

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

BERNARD JOSEPH SIRR

)
) Case: 1:22-mj-00144
) Assigned To: Magistrate Judge Zia M. Faruqui
) Assign. Date: 6/21/2022
) 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) BERNARD JOSEPH SIRR,

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. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
 18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds;
 18 U.S.C. § 1752(a)(4) - Engaging in Physical Violence in a Restricted Building or Grounds;
 40 U.S.C. § 5104(e)(2)(E) - Impeding Passage Through the Capitol Grounds or Buildings;
 40 U.S.C. § 5104(e)(2)(F) - Act of Physical Violence in the Capitol Grounds or Buildings.

Date: 06/22/2022

Zia M. Faruqui

2022.06.22 23:23:55 -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) 6/22/2022, and the person was arrested on (date) 6/29/2022
 at (city and state) NORTH KINGSTOWN, RI.

Date: 6/29/2022

Arresting officer's signature

Brendan C Fogarty SA, FBI
 Printed name and title

CLOSED

**U.S. District Court
District of Rhode Island (Providence)
CRIMINAL DOCKET FOR CASE #: 1:22-mj-00053-PAS-1**

Case title: USA v. Sirr

Date Filed: 06/29/2022

Other court case number: 1:22-mj-00144 District of Columbia Date Terminated: 06/29/2022

Assigned to: Magistrate Judge
Patricia A. Sullivan

Defendant (1)

Bernard Joseph Sirr
TERMINATED: 06/29/2022

represented by **Norman L. Landroche, Jr.**
Murphy & Fay LLP
127 Dorrance Street
Providence, RI 02903
490-3200
Fax: 490-3207
Email: norman@murphyandfay.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

OBSTRUCTION OF LAW
ENFORCEMENT DURING
CIVIL DISORDER in Violation
of 18 USC 231(a)(3); ENTERING
AND REMAINING IN A
RESTRICTED BUILDING OR

Disposition

GROUNDS in Violation of 18
 USC 1752(a)(1); ENGAGING IN
 THE PHYSICAL VIOLENCE IN
 A RESTRICTED BUILDING OR
 GROUNDS in Violation of 18
 USC 1753(a)(4); IMPEDING
 PASSAGE THROUGH THE
 CAPITOL GROUNDS OR
 BUILDING in Violation of 40
 5104(c)(2)(E) and ACT OF
 PHYSICAL VIOLENCE IN THE
 CAPITOL GROUNDS OR
 BUILDINGS in Violation of 40
 USC 5104(a)(2)(F)

Plaintiff

USA

represented by **Paul F. Daly, Jr.**
 U.S. Attorney's Office
 50 Kennedy Plaza
 8th Floor
 Providence, RI 02903
 401-709-5048
 Email: paul.daly@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
06/29/2022			Arrest (Rule 5) of Bernard Joseph SIRR (Saucier, Martha) (Entered: 06/29/2022)
06/29/2022			Arrest of Bernard Joseph SIRR in Rhode Island. (Saucier, Martha) (Entered: 06/29/2022)
06/29/2022	<u>1</u>		NOTICE OF ATTORNEY APPEARANCE: Norman L. Landroche, Jr appearing for Bernard Joseph SIRR (Saucier, Martha) (Entered: 06/29/2022)
06/29/2022	<u>2</u>		Rule 5(c)(3) Documents Received as to Bernard Joseph SIRR from the District of Columbia (Saucier, Martha) (Entered: 06/29/2022)
06/29/2022			Minute Entry for proceedings held before Magistrate Judge Patricia A. Sullivan:IN-PERSON Bond Hearing as to Bernard Joseph SIRR held on 6/29/2022, Initial Appearance in Rule 5(c)(3) Proceedings as to Bernard Joseph SIRR held on 6/29/2022, Rule 5 Hearing held: Defendant advised of rights as to Bernard Joseph SIRR held on 6/29/2022 (Daly, Landroche) USPO Albergaria; All parties present; Deft present; Due Process Act Order entered; Retained Counsel present; Court advises Deft of rights and charges; Deft understands rights and charges; Court advises Deft of Rule 20 rights; Deft understands rights; Waiver of Identity Hearing; Court informs Deft of rights; Deft understands rights and waiver; Deft waives hearing; Court accepts waiver; Govt addresses the Court; Deft Counsel addresses the Court; Court addresses parties; Court advises Deft of penalties if violates conditions of release; Deft understands penalties and

		conditions; Deft released on unsecured bond and conditions; Deft Released(Court Reporter FTR in Courtroom B at 12:48 pm.)(Noel, Jeannine) (Entered: 06/29/2022)
06/29/2022	<u>3</u>	ORDER PURSUANT TO DUE PROCESS PROTECTIONS ACT as to Bernard Joseph Sirr. So Ordered by Magistrate Judge Patricia A. Sullivan on 6/29/2022. (Noel, Jeannine) (Entered: 06/29/2022)
06/29/2022	<u>4</u>	WAIVER of Rule 5(c)(3) Hearing by Bernard Joseph Sirr accepted by MJ Sullivan (Noel, Jeannine) (Entered: 06/29/2022)
06/29/2022	<u>5</u>	Appearance Bond Entered as to Bernard Joseph Sirr in amount of \$10,000.00 UNSECURED. So Ordered by Magistrate Judge Patricia A. Sullivan on 6/29/2022.(Noel, Jeannine) (Entered: 06/29/2022)
06/29/2022	<u>6</u>	ORDER Setting Conditions of Release as to Bernard Joseph Sirr (1) \$10,000.00 UNSECURED. So Ordered by Magistrate Judge Patricia A. Sullivan on 6/29/2022.(Noel, Jeannine) (Entered: 06/29/2022)

UNITED STATES DISTRICT COURT

for the

United States of America

Plaintiff

Bernard Joseph Sarr

Defendant

Case No. 1:22-MJ-53 PAS

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Bernard Joseph Sarr

Date: June 29, 2022

Norman L. Landwehr

Attorney's signature

Norman L. Landwehr Jr. #6056

Printed name and bar number

murphy & Fay h.h.P
127 Burrance Street - 2nd floor
Providence R.I. 02903

Address

Norman@murphyandfay.com

E-mail address

401-490-3200

Telephone number

401-490-3207

FAX number

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

1:22MJ53PAS

United States of America

v.

BERNARD JOSEPH SIRR

DOB: 6/4/1975

Defendant(s)

Case: 1:22-mj-00144

Assigned To: Magistrate Judge Zia M. Faruqui

Assign. Date: 6/21/2022

Description: Complaint with Arrest Warrant

CRIMINAL COMPLAINT

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

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

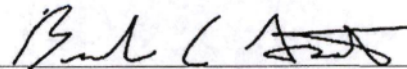
Code Section

Offense Description

18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder,
 18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds,
 18 U.S.C. § 1752(a)(4) - Engaging in Physical Violence in a Restricted Building or Grounds,
 40 U.S.C. § 5104(e)(2)(E) - Impeding Passage Through the Capitol Grounds or Buildings,
 40 U.S.C. § 5104(e)(2)(F) - Act of Physical Violence in the Capitol Grounds or Buildings.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.


Complainant's signature

Brendan C. Fogerty, 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: 06/22/2022


Zia M. Faruqui

2022.06.22 23:22:59 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

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(name of person to be arrested)

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Zia M. Faruqui

2022.06.22 23:23:55 -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) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

STATEMENT OF FACTS

Your affiant, Brendan Fogerty, is a Special Agent assigned to the Boston Federal Bureau of Investigation ("FBI") Field Office, Providence Resident Agency. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since 2014. In my duties as a special agent, I have been assigned to the Joint Terrorism Task Force of the Federal Bureau of Investigation's Boston Division, Providence Residence Agency, since 2019. Prior to this, I had been assigned to the Violent Crime Task Force of the Federal Bureau of Investigation's Boston Division since 2015. I have also received specialized training regarding investigative techniques, evidence collection, and evidence preservation. I have participated in criminal investigations relating to counterterrorism, specifically domestic terrorism. Through my training and experience, I am familiar with the strategy, tactics, methods, ideology and practices of domestic terrorism and anti-government extremists. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, 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 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.

Earlier this day, at approximately 1:00 p.m., a crowd of violent rioters assembled on the West Front of the United States Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the south end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

At approximately 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and law enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP officers or other authorized security officials. At such time, the certification proceedings were still underway, and the exterior doors and windows of the United States Capitol were locked or otherwise secured. Members of law enforcement attempted to maintain order and keep the crowd from entering the United States Capitol.

At approximately 2:30 p.m., significant sections of the police line on and near the United States Capitol's Lower West Terrace broke as the rioters in the crowd swarmed and overwhelmed the law enforcement officers. Some of the rioters were able to penetrate the scaffolding, a position that gave them access to the stairs to the upper terraces where there are several key doors, including the doorway to the Lower West Terrace, also referred to as the "tunnel." Officers from the USCP and the Washington, D.C. Metropolitan Police Department (MPD) formed a police line in the tunnel blocking that entrance to the United States Capitol building and were repeatedly fending off assaults by some of the rioters. At approximately 2:42 p.m., rioters began entering the tunnel and ambushing the officers. The rioters broke the glass and forced the doors open. In response, the USCP and MPD officers formed a police line blocking that entrance to the U.S. Capitol building. From approximately 2:42 p.m. and on, numerous rioters were consistently attempting to breach the police line that formed in the tunnel. The rioters used various weapons, as well as the force of their bodies, in an attempt to overcome the officers. Many of the rioters assaulted MPD and USCP officers by hurling objects towards the officers, physically striking officers with batons and other blunt instruments, using lights to distract and disorient the officers, using electrical shock devices, crushing officers between the doors and walls of the confined space, and by deploying chemical sprays and fire extinguishers against the officers.

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 BERNARD JOSEPH SIRR

Based on an initial review of publicly available video footage, USCP surveillance footage, and body worn camera (“BWC”) footage of officers who responded to the United States Capitol on January 6, 2021, a tall, white male wearing a tan and black baseball cap with a snake on it, a blue neck gaiter, glasses, and a coat, who has been identified as BERNARD JOSEPH SIRR, as described below, can be seen repeatedly engaging in an assault against law enforcement officers guarding the United States Capitol.

A review of USCP surveillance footage, MPD BWC footage, and videos posted on YouTube revealed SIRR repeatedly engage in a violent assault against multiple law enforcement officers in the tunnel. The “tunnel” is a narrow point of entry on the Lower West Terrance of the Capitol, circled below:

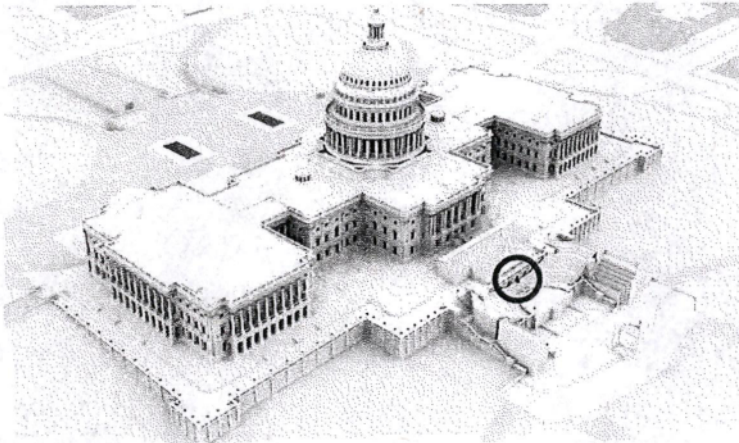


Figure 1

In a YouTube video that appears to be taken prior to the assault, SIRR can be observed marching with a group of other individuals in a “stack,” with his left hand on the shoulder of the person in front of him:



Figure 2

<https://www.youtube.com/watch?v=eA9JV7S45Cg&t=2235> at video mark 37:15

At approximately 3:08 p.m. on January 6, 2021, USCP surveillance footage captured SIRR entering the tunnel on the Lower West Terrace and making his way toward the front of the police line, as seen in Figures 3-5 below. At approximately 3:08:18 p.m., SIRR appears to be pushing against the police line that is just out of view of the camera:



Figure 3



Figure 4



Figure 5

Video footage posted to YouTube appears to directly correspond to the USCP surveillance footage, and shows SIRR's activities while at the front of the line of rioters inside the tunnel. During a video taken inside the tunnel from video mark 18:49 – 18:57, SIRR is at the front of the police line pushing against rioters who are assaulting police officers as seen in Figure 6:

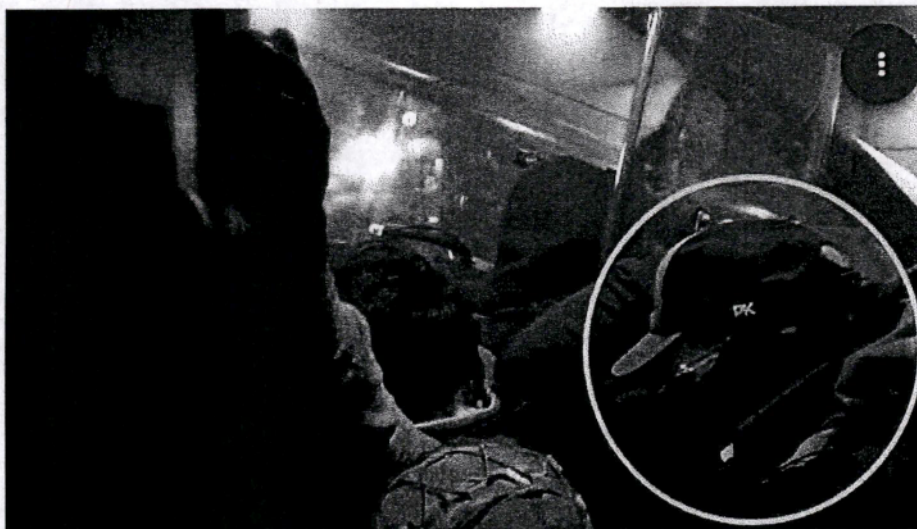


Figure 6

https://www.youtube.com/watch?v=cJOgGsC0G9U&feature=youtu.be&has_verified=1

From approximately 19:19 -19:34 of the same video, SIRR is seen holding onto and pushing the individual in front of him in a brown shirt with long brown hair, later identified as Patrick McCaughey III¹, while McCaughey is pushing into the police line, as seen in Figure 7:



Figure 7

https://www.youtube.com/watch?v=cJOgGsC0G9U&feature=youtu.be&has_verified=1

¹ McCaughey has been charged in Case No. 1:21-CR-040.

From approximately 19:47 - 20:07 of the video, SIRR is seen pushing against the police line with his hand pressed against a police shield, as seen in Figure 8:

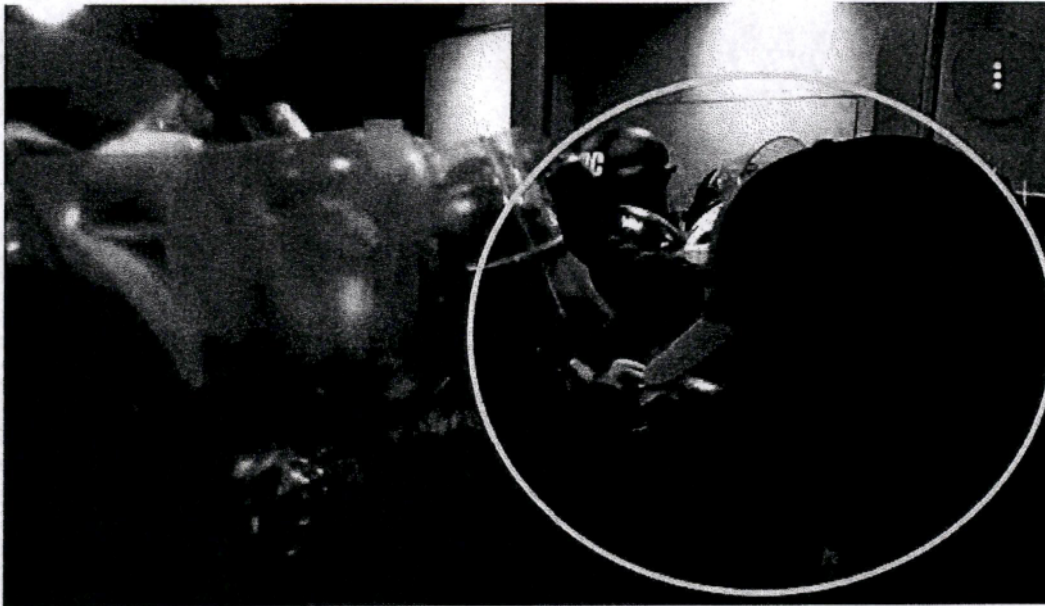


Figure 8

https://www.youtube.com/watch?v=cJOgGsC0G9U&feature=youtu.be&has_verified=1

From approximately 20:46 – 21:03 of the video, SIRR is seen with the group of rioters as they continue to assault members of law enforcement. During this portion of the video, the group of rioters can be heard chanting “heave! ho!” in unison as they move back and forth together as a team against the police. See Figure 9:

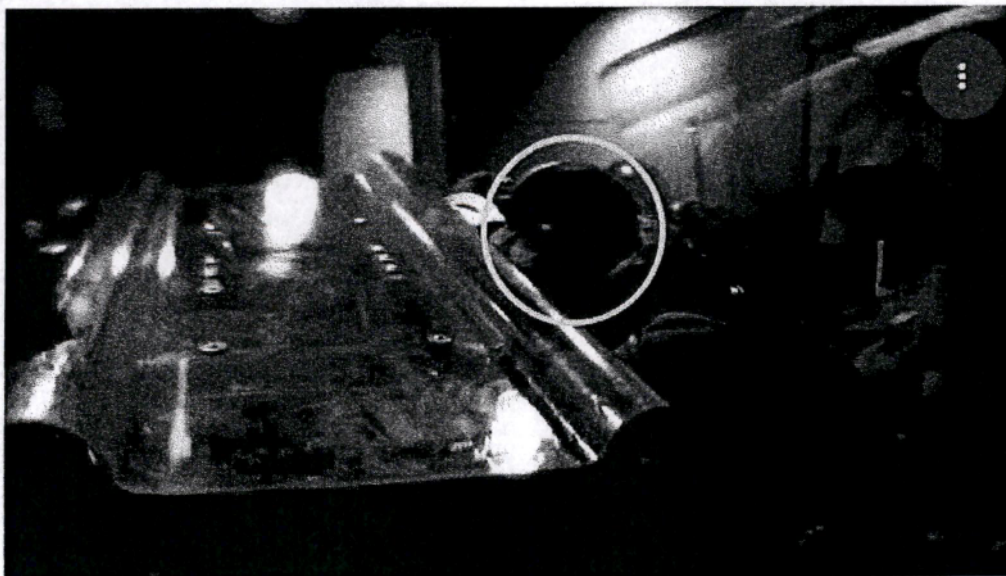


Figure 9

https://www.youtube.com/watch?v=cJOgGsC0G9U&feature=youtu.be&has_verified=1

At approximately 3:14 p.m., surveillance footage captures SIRR exiting the Lower West Terrace tunnel. Approximately one hour later, at 4:14 p.m., USCP surveillance footage shows SIRR reappear at the Lower West Terrace doorway pushing other rioters who appear to be pushing against the police, as seen in Figures 10 and 11:

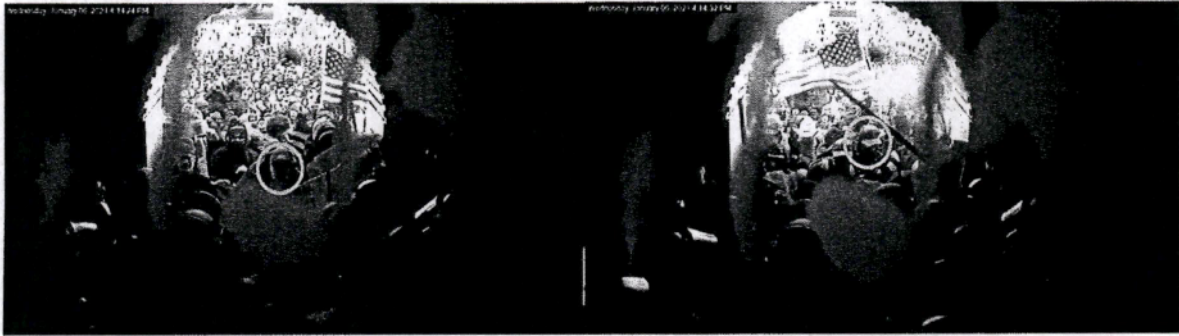


Figure 10

Figure 11

A review of BWC footage belonging to Officer-1 revealed that at approximately 4:14:23 p.m., SIRR was observed near the front of the police line near the Lower West Terrace doorway pushing other rioters who appear to be pushing the police line, as seen in Figure 12:



Figure 12

Approximately 11 minutes later, SIRR was also seen on BWC footage belonging to Officer-2 as SIRR and other rioters were being pushed out of the tunnel. A review of open source material, including another video posted to YouTube at video mark 9:50, also captures SIRR being ejected from the tunnel:



Figure 13



Figure 14

https://www.youtube.com/watch?v=cRCEMN-lq_o&t=591

Additional open source material captured SIRR with his glasses off and gaiter pulled down in both video and photographs taken before and during the riot:



Figure 15

<https://www.youtube.com/watch?v=zEPk1B11wtE&t=208> at video mark 3:27

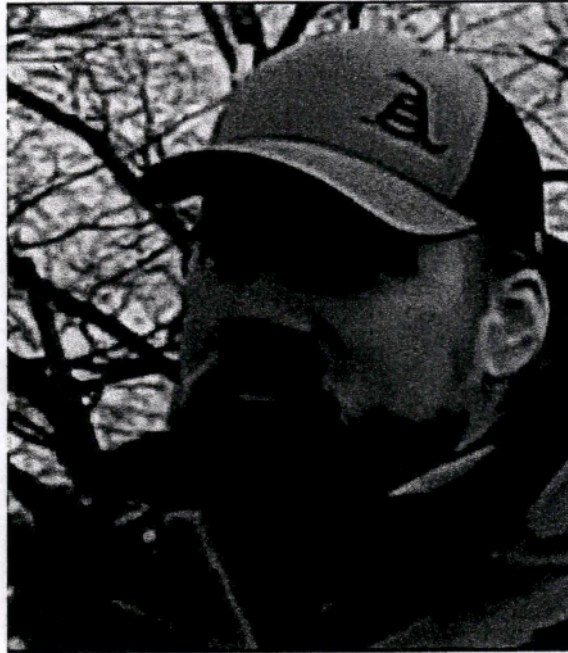


Figure 16

<https://www.fbi.gov/wanted/capitol-violence-images/249-c.png/view>

Following the January 6 attack, images of SIRR participating in the riot appeared on the internet. Based on the images, the FBI created a profile for SIRR as moniker “AFO-249.” The FBI posted images of SIRR to its website and to social media, including the image in Figure 16, to garner public assistance in identifying SIRR.

The FBI located known images of SIRR from SIRR’s 2018 U.S. passport application. Based on the similarity between SIRR and AFO-249, the FBI located a social media account associated with BERNARD SIRR. A review of the account revealed a photograph of SIRR posted in July 2020 wearing a tan and black baseball cap with a snake on it consistent with the hat worn by AFO-249 on January 6:

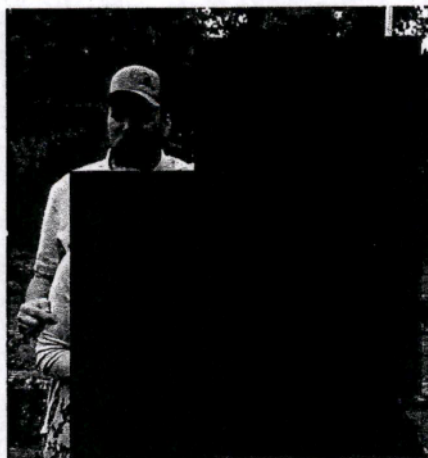


Figure 17

The FBI subsequently interviewed an individual ("Person-1") who is familiar with SIRR and sees SIRR on a regular basis. Person-1 was shown pictures of AFO-249 and Person-1 identified the subject as being BERNARD SIRR.

The FBI was also able to confirm that SIRR was on leave from his place of employment from January 5-7, 2021.

Based on the foregoing, your affiant submits that there is probable cause to believe that BERNARD JOSEPH SIRR 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.

Your affiant submits that there is also probable cause to believe that SIRR violated 18 U.S.C. § 1752(a)(1) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (4) knowingly engages 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.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

BERNARD JOSEPH SIRR,

Defendant.

Case No:

VIOLATIONS:

**18 U.S.C. § 231(a)(3)
(Obstruction of Law Enforcement During
Civil Disorder)**

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Building or Grounds)**

**18 U.S.C. § 1752(a)(4)
(Engaging in Physical Violence in a
Restricted Building or Grounds)**

**40 U.S.C. § 5104(e)(2)(E)
(Impeding Passage Through the Capitol
Grounds or Buildings)**

**40 U.S.C. § 5104(e)(2)(F)
(Act of Physical Violence in the Capitol
Grounds or Buildings)**

ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence,

and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

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

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

Date:



A handwritten signature in black ink, appearing to read 'Zia M. Faruqi'.

Zia M. Faruqi
2022.06.22 23:21:35
-04'00'

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

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United States of America
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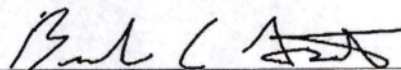
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See attached statement of facts.

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Complainant's signature

Brendan C. Fogerty, 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: 06/22/2022





Zia M. Faruqui

2022.06.22 23:22:11 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No.: 1:22-mj-00053-PAS

Bernard Joseph Sirr

Defendant.

**ORDER PURSUANT TO
FEDERAL RULE OF CRIMINAL PROCEDURE 5**

Pursuant to the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020) and Rule 5(f) of the Federal Rules of Criminal Procedure, the United States is reminded of its obligation to disclose in a timely manner all exculpatory evidence to the defendant, that is, all evidence that is favorable to the defendant or tends to cast doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. Failure to comply with this order may result in consequences, including, but not limited to, the reversal of any conviction, the exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, and/or sanctions by the Court.

It is so ordered.

June 29, 2022

By the Court:

/s/ Patricia A. Sullivan
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of Rhode Island

United States of America

v.

Bernard Joseph Sirr

Defendant

Case No. 1:22MJ53PAS

Charging District's Case No. 1:22MJ144

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**I understand that I have been charged in another district, the *(name of other court)* _____

District of Columbia

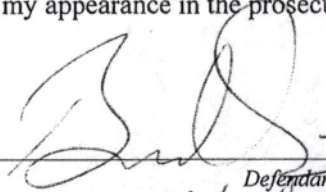
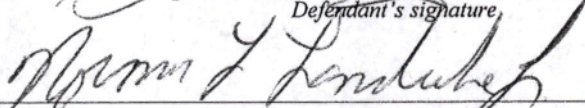
I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☒ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that any preliminary or detention hearing be held in the prosecuting district, at a time set by that court.

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

Date: June 29, 2022
Defendant's signature
Signature of defendant's attorneyNORMAN H. LANDROCHE JR.

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

United States of America)

v.)

Bernard Joseph Sirr) Case No. 1:22MJ53PAS

Defendant)

APPEARANCE BOND

Defendant's Agreement

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

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

Type of Bond

- () (1) This is a personal recognizance bond.
- (☒) (2) This is an unsecured bond of \$ 10,000.00.
- () (3) This is a secured bond of \$ _____, secured by:
- () (a) \$ _____, in cash deposited with the court.
- () (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

Forfeiture or Release of the Bond

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

AO 98 (Rev. 12/11) Appearance Bond

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

Declarations

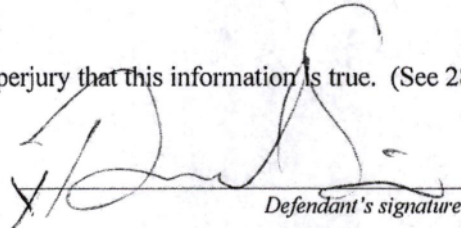
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

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

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

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

Date: 06/29/2022



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 06/29/2022

/s/Jeanine Noel

Signature of Clerk or Deputy Clerk

Approved.

Date: 06/29/2022

/s/Patricia A. Sullivan, U.S. Magistrate Judge

Judge's signature

UNITED STATES DISTRICT COURT
for the
District of Rhode Island

United States of America

v.

Bernard Joseph Sirr

Defendant

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)
)
)
)

Case No. 1:22MJ53PAS

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: E. Barrett Prettyman U.S. Courthouse 333 Constitution Ave, NW

Place

Washington, DC 20001

on 7/7/2022 10:00 am

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 Pretrial Services in Rhode Island,
telephone number 401-752-7300, no later than As Instructed.

- ☒ (b) continue or actively seek employment.

- ☐ (c) continue or start an education program.

- ☒ (d) surrender any passport to: Clerk's Office, One Exchange Terrace, Providence, RI by 5 pm on June 30, 2022

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

- ☒ (f) abide by the following restrictions on personal association, residence, or travel:

No travel outside of the continental US without Court approval. Advise Pretrial Services of any travel within the US outside of home jurisdiction.

- ☐ (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.

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) _____
-

AO 199D - Additional Page for Conditions of Release (DRI rev. 11/10)

Page 4 of 5 Pages

ADDITIONAL CONDITIONS OF RELEASE (continued)

Remain outside the District of Columbia except for Court appearances, Pretrial matters or consultation with attorney, absent Court authorization. Participate in all future proceedings as directed.

Defendant must surrender all firearms to a third-party by June 30, 2022 at 5 pm.

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

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.

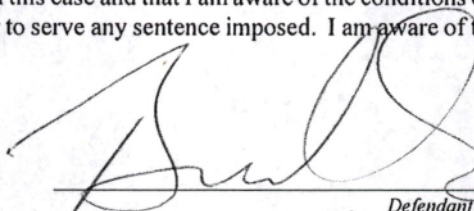
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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
 North Kingstown RI
 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: 6/29/2022

/s/Patricia A. Sullivan

Judicial Officer's Signature

Patricia A. Sullivan, U.S. Magistrate Judge

Printed name and title

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