

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Macsen Rutledge

Defendant

Case No. 5:22-MJ-651 (ATB)

Charging District's Case No. 22-MJ-229

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 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: 10/27/22

Macsen Rutledge (handwritten signature)

Defendant's signature

John J. Gilsean (handwritten signature)

Signature of defendant's attorney

John J. Gilsean (printed name)

Printed name of defendant's attorney

United States District Court
Northern District of New York

United States of America

V.

Macsen Rutledge

**ORDER SETTING CONDITIONS OF
RELEASE**

Case Number: 5:22-MJ-651 (ATB)

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant must not commit any offense in violation of federal, state, or local law while on release in the case.
- (2) The defendant must cooperate in the collection of a DNA sample if such collection is authorized by 34 U.S.C. § 40702.
- (3) The defendant must timely advise the Court or Pretrial Services in writing before making any change of residence or telephone number.
- (4) The defendant must appear at all proceedings as required and, if convicted, must surrender for service of any sentence imposed as directed. The defendant must next appear at

Appear Virtually with District of Columbia on November 3, 2022 at 1:00 P.M.
place date and time

The Zoom information below is for use by counsel and defendants only. It is not to be given to family members or friends. The telephone number for public and media use is: 866-590-5055, access code: 5496501#
RECORDING AUDIO OR VIDEO OF ANY COURT PROCEEDING IS STRICTLY PROHIBITED BY FEDERAL LAW.

<https://uscourts-dcd.zoomgov.com/j/1605981178?pwd=cVN5US9DMzJ5NWFLNjhGemZmSU1odz09>

Meeting ID: 160 598 1178

Passcode: 717744

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 release of the defendant is subject to the conditions marked below:

- () (5) The defendant must sign an Appearance Bond. If ordered to do so, the defendant must provide the Court with the following indicia of ownership of the property posted, or the following amount or percentage of the such property:
- () (6) The defendant is placed in the custody of:

Name of person or organization: _____

Address: _____

Telephone No.: _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the Court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy Date**Additional Conditions of Release (continued)**

- (✓) (7) The defendant must:
- (✓) (a) Report to Pretrial Services within 24 hours of release, telephone number (315) 234-8700, and as directed thereafter.
 - (✓) (b) Allow a probation officer to visit at any time at the defendant's house or elsewhere, and must permit confiscation of any contraband observed in plain view of the probation officer.
 - (✓) (c) Refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (d) Execute a bail bond with solvent securities in the amount of \$
 - (✓) (e) Maintain or actively seek employment.
 - () (f) Maintain or commence an educational program.
 - (✓) (g) Surrender any passport to: **The Clerk of the Court!**
 - (✓) (h) Obtain no passport or other international travel documents.
 - (✓) (i) Restrict travel to the Northern District of New York unless approved by Pretrial Services or the Court. Stay away from Washington, D.C. unless for Court, Pretrial Services meeting, or consultation with your attorney.
 - (✓) (j) Remain at an authorized address as approved by Pretrial Services or the Court.
 - () (k) Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services or the Court.
 - () (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:
 - () (m) Submit to a mental health evaluation and/or treatment as approved by Pretrial Services or the Court. The defendant must contribute to the cost of services rendered in an amount to be determined by Pretrial Services based on ability to pay or availability of third-party payments.
 - () (n) Return to custody each (week)day as of after being released each (week)day as of for employment, schooling, or the following limited purpose(s): .
 - () (o) Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services or the Court.
 - () (p) Refrain from any/excessive use of alcohol.
 - () (q) Refrain from possession, use, distribution, importation, or manufacture of any and all controlled substances and any and all controlled substance analogues, as defined in 21 U.S.C. §802, except that possession and use of a controlled substance properly prescribed by a licensed medical practitioner is permitted.
 - () (r) Submit to any method of testing required by Pretrial Services or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
 - () (s) Participate in and successfully complete a program of outpatient or inpatient substance abuse therapy and counseling. Outpatient treatment may be approved by Pretrial Services or the Court. Inpatient substance abuse treatment must be approved by the Court. The defendant must contribute to the cost of services rendered in an amount to be determined by Pretrial Services based on ability to pay or availability of third-party payments.
 - () (t) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing, and/or computer or electronic monitoring which is (are) required as a condition(s) of release.
 - () (u) Participate in one of the following monitoring or location restriction programs and abide by all the requirements of the program. The defendant must pay all or part of the cost of the program as determined by Pretrial Services based upon ability to pay.
 - () (i) **Curfew.** The defendant is restricted to the defendant's residence every day () from to or () as directed by Pretrial Service of the Court.
 - () (ii) **Home Detention.** The defendant is restricted to the defendant's 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 as pre-approved by Pretrial Services or the Court.
 - () (iii) **Home Incarceration.** The defendant is restricted to the defendant's residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by Pretrial Services or the Court.
 - () (iv) **Stand Alone Monitoring.** The defendant has no residential curfew, home detention, or home incarceration restrictions. However, the defendant 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.
 - () (v) Submit to the following location monitoring technology and comply with its requirements as directed:

¹ For U.S. Passports, the passport will be returned to the U.S. Office of Passport Policy and Planning upon conviction; For Foreign Passports, the passport will be forwarded to the Bureau of Immigration and Customs Enforcement (ICE); The passport will only be return to the defendant if the case is dismissed.

- (i) Location monitoring technology as directed by Pretrial Services or the supervising officer; or
- (ii) Voice Recognition; or
- (iii) Radio Frequency; or
- (iv) GPS

- (w) Report within 72 hours, to Pretrial Services or the Court any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (x) Not commit another crime, in the United States or elsewhere (including any criminal violation of the law of any province, state, county, town, city, village, or other subdivision of a country, or of any recognized tribe).
- (sc.1) The defendant must not possess or use a computer, data storage device, or any internet capable device without the approval of Pretrial Services or the Court.
- (sc.2) The defendant must not use or possess any computer, data storage device, or any internet capable device, at any location, except at his/her place of employment, unless the defendant participates in the Computer and Internet Monitoring Program (CIMP), or unless authorized by the Court or Pretrial Services. If placed in the CIMP, the defendant will comply with all the rules of the program and pay the costs associated with the program. Pretrial Services may use and/or install any hardware or software system that is needed to monitor the defendant's use of a computer or internet capable device. The defendant must permit Pretrial Services to conduct periodic, unannounced examinations of any computer equipment, including any data storage device, and internet capable device he/she uses or possesses. This equipment may be removed by Pretrial Services or their designee for a more thorough examination. The defendant may be limited to possessing one personal internet capable device to facilitate Pretrial Services' ability to effectively monitor his/her internet related activities.
- (sc.3) The defendant must not frequent places where persons under the age of 18 are likely to congregate. This shall include, but is not limited to, schools, parks, and arcades, unless it is approved by Pretrial Services or the Court.
- (sc.4) The defendant must not have any direct contact with a person under the age of 18 unless it is supervised by a person approved of by the Pretrial Services or the Court. The defendant must not have indirect contact with a person under the age of 18 through another person or through a device (including a telephone, computer, radio, or other means) unless it is supervised by a person approved of by Pretrial Services or the Court. The defendant must reasonably avoid and remove himself/herself from situations in which he/she has any other form of contact with a minor. While this condition would not be violated by unintended, incidental contact with a minor in a public space, any significant personal interaction with a minor, even if unintended or incidental, should be reported to Pretrial Services within 72 hours.
- (sc.5) The defendant must not subscribe to or use any Internet services at any location without the approval of Pretrial Services or the Court. Telephone bills, credit card bills and service agreements must be provided upon the request of Pretrial Services or the Court.
- (sc.6) The defendant must not utilize any internet site directly or through another person unless it is approved by Pretrial Services or the Court.
- (sc.7) The defendant must participate in a mental health program which shall include medical, psychological, or psychiatric evaluation, and may include participation in a treatment program for sexual disorders. The program shall be approved by Pretrial Services.
- (sc.8) The defendant must contribute to the cost of any evaluation, testing, treatment and/or monitoring services rendered in an amount to be determined by Pretrial Services based on his/her ability to pay and the availability of third party payments.
-
-

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliating and intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of 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 shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

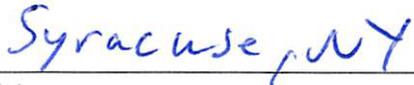
A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of 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 to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant



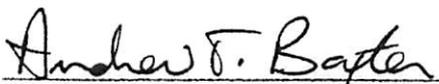
City and State

Directions to 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 judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 10/27/2022



Andrew T. Baxter
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Macsen Rutledge)

[Redacted])

Case No. 22-mj-229)

Defendant(s)

CRIMINAL COMPLAINT

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

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

Code Section

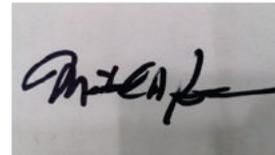
Offense Description

- 18 U.S.C. §1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds;
- 18 U.S.C. §1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building;
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.



Complainant's signature

Michael Renn, 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: 10/25/2022



Judge's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Michael Renn, is a Special Agent assigned to the Federal Bureau of Investigation (“FBI”) Syracuse Resident Agency. I have been with the FBI since 2017. 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, detention, investigation, or prosecution of violations of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly 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. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings were disrupted and could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. 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. Photographs and videos of several of these persons were disseminated via social media and other open-source online platforms.

During the course of the investigation into the events of January 6, 2021, your affiant has identified Macsen RUTLEDGE as one of the individuals who was unlawfully inside of the Capitol and the restricted area.

On January 6, 2021, RUTLEDGE was wearing a tan trench coat with a “bear-like hood,” as depicted below:



Specifically, I have located U.S. Capitol surveillance footage wherein RUTLEDGE is captured entering the U.S. Capitol through the Upper House Door at approximately 2:52 pm on January 6, 2021, as depicted below:



Visible to the right of the image is a magnetometer that individuals lawfully entering the Capitol would proceed through during a security screening. However, RUTLEDGE, like other rioters, walked past the magnetometer.

Based upon my review of Capitol surveillance footage and open-source video, RUTLEDGE walked into the hallway area near the Upper House Door. At the approximate time of RUTLEDGE's entrance into the Capitol through the Upper House Door, a confrontation between police and rioters was taking place or had just taken place in the hallway near the Upper House Door. A group of officers attempted to move down the hallway but were attacked by a rioter. RUTLEDGE quickly exited the Capitol through the Upper House Door at approximately 2:53 pm as a Capitol Police Officer waved and directed rioters out of the building. RUTLEDGE exiting the Capitol is depicted in an open-source video below:



According to records obtained from Google, on January 6, 2021, in and around the time of the incident, a cellphone ending in -1985¹ was identified as having been present within the geographic area that includes the interior of the United States Capitol building and the restricted area around the Capitol between approximately 2:30 pm and 3:22 pm. The phone number ending in -1985 was determined to be serviced by T-Mobile. Based on records obtained from T-Mobile, the number ending in -1985 is registered to RUTLEDGE. Furthermore, on at least two occasions, your affiant has contacted RUTLEDGE on the phone number ending in -1985 and each time, RUTLEDGE identified himself as Macsen RUTLEDGE.

On August 13, 2021, your affiant interviewed Witness 1, who personally knows RUTLEDGE. Witness 1 provided cellphone number ending in -1985 as RUTLEDGE's cell phone number. Your affiant showed Witness 1 the following two photographs and asked if Witness 1 recognized anyone in the photos:



¹ This filing references only the last four digits of the phone number due to the public nature of this filing.



As to each photo, Witness 1 pointed to the man wearing the “bear-like hood” and tan coat and identified the man as Mactsen RUTLEDGE. Your affiant has compared the individual in the pictures and videos referenced above to RUTLEDGE’s New York State Department of Motor Vehicles photo, and the individual in the pictures and videos from the Capitol is consistent with RUTLEDGE’s driver’s license photograph.

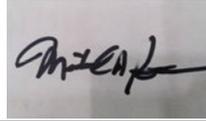
On January 21, 2022, a search warrant was obtained for the Google account associated to the telephone number ending in –1985. The records provided by Google further indicated that the account is registered to RUTLEDGE. Among the records provided by Google, your affiant identified several photographs taken on January 6, 2021, depicting RUTLEDGE in and around the U.S. Capitol Building. The following “selfie” photograph (pictured below) was taken on January 6, 2021 at 2:47 p.m., approximately five minutes prior to RUTLEDGE’s entry into the U.S. Capitol through the Upper House Doors. The photograph depicts RUTLEDGE wearing the same clothing items as described above, to include the “bear-like hood” and tan coat. The architecture and landscape in the backdrop of the photograph is also consistent with the location at the U.S. Capitol Building where RUTLEDGE entered on January 6, 2021 and was part of the restricted grounds that day.



RUTLEDGE was not authorized to be in the Capitol or in the restricted grounds on January 6, 2021. Based on the foregoing, your affiant submits there is probable cause to believe that Macsen RUTLEDGE violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily

visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Macsen RUTLEDGE violated 40 U.S.C. § 5104(e)(2)(D) & (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

A rectangular box containing a handwritten signature in black ink, which appears to read "Michael Renn".

Special Agent Michael Renn
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 25th day of October 2022.

HON. MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Macsen Rutledge

)
)
)
)
)
)

Case No. 22-mj-229

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) Macsen Rutledge,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. §1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds;
- 18 U.S.C. §1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building;
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 10/25/2022



Issuing officer's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, 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

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

UNITED STATES OF AMERICA	:	Case No: 22-mj-229
	:	
v.	:	VIOLATIONS:
	:	
MACSEN RUTLEDGE,	:	18 U.S.C. § 1752(a)(1)
	:	(Entering and Remaining in a Restricted
	:	Building or Grounds)
	:	
	:	18 U.S.C. § 1752(a)(2)
	:	(Disorderly and Disruptive Conduct in a
	:	Restricted Building or Grounds)
	:	
	:	40 U.S.C. § 5104(e)(2)(D)
	:	(Disorderly Conduct in a Capitol Building)
	:	
	:	40 U.S.C. § 5104(e)(2)(G)
	:	(Parading, Demonstrating or Picketing in
	:	a Capitol Building)

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, intimidation of potential witnesses, 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:

 M. A. Upadhyaya

HON. MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE

U.S. District Court
Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF Release 1.7
(Revision 1.7.1)] (Syracuse)
CRIMINAL DOCKET FOR CASE #: 5:22-mj-00651-ATB-1
Internal Use Only

Case title: USA v. Rutledge

Date Filed: 10/27/2022

Other court case number: 1:22-mj-229-MAU District of
Columbia

Date Terminated: 10/27/2022

Assigned to: US Magistrate Judge Andrew
T. Baxter**Defendant (1)****Macsen Rutledge**
TERMINATED: 10/27/2022

represented by **John Gilsenan**
Office of the Federal Public Defender -
Syracuse Office
Northern District of New York
4 Clinton Square, 3rd Floor
Syracuse, NY 13202
315-701-0080
Fax: 315-701-0081
Email: John.Gilsenan@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*
Bar Status: Active
Fee Status: waived_2019

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1752.P - Entering and Remaining in a Restricted Building or Grounds, 18:1752.P
- Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 40:193C.P
- Disorderly Conduct in a Capitol Building, 40:193C.P - Parading, Demonstrating, or Picketing in a Capitol Building.

Disposition

Plaintiff

USA

represented by **Michael F. Perry**
Office of the United States Attorney -
Syracuse
P.O. Box 7198
100 South Clinton Street
Syracuse, NY 13261-7198
315-448-0672
Fax: 315-448-0658
Email: michael.f.perry@usdoj.gov
LEAD ATTORNEY
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Date Filed	#	Docket Text
10/27/2022	<u>1</u>	Rule 5(c)(3) Documents Received as to Macsen Rutledge from District of Columbia. (kmc) (Entered: 10/28/2022)
10/27/2022		Rule 5(c)(3) arrest of Macsen Rutledge. (kmc) (Entered: 10/28/2022)
10/27/2022		TEXT Minute Entry for Initial Appearance pursuant to Rule 5(c)(3) held on 10/27/2022 before U.S. Magistrate Judge Andrew T. Baxter as to Macsen Rutledge: A copy of the Complaint filed in the District of Columbia is provided to defendant and defense counsel. Defendant advised of the charges and his rights. Financial Affidavit is reviewed and Judge Baxter finds the defendant eligible for appointment of counsel. The OFPD is appointed as counsel. The Government states the maximum penalties and advises they are not moving for detention, in light probation's recommendation of release. Judge Baxter explains each condition of release to the defendant and orders him released after processing. Defendant signs order setting conditions of release and is released on the stated conditions. Defendant waives his right to a preliminary hearing in this district. Defendant is directed to meet with probation in Binghamton on 10/28/2022 at 2:00 PM. Defendant is directed to appear virtually with the District of Columbia on

		11/3/2022 at 1:00 PM. Appearances: Michael Perry, AUSA for the Government; John Gilsean, AFPD for defendant; Karlie Hall, UPSO. (FTR Recorded) (kmc) (Entered: 10/28/2022)
10/27/2022	 2	CJA 23 Financial Affidavit by Macsen Rutledge. (kmc) (Entered: 10/28/2022)
10/27/2022	3	TEXT ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Macsen Rutledge. Because the defendant has testified under oath or has otherwise satisfied this court that he (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require it is hereby ORDERED that: The Office of the Federal Public Defender for the Northern District of New York is assigned representation of the defendant and shall file a notice of appearance with the Clerk of Court. So Ordered by U.S. Magistrate Judge Andrew T. Baxter on 10/27/2022. (kmc) (Entered: 10/28/2022)
10/27/2022	4	WAIVER of Rule 5(c)(3) Hearings in this District by Macsen Rutledge. (kmc) (Entered: 10/28/2022)
10/27/2022	5	ORDER SETTING CONDITIONS OF RELEASE as to Macsen Rutledge (1). Signed by U.S. Magistrate Judge Andrew T. Baxter on 10/27/2022. (kmc) (Entered: 10/28/2022)
10/27/2022	6	ORDER as to Macsen Rutledge pursuant to Fed. R. Crim. P. 5(f), the court directed the prosecutor to comply with the government's disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and set forth the possible consequences of violating such order under applicable law. Signed by U.S. Magistrate Judge Andrew T. Baxter on 10/27/2022. (kmc) (Entered: 10/28/2022)
10/28/2022		TEXT NOTICE to the Clerk, District of Columbia as to Macsen Rutledge: On 10/27/2022, Defendant Rutledge appeared in the NDNY as a result of an arrest warrant issued under your case number 1:22-MJ-229-MAU. Defendant Rutledge waived his right to a Preliminary and Detention Hearing in this district and was Released on Conditions. Please contact Kimberly Carrow at 315-234-8603 if you have any questions concerning this notice. [Copies of documents and docket sheet sent to District of Columbia via email.] (kmc) (Entered: 10/28/2022)