

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the District of Columbia

United States of America v. DAVID CHARLES JOHNSTON (AKA: "Dave Johnston")

Case: 1:22-mj-00109 Assigned to: Judge Meriweather, Robin M. Assign Date: 5/16/2022 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) DAVID CHARLES JOHNSTON (AKA: "Dave Johnston") 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) - Entering and Remaining in a Restricted Building or Grounds
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) - Disorderly Conduct on Capitol Grounds
40 U.S.C. § 5104(e)(2)(G) - Parade, Demonstrate, or Picket in any of the Capitol Buildings



Handwritten signature of Robin M. Meriweather

2022.05.16 17:05:36 -04'00'

Issuing officer's signature

Robin M. Meriweather, U.S. Magistrate Judge Printed name and title

Date: 05/16/2022

City and state: Washington, D.C.

Return

This warrant was received on (date) 5/16/2022, and the person was arrested on (date) 5/20/2022 at (city and state) NORTH CHARLESTON, SC

Handwritten signature of Gregory Buchner

Arresting officer's signature

Date: 5/20/2022

GREGORY BUCHNER, SPECIAL AGENT Printed name and title

UNITED STATES DISTRICT COURT  
for the  
District of Columbia

United States of America )  
v. )  
CHADWICK GORDON CLIFTON, [REDACTED] (AKA: ) Case No.  
"Chad Clifton," AKA: "Chad G. Clifton") )  
DAVID CHARLES JOHNSTON, [REDACTED] (AKA: "Dave )  
Johnston") )  
\_\_\_\_\_  
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  
\_\_\_\_\_ in the District of Columbia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1752(a)(1) -	Entering and Remaining in a Restricted Building or Grounds
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) -	Disorderly Conduct on Capitol Grounds
40 U.S.C. § 5104(e)(2)(G) -	Parade, Demonstrate, or Picket in any of the Capitol Buildings

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Complainant's signature

Stephen D. Jones, Special Agent

Printed name and title

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

Date: 05/16/2022



2022.05.16

17:04:13 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

The affiant, Stephen D. Jones, is a Special Agent of the Federal Bureau of Investigation assigned to Columbia Field Office on the Joint Terrorism Task Force (JTTF). In my duties as a Special Agent, I am authorized by law to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Title 18 Federal criminal laws. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021.

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

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

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

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

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

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

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

On January 17, 2021, a tipster (Tipster #1) reported to the FBI that CHAD CLIFTON “entered the White House.” Tipster #1 further stated that CLIFTON “works at the same place I do in Charleston sc. He brags about what they did and has shown all of his coworkers videos and pics. He sent me a pick when he was there. He is also tracked on gps app on his phone for work I have the pics he sent to me on my work phone if you want them.”

Your affiant interviewed Tipster #1. Tipster #1 knows CLIFTON through CLIFTON’s former employment at Maintain, Inc., a property maintenance company located in Mount Pleasant, S.C. Tipster #1 stated that CLIFTON told them and other co-workers at Maintain, Inc. that he went inside the U.S. Capitol building, and sent a photograph showing himself inside the U.S. Capitol building on January 6, 2021.



Tipster #1 also provided a second photograph of a man identified as CLIFTON inside what appears to be the U.S. Capitol building.



On January 18, 2021, the FBI received an anonymous tip from Tipster #2, reporting that CLIFTON posted now-deleted videos on Facebook and TikTok showing himself at the January 6, 2021 riot at the U.S. Capitol. Tipster #2 identified CLIFTON's phone number (ending in -4677) and home address, and described the clothing that he wore on January 6, 2021, as: carrying a "yellow book bag" and wearing "Jeans with maroon-colored shoes." The tipster stated that CLIFTON had "a blue pocket knife on his hip" and he was "wearing a grey mask and red maga hat [and] Blue north face jacket."

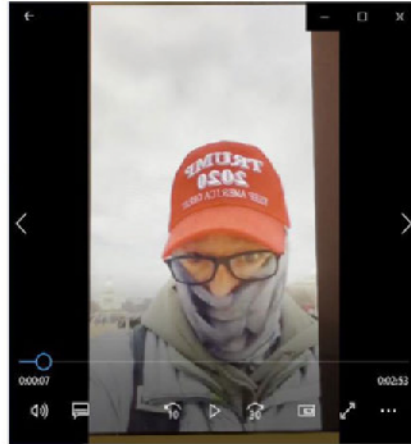
Consistent with the information provided by Tipster #2, the FBI conducted a database search and confirmed that CLIFTON's cellular telephone number ended in -4677. The cellular telephone number ending -4677 was cross-referenced against cellular tower records that were obtained through a search warrant served on Facebook on January 6, 2021. Between approximately 2:32 p.m. to 2:48 p.m., CLIFTON's telephone number ending -4677, believed to be utilized through the Facebook Messenger Application, was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building.

On February 22, 2021, your affiant interviewed Witness #1, a person familiar with CLIFTON. Witness #1 stated that CLIFTON told them he had traveled to Washington, D.C. in January 2021 with his neighbor "DAVID." Witness #1 also stated that he was in a TikTok video picking up trash in Washington, D.C.

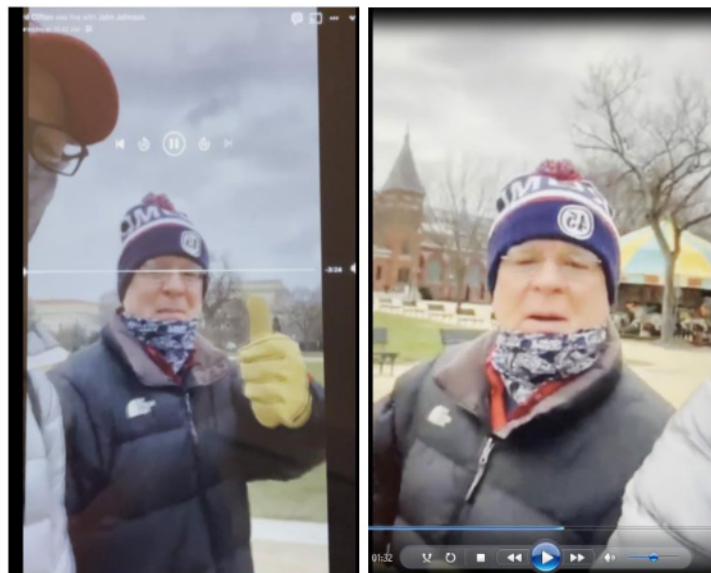
On February 23, 2021, your affiant interviewed Witness #2 and Witness #3, employees of Maintain, Inc. Both witnesses confirmed that on January 6, 2021, CLIFTON was employed by Maintain, Inc. and did not work at any jobsites on that day.

On February 23, 2021 and again on February 24, 2021, your affiant interviewed Witness #4, a person familiar with CLIFTON. During that interview, Witness #4 provided several videos to your affiant showing, according to Witness #4, CLIFTON and JOHNSTON both outside and inside the U.S. Capitol building on January 6, 2021.

In the first video that was posted on Facebook live on January 6, 2021, Witness #4 identified CLIFTON, who was the narrator of the video, as the white male wearing a red "Trump 2020 - Keep America Great" baseball hat, grey and black face covering, black rim glasses, green hooded sweatshirt, grey jacket, and a backpack with black straps.

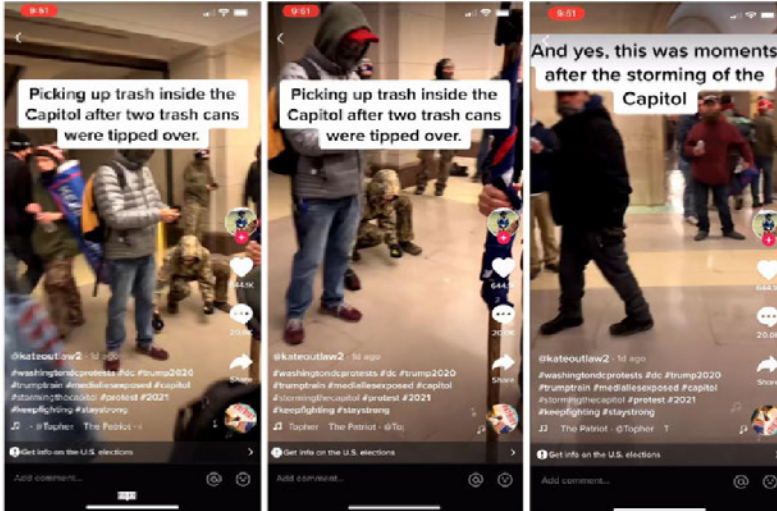


In the video, CLIFTON identifies a man walking alongside him as “Dave.” Witness #4 identified that person as CLIFTON’s neighbor “DAVE JOHNSTON.” In the video, JOHNSTON was wearing metal rimmed glasses, a blue winter cap with white and red trim and embroidered with a circular “45” logo and the word TRUMP, dark colored winter jacket with The North Face logo on the front right chest, and yellow gloves.

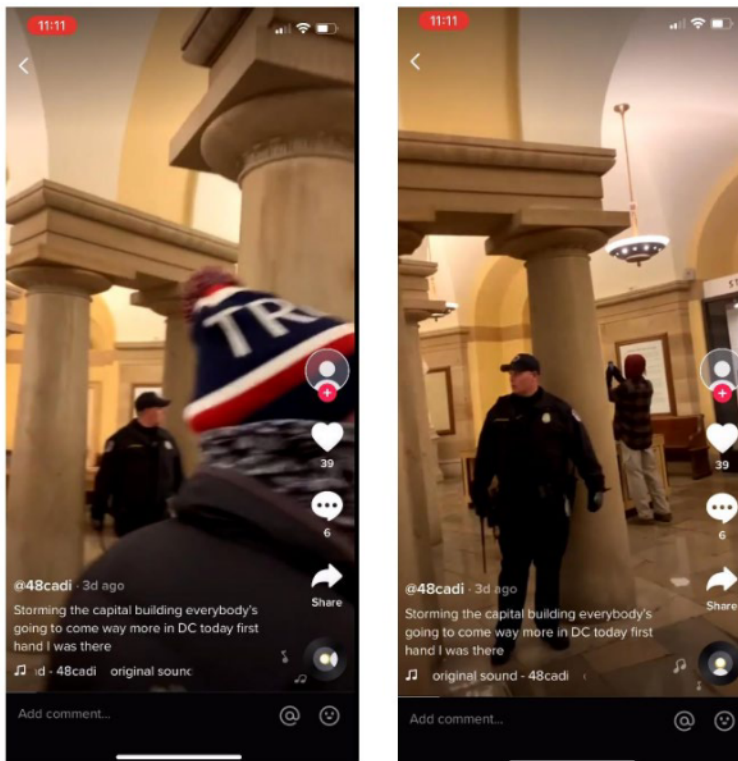


In the video, CLIFTON makes statements such as, “Look at where we are, look at where we going” and “Exciting times are coming.”

Witness #4 also provided to your affiant a copy of videos posted on TikTok from January 6, 2021. Witness #4 stated that the videos on TikTok “clearly” show CLIFTON—the white male wearing a grey winter jacket, green hooded sweatshirt, dark colored face covering, red baseball cap, black rimmed glasses, blue jeans, dark red shoes, and a yellow backpack with black straps—and JOHNSTON walking through the interior of the U.S. Capitol building. One of the captions states “Picking up trash inside the Capitol after two trash cans were tipped over” and another states “And yes, this was moments after the storming of the Capitol.”

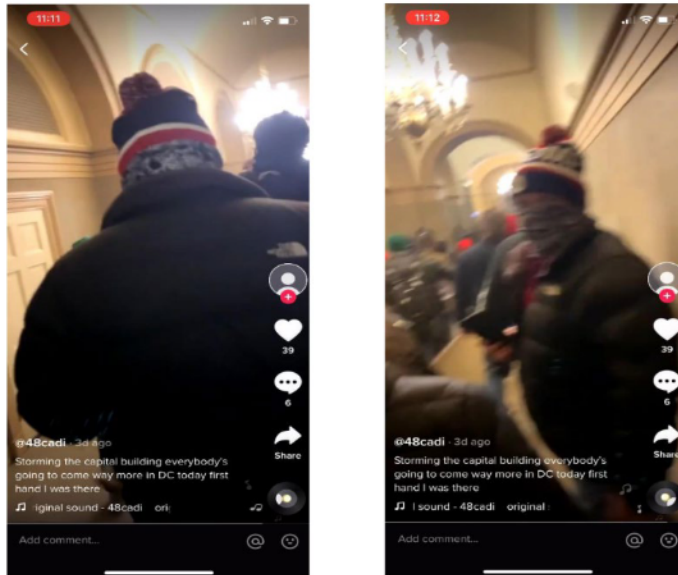


Witness #4 provided to your affiant another video posted on TikTok by user @48cadi. As explained below, Witness #5 attested that @48cadi is CLIFTON's TikTok account. The video shows a uniformed Capitol Police Officer holding an expandable baton, and the caption says: "Storming the capital building everybody's going to come way more in DC today first hand I was there."



The video also shows an individual walking in front of the camera wearing attire consistent with that of JOHNSTON identified by Witness #4: a blue winter hat with red and white trim, a circular "45" logo, and the word TRUMP; a black winter jacket with The North

Face logo on the right rear shoulder; and a black and grey face covering.



In the audio of the video, one can hear several comments spoken in voices similar to the voices from the Facebook video.

On February 24, 2021, your affiant interviewed Witness #5. Witness #5 reported that CLIFTON traveled to Washington, D.C. on January 6, 2021 to attend the Trump rally with his neighbor DAVE JOHNSTON. Witness #5 watched several videos that CLIFTON posted on January 6, 2021 on Facebook live (with username: ChadClifton) and TikTok (with username: 48Cadi). Witness #5 stated that the Facebook live video showed CLIFTON and JOHNSTON near the Washington monument and inside the U.S. Capitol building.

The FBI conducted a database search and confirmed that JOHNSTON's cellular telephone number ended in -3600. The cellular telephone number ending -3600, having service provided by Verizon Wireless, was cross-referenced against cellular tower records that were obtained through a search warrant served on Verizon on January 6, 2021. Between approximately 2:32 p.m. to 2:48 p.m., a Verizon cellular phone associated with the telephone number ending -3600 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building.

Additionally, your affiant obtained U.S. Capitol Police Closed Circuit Television (CCTV) recordings from January 6, 2017. In a review of those recordings, your affiant identified individuals, based on facial features and clothing, as described by the abovementioned witnesses, believed to be CLIFTON and JOHNSTON inside the U.S. Capitol building. Your affiant also identified JOHNSTON in the CCTV videos based on your affiant's in-person observations of JOHNSTON.



## US Capitol Entry



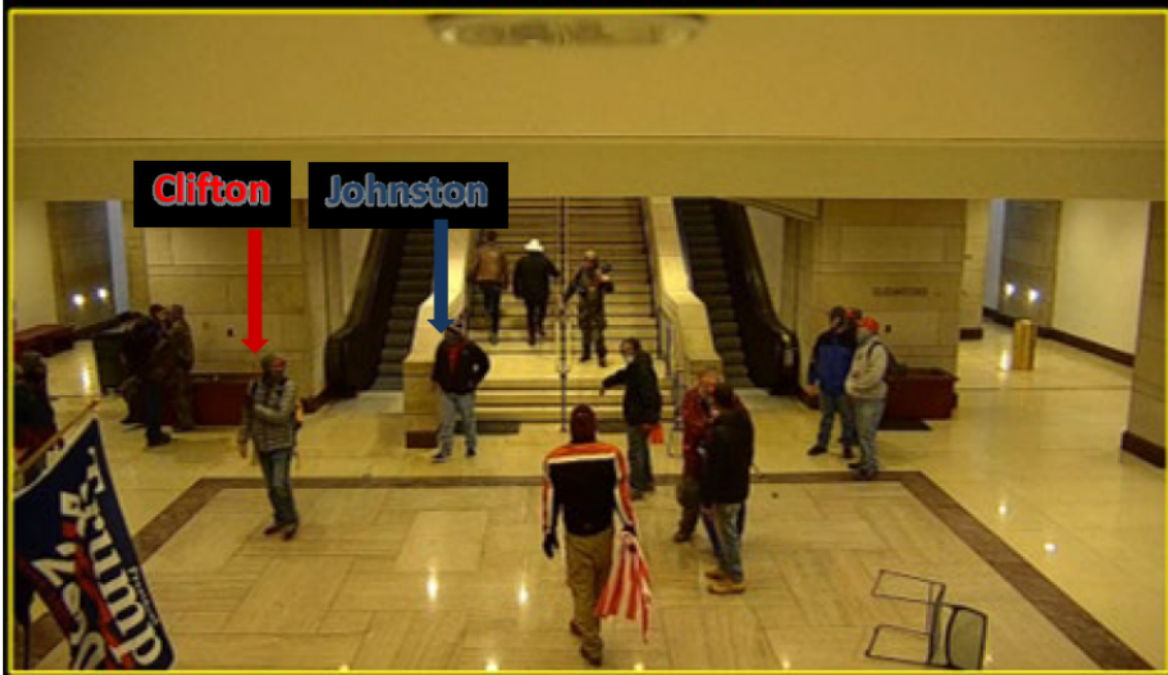
## US Capitol Entry

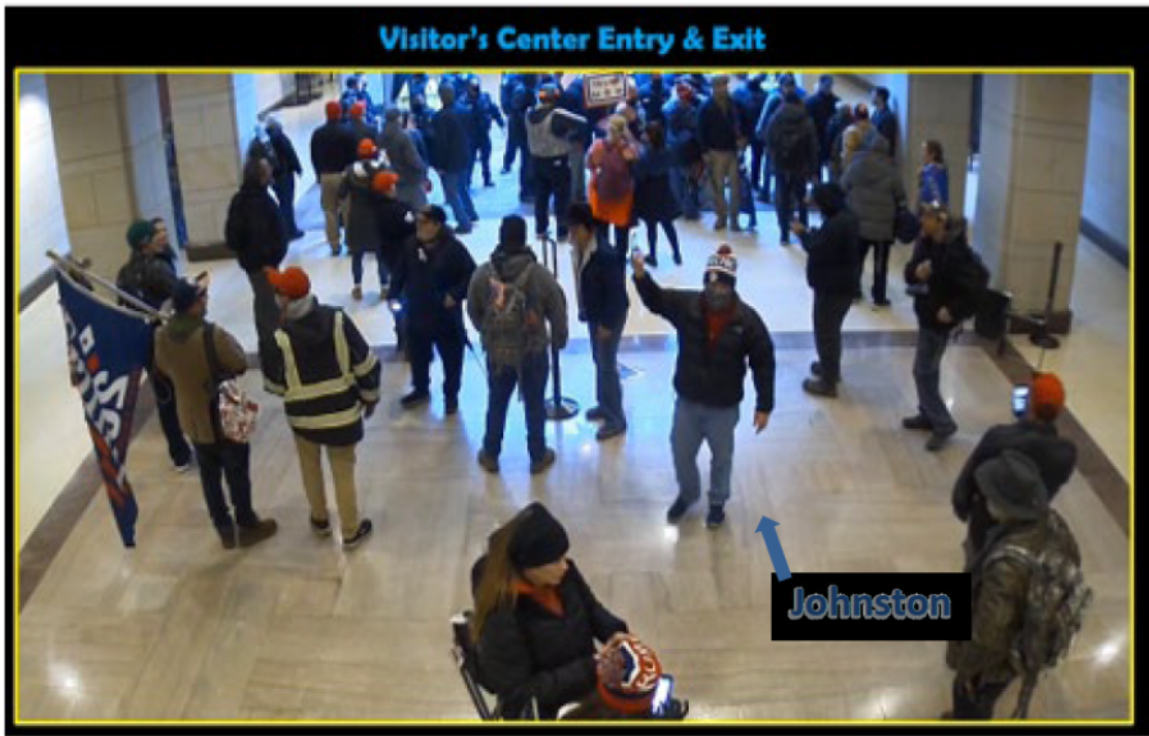


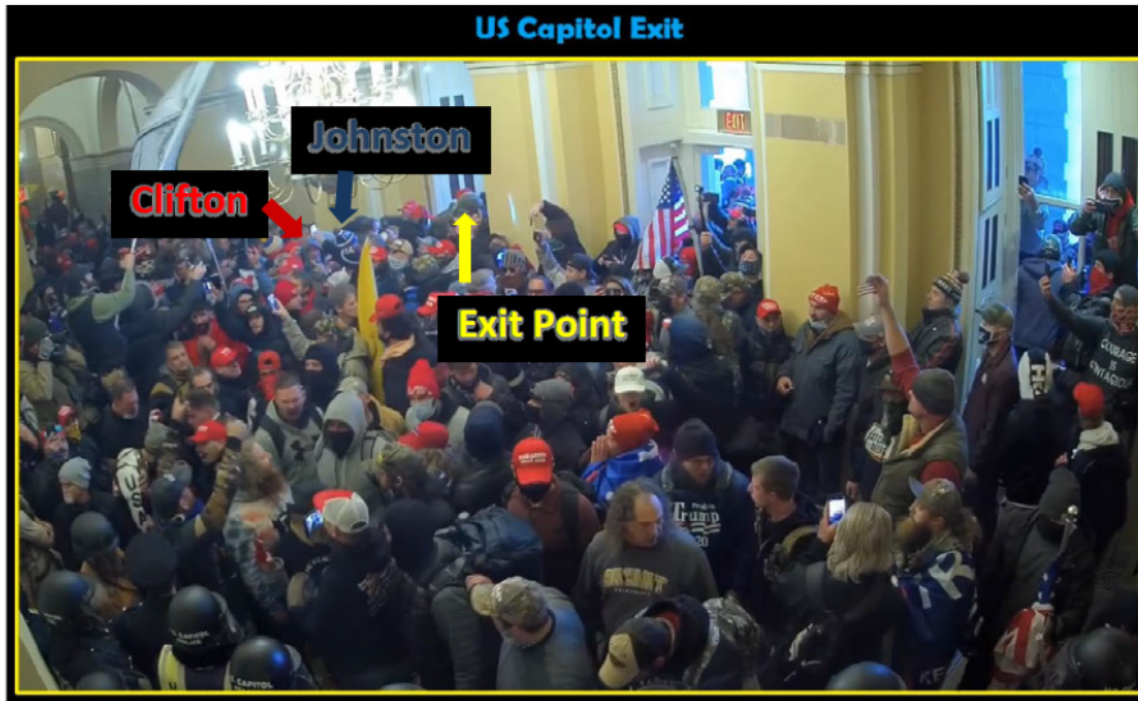
**1<sup>st</sup> Crypt Lobby Entry and Exit**



**Down Stairs to Visitor's Center**







On August 3, 2021, the United States District Court for the District of Columbia issued a search warrant, signed by the Honorable G. Michael Harvey, United States Magistrate Judge, for records from CLIFTON's Facebook account.

Some of the relevant posts obtained from CLIFTON's Facebook include:

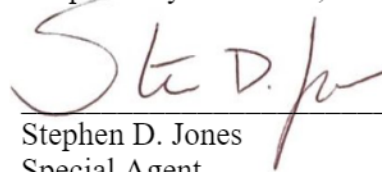
- On 01/03/2021, User Chad Clifton states: This is Complete BS and it's his own people. Nothing they said meant squat to him! This is the future you wanted? I don't think so. See you in DC ❤️usTrump2020us❤️
- On 01/07/2021, conversation between Facebook User Chad Clifton and Facebook User Andy Balao. Andy Balao: U get lock up yet 😊. How bad is it. Be safe my friend Chad Clifton: I'm otw home now. We are good and no harm. Awesome day!!❤️ususu💎
- On 01/09/2021, conversation between Facebook User Chad Clifton and Facebook User Jewel Clifton. Chad Clifton: I'm telling you right now don't say anything out loud that you don't want somebody else to hear We are in a war and 95% of the people don't even know it When I went to DC that was an experience of a lifetime. I'm sorry that I went inside a broken door where we could have potential he got in trouble but I was a patriot and I made sure that people didn't destroy things and picked up trash and we respectful. The medium made it look like we were a bunch of demons destroying things in which we were not in anyway.

Based on the foregoing, your affiant submits that there is probable cause to believe that CHAD GORDON CLIFTON and DAVID CHARLES JOHNSTON violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede

or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that CHAD GORDON CLIFTON and DAVID CHARLES JOHNSTON violated 40 U.S.C. § 5104(e)(2) (D) and (G), which make 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.

Respectfully submitted,



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Stephen D. Jones  
Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16<sup>th</sup> day of May, 2022.

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<b>UNITED STATES OF AMERICA</b>	:	<b>Case No:</b>
	:	
<b>v.</b>	:	
	:	<b>VIOLATIONS:</b>
<b>CHADWICK GORDON CLIFTON,</b>	:	
<b>a/k/a “Chad Clifton,”</b>	:	<b>18 U.S.C. § 1752(a)(1)</b>
<b>a/k/a “Chad G. Clifton,”</b>	:	<b>(Entering and Remaining in a Restricted</b>
	:	<b>Building or Grounds)</b>
<b>and</b>	:	
	:	<b>18 U.S.C. § 1752(a)(2)</b>
<b>DAVID CHARLES JOHNSTON,</b>	:	<b>(Disorderly and Disruptive Conduct in a</b>
<b>a/k/a “Dave Johnston,”</b>	:	<b>in Restricted Building or Grounds)</b>
	:	
	:	<b>40 U.S.C. § 5104(e)(2)(D)</b>
	:	<b>(Disorderly Conduct on Capitol Grounds)</b>
<b>Defendants.</b>	:	
	:	<b>40 U.S.C. § 5104(e)(2)(G)</b>
	:	<b>(Parade, Demonstrate, or Picket in any of</b>
	:	<b>of the Capitol Buildings)</b>

**ORDER**

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

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: May 16, 2022.

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ROBIN M. MERIWEATHER  
UNITED STATES MAGISTRATE JUDGE

AO 466A (Rev. 07/16) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the  
District of South Carolina

United States of America )

v. )

DAVID CHARLES JOHNSTON )

Defendant )

Case No. 2:22-cr-418

Charging District's Case No. 1:22mj109

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 to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

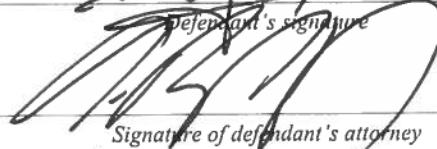
I agree to waive my right(s) to:

- 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 any preliminary or detention hearing be held in the prosecuting district, at a time set by that court.

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

Date: 5/20/22

  
Defendant's signature

  
Signature of defendant's attorney

A. RANDOLPH HUGH  
Printed name of defendant's attorney



AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America )

v. )

DAVID CHARLES JOHNSTON )

Defendant )

Case No. 2:22-cr-418

APPEARANCE BOND

Defendant's Agreement

I, DAVID CHARLES JOHNSTON (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:

- to appear for court proceedings;
- if convicted, to surrender to serve a sentence that the court may impose; or
- 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: 5/20/22

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

CLERK OF COURT

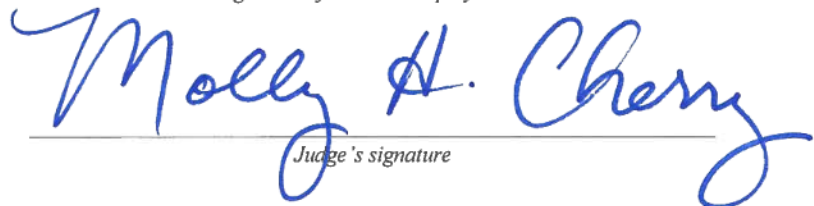
s/Elena Graham  
Deputy Clerk

Date: 5/20/22

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

Approved.

Date: 5/20/22

  
 \_\_\_\_\_  
*Judge's signature*

UNITED STATES DISTRICT COURT  
for the  
District of South Carolina

United States of America )  
v. )  
DAVID CHARLES JOHNSTON ) Case No. 2:22-cr-418  
\_\_\_\_\_)  
*Defendant* )

**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 42 U.S.C. § 14135a.
- (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.

**ADDITIONAL CONDITIONS OF RELEASE**

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

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

- (  ) (6) The defendant is placed in the custody of:  
 Person or organization \_\_\_\_\_  
 Address (only if above is an organization) \_\_\_\_\_  
 City and state \_\_\_\_\_ Tel. No. \_\_\_\_\_

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

Signed: \_\_\_\_\_  
Custodian Date

- (  ) (7) The defendant must:
  - (  ) (a) submit to supervision by and report for supervision to the US Probation Office, telephone number 843-579-1500, no later than as directed.
  - (  ) (b) continue or actively seek employment.
  - (  ) (c) continue or start an education program.
  - (  ) (d) surrender any passport to: a US Probation Officer
  - (  ) (e) not obtain a passport or other international travel document. *\* and District of Columbia*
  - (  ) (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to South Carolina, except with permission of the US Probation Officer *for court appearance*
  - (  ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_
  - (  ) (h) get medical or psychiatric treatment: as directed by USPO. The defendant shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the court approved "U.S. Probation Office's Sliding Scale for Services," and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid.
  - (  ) (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.
  - (  ) (l) not use alcohol (  ) at all (  ) excessively.
  - (  ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
  - (  ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
  - (  ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
  - (  ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
    - (  ) (i) **Curfew.** You are restricted to your residence every day (  ) from \_\_\_\_\_ to \_\_\_\_\_, or (  ) as directed by the pretrial services office or supervising officer; or
    - (  ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
    - (  ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
    - (  ) (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.  
**Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.
  - (  ) (q) submit to the following location monitoring technology and comply with its requirements as directed:

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**ADDITIONAL CONDITIONS OF RELEASE**

- (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 the US Probation Officer for the duration of the bond and follow any and all instructions given by the 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

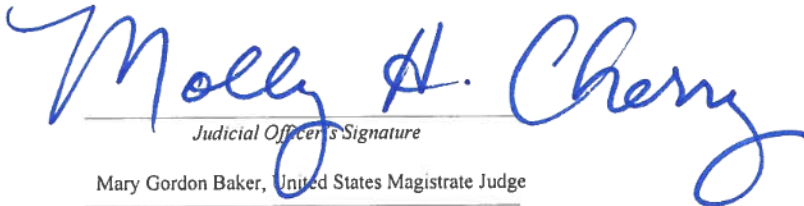
Charleston, SC

City and State

**Directions to the United States Marshal**

( ) 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: May 20, 2022



Judicial Officer's Signature

Mary Gordon Baker, United States Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

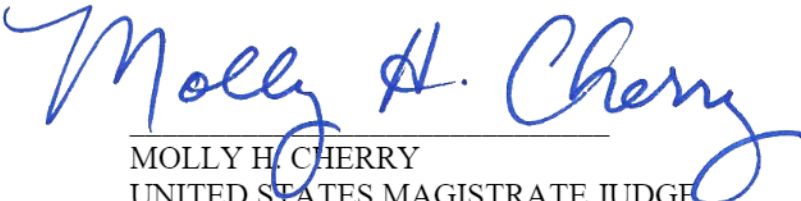
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

UNITED STATES OF AMERICA, ) Criminal No. 2:22-cr-418  
)  
v. )  
)  
Chadwick Gordon Clifton, ) **ORDER**  
)  
David Charles Johnston )

In accord with the Due Process Protections Act<sup>1</sup> and Rule 5(f) of the Federal Rules of Criminal Procedure, this Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence, that is, evidence that favors the defendant or casts doubt on the United States' case, as required by Brady v. Maryland, 373 U.S. 83 (1963)<sup>2</sup> and its progeny, and hereby ORDERS the United States to do so. Failure to disclose exculpatory evidence in a timely manner may result in serious consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court. The Clerk shall provide a copy of this Order to the prosecution and defense counsel.

**IT IS SO ORDERED.**

05/20/2022  
Charleston, South Carolina

  
MOLLY H. CHERRY  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (2020).

<sup>2</sup> See generally *Long v. Hooks*, 972 F.3d 442, 456 (4th Cir. 2020 (en banc)) (“*Brady v. Maryland* instructs that ‘the suppression by the prosecution of evidence favorable to the accused’ violates due process where the evidence is ‘material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.’” (quoting *Brady*, 373 U.S. at 87)).

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT  
for the  
District of South Carolina

United States of America )

v. )

Case No. 2:22-cr-418 )

David Charles Johnston, CHADWICK GORDON CLIFTON )

*Defendant* )

Charging District: District of Columbia )

Charging District's Case No. 1:22mj109 )

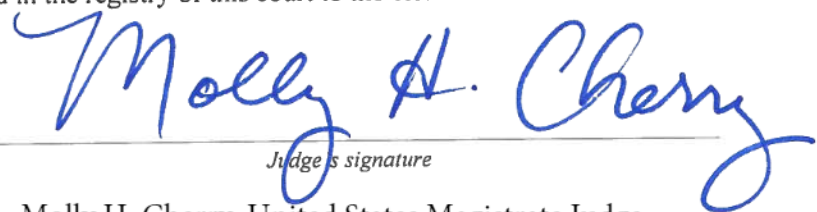
**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: District of Columbia - Initial Appearance (via zoom)	Courtroom No.: via zoom-link emailed to attorney
	Date and Time: 5/26/2022 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: May 20, 2022



*Judge's signature*

Molly H. Cherry, United States Magistrate Judge

*Printed name and title*



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CLOSED

**U.S. District Court**  
**District of South Carolina (Charleston)**  
**CRIMINAL DOCKET FOR CASE #: 2:22-cr-00418-MHC-2**

Case title: USA v. Clifton et al

Date Filed: 05/20/2022

Date Terminated: 05/23/2022

---

Assigned to: Magistrate Judge Molly H  
Cherry

**Defendant (2)**

**David Charles Johnston**  
*TERMINATED: 05/23/2022*  
*also known as*  
Dave Johnston  
*TERMINATED: 05/23/2022*

represented by **Albert Randolph Hough**  
1720 Main St  
Suite 105  
Columbia, SC 29201  
803-771-4119  
Fax: 803-256-0243  
Email: arhough@houghlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1752.P TEMPORARY  
RESIDENCE OF THE PRESIDENT

**Disposition**

**Plaintiff****USA**

represented by **Emily Evans Limehouse**  
 US Attorneys Office (Chas)  
 151 Meeting Street  
 Suite 200  
 Charleston, SC 29401-2238  
 843-266-1663  
 Fax: 843-727  
 Email: Emily.Limehouse@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/20/2022	1	Arrest (Rule 40) of Chadwick Gordon Clifton, David Charles Johnston (egra, ) (Entered: 05/20/2022)
05/20/2022	<a href="#">3</a>	Rule 5c3 Documents Received as to Chadwick Gordon Clifton, David Charles Johnston (egra, ) (Main Document 3 replaced on 5/20/2022) (egra, ). (Entered: 05/20/2022)
05/20/2022	<a href="#">4</a>	Sealed Document (Attachments: # <a href="#">1</a> Arrest Warrant - David Johnston) (egra, ) (Entered: 05/20/2022)
05/20/2022	5	NOTICE OF HEARING as to David Charles Johnston Initial Appearance - Rule 40 set for 5/20/2022 12:00 PM in Charleston Courtroom #5, U. S. Court House, 85 Broad St, Charleston before Magistrate Judge Molly H Cherry. (egra, ) (Entered: 05/20/2022)
05/20/2022	12	<b>Minute Entry for proceedings held before Magistrate Judge Molly H Cherry: Initial Appearance in Rule 5(c)(3) Proceedings as to David Charles Johnston held on 5/20/2022. AUSA Emily Limehouse present for the government. Attorney Randy Hough present with defendant. Defendant waives identity and preliminary hearing and requests a preliminary hearing. Government does not seek detention. Court issues a \$25,000 UNSECURED bond. Court Reporter Karen Martin. (egra, ) Modified to correct docket text on 5/23/2022 (egra, ). (Entered: 05/20/2022)</b>
05/20/2022	<a href="#">13</a>	WAIVER of Rule 5c3 Hearing by David Charles Johnston. (egra, ) (Main Document 13 replaced on 5/23/2022) (egra, ). Modified to replace with corrected document on 5/23/2022 (egra, ). (Entered: 05/20/2022)
05/20/2022	<a href="#">15</a>	UNSECURED Bond Entered as to David Charles Johnston in amount of \$25,000 (egra, ) (Entered: 05/20/2022)
05/20/2022	<a href="#">16</a>	<b>ORDER Setting Conditions of Release. Signed by Magistrate Judge Molly H Cherry on 05/20/2022. (egra, ) (Entered: 05/20/2022)</b>
05/20/2022	<a href="#">17</a>	

		<b>FRCrP 5(f) DISCLOSURE ORDER as to Chadwick Gordon Clifton, David Charles Johnston. Signed by Magistrate Judge Molly H Cherry on 05/20/2022. (egra, ) (Entered: 05/20/2022)</b>
05/20/2022	<a href="#">18</a>	<b>ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Chadwick Gordon Clifton, David Charles Johnston. Signed by Magistrate Judge Molly H Cherry on 05/20/2022. (egra, ) (Entered: 05/20/2022)</b>