

AO 442 (Rev. 11/11) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the  
District of ColumbiaUnited States of America  
v.

David Joseph Gietzen

) Case: 1:22-mj-00073  
 ) Assigned To: Magistrate Judge Zia M. Faruqui  
 ) Assign, Date: 3/24/2022  
 ) Description: Complaint with 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 Joseph Gietzen

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. § 111(a)(1) & (b) - Assaulting, Resisting, or Impeding Certain Officers with Deadly or Dangerous Weapon  
 18 U.S.C. § 231(a)(3)- Civil Disorder  
 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  
 18 U.S.C. § 1752(a)(4)- Engaging in Physical Violence in a Restricted Building or Grounds

Date: 03/25/2022

Zia M. Faruqui  
2022.03.25 18:15:00 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

## Return

This warrant was received on (date) 3/25/22, and the person was arrested on (date) 5/11/22  
at (city and state) Sanford, NC

Date: 5/11/22

Arresting officer's signature

FBI SA Craig Noyes

Printed name and title



UNITED STATES DISTRICT COURT  
for the  
Middle District of North Carolina

United States of America  
v.

DAVID JOSEPH GIETZEN  
*Defendant*

Case No. 1:22MJ214



**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: as directed

*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 U.S. Probation Office, telephone number \_\_\_\_\_, no later than \_\_\_\_\_ as directed \_\_\_\_\_.

☐ (b) continue or actively seek employment.

☐ (c) continue or start an education program.

☐ (d) surrender any passport to: \_\_\_\_\_

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

☒ (f) abide by the following restrictions on personal association, residence, or travel: Travel is restricted to the Middle and Eastern Districts of North Carolina unless prior notification is given to the U.S. Probation Office. Defendant may not travel to the District of Columbia other than for Court, pretrial matters, or consultation with attorneys. Travel is restricted to the continental United States unless prior authorization is given by the Court.

☐ (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: \_\_\_\_\_

☐ (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.

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**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) \_\_\_\_\_
-



**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

Winston-Salem, North Carolina

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: 5/11/2022



Judicial Officer's Signature

Joi Elizabeth Peake, United States Magistrate Judge

Printed name and title

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

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  
Middle District of North Carolina



United States of America  
v.

DAVID JOSEPH GIETZEN  
*Defendant*

)  
) Case No. 1:22MJ214  
)

) Charging District: District of Columbia  
) Charging District's Case No. 1:22-CR-00116

**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: Via Zoom as directed	Courtroom No.: Via Zoom as directed
	Date and Time: 5/17/2022 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: 05/11/2022

*Judge's signature*

Joi Elizabeth Peake, United States Magistrate Judge  
*Printed name and title*

**U.S. District Court**  
**North Carolina Middle District (NCMD)**  
**CRIMINAL DOCKET FOR CASE #: 1:22-mj-00214-JEP-1**  
***Internal Use Only***

Case title: USA v. GIETZEN

Date Filed: 05/11/2022

Other court case number: 1:22-CR-00116 District of  
Columbia

Date Terminated: 05/11/2022

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Assigned to: MAG/JUDGE JOI  
ELIZABETH PEAKE

**Defendant (1)**

**DAVID JOSEPH GIETZEN**  
*TERMINATED: 05/11/2022*

represented by **KEARNS DAVIS**  
BROOKS PIERCE MCLENDON HUMPHREY &  
LEONARD  
POB 26000  
GREENSBORO, NC 27420-6000  
336-373-8850  
Fax: 336-378-1001  
Email: [kdavis@brookspierce.com](mailto:kdavis@brookspierce.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level**  
**(Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

RULE 5 ARREST

**Disposition**

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**Plaintiff****USA**

represented by **CRAIG M. PRINCIPE**  
 U. S. ATTORNEY'S OFFICE  
 251 N. MAIN ST., STE. 726  
 WINSTON-SALEM, NC 27101  
 336-747-7519  
 Email: [craig.principe@usdoj.gov](mailto:craig.principe@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: United States Attorney*

Date Filed	#	Page	Docket Text
05/11/2022			Arrest (Rule 5) of DAVID JOSEPH GIETZEN (Garrett, Kim) (Entered: 05/11/2022)
05/11/2022			Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE:INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to DAVID JOSEPH GIETZEN held on 5/11/2022. AUSA Craig Principe. Attorney Kearns Davis appointed and present with defendant. Defendant advised of rights and charges. Government not requesting detention and agrees with release conditions. Defendant released to appear as directed (see order). Proceedings recorded. (Garrett, Kim) (Entered: 05/11/2022)
05/11/2022	<u>1</u>		<b>SEALED</b> FINANCIAL AFFIDAVIT by DAVID JOSEPH GIETZEN. (Garrett, Kim) (Entered: 05/11/2022)
05/11/2022	<u>2</u>		ORDER appointing CJA Panel Attorney KEARNS DAVIS for DAVID JOSEPH GIETZEN. Signed by MAG/JUDGE JOI ELIZABETH PEAKE on 5/11/22. (Garrett, Kim) (Entered: 05/11/2022)
05/11/2022	<u>3</u>		<b>ORDER Setting Conditions of Release</b> for DAVID JOSEPH GIETZEN. Signed by MAG/JUDGE JOI ELIZABETH PEAKE on 5/11/22. (Garrett, Kim) (Entered: 05/11/2022)
05/11/2022	<u>4</u>		<b>ORDER</b> Requiring Defendant to Appear in the District where charges are pending and transferring bail as to DAVID JOSEPH GIETZEN. Signed by MAG/JUDGE JOI ELIZABETH PEAKE on 5/11/22. (Garrett, Kim) (Entered: 05/11/2022)