshot from the video is shown below.

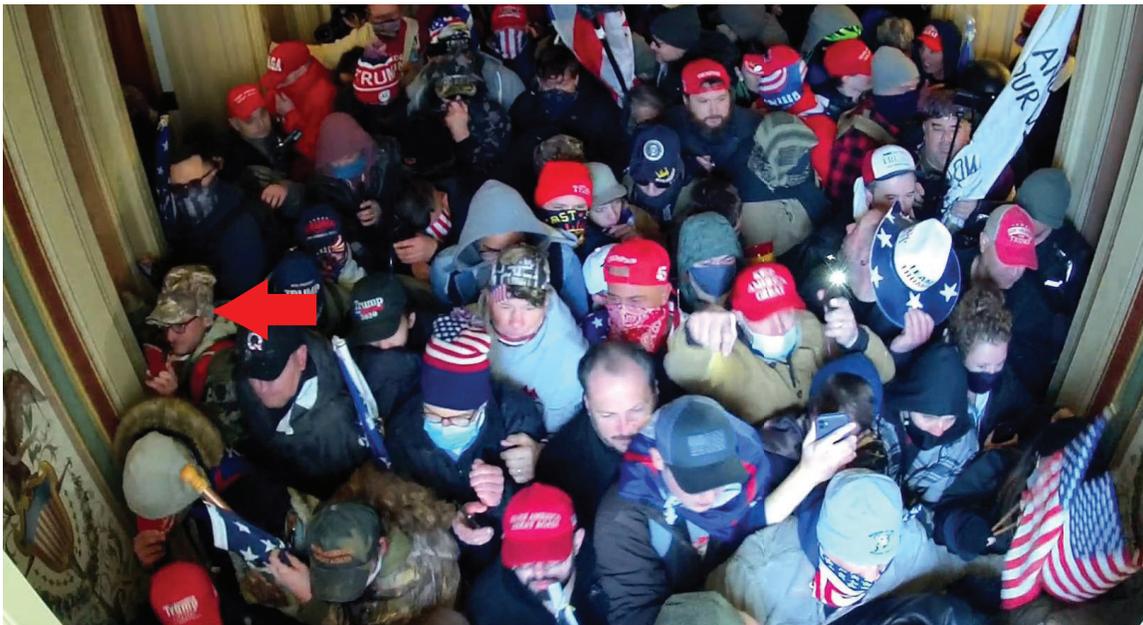


In the course of its investigation, law enforcement obtained a photo of an individual who appears to be DEREK GUNBY standing with other rioters outside an entrance to the Capitol building. DEREK GUNBY appears to be wearing the same frayed camouflage hat and dark rimmed glasses. A red backpack strap is also seen over his shoulder. The photo is shown below. DEREK GUNBY is circled in red.



Law enforcement also reviewed and collected video provided by the U.S. Capitol Police, which includes security camera footage inside and outside of the U.S. Capitol building. While reviewing this video footage, your affiant observed an individual who appears to be DEREK GUNBY walking up and down a hallway inside the Capitol building. DEREK GUNBY is wearing the same frayed camouflage baseball cap, military issued coat, dark-frame glasses, American flag bandana around his neck, and red backpack that is seen in the photos shown above. In the videos, DEREK GUNBY is also seen talking on a cell phone and holding up his cell phone to take photos or videos. Screenshots of the video are shown below.





On or about February 1, 2021, your affiant went to DEREK GUNBY's address in Anderson, South Carolina to conduct an interview of DEREK GUNBY. DEREK GUNBY provided a voluntary statement to your affiant. He stated that he went to Washington, D.C. on January 6, 2021 to listen to President Trump speak. He stated that after the President spoke, DEREK GUNBY followed the crowd that was moving toward the Capitol to protest the "stealing of the election." Your affiant asked DEREK GUNBY if he went inside the Capitol, to which DEREK GUNBY replied that he did. DEREK GUNBY stated to your affiant that there was no

one stopping him from going in, so he went in and walked around. DEREK GUNBY showed your affiant a video from his cell phone that he recorded while walking up to the Capitol with a large group of people and while walking into the Capitol building.

Based on the aforementioned evidence, there is probable cause to believe that DEREK GUNBY was present inside the U.S. Capitol building during the riot and related offenses that occurred at the U.S. Capitol building, located at 1 First Street, NW, Washington, D.C. 20510 on January 6, 2021 and participated in the obstruction of the Congressional proceedings.

Accordingly, your affiant also submits that there is probable cause to believe that DEREK GUNBY violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that DEREK GUNBY violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

  
\_\_\_\_\_  
John Dyas, Task Force Officer  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 29th day of June 2021.



Digitally signed by G.  
Michael Harvey  
Date: 2021.06.29  
11:20:13 -04'00'

\_\_\_\_\_  
G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE



2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: June 29, 2021



Digitally signed by G.  
Michael Harvey  
Date: 2021.06.29 11:19:31  
-04'00'

---

G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
for the
District of South Carolina

United States of America

v.

Derek Cooper Cunby
Defendant

Case No.

8:21CR479

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:

Place

on

Date and Time

If blank, defendant will be notified of next appearance.

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

Bond is set at \$25,000 unsecured with standard conditions. Special conditions: Defendant must not go to the District of Columbia except for court purposes. Travel is restricted to South Carolina. Defendant must appear at 1:00 p.m. virtually, no sooner than 3 days, for initial appearance in the District of Columbia. This hearing will be scheduled by the FPD and AUSA and notify the Clerk's Office in the District of SC of the date and time of the hearing scheduled in DC.

ADDITIONAL CONDITIONS OF RELEASE

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

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

- ( ) (6) The defendant is placed in the custody of: Person or organization, Address, 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

- (x) (7) The defendant must: (x) (a) submit to supervision... (x) (b) continue or actively seek employment... (x) (d) surrender any passport... (x) (e) not obtain a passport... (x) (f) abide by the following restrictions... (x) (g) avoid all contact... ( ) (h) get medical or psychiatric treatment... ( ) (i) return to custody... ( ) (j) maintain residence... (x) (k) not possess a firearm... (x) (l) not use alcohol... (x) (m) not use or unlawfully possess a narcotic drug... (x) (n) submit to testing... (x) (o) participate in a program of inpatient or outpatient substance abuse therapy... ( ) (p) participate in one of the following location restriction programs...

---

**ADDITIONAL CONDITIONS OF RELEASE**

---

- (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - (ii) Voice Recognition; or
  - (iii) Radio Frequency; or
  - (iv) GPS.
- (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (t) Remain under supervision of US Probation for the duration of this bond and follow any and all instructions given by the US Probation Officer.
- 
- Stay in touch with attorney.
-

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

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

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

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

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

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

**Acknowledgment of the Defendant**

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



*Defendant's Signature*

*City and State*

**Directions to the United States Marshal**

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

Date: 8/10/21

**s/Kevin F. McDonald**

*Judicial Officer's Signature*

**US Magistrate Judge**

*Printed name and title*

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America )

v. )

Case No. 8:21 CR 479

Derek Cooper Cunby )  
Defendant )

APPEARANCE BOND

Defendant's Agreement

I, \_\_\_\_\_ (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

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

Type of Bond

- ( ) (1) This is a personal recognizance bond.
  - ( ✓ ) (2) This is an unsecured bond of \$ 25,000.
  - ( ) (3) This is a secured bond of \$ \_\_\_\_\_, secured by:
    - ( ) (a) \$ \_\_\_\_\_, in cash deposited with the court.
    - ( ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):  
\_\_\_\_\_  
\_\_\_\_\_
- If this bond is secured by real property, documents to protect the secured interest may be filed of record.
- ( ) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

**Declarations**

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

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

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

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

Date: \_\_\_\_\_



\_\_\_\_\_  
*Defendant's signature*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

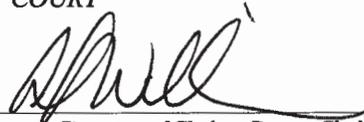
\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

CLERK OF COURT

Date: 8/10/21



\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Approved.

Date: 8/10/21

s/Kevin F. McDonald  
 \_\_\_\_\_  
*Judge's signature*

**U.S. District Court**  
**District of South Carolina (Anderson/Greenwood)**  
**CRIMINAL DOCKET FOR CASE #: 8:21-cr-00479-KFM All Defendants**

Case title: USA v. GUNBY

Date Filed: 08/10/2021

Date Terminated: 08/11/2021

Assigned to: Magistrate Judge Kevin  
 McDonald

**Defendant (1)**

**Derek Cooper Gunby**  
*TERMINATED: 08/11/2021*

represented by **Lora Collins Blanchard**  
 Federal Public Defender's Office (Gvle)  
 Two Liberty Square  
 75 Beattie Place  
 Suite 950  
 Greenville, SC 29601  
 864-235-8714  
 Fax: 864-233-0188  
 Email: lora\_blanchard@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**

18:1752(a)(1) Knowingly Entering or  
 Remaining in any Restricted Building or  
 Grounds Without Lawful Authority;  
 18:1752(a)(2) Disorderly and Disruptive

**Disposition**

Conduct in a Restricted Building or  
 Grounds; 40:5104(c)(2)(D) Violent Entry  
 and Disorderly Conduct on Capitol  
 Grounds; 40:5104(c)(2)(G) Parading,  
 Demonstrating, or Picketing in a Capitol  
 Building

**Plaintiff**

USA

represented by **Maxwell Barnes Cauthen , III**  
 US Attorneys Office (Gville)  
 55 Beattie Place  
 Suite 700  
 Greenville, SC 29601  
 864-282-2113  
 Fax: 864-233-3158  
 Email: max.cauthen@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/10/2021	12	<b>TEXT ORDER APPOINTING FEDERAL PUBLIC DEFENDER Lora Collins Blanchard for Derek Cooper Gunby. Entered by Magistrate Judge Kevin McDonald on 8/10/21.(awil, )</b> (Entered: 08/11/2021)
08/10/2021	<a href="#">11</a>	CJA 23 Financial Affidavit (Restricted Access) by Derek Cooper Gunby (mpridmore-USPO, ) (Entered: 08/10/2021)
08/10/2021	<a href="#">9</a>	Unsecured Bond Entered as to Derek Cooper Gunby in amount of \$ \$25,000. (awil, ) (Entered: 08/10/2021)
08/10/2021	<a href="#">8</a>	<b>ORDER Setting Conditions of Release as to Derek Cooper Gunby (1). Bond is set at \$25,000 unsecured with standard conditions. Special conditions: Defendant must not go to the District of Columbia except for court purposes. Travel is restricted to South Carolina. Defendant must appear at 1:00 p.m. virtually, no sooner than 3 days, for initial appearance in the District of Columbia. This hearing will be scheduled by the FPD and AUSA and notify the Clerk's Office in the District of SC of the date and time of the hearing scheduled in DC. Signed by Magistrate Judge Kevin McDonald on 8/10/21.(awil, )</b> (Entered: 08/10/2021)
08/10/2021	7	<b>Minute Entry for proceedings held before Magistrate Judge Kevin McDonald: Initial Appearance in Rule 5(c)(3) Proceedings as to Derek Cooper Gunby held on 8/10/2021. Defendant present in custody. Federal Public Defender Blanchard present and appointed. Identity is not an issue. Defendant waived reading of charges and penalties. Bond is set at \$25,000 unsecured with standard conditions. Special conditions: Defendant must not go to the District of Columbia except for court purposes. Travel is restricted to South Carolina. Defendant must appear at 1:00 p.m. virtually, no sooner than 3 days, for initial</b>

		<b>appearance in the District of Columbia. This hearing will be scheduled by the FPD and AUSA and notify the Clerk's Office in the District of SC of the date and time of the hearing scheduled in DC. Preliminary hearing will be addressed at the virtual appearance in the charging district. Court Reporter Teresa Johnson. (awil, ) (Entered: 08/10/2021)</b>
08/10/2021	6	<b>ORAL Order to Unseal Complaint on motion by the government as to Derek Cooper Gunby. Entered by Magistrate Judge Kevin McDonald on 8/10/21.(awil, ) (Entered: 08/10/2021)</b>
08/10/2021	<a href="#">4</a>	Warrant Returned Executed on 8/10/21 in case as to Derek Cooper Gunby. (jtho, ) (Main Document 4 replaced on 8/10/2021 to remove person identifiers) (jtho, ). (Entered: 08/10/2021)
08/10/2021	2	Arrest (Rule 40) of Derek Cooper Gunby. (jtho, ) (Entered: 08/10/2021)
08/10/2021	3	NOTICE OF HEARING as to Derek Cooper Gunby: Initial Appearance - Rule 5c3 set for 8/10/2021 10:00 AM in Greenville #4, Clement F Haynsworth Fed Bldg, 300 E Washington St., Greenville before Magistrate Judge Kevin McDonald. (jtho, ) (Entered: 08/10/2021)
08/10/2021	<a href="#">1</a>	Rule 5c3 Documents Received as to Derek Cooper Gunby. (Attachments: # <a href="#">1</a> Statement of Facts, # <a href="#">2</a> Order to Seal)(jtho, ) (Entered: 08/10/2021)