

22-mj-1044

AO 442 (Rev. 11/11) Arrest Warrant

# UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America  
v.  
Mark Waynick

*Defendant*

ATTEST AND CERTIFY  
A TRUE COPY  
CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
By [Signature]  
Deputy Clerk

Case: 1:22-mj-00028  
Assigned to: Judge Meriweather, Robin M.  
Assign Date: 2/14/2022  
Description: COMPLAINT W/ ARREST WARRANT

RECEIVED  
Mail Room  
MAR 11 2022  
Angela D. Caesar, Clerk of Court  
U.S. District Court, District of Columbia

## 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) Mark Waynick

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), (2) and (4) - Entering and Remaining in a Restricted Building or Grounds, Disorderly and Disruptive Conduct in a Restricted Building or Grounds, and Act of Physical Violence in a Restricted Building or Grounds;  
40 U.S.C. § 5104(e)(2)(D) and (F) - Utter Loud, Threatening, or Abusive Language, Engage in Disorderly or Disruptive Conduct, and Acts of Physical Violence in a Capitol Building or Grounds;  
18 U.S.C. 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;  
18 U.S.C. 111(a)(1) - Assaulting, Resisting, or Impeding Certain Officers.

Date: 02/14/2022

[Signature]

Zia M. Faruqui

2022.02.14

14:41:45 -05'00'

*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) 02/17/2022, and the person was arrested on (date) 02/17/2022  
at (city and state) Charlotte, TN.

Date: 02/17/2022

[Signature]  
SA P. [Signature]

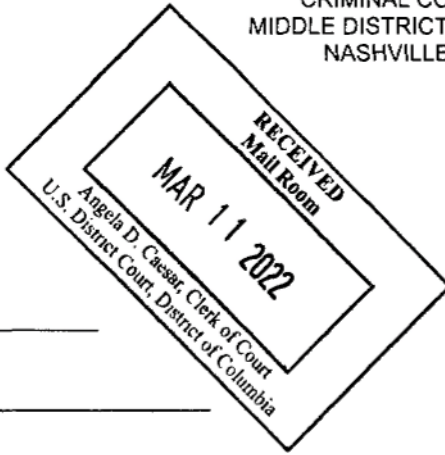
*Arresting officer's signature*

Preston Grantham, FBI Special Agent

*Printed name and title*



CRIMINAL COVER SHEET  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION



Indictment ( a)  
Complaint (X)  
Information ( )  
Felony (X)  
Misdemeanor ( )  
Juvenile ( )

County of Offense: Washington, D.C.  
AUSA's NAME: Kurtzman  
Reviewed by AUSA: JAK  
(Initials)

Mark Waynick  
Defendant's Full Name

Defendant's Address

Defendant's Attorney

Interpreter Needed? Yes  No   
If Yes, what language? \_\_\_\_\_

COUNT(S)	TITLE/SECTION	OFFENSE CHARGED	MAX. PRISON (plus any mandatory minimum)	MAX. FINE
1	18 U.S.C. § 1752(a)(1)-(2), (4)	Entering and Remaining in a Restricted Building or Grounds, Disorderly and Disruptive Conduct in a Restricted Building or Grounds, and Act of Physical Violence in a Restricted Building or Grounds;	1 year	\$250,000
2	40 U.S.C. § 5104(e)(2)(D), (F)	Utter Loud, Threatening, or Abusive Language, Engage in Disorderly or Disruptive Conduct, and Acts of Physical Violence in a Capitol Building or Grounds;	6 months	\$5,000
3	18 U.S.C. § 231(a)(3)	Civil Disorder – Instruct, Impede, or Interfere with Law Enforcement	5 years	\$250,000
4	18 U.S.C. § 111(a)(1)	Assaulting, Resisting, or Impeding Certain Officers Involving Physical Contact	8 years	\$250,000

Is the defendant currently in custody? Yes (x) No ( ) If yes, State or Federal? Writ requested ( )

Has a complaint been filed? Yes (x) No ( )  
If Yes: Name of the Magistrate Judge Zia M. Faruqi Case No.: 1-22-mj-00028  
Was the defendant arrested on the complaint? Yes (x) No ( )

Has a search warrant been issued? Yes (X) No ( )  
If Yes: Name of the Magistrate Judge Holmes Case No.: 22-mj-1036  
Was bond set by Magistrate/District Judge? Yes ( ) No ( ) Amount of bond: \_\_\_\_\_

Is this a Rule 20? Yes ( ) No (x) To/from what district? \_\_\_\_\_  
Is this a Rule 40? Yes ( ) No (x) To/from what district? \_\_\_\_\_

Estimated trial time: 3 days \_\_\_\_\_

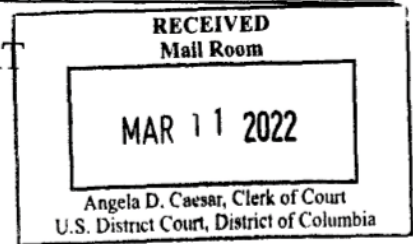
The Clerk will issue a **Summons/Warrant** (circle one) (Note: If information, request for a warrant requires presentment of a sworn affidavit of probable cause to a judicial officer, who will determine whether to issue a warrant)

Detention requested: Yes (x) No ( ) Recommended conditions of release: N/A

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia



United States of America
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who is accused of an offense or violation based on the following document filed with the court:

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Zia M. Faruqui
2022.02.14
14:41:45 -05'00'

Date: 02/14/2022

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) , and the person was arrested on (date)
at (city and state)

Date:

Arresting officer's signature

Printed name and title

Case: 1:22-mj-00028

Assigned to: Judge Meriweather, Robin M.

Assign Date: 2/14/2022

Description: COMPLAINT W/ ARREST WARRANT

### STATEMENT OF FACTS

On January 6, 2021, your affiant, Federal Bureau of Investigation (FBI) Special Agent Christopher R. Potts, was on duty and performing my official duties as an FBI Special Agent. Specifically, I am assigned to the Joint Terrorism Task Force based at the Nashville Resident Agency of the FBI's Memphis Field Office. As a result of the attack on the United States Capitol on January 6, 2021, I was subsequently tasked with investigating criminal activity in and around the United States Capitol grounds. As an FBI Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, 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 are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was 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 still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

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

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

*Facts Specific to Jerry Waynick and Mark Waynick*

As part of the FBI investigation into the attack on the United States Capitol, the FBI located video and still images of multiple individuals that were associated with attacks on federal officers. The individuals in these images were designated as Assault on Federal Officer, or AFO, cases. Each individual AFO subject was identified by a specific number and at least one image.

Your affiant was assigned the investigation of a subject identified by the FBI as "AFO 157." The FBI posted numerous photographs of AFO 157 on its website to seek information about the individual's identity. A few of the photographs are included below. (See *Figures 1* and *2*). As further discussed below, AFO 157 has subsequently been identified as **JERRY MCKANE WAYNICK** of Charlotte, Tennessee. See *Figure 1*. **JERRY MCKANE WAYNICK** is observed in multiple photographs with another white male. This individual has been identified as his father, **MARK WAYNICK**. See *Figure 2*.



*Figure 1*  
*Photograph of AFO-157*



*Figure 2*  
*Photograph of AFO-157*

I have reviewed video footage from various sources of events that took place on January 6, 2021, which document **JERRY MCKANE WAYNICK**'s actions that day. Your Affiant reviewed numerous photographs of **MARK WAYNICK** and **JERRY MCKANE WAYNICK** from January 6, 2021 inside and outside of the U.S. Capitol. In the photographs, **JERRY MCKANE WAYNICK** is attired in brown boots, dark jeans, a red flannel shirt, tan tactical gloves with black knuckle protectors, a black tactical vest, and a black tactical helmet.

**MARK WAYNICK** is attired in dark boots, blue jeans, black shirt, black tactical gloves with black knuckle protectors, a red/white/blue bandana around his neck, a black tactical vest, and a black tactical helmet. (See *Figures 2, 3, and 4*).

*Photographs of Jerry McKane Waynick and Mark Waynick*



*Figure 3*



*Figure 4*

I reviewed video footage from the interior and exterior of the U.S. Capitol to locate the Waynicks. Initially, I observed **JERRY MCKANE WAYNICK** and **MARK WAYNICK** in the restricted exterior area of the U.S. Capitol, specifically in the West Front area of the U.S. Capitol. Law enforcement officers had created a row of barricades on the West Front of the U.S. Capitol to keep rioters from entering the Capitol.

**JERRY MCKANE WAYNICK** and **MARK WAYNICK** joined other rioters in an effort to break the officers' perimeter line on the West Front. Video captured by U.S. Capitol CCTV and Body-Worn Camera (BWC) of Washington Metropolitan Police Department (MPD) Officer A.S. at approximately 1:36 p.m., shows **JERRY MCKANE WAYNICK** and **MARK WAYNICK** rushing toward the line and pushing against and reaching toward the officers lined up



at the barricade. Images captured of the event were subsequently posted on the internet and are shown below as *Figures 5 and 6*.



*Figure 5*



*Figure 6*

BWC footage from Officer A.S. captured **JERRY MCKANE WAYNICK** attempting to grab A.S.'s baton during the assault on the line of officers. This event is captured in the photos below. *See Figures 7 - 9.*



Figure 7



Figure 8



Figure 9

Shortly after, at approximately 1:40 pm, video footage from the BWC of MPD Officer T.T. depicts **JERRY MCKANE WAYNICK** assaulting law enforcement officers. Specifically, the video captures **JERRY MCKANE WAYNICK** picking up a large, red/orange-colored barrier/cone and throwing it at police officers who were holding the riot line. **JERRY MCKANE WAYNICK**'s assault on law enforcement officers is further captured as seen in the photos below. See *Figures 10-13*.



*Figure 10*



*Figure 11*



*Figures 12 and 13*

MPD Officer M.V. swatted the cone away with his/her hand before the cone landed on the ground.

***Entry into the U.S. Capitol Building***

By approximately 2:00 p.m., **JERRY MCKANE WAYNICK** and **MARK WAYNICK** moved from the West Front area to the Upper West Terrace, where they joined other rioters in breaching and entering the U.S. Capitol. At approximately 2:20 pm, **JERRY MCKANE WAYNICK** and **MARK WAYNICK** entered the U.S. Capitol Building via the Senate Wing Doors. This event was likewise captured by CCTV video cameras. *See Figures 14 and 15.*



*Figure 14 (Photograph of Jerry McKane Waynick)*



*Figure 15 (Photograph of Mark Waynick)*

**JERRY MCKANE WAYNICK** and **MARK WAYNICK** were in the U.S. Capitol Building for approximately 25-30 minutes, during which time they are captured on CCTV footage walking through various parts of the building. These areas include the Senate Wing, the Rotunda, Statuary Hall, and the House Wing.

Both **JERRY MCKANE WAYNICK** and **MARK WAYNICK** are also captured on MPD BWC footage while inside the U.S. Capitol Building, as seen in the below photographs taken from the BWC of Officer B.I. Both **JERRY MCKANE WAYNICK** and **MARK WAYNICK** can be seen wearing the same clothing as described above. Specifically, **JERRY MCKANE WAYNICK** is attired in brown boots, dark jeans, a red flannel shirt, tan tactical gloves with black knuckle protectors, a black tactical vest, and a black tactical helmet. **MARK WAYNICK** is attired

in dark boots, blue jeans, black shirt, black tactical gloves with black knuckle protectors, a red/white/blue bandana around his neck, a black tactical vest, and a black tactical helmet.



*Figure 16 (Photograph of Jerry McKane Waynick and Mark Waynick)*

A review of CCTV footage reveals that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** exited the U.S. Capitol Building at approximately 2:55 pm.

Shortly before exiting, both individuals passed by a group of MPD officers who were standing near the exit doors, to include Officer B.R. The BWC of Officer B.R. captured footage of **JERRY MCKANE WAYNICK** and **MARK WAYNICK** as they walked by, as seen in *Figures 17 and 18* below.



*Figure 17 (Photograph of Jerry McKane Waynick and Mark Waynick)*



*Figure 18 (Photograph of Jerry McKane Waynick and Mark Waynick)*

### Identification

The FBI identified an Instagram account with the Instagram handle 'studd\_ed6.4' and username 'McKane Waynick' who resided in Nashville. A photo of the user of Instagram account 'studd\_ed6.4' was found during a review of the account. See Figure 19.

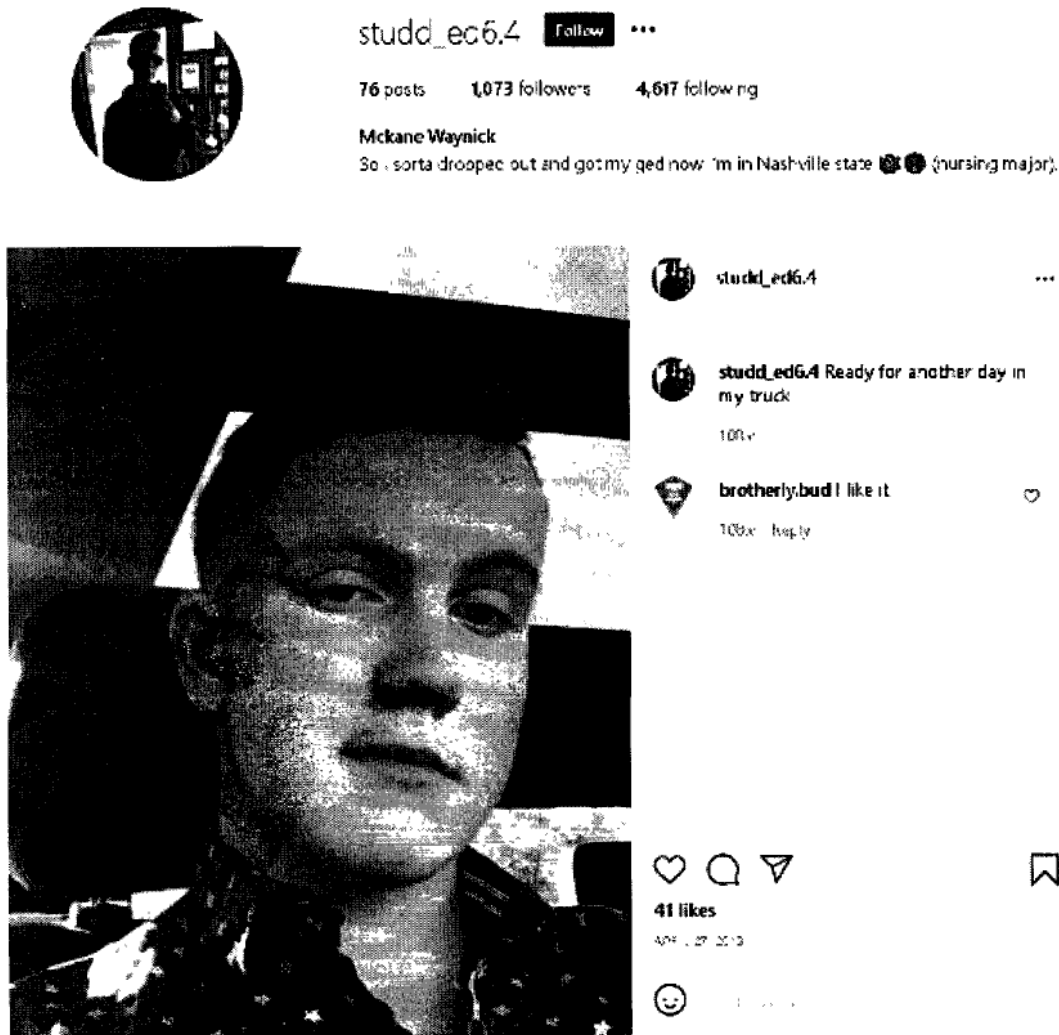


Figure 19

A subsequent search of the Tennessee Department of Motor Vehicle (DMV) database revealed a driver's license record belonging to an individual named 'Jerry Thomas McKane Waynick' with residential address 665 Scott Hollow Road, Charlotte, Tennessee. **JERRY MCKANE WAYNICK** was listed as 5'9" in height, 152lbs, and as having brown hair and blue eyes. I reviewed the 2021 driver's license photo associated with this record.



Additionally, database checks revealed a 2018 passport belonging to 'Jerry Thomas McKane Waynick' with the following photo (*Figure 20*) associated with it.



*Figure 20*

Based upon your Affiant's review of aforementioned DMV photo, passport photo, Instagram photos, and the photos associated with AFO 157, your Affiant believes that the photos contain images of the same person, **JERRY MCKANE WAYNICK**.

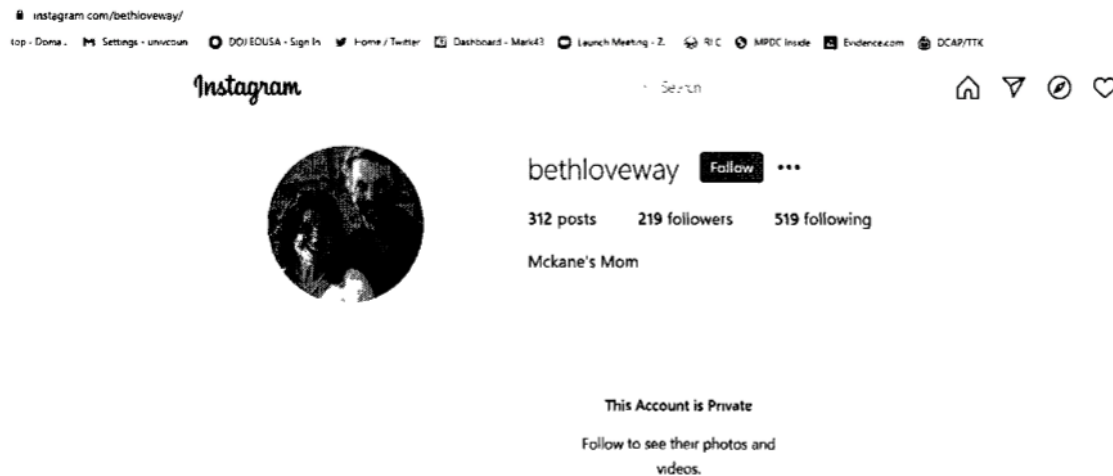
**JERRY MCKANE WAYNICK**'s Instagram account indicates that he attended Nashville State Community College (NSCC). A review of school contact records indicated a **JERRY MCKANE WAYNICK** had previously attended NSCC. These records also showed this individual provided residential address, 665 Scott Hollow Road, Charlotte, Tennessee, as well as telephone number xxx-xxx-4278, as his contact information for the college.

Searches of law enforcement and open-source database records for telephone number xxx-xxx-4278 revealed a Verizon Wireless cellular telephone account associated with Beth Waynick. According to Tennessee DMV records, Beth Waynick, date of birth xx/xx/1965, resides at 665 Scott Hollow Road, Charlotte, Tennessee.

According to records obtained via the execution of a search warrant to Verizon Wireless, on January 6, 2021, in and around the time of the incident, the cellular telephone using number xxx-xxx-4278 (Apple iPhone 11 Pro Max) 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. Based on this, the FBI concluded that **JERRY MCKANE WAYNICK** carried the aforementioned cellular device into the U.S. Capitol Building on January 6, 2021.

Additionally, the FBI conducted checks of law enforcement and open-source databases related to the property located at 665 Scott Hollow Road, Charlotte, Tennessee. According to the Dickson County (Tennessee) Property Assessor's website, the property corresponding to this address is owned by 'Mark D and Mary Beth Waynick'.

Law enforcement conducted social media checks for accounts associated with Beth Waynick. The results yielded an account bearing Instagram handle 'bethloveyway'. The account homepage (*Figure 21*) depicts a photo and the words, "McKane's Mom". Beth Waynick has been identified as **JERRY MCKANE WAYNICK**'s mother.



*Figure 21*

Your Affiant conducted a search of the Tennessee DMV database for records related to 'Mark D Waynick'. The results revealed a driver's license record belonging to an individual named 'Mark Dewayne Waynick', date of birth xx/xx/1970, with residential address 665 Scott Hollow Road, Charlotte, Tennessee. Mark Dewayne Waynick was listed as 6'0" in height, 220lbs, and as having red/auburn hair and blue eyes. I have reviewed the DMV photo for Mark Dewayne Waynick.

Based upon your Affiant's review of the aforementioned DMV photo for Mark Dewayne Waynick, the Instagram homepage profile photo for the account known to be associated with Beth Waynick, and the photos and video footage of **JERRY MCKANE WAYNICK** from January 6, 2021, your Affiant concluded that physical similarities in the media content bare a clear resemblance to **MARK WAYNICK**. The individual associated with **JERRY MCKANE WAYNICK** on January 6, 2021, was subsequently identified as **MARK WAYNICK**.

The FBI conducted additional searches of law enforcement and open-source databases for information pertaining to **MARK WAYNICK**. The results confirmed **MARK WAYNICK**'s residential address of 665 Scott Hollow Road, Charlotte, Tennessee. The results also produced, among others, a cellular telephone associated with **MARK WAYNICK**. This cellular telephone number was xxx-xxx-3966.

Searches of law enforcement and open-source database records for telephone number xxx-xxx-3966 revealed a Verizon Wireless cellular telephone account.

According to records obtained via the execution of a search warrant to Verizon Wireless on January 6, 2021, in and around the time of the incident, the cellular telephone using number xxx-xxx-3966 (Apple iPhone 11 Pro Max) 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. Based on this, the FBI concluded that **MARK WAYNICK** carried the aforementioned cellular device into the U.S. Capitol Building on January 6, 2021.

The FBI conducted surveillance of **JERRY MCKANE WAYNICK** at his residential address in the Charlotte, Tennessee, area on August 4, 2021. During the surveillance, the FBI captured, amongst other images, the below photograph (*See Figure 22*) of **JERRY MCKANE WAYNICK**, which also bears a resemblance to AFO 157. It is noted that **JERRY MCKANE WAYNICK** was observed by the FBI wearing a T-shirt which read, 'Waynick Plumbing', on the front of the shirt.



*Figure 22*

The FBI conducted surveillance again on August 20, 2021, this time of **MARK WAYNICK**, at his residential address in Charlotte, Tennessee. During the surveillance, the FBI observed an individual matching the description of **MARK WAYNICK** depart the residence in a white, Chevrolet 3500 pickup truck bearing Tennessee license plate number 30189H1. Upon reaching his destination, the individual exited the vehicle and the FBI positively identified **MARK WAYNICK** as the driver of the vehicle. *See Figure 23.*



*Figure 23*

The FBI also conducted a check of the Tennessee DMV database for the vehicle registration corresponding to this license plate. The results indicated the vehicle had an active registration belonging to 'Mark D Waynick dba Waynick Plumbing'.

On August 25, 2021, the FBI conducted an interview with a deputy of the Dickson County Sheriff's Office. The deputy indicated that he/she previously had multiple interactions with both **JERRY MCKANE WAYNICK** and **MARK WAYNICK**. The deputy positively identified **JERRY MCKANE WAYNICK** and **MARK WAYNICK** as the individuals in the photographs in *Figures 3 and 4* above.

Additionally, the deputy commented that he/she was aware that **JERRY MCKANE WAYNICK** had at one time worked for **MARK WAYNICK** at his plumbing business and that **JERRY MCKANE WAYNICK** owns, or used to own, a large, black pickup truck with oversize tires/wheels.

### CONCLUSION

Based on the foregoing, your affiant submits that there is probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 18 U.S.C. § 1752(a)(1), (2) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; 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.

There is also probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 40 U.S.C. § 5104(e)(2)(D) and (F), which makes it a crime for an individual or group of individuals 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 (F) willfully and knowingly engage in an act of physical violence in the grounds of the U.S. Capitol Building.

There is also probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or

performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Finally, there is probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 18 U.S.C. 111(a)(1), which makes it a crime for anyone to forcibly assault, resist, oppose, impede, intimidate, or interfere with a person designated in 18 U.S.C. § 1114, which includes certain federal officers or employees or those assisting them, where such acts involve physical contact with the victim of that assault, while the officer or employee is engaged in or on account of the performance of official duties.



---

SPECIAL AGENT CHRISTOPHER POTTS  
FEDERAL BUREAU OF INVESTIGATION

*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14th day of February, 2022.*

Zia M. Faruqui

2022.02.14

14:39:48

-05'00'



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U.S. MAGISTRATE JUDGE

MAGISTRATE JUDGE HOLMES COURTROOM ~~MINUTES~~ CRIMINAL PROCEEDINGS  
by VIDEOCONFERENCE ~~TRUE COPY~~

U.S.A. v. Mark Waynick By Kurtzman U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE No. 22-mj-1044  
ATTORNEY FOR GOVERNMENT: Kurtzman Deputy Clerk  
ATTORNEY FOR DEFENDANT: Marichy Wooten (AFPD) Panel Retained  
PRETRIAL SERVICES/PROBATION OFFICER: Kimberly Haney  
INTERPRETER NEEDED? YES  NO  LANGUAGE/INTERPRETER: \_\_\_\_\_  
 PRESENT  ON TELEPHONE

Defendant consents to Initial App. and  All future hearings before the Magistrate Judge by video conference.

INITIAL APPEARANCE  ON A SUMMONS  ARRESTED ON: 2-17-22

- DEFENDANT HAS A COPY OF:
- Complaint  Indictment  Information  Supervised Release Pet.  Other \_\_\_\_\_
  - Defendant advised of the charges and the maximum penalties  Defendant has a copy of notice of rights
  - Defendant advised of right to counsel  Counsel retained
  - Defendant sworn and/or certified under penalty of perjury and financial affidavit filed  FPD Appointed
  - Defendant advised of right to silence  Counsel appt. based on counsel's statement
  - Defendant advised of right to Consular notification
  - GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020
  - Defendant advised of right to preliminary hearing  Defendant waived preliminary hearing
  - Government motion for detention  Defendant temporarily detained  can afford
  - Defendant waived detention hearing  ICE detainer on defendant
  - Defendant reserved right to hearing in future  Defendant to be returned to State custody
  - Defendant to remain in Federal custody  Defendant waived rights under IAD
  - Defendant remain on current conditions of supervised release
  - Defendant ordered to psychological/psychiatric evaluation

*this District only  
Counsel believes  
can afford  
retained counsel*

- Defendant released on:
- Own recognizance with conditions of release  standard  special
  - Appearance bond in the amount of: \_\_\_\_\_
  - Property bond [description of property]: \_\_\_\_\_

- RULE 5 - Defendant advised of right to identity hearing  Defendant waived identity hearing
- RULE 5 - Defendant reserved right to have preliminary hearing in District of Prosecution
- RULE 5 - Defendant elected to have detention hearing in District of Prosecution
- RULE 5 - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

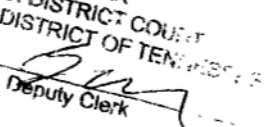
PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: 3-9, Wed @ 2:00

- GRAND JURY WAIVED IN OPEN COURT [Defendant sworn and advised of rights by Court]
  - ARRAIGNMENT
    - Defendant acknowledges he/she has copy of Indictment/Information  Court advised Def. of penalties
    - Defendant waives reading thereof  Indictment/Information read to defendant by Judge
- PLEA:  GUILTY  NOT GUILTY  Defendant intends to plead guilty and case referred to DJ

DATE: 2-17-22 TOTAL TIME: 40 min  
BEGIN TIME: 4:30 END TIME: 5:10  
Digitally Recorded or Court Reporter:



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


ATTEST AND CERTIFY  
A TRUE COPY  
CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
By   
Deputy Clerk

UNITED STATES OF AMERICA )  
 )  
v. ) Case No. 22-mj-1044  
 )  
MARK WAYNICK )

ORDER

Pursuant to the Due Process Protections Act of 2020, the Court reminds the government of its obligation under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, to disclose evidence favorable to the defendant and material to the defendant’s guilt or punishment. The government is ordered to produce such evidence reasonably promptly upon discovery. Failure to do so in a timely manner may result in consequences, including, but not limited to, dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances.

It is SO ORDERED.

  
\_\_\_\_\_  
BARBARA D. HOLMES  
United States Magistrate Judge



UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

ATTEST AND CERTIFY  
A TRUE COPY  
CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
*SM*  
Deputy Clerk

UNITED STATES OF AMERICA )

v. )

MARK WAYNICK )

*Defendant* )

Case No. 3:22-mj-1044  
DDC No. 1:22-mj-00028

**ORDER SETTING CONDITIONS OF RELEASE**

The government not having sought detention,

The Court having determined that the defendant may be released on conditions, upon denial of the government's motion for detention,

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 any sentence imposed.

The defendant must appear at: the U.S. District Court for the District of Columbia via videoconference  
*Place*  
using the Zoom link provided in the addendum below

On Tuesday, February 22, 2022, at 1:00 p.m. EST/12:00 noon CST  
*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant is released on his own recognizance or, if an appearance bond is required, must sign an appearance bond.

**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 the following, whose address has been provided to Pretrial Services:

Person: \_\_\_\_\_

Person: \_\_\_\_\_

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*

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

(7) The defendant must:

(a) submit to supervision by and report for supervision by Pretrial Services as instructed.

(b) continue or actively seek employment

(c) continue or start an education program

(d) surrender any passport to: Pretrial Services within 24 hours

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

(f) not travel outside the Middle District of Tennessee unless approved in advance by pretrial services and not travel to the Washington DC, except for court proceedings, meeting with Pretrial Services, or attorney conferences, about which Pretrial Services must be notified in advance.

(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: any defendants in other criminal cases from the events of January 6, 2021, except for co-defendant Jerry McKane Waynick but cannot discuss this case

(h) get medical or psychiatric treatment: \_\_\_\_\_

(i) participate in a mental health evaluation and/or program if required by pretrial services with the cost to be determined by pretrial serviced based on ability to pay or availability of insurance.

(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, ammunition, destructive device, or other weapon - *Defendant must remove all such prohibited items from his residence within 24 hours and confirm for Pretrial Services the removal.*

(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, which may be followed by up to 90 days in a half-way house with cost to be determined by pretrial services based on ability to pay or availability of insurance.

(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

(A) from \_\_\_\_\_ to \_\_\_\_\_ OR

(B) 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 and pay all or part of the cost of location monitoring based upon ability to pay as determined by the pretrial services or supervising officer:

(i) Location monitoring technology as directed by the pretrial services officer; or

(ii) Voice Recognition; or

(iii) Radio Frequency; or

(iv) GPS

(r) report as soon as possible, and within 48 hours, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops

(s) permit pretrial services to visit at home or elsewhere without advance notification within the discretion of Pretrial Services and permit confiscation of any contraband observed in plain of the Pretrial Services officer(s).

(t) sign these conditions of release and return to counsel, who shall then file them with the Court

(u) appear for or participate in all proceedings in D.C. as instructed, including a videoconference initial appearance on Tuesday, February 22, 2022, at 1:00 p.m. EST (12:00 noon CST) using the link in the addendum below

**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.

It is further ordered that the conditions listed above are imposed for Defendant's release pursuant to 18 U.S.C. § 3142(h) and are effective upon Defendant's release.

**Acknowledgement 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.

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

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

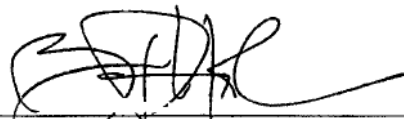
**Directions to the United States Marshal**

The defendant is ORDERED released after processing, subject to the conditions listed above.

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.

It is SO ORDERED.

Date: 2/17/22

  
\_\_\_\_\_  
BARBARA D. HOLMES  
United States Magistrate Judge

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

**ADDENDUM FOR INITIAL APPEARANCE IN WASHINGTON D.C.**

**Tuesday, February 22, 2022, at 1:00 p.m. EST/12:00 noon CST**

Join ZoomGov Meeting

<https://uscourts-dcd.zoomgov.com/j/16189525787?pwd=Wlh3MUY5VTRZTUFSYXM5REliN2UvZz09>

Meeting ID: 161 8952 5787

Passcode: 860903

One tap mobile

+16692545252,,16189525787#,,,,,0#,,860903# US (San Jose)

+16468287666,,16189525787#,,,,,0#,,860903# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

Meeting ID: 161 8952 5787

Passcode: 860903

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA

v.

MARK WAYNICK  
*Defendant*

)  
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Case No. 3:22-mj-1044  
DDC No. 1:22-mj-00028

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Person: \_\_\_\_\_

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

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

[ X ] (7) The defendant must:

[ X ] (a) submit to supervision by and report for supervision by Pretrial Services as instructed.

[ ] (b) continue or actively seek employment

[ ] (c) continue or start an education program

[ X ] (d) surrender any passport to: Pretrial Services within 24 hours

[ X ] (e) not obtain a passport or other international travel document

[ X ] (f) not travel outside the Middle District of Tennessee unless approved in advance by pretrial services and not travel to the Washington DC, except for court proceedings, meeting with Pretrial Services, or attorney conferences, about which Pretrial Services must be notified in advance.

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[ ] (h) get medical or psychiatric treatment: \_\_\_\_\_

[ ] (i) participate in a mental health evaluation and/or program if required by pretrial services with the cost to be determined by pretrial serviced based on ability to pay or availability of insurance.

[ ] (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary

[ X ] (k) not possess a firearm, ammunition, destructive device, or other weapon - *Defendant must remove all such prohibited items from his residence within 24 hours and confirm for Pretrial Services the removal.*  
[ ] (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.

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(t) sign these conditions of release and return to counsel, who shall then file them with the Court

(u) appear for or participate in all proceedings in D.C. as instructed, including a videoconference initial appearance on Tuesday, February 22, 2022, at 1:00 p.m. EST (12:00 noon CST) using the link in the addendum below



**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:

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- (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;
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- (4) A misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

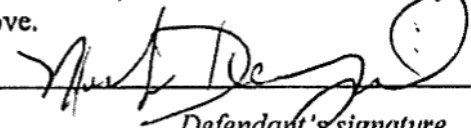
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

It is further ordered that the conditions listed above are imposed for Defendant's release pursuant to 18 U.S.C. § 3142(h) and are effective upon Defendant's release.

**Acknowledgement 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.

Date: 2-17-22

  
 Defendant's signature

**Directions to the United States Marshal**

- The defendant is ORDERED released after processing, subject to the conditions listed above.
- 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.

It is SO ORDERED.

Date: 2/17/22

  
 \_\_\_\_\_  
 BARBARA D. HOLMES  
 United States Magistrate Judge

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

**ADDENDUM FOR INITIAL APPEARANCE IN WASHINGTON D.C.**

Tuesday, February 22, 2022, at 1:00 p.m. EST/12:00 noon CST

Join ZoomGov Meeting

<https://uscourts-dcd.zoomgov.com/j/16189525787?pwd=Wlh3MUY5VTRZTUFSYXN5RElnN2UvZz09>

Meeting ID: 161 8952 5787

Passcode: 860903

One tap mobile

+16692545252,,16189525787#,,,,,0#,,860903# US (San Jose)

+16468287666,,16189525787#,,,,,0#,,860903# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

Meeting ID: 161 8952 5787

Passcode: 860903

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the Middle District of Tennessee

ATTEST AND CERTIFY A TRUE COPY CLERK U.S. DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE Deputy Clerk

United States of America v. Mark Waynick Defendant

Case No. 3:22-mj-1044 Charging District's Case No. 1:22-mj-00028

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:

- [X] an identity hearing and production of the warrant. [ ] a preliminary hearing. [ ] a detention hearing. [ ] an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my [ ] preliminary hearing and/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: 02/17/2022

Acknowledgment and consent obtained via videoconference Defendant's signature

Barbara Holmes U.S. Magistrate Judge

Consent obtained via videoconference Signature of defendant's attorney Printed name of defendant's attorney Mariah Wooten Assistant Federal Public Defender

UNITED STATES DISTRICT COURT

for the Middle District of Tennessee

UNITED STATES OF AMERICA

v.

MARK WAYNICK

ATTEST AND CERTIFY  
A TRUE COPY  
CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
By [Signature]  
Deputy Clerk

Case No. 22-mj-1044

Type of case:  Civil  Criminal

TAKE NOTICE that a proceeding in this case has been set for the place, date, and time set forth below:

Place Zoom Conference - Invite to be sent at a later date

Room No. n/a Date 3/9/22 Time 2:00 p.m.

Type of Proceeding PRELIMINARY HEARING

TAKE NOTICE that a proceeding in this case has been continued as indicated below:

Place \_\_\_\_\_

*Date and time previously scheduled:*

*Continued to:*

Date \_\_\_\_\_ Time \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

BARBARA D. HOLMES

U.S. Magistrate Judge or Clerk of Court

Date 1/18/2022

[Signature]  
(by) Deputy Clerk

RECEIVED FOR ENTRY  
USDC/MDTN  
Jun 11, 2021  
**Vicki Kinkade**  
Chief Deputy Clerk

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

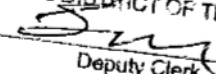
IN RE:

OBLIGATION OF COUNSEL TO  
KEEP COURT APPRISED OF  
CURRENT CONTACT  
INFORMATION

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)

ADMINISTRATIVE ORDER NO. 217

ORDER

ATTEST AND CERTIFY  
A TRUE COPY  
CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
By   
Deputy Clerk

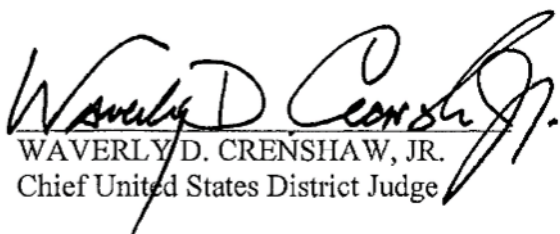
Pursuant to Administrative Order No. 167-1, attorneys practicing before the Court are required, absent good cause shown, to register as filing users of the Case Management Electronic Case Filing (CM/ECF) system. The CM/ECF registration form is available on the Court's website at <https://www.tnmd.uscourts.gov/content/register-cmecf-account>. Registration requires the registrant attorney's name, firm name, mailing address, telephone number, and e-mail address, along with confirmation that the attorney is admitted to practice before the Court.

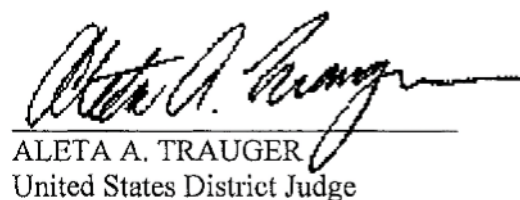
Administrative Order No. 167-1 also requires attorneys to maintain a PACER account and certify that they have read and will abide by the Electronic Case Filing Practices and Procedures.

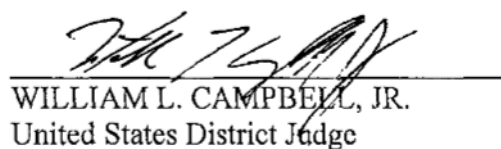
To ensure that counsel keeps the Court apprised of current contact information, every attorney admitted to practice before this Court shall notify the Court of any change of the attorney's name, firm name, mailing address, telephone number, or e-mail address, within five (5) business days of the change by filing a notice in all pending cases. Attorneys are also required to update their primary e-mail addresses in CM/ECF within five (5) business days of any change.

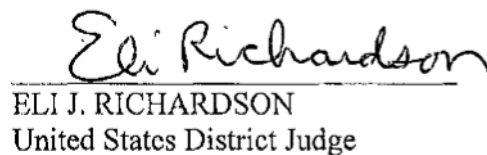
When opening cases in the ECF system, the Clerk is directed to enter this Administrative Order as part of the record in each case, effective immediately.

IT IS SO ORDERED.

  
WAVERLY D. CRENSHAW, JR.  
Chief United States District Judge

  
ALETA A. TRAUGER  
United States District Judge

  
WILLIAM L. CAMPBELL, JR.  
United States District Judge

  
ELI J. RICHARDSON  
United States District Judge

ATTEST AND CERTIFY  
A TRUE COPY  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
By [Signature]  
Deputy Clerk

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

  Middle District of Tennessee  

United States of America )

v. )

Case No. )

Mark Waynick )

*Defendant* )

Charging District's Case No. 1:22MJ00028

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- (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 judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
  - preliminary hearing and/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: 3/5/2022

[Signature]  
*Defendant's signature*

[Signature]  
*Signature of defendant's attorney*

Michael Flanagan

*Printed name of defendant's attorney*

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

ATTEST AND CERTIFY  
A TRUE COPY  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
Deputy Clerk

UNITED STATES OF AMERICA )  
 )  
 v. ) MD/TN NO. 22-mj-1044  
 ) District of Columbia  
 MARK WAYNICK ) No. 1:22-mj-00028

**ORDER HOLDING DEFENDANT TO ANSWER  
IN THE DISTRICT OF COLUMBIA**

The defendant, Mark Waynick, was arrested in this District on a Warrant issued on February 14, 2022, in the District of Columbia, charging him with violations of 18 U.S.C. §§ 1752(a)(1); 1752(a)(2); 1752(a)(4); 40 U.S.C. § 5104(e)(2); 18 U.S.C. § 231(a)(3); and 18 U.S.C. § 111(a)(1).

**Section I. Preliminary Proceedings:**

- X Defendant waived an identity hearing at the initial appearance.
- X By Waiver filed on March 7, 2022, Defendant waived a preliminary hearing in the Middle District of Tennessee, (by this Order, the preliminary hearing scheduled for March 9, 2022, is CANCELLED) and requested a hearing be set in the District of Columbia.

**Section II. Bond/Detention Proceedings.**

- X Defendant was released on his own recognizance on February 17, 2022, See, Docket Entry No. 5, the Order setting conditions of release

**IT IS HEREBY ORDERED:**

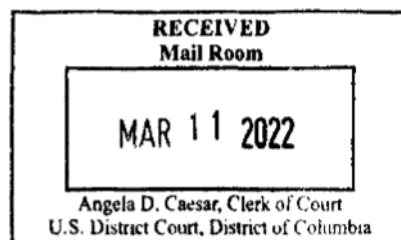
- X That defendant be HELD TO ANSWER in the District of Columbia where he will be entitled to a preliminary hearing at such date and time as directed by that Court.

**It is SO ORDERED.**

  
BARBARA D. HOLMES  
United States Magistrate Judge



Clerk  
E. Barrett Prettyman  
United States Courthouse  
333 Constitution Avenue, N.W.,  
Room 1225  
Washington, DC 20001



**U.S. District Court  
Middle District of Tennessee (Nashville)  
CRIMINAL DOCKET FOR CASE #: 3:22-mj-01044 All Defendants  
Internal Use Only**

ATTEST AND CERTIFY  
A TRUE COPY  
CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
By SA Deputy Clerk

Case title: USA v. Waynick

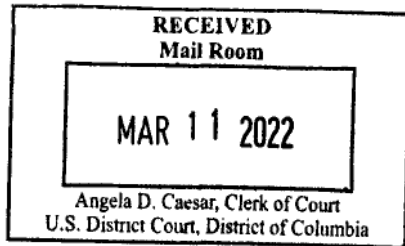
Date Filed: 02/17/2022  
Date Terminated: 03/07/2022

Assigned to: Magistrate Judge Barbara  
D. Holmes

**Defendant (1)**

**Mark Waynick**  
*Rule 5 to the District of Columbia*  
TERMINATED: 03/07/2022

represented by **Mariah A. Wooten**  
Federal Public Defender's Office  
(MDTN)  
810 Broadway  
Suite 200  
Nashville, TN 37203  
(615) 736-5047  
Email: mariah\_wooten@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*



**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1752(a)(1), (2) and (4) - Entering  
and Remaining in a Restricted Building  
or Grounds, Disorderly and Disruptive  
Conduct in a Restricted Building or  
Grounds, and Act of Physical Violence

**Disposition**


in a Restricted Building or Grounds;  
 40:5104(e)(2)(D) and (F) - Utter Loud,  
 Threatening, or Abusive Language,  
 Engage in Disorderly or Disruptive  
 Conduct, and Acts of Physical Violence  
 in a Capitol Building or Grounds;  
 18:231(a)(3) - Obstruction of Law  
 Enforcement During Civil Disorder;  
 18:111 a 1 - Assaulting, Resisting, or  
 Impeding Certain Officers.

**Plaintiff**

USA

represented by **Joshua A. Kurtzman**  
 U.S. Attorney's Office (Nashville  
 Office)  
 Middle District of Tennessee  
 110 Ninth Avenue, S  
 Suite A961  
 Nashville, TN 37203-3870  
 (615) 401-6617  
 Fax: (615) 401-6626  
 Email: Joshua.Kurtzman@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/17/2022	<u>1</u>	Warrant issued in the District of Columbia Returned Executed in this district on 2/17/2022 as to Mark Waynick. (Attachments: # <u>1</u> Attachment Criminal Complaint, # <u>2</u> Attachment Criminal Cover Sheet - Defendant #2, # <u>3</u> Attachment Arrest Warrant)(jm) (Additional attachment(s) added on 2/18/2022: # <u>4</u> Attachment Statement of Facts) (jm). (Entered: 02/18/2022)
02/17/2022		Arrest (Rule 5) of Mark Waynick. (jm) (Entered: 02/18/2022)
02/17/2022	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Barbara D. Holmes: Initial Appearance in Rule 5(c)(3) Proceedings as to Mark Waynick held by video conference on 2/17/2022. Defendant released on own recognizance, with conditions. Preliminary Hearing continued to 3/9/2022 at 2:00 PM. (jm) (Entered: 02/18/2022)
02/17/2022	<u>3</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Mark Waynick. Signed by Magistrate Judge Barbara D. Holmes on 2/17/2022. (jm) (Entered: 02/18/2022)
02/17/2022	<u>4</u>	ORDER re Brady Materials as to Mark Waynick. Signed by Magistrate Judge Barbara D. Holmes on 2/17/2022. (jm) (Entered: 02/18/2022)

02/17/2022	<u>5</u>	ORDER Setting Conditions of Release as to Mark Waynick. Signed by Magistrate Judge Barbara D. Holmes on 2/17/2022. (Attachments: # <u>1</u> Attachment Order Setting Conditions of Release Signed by Defendant) (jm) (Entered: 02/18/2022)
02/17/2022	<u>6</u>	WAIVER of Rule 5 & 5.1 Hearings by Mark Waynick. (jm) (Entered: 02/18/2022)
02/18/2022	<u>7</u>	NOTICE OF HEARING as to Mark Waynick: Preliminary Hearing by Zoom set for 3/9/2022 at 02:00 PM before Magistrate Judge Barbara D. Holmes. (jm) (Entered: 02/18/2022)
02/18/2022	<u>8</u>	NOTICE OF ADMINISTRATIVE ORDER NO. 217 to parties re obligation of counsel to keep Court apprised of current contact information. (jm) (Entered: 02/18/2022)
03/07/2022	<u>9</u>	WAIVER by Mark Waynick (Flanagan, Michael) (Entered: 03/07/2022)
03/07/2022	<u>10</u>	ORDER HOLDING DEFENDANT TO ANSWER IN THE DISTRICT OF COLUMBIA as to Mark Waynick. Signed by Magistrate Judge Barbara D. Holmes on 3/7/2022. (jm) (Entered: 03/07/2022)
03/07/2022		(Court only) ***Case closed. (jm) (Entered: 03/07/2022)
03/07/2022	<u>11</u>	Rule 5(c)(3) Documents Transmitted to the District of Columbia as to Mark Waynick. (jm) (Entered: 03/07/2022)