

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

BENJAMIN COLE

*Defendant*

Case: 1:22-mj-00184

Assigned To : Magistrate Judge Meriweather, Robin M.

Assign. Date : 8/16/2022

Description: Complaint w/ Arrest Warrant

## 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) BENJAMIN COLE,

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)

18 U.S.C. § 1752(a)(1)(Entering and Remaining in a Restricted Building or Grounds)

18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds)



2022.08.16

17:08:11 -04'00'

Date: 08/16/2022*Issuing officer's signature*City and state: Washington D.C.Robin M. Meriweather, U.S. Magistrate Judge*Printed name and title*

## Return

This warrant was received on (date) August 16, 2022, and the person was arrested on (date) August 24, 2022  
 at (city and state) Louisville, Kentucky.

Date: August 24, 2022*Arresting officer's signature*
FBI Special Agent  
*Printed name and title*

**United States District Court  
Western District of Kentucky  
at Louisville**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VS.**

**CRIMINAL ACTION NUMBER: 3:22-MJ-507**

**BENJAMIN COLE**

**DEFENDANT**

**ORDER ON INITIAL APPEARANCE**

The above-styled case came before the Honorable Regina S. Edwards, United States Magistrate Judge, by video, on August 25, 2022 to conduct an initial appearance on a Complaint filed in the District of Columbia.

**APPEARANCES**

For the United States: Joel King, Assistant United States Attorney

For the defendant: Defendant Benjamin Cole - Present and in custody

Court Reporter: Digitally Recorded

At the initial appearance, the defendant acknowledged his identity, was furnished with a copy of the Complaint, was advised of the allegations contained therein, and was advised of his rights. The Court questioned the defendant under oath regarding his ability to afford counsel and found him eligible for appointed counsel. The Office of the Federal Defender was appointed to represent the defendant. Aaron M. Dyke, Assistant Federal Defender, was present and accepted the appointment.

At the request of the United States,

**IT IS HEREBY ORDERED** that the defendant is released on an unsecured bond in the amount of \$2,000.00, with conditions, pending further order of the Court.

The Court having advised the defendant of the provisions regarding Rule 20 and the defendant, through counsel, having waived his right to a preliminary hearing in this district,

**IT IS FURTHER ORDERED** that this matter is scheduled for further proceedings with the District of Columbia on **September 1, 2022 at 1:00 p.m. via video conference** before the Honorable Zia M. Faruqi, United States Magistrate Judge. The undersigned's Case Manager will provide the Zoom link to counsel via email.

This 25<sup>th</sup> day of August, 2022

**ENTERED BY ORDER OF THE COURT:  
REGINA S. EDWARDS  
UNITED STATES MAGISTRATE JUDGE  
JAMES J. VILT, JR., CLERK  
BY: *Ashley Henry* - Deputy Clerk**

Copies: U.S. Attorney  
U.S. Probation  
Counsel for Defendant

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AO 98 (Rev. 12/11) Appearance Bond

Date: Aug 25, 2022

## UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

United States of America )

v.  
BENJAMIN COLE )

Case No. 3:22-MJ-507

Defendant )

## APPEARANCE BOND

## Defendant's Agreement

I, BENJAMIN COLE (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 \$ 2,000.00 .  
 ( ) (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

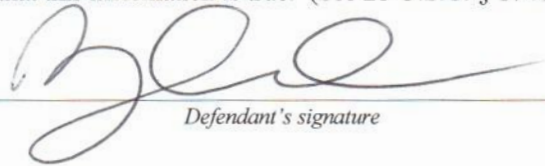
*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (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: \_\_\_\_\_

  
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

  
Signature of Clerk or Deputy Clerk

Date: 8/25/2022

Approved.

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

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

UNITED STATES DISTRICT COURT  
for the  
Western District of Kentucky

United States of America  
v.  
BENJAMIN COLE

Case No. 3:22-MJ-507

\_\_\_\_\_  
*Defendant*

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. District Court - as directed

*Place*

on \_\_\_\_\_

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

### ADDITIONAL CONDITIONS OF RELEASE

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

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

- ☐ (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

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

Signed: \_\_\_\_\_

Custodian

Date

- ☒ (7) The defendant must:

- ☒ (a) submit to supervision by and report for supervision to the U.S. Probation Office in state of residence \_\_\_\_\_, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

- ☐ (b) continue or actively seek employment.

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

- ☒ (d) surrender any passport to: U.S. Probation \_\_\_\_\_

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

- ☒ (f) abide by the following restrictions on personal association, residence, or travel: Western District of Kentucky or supervising district without approval from the U.S. Probation Office. \_\_\_\_\_

- ☒ (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: co-defendants \_\_\_\_\_

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

- ☐ (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

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

- ☒ (k) not possess a firearm, destructive device, or other weapon.

- ☐ (l) not use alcohol ( ☐ ) at all ( ☐ ) excessively.

- ☐ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- ☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed.

- ☐ (i) **Curfew.** You are restricted to your residence every day ( ☐ ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ☐ ) as directed by the pretrial services office or supervising officer; or

- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

- ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or

- ☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

**Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.



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**ADDITIONAL CONDITIONS OF RELEASE**

- ☐ (q) submit to the following location monitoring technology and comply with its requirements as directed:  
    ☐ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or  
    ☐ (ii) Voice Recognition; or  
    ☐ (iii) Radio Frequency; or  
    ☐ (iv) GPS.
- ☐ (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- ☒ (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☐ (t) The defendant shall contribute to the United States Probation Office's cost of services rendered based upon his/her ability to pay as reflected in his/her monthly cash flow as it relates to the court-approved sliding fee scale.
- ☒ (u) prohibited from traveling to the District of Columbia other than for court purposes.

- ☒ (v) no travel outside of the United States.

- ☒ (w) no travel within the United States without approval from the U.S. Probation Office.



**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*

*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: \_\_\_\_\_

*Judicial Officer's Signature*

Regina S. Edwards, United States Magistrate Judge

*Printed name and title*

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

CLOSED

**U.S. District Court  
Western District of Kentucky (Louisville)  
CRIMINAL DOCKET FOR CASE #: 3:22-mj-00507-RSE-1**

Case title: USA v. Cole

Date Filed: 08/25/2022

Date Terminated: 08/25/2022

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Assigned to: Magistrate Judge Regina S.  
Edwards

**Defendant (1)**

**Benjamin Cole**

*TERMINATED: 08/25/2022*

**Pending Counts**

**Disposition**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

**Disposition**

Removal from DC

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**Plaintiff**

**USA**

represented by **Joel King**  
U.S. Attorney Office  
717 West Broadway  
Louisville, KY 40202  
502-779-2755  
Email: [joel.king@usdoj.gov](mailto:joel.king@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

Date Filed	#	Select <a href="#">all</a> / <a href="#">clear</a>	Docket Text
08/25/2022	<u>4</u>	Appearance Bond/Order Setting Conditions of Release Entered as to Benjamin Cole in amount of \$2,000.00 (unsecured). cc: counsel, USP, USM, FD (SRH) (Entered: 08/25/2022)	
08/25/2022	<u>3</u>	ORDER ON INITIAL APPEARANCE (EBOC) for proceedings held before Magistrate Judge Regina S. Edwards. Initial Appearance in Rule 5(c)(3) Proceedings as to Benjamin Cole held, via video, on 8/25/2022. The Office of the Federal Defender was appointed to represent the defendant. Aaron M. Dyke was present and accepted the appointment. The defendant is released on a \$2,000.00 unsecured bond with conditions, pending further order of the Court. The Defendant waived his right to a preliminary hearing in this district. This matter is scheduled for further proceedings with the District of Columbia on 9/1/2022 at 1:00 p.m., via video conference, before Magistrate Judge Zia M. Faruqui. The Case Manager for Judge Edwards will provide the Zoom link to counsel via email. (Digitally recorded proceeding) cc: counsel, QC, USP, FD (SRH) (Entered: 08/25/2022)	
08/25/2022	<u>2</u>	Rule 5 Documents Received from District of Columbia, Case Number 1:22-mj-00184 as to Benjamin Cole. (Attachments: # <u>1</u> Statement of Facts) (SRH) (Entered: 08/25/2022)	
08/25/2022	<u>1</u>	<b>SEALED DOCUMENT</b> (SRH) (Entered: 08/25/2022)	
08/24/2022		Arrest (Rule 5) of Benjamin Cole. (SRH) (Entered: 08/25/2022)	