

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Brian Korte

) Case: 1:22-mj-00104
) Assigned to: Judge Meriweather, Robin M.
) Assign Date: 5/11/2022
) 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) Brian Korte

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 in a Capitol Building,
- 40 U.S.C. § 5104(e)(2)(G)- Parade, demonstrate, or picket in any of the Capitol Buildings.

Date: 05/11/2022



Robin M. Meriweather

2022.05.11 13:45:03
-04'00'

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 5/11/2022, and the person was arrested on (date) 5/20/2022
at (city and state) ~~Delaware~~ York Haven, PA

Date: 5/20/22

Eli Bupp

Arresting officer's signature

Special Agent Eli Bupp
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Brian Korte, (DOB: XXXXXXXXX)
Lynnwood Nester, (DOB: XXXXXXXXX)
Michael Pomeroy, (DOB: XXXXXXXXX)

) Case: 1:22-mj-00104
) Assigned to: Judge Meriweather, Robin M.
) Assign Date: 5/11/2022
) Description: COMPLAINT W/ ARREST WARRANT
)
)

Defendant(s)

CRIMINAL COMPLAINT

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

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

Code Section

Offense Description

- 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 in a Capitol Building,
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.

Eli D. Bupp
Complainant's signature

Eli Bupp, 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: 05/11/2022

Robin M. Meriweather
Judge's signature

Judge's signature

City and state: Washington, D.C.

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

STATEMENT OF FACTS

Your affiant, Special Agent Eli Bupp, is a Task Force Officer (TFO) assigned to the Joint Terrorism Task Force (JTTF) for the FBI in Harrisburg, PA. In my duties as a special agent, I investigate federal criminal violations related to high technology or cybercrime, child exploitation, child pornography, as well as violations related to the Immigration and Nationality Act, relating to identity and immigration benefit fraud. I have been involved in investigations of marriage fraud, perjury, aggravated identity theft, visa fraud, and conspiracy to commit offense or to defraud the United States. As a special agent, I am authorized to investigate violations of laws of the United States and I am a law enforcement officer with the authority to execute arrest and search and seizure warrants issued under the authority of the United States. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a TFO, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation 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 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. These persons included: (1) a male, wearing a camouflage hat with “TRUMP” in white letters, a blue hoodie and a camouflage backpack, believed to be Brian Korte (“KORTE”); (2) a male with grey/light brown hair and mustache, wearing a dark hoodie with an American flag on the sleeve, and carrying a light brown walking cane, believed to be Lynwood Nester (“NESTER”); and (3) a male, wearing a black Pittsburgh Steelers baseball cap, an American flag scarf, and a black “Free PA” hoodie under a dark vest, believed to be Michael Pomeroy (“POMEROY”).

KORTE, NESTER, and POMEROY are known to reside in Pennsylvania. As described below, your affiant believes that KORTE, NESTER, and POMEROY knew each other through, and are members of, a Pennsylvania based political group called Free PA.¹ On January 6, 2021, KORTE, NESTER, and POMEROY traveled to Washington, D.C. to participate in the “stop the steal” rally. KORTE, NESTER, and POMEROY met up in Washington D.C., along with other members of Free PA.

In the following photograph (“Free PA Photograph”), taken on January 6, 2021, KORTE is circled in red.



¹ On its public website, <https://www.freepa.net/>, Free PA lists its mission as, among other things, organizing physical meetings for like minded patriots to gather, communicate & strategize.

In the Free PA Photograph posted below, NESTER is circled in red.



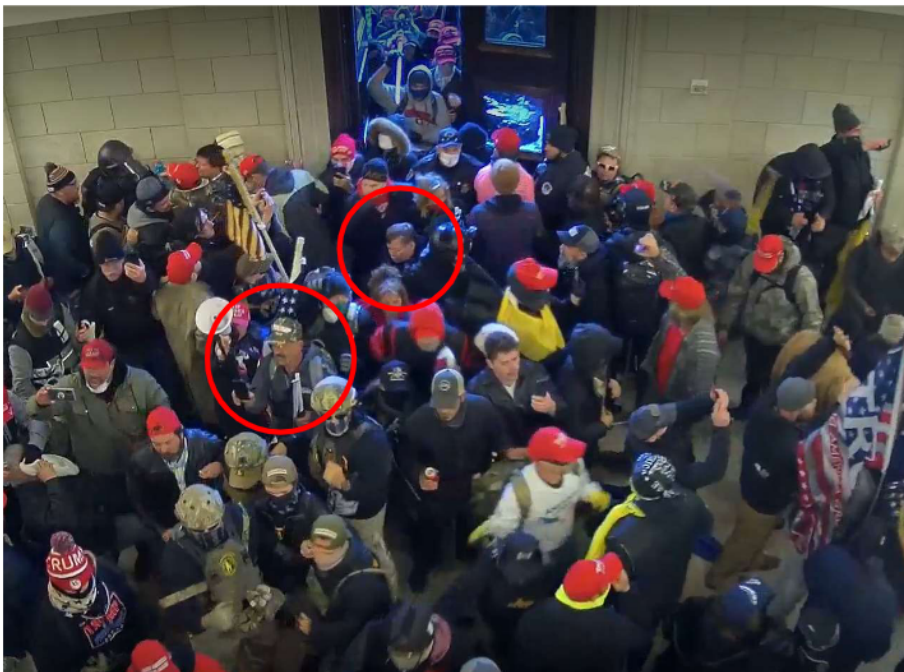
In the Free PA Photograph posted below, POMEROY is circled in red.



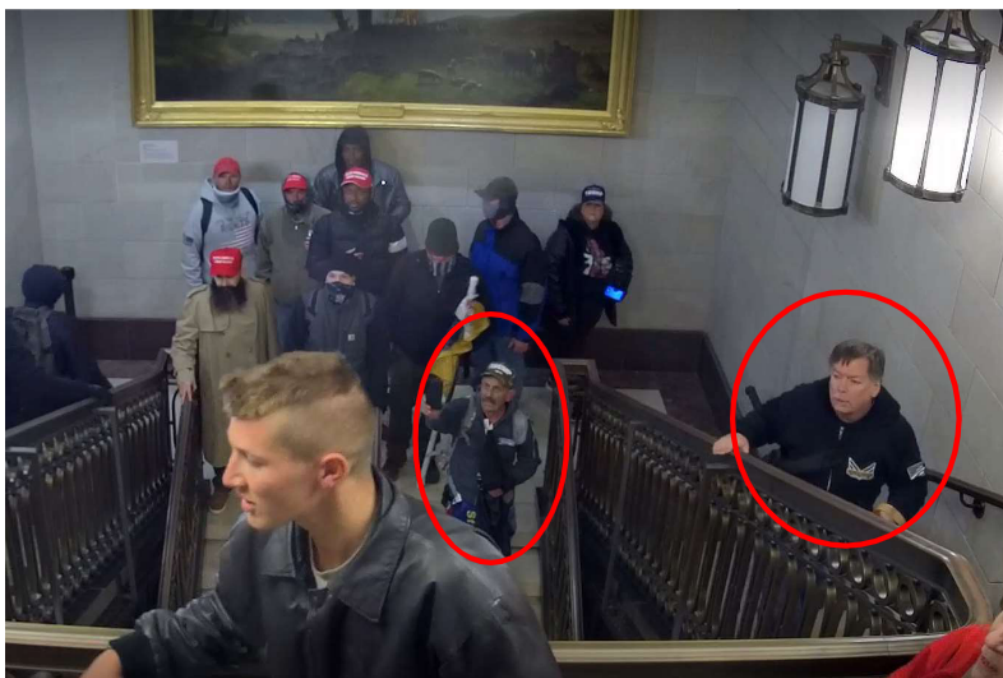
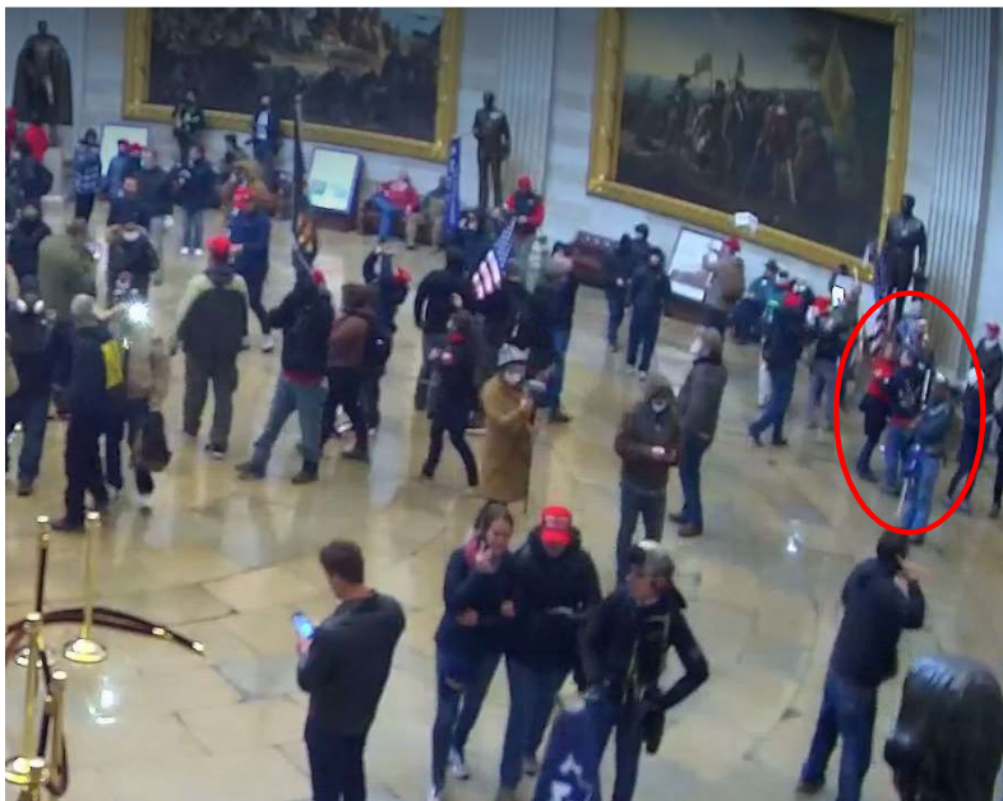
KORTE, NESTER, and POMEROY were also captured with other members of the group Free PA facing the eastern side of the Capitol in the following photograph.



At approximately 2:40 p.m. on January 6, KORTE and NESTER entered the U.S. Capitol building on the second floor on the east side of the building, as depicted in the following still image taken from a recording captured by a closed circuit television (CCV) system at the United States Capitol.



While inside the U.S. Capitol Building, KORTE and NESTER entered the second floor Rotunda, a stairwell to the third floor, and a hallway on the third floor.

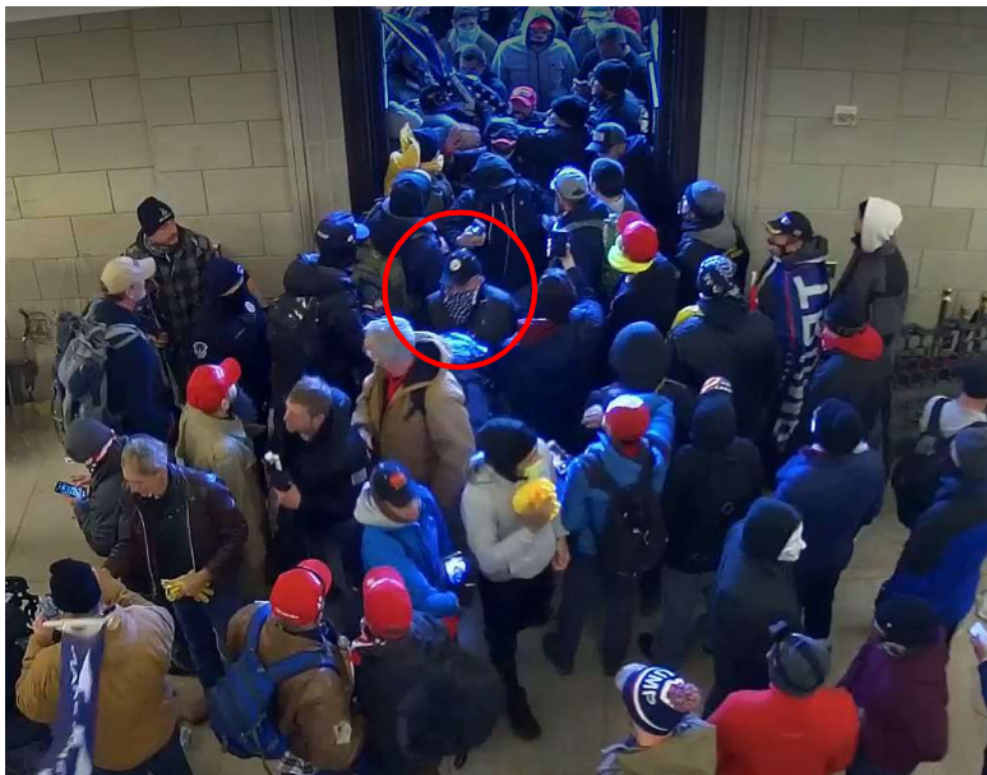




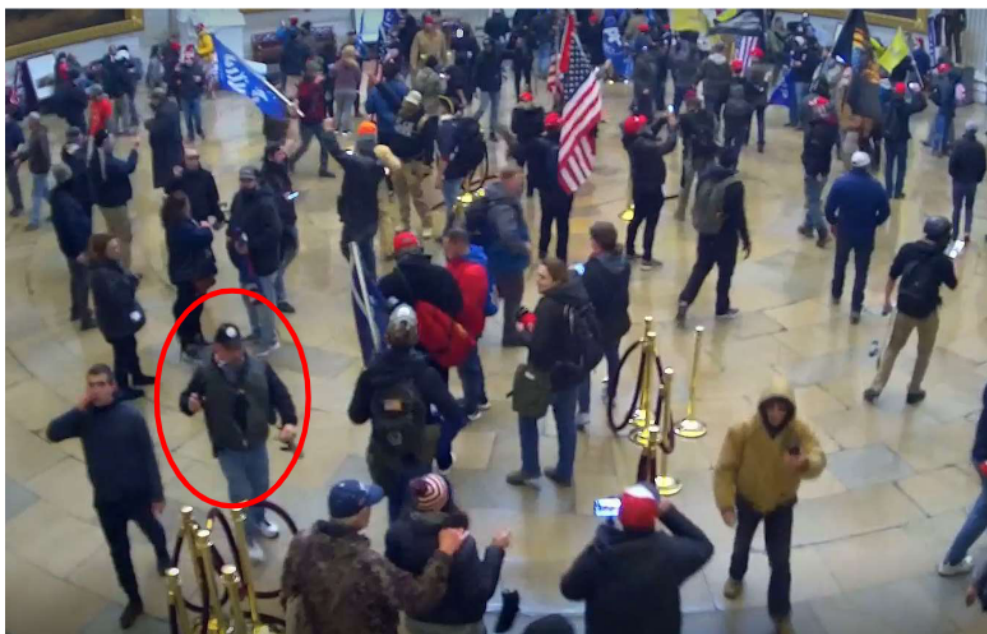
NESTER and KORTE remained in the U.S. Capitol building for approximately ten and a half minutes, exiting at approximately 2:51 p.m. through the same door they entered.



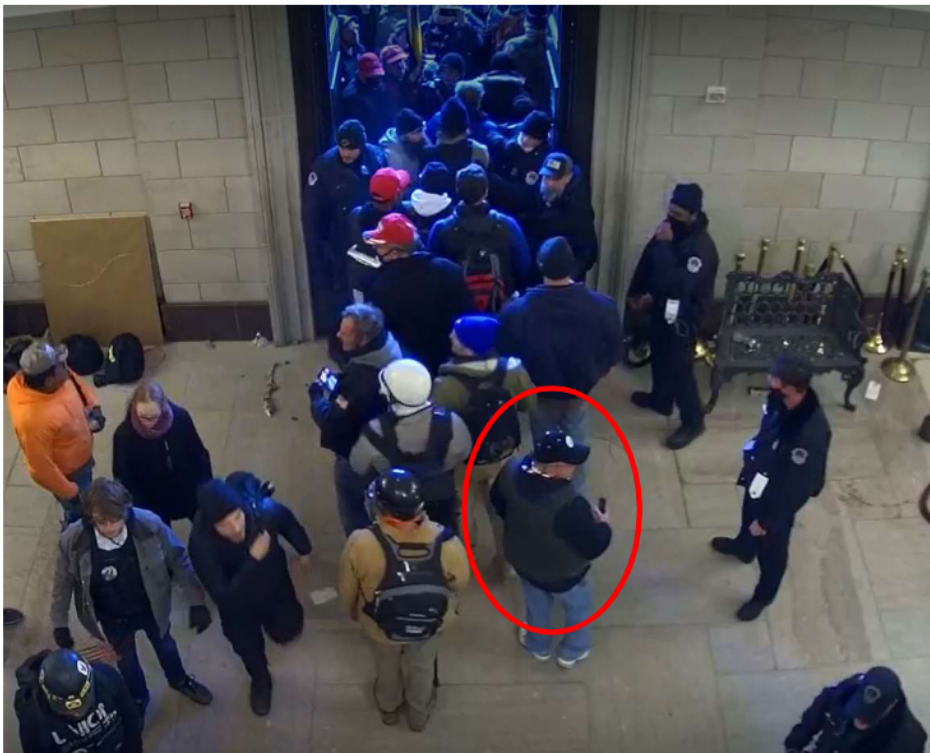
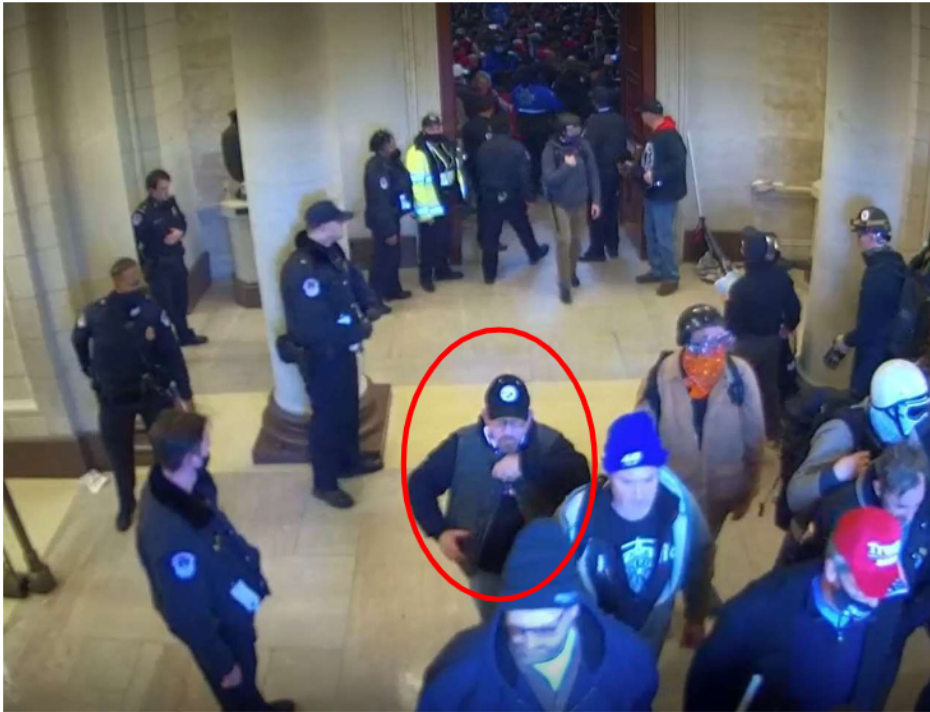
At approximately 2:45 p.m. on January 6, 2021, POMEROY also entered the U.S. Capitol building through the same door on the second floor on the east side of the building.



While inside the U.S. Capitol building, POMEROY travelled through the Rotunda.



POMEROY remained in the U.S. Capitol building for approximately twenty minutes, exiting at approximately 3:05 p.m. through the same door he entered.



On 15 May 2021, the FBI executed an arrest of William Blauser for charges stemming from his unlawful entry into the US Capitol on January 6, 2021.² During his custodial interview, Blauser was provided the image below and identified himself as the person on the far right of the image in the blue hat and camouflage jacket. Blauser also identified NESTER as the person second from the right, POMEROY as the person second from the left, and Brian (last name unknown) as the person on the far left. Blauser indicated that everyone in the photo was a member of the group Free PA.



Additional identification of KORTE.

On or about January 11, 2021, the FBI received a tip through the FBI Office of Public Affairs Digital Media Tips website. Witness 1, whose identity is known to the government, provided information from a third party that KORTE was “at the attack on Capitol Hill,” had made it inside the Capitol, and had posted pictures on social media from the Capitol. Additionally, Witness 1 identified KORTE as the the owner of in York Haven, PA.

On or about January 11, 2021, the FBI received a second tip through the FBI Office of Public Affairs Digital Media Tips website. Witness 2, whose identity is known to the government, provided the following information:

“On January 6th, Brian Korte of York, PA was present during the storming of the Capitol building. I heard from a family member that he posted a picture of himself inside the Capitol building on his Facebook page, however, I am not able to see it. I did attach two screenshots from

² Blauser pleaded guilty to a violation of 40 U.S.C. § 5104(e)(2)(G) for his participation in the riot and was sentenced on February 3, 2022.

his wife[’s] Facebook page where she states that members of her family were in Washington DC for this.”

On or about June 02, 2021, Witness 3, a family member of Witness 2 who is familiar with KORTE as explained further below, was interviewed. Witness 2 was provided the following photograph and positively identified KORTE as the first individual on the left.



Witness 3 worked with KORTE for several years over the past decade at B&B Plumbing. On or about January 6, 2021, while observing the events taking place at the U.S. Capitol building on the news, Witness 3 exchanged text messages with “Niki,” [redacted] Niki informed Witness 3 that KORTE was in Washington, D.C. that day and that he was part of the group who broke into the Capitol. Witness 3 provided the following text messages with Niki:



On June 16, 2021, the FBI executed a search warrant at KORTE's residence in York Haven, Pennsylvania. During the search, KORTE admitted to being inside the Capitol, and provided the following additional information. KORTE drove his personal vehicle, a red Avalanche, from Pennsylvania to Washington, DC. KORTE did not communicate with anyone while in Washington, DC, but he did run into some people he knew from Pennsylvania. KORTE did not have any expectations that people would break into the U.S. Capitol building and he was not planning to go inside. KORTE returned back to his home in Pennsylvania around 7 or 8 o'clock at night.

Additional identification of NESTER.

On or about January 17, 2021, the FBI received a tip from Witness 4 through the FBI Office of Public Affairs Digital Media Tips website. Witness 4, whose identity is known to the government, provided that he/she had seen NESTER in subsequently deleted videos posted to Facebook. On March 27, 2021, Witness 4 was interviewed by the FBI and shown the Free PA Photograph. Witness 4 positively identified the person second from the right in the Free PA Photograph as NESTER. Witness 4 had met NESTER at a small gathering in Pennsylvania in December 2020, and specifically remembered NESTER due to some concerning comments NESTER made at the event.

CLEAR, a law enforcement database, was checked for possible phone numbers and addresses associated with NESTER. A phone number of [red box] 736 and address of [red box] [red box] Dillsburg, PA 17019 was listed for NESTER. According to records obtained through a search warrant which was served on AT&T, on January 6, 2021, in and around the time of the incident, the cellphone associated with [red box] 736 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

On or about June 9, 2021, FBI Harrisburg received information from Facebook for account number [REDACTED] 849. The name listed on this account is [REDACTED] with an email address of [REDACTED]@yahoo.com. The date of birth listed with this account is [REDACTED]. A phone number listed for this account is [REDACTED] 736.

I have reviewed the driver's license and driver's license photo for Lynnwood NESTER residing in Dillsburg, PA 17019. The date of birth listed on the driver's license is [REDACTED]. I have compared the photo with photos and video taken at the U.S. Capitol on January 6, 2021. Based on my review, I believe that the driver's license photo for Lynnwood NESTER shares similar characteristics with the person identified as NESTER in the Free PA Photograph and images from inside the Capitol provided above.

Additional identification of POMEROY.

CLEAR was also checked for possible phone numbers and addresses associated with POMEROY. A phone number of [REDACTED] 201 and an address of [REDACTED], Harrisburg, PA 17110 was listed for POMEROY. According to records obtained through a search warrant which was served on VERIZON, on January 6, 2021, in and around the time of the incident, the cellphone associated with [REDACTED] 201 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building.

Additionally, during his custodial interview, Blauser reported that POMEROY is the brother of S.P.W., and stated that S.P.W. is the person third from the right in the Free PA Photograph. On June 28, 2021, S.P.W. was arrested for participating in the January 6th riot.

I have reviewed the driver's license photo for Michael POMEROY residing in Harrisburg, PA 17110. I have compared it with photos and video taken at the U.S. Capitol on January 6, 2021. Based on my review, I believe that the driver's license photo for Michael Pomeroy shares similar characteristics with the person identified as POMEROY in the Free PA Photograph and images from inside the Capitol provided above.

Based on the foregoing, your affiant submits that there is probable cause to believe that BRIAN KORTE, LYNWOOD NESTER, and MICHAEL POMEROY 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.

Finally, your affiant submits there is also probable cause to believe that BRIAN KORTE, LYNWOOD NESTER, and MICHAEL POMEROY 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.



Eli Bupp
Special Agent
Homeland Security Investigations

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of May 2022.



HONORABLE ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Brian Korte

) Case: 1:22-mj-00104
) Assigned to: Judge Meriweather, Robin M.
) Assign Date: 5/11/2022
) 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) Brian Korte,
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 in a Capitol Building,
- 40 U.S.C. § 5104(e)(2)(G)- Parade, demonstrate, or picket in any of the Capitol Buildings.

Date: 05/11/2022  *Rob M. Meriweather* 2022.05.11 13:45:03
-04'00'


Issuing officer's signature

City and state: Washington, D.C. Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

Return	
This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.	
Date: _____	_____ <i>Arresting officer's signature</i>
	_____ <i>Printed name and title</i>

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

UNITED STATES OF AMERICA : CRIM. NO. 1:22-MJ-46
 :
v. :
 :
 :
 :
BRIAN KORTE, LYNWOOD NESTER, :
and MICHAEL POMEROY :

FILED
HARRISBURG, PA
MAY 20 2022
PER 
DEPUTY CLERK

ORDER

Pursuant to the October 21, 2020 amendment to Rule 5 of the Federal Rules of Criminal Procedure the Court provides the prosecution and defense counsel with the following notice that confirms the disclosure obligation of the prosecution under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, to disclose exculpatory information to the defense in the above-captioned case.

Under Brady the prosecution must produce material evidence in its possession custody or control favorable to the accused. This obligation to produce favorable evidence includes both exculpatory evidence and information which may impeach government witnesses when that evidence is material either to guilt or punishment.

Such disclosures must be made in a timely manner in order to allow the use of the exculpatory information in the defense of the case.

The failure to comply with this due process obligation may result in dismissal

of charges, exclusion of evidence, adverse inference jury instructions, contempt proceedings or sanctions against counsel.

So ordered this 20th day of May 2022.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge

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

FILED
HARRISBURG, PA
MAY 20 2022
PER [Signature]
DEPUTY CLERK

United States of America)

v.)

Brian Korte)

Defendant)

Case No. 1:22-mj-00046-MCC

Charging District's Case No. 1:22-MJ-00104

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:

- 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: 5/20/22

[Signature]

Defendant's signature

[Signature]

Signature of defendant's attorney

TA THORNTON

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

FILED
HARRISBURG, PA

MAY 20 2022

PER *[Signature]*
DEPUTY CLERK

REDACTED

United States of America
v.

Brian Korte

Defendant

Case No. 1:22-mj-00046-MCC-1

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.

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

- (7) The defendant must: (a) submit to supervision by and report for supervision to the Pre-Trial Services Office, telephone number 717-901-2860, no later than; (b) continue or actively seek employment; (c) continue or start an education program; (d) surrender any passport to: Clerk of Court; (e) not obtain a passport or other international travel document; (f) abide by the following restrictions on personal association, residence, or travel: Middle District of Pennsylvania, except as authorized by pre-trial services; (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution; (h) get medical or psychiatric treatment; (i) return to custody each at o'clock after being released at o'clock for employment, schooling, or the following purposes; (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary; (k) not possess a firearm, destructive device, or other weapon; (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; (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; (q) submit to the following location monitoring technology and comply with its requirements as directed;

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) Travel to the District of Columbia only for court matters, and meetings with counsel

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.

[Handwritten Signature]

Defendant's Signature



Address and Telephone Number

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: 5.20.22

[Handwritten Signature]

Judicial Officer's Signature

Martin C. Carlson, U.S. Magistrate Judge

Printed name and title

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

FILED
HARRISBURG, PA
MAY 20 2022
PER *[Signature]*
DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the
Middle District of Pennsylvania

United States of America)
v.)
Brian Korte, Lynnwood Nester, Michael Pomeroy)

Defendant)

Case No. 1:22-mj-00046-MCC
Charging District: District of Columbia
Charging District's Case No. 1:22-MJ-00104

**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: U.S. District Court - District of Columbia 333 Constitution Ave, NW, Rm 1225 Washington, D.C. 20001	Courtroom No.: Via ZOOM - M.J. Meriweather
	Date and Time: 5/26/2022 at 1:00 p.m.

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: 5-20-22

Martin C. Carlson
Judge's signature

Martin C. Carlson, United States Magistrate Judge
Printed name and title

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United States District Court
Middle District of Pennsylvania (Harrisburg)
CRIMINAL DOCKET FOR CASE #: 1:22-mj-00046-MCC-1

Case title: USA v. Korte et al

Date Filed: 05/20/2022

Assigned to: Magistrate Judge Martin
C. Carlson

Defendant (1)**Brian Korte**

represented by **Thomas A. Thornton**
Federal Public Defender
100 Chestnut St
Suite 306
Harrisburg, PA 17101
717-782-2237
Email: thomas_thornton@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.M

Disposition

Plaintiff**USA**represented by **Samuel S Dalke**US Attorney's Office, Middle District of
PA

228 Walnut Street

Suite 220

P.O. Box 11754

Harrisburg, PA 17108

Email: samuel.s.dalke@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney*

Date Filed	#	Docket Text
05/20/2022	1	CRIMINAL COMPLAINT as to Brian Korte (1), Lynnwood Nester (2), Michael Pomeroy (3) FROM District of Columbia. (Attachments: # 1 Statement of Facts, # 2 Korte - Arrest Warrant, # 3 Nester - Arrest Warrant, # 4 Pomeroy - Arrest Warrant) (kjm) (Entered: 05/20/2022)
05/20/2022		Arrest (Rule 40) of Brian Korte, Lynnwood Nester, Michael Pomeroy. (kjm) (Entered: 05/20/2022)
05/20/2022	3	CJA 23 - FINANCIAL AFFIDAVIT by Brian Korte (ki) (Entered: 05/20/2022)
05/20/2022	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER - Thomas A. Thornton, AFPD, appt'd for Brian Korte. Signed by Magistrate Judge Martin C. Carlson on 5/20/22. (ki) (Entered: 05/20/2022)
05/20/2022	7	WAIVER of Rule 5 & 5.1 Hearings by Brian Korte (ki) (Entered: 05/20/2022)
05/20/2022	10	RULE 5 NOTICE re: Brady disclosure obligations as to defendant Brian Korte, Lynnwood Nester, Michael Pomeroy. Signed by Magistrate Judge Martin C. Carlson on 5/20/22. (ki) (Entered: 05/20/2022)
05/20/2022	11	ORDER TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING as to Brian Korte, Lynnwood Nester, Michael Pomeroy via ZOOM Videoconference before Magistrate Judge Robin Meriweather (USDC District of Columbia) on 5/26/2022 @ 01:00 PM. (See order for complete details.) Signed by Magistrate Judge Martin C. Carlson on 5/20/22. (ki) (Entered: 05/20/2022)
05/20/2022	12	SEALED OSCR Korte. (ki) (Entered: 05/20/2022)
05/20/2022	15	ORDER Setting Conditions of Release (Redacted) as to Brian Korte.Signed by Magistrate Judge Martin C. Carlson on 5/20/22. (ki) (Entered: 05/23/2022)