

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

CHANDLER SIMBECK

Magistrate Number 21-1903

REQUEST FOR DETENTION

AND NOW comes the United States of America, by its attorneys, Stephen R. Kaufman, Acting United States Attorney for the Western District of Pennsylvania, and Mark V. Gurzo, Assistant United States Attorney for said District, and, pursuant to 18 U.S.C. §§ 3142(e) and (f), hereby requests detention of the above-named defendant, and sets forth the following material factors in support thereof:

- ☒ 1. That no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of any other person and the community because:
 - ☒ a. Defendant is a danger to any other person or the community, and/or;
 - ☒ b. Defendant is a flight risk.
- ☐ 2. That the government is entitled to a detention hearing based upon the following:
 - ☐ a. Defendant is charged with a crime of violence as defined in 18 U.S.C. § 3156; or
 - ☐ b. Defendant is charged with an offense for which the maximum sentence is life imprisonment or death; or

- ☐ c. Defendant is charged with an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. § 1901 et seq.); or
- ☐ d. Defendant is presently charged with a felony and has been convicted of two or more offenses described in subparagraph a-c above, or two or more State or local offenses that would have been offenses described in subparagraphs a-c above if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
- ☐ e. Defendant is charged with a felony which is not a crime of violence, but which involves: a minor victim, possession or use of a firearm or destructive device (as those terms are defined in 18 U.S.C. § 921) or any other dangerous weapon, or the failure to register under 18 U.S.C. § 2250 (as required by the Sex Offender Registration and Notification Act); or
- ☒ f. That a serious risk exists that defendant will flee; or
- ☐ g. That a serious risk exists that defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

- ☐ 3. That a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community, in that the present case involves an offense described in paragraphs 2a-2e above and:
 - ☐ a. Defendant has been convicted of a Federal offense described in subsection 2a-2e above, or of a State or local offense that would have been an offense described in subsection 2a-2e above if a circumstance giving rise to Federal jurisdiction had existed; and
 - ☐ b. The offense described in paragraph 3a above was committed while defendant was on release pending trial for a Federal, State or local offense; and
 - ☐ c. A period of not more than five years has elapsed since the date of defendant's conviction or release from imprisonment for the offense described in paragraph 3a, whichever is later.
- ☐ 4. That a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of the community, in that there is probable cause to believe that:
 - ☐ a. Defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.), the

Maritime Drug Law Enforcement Act (46 U.S.C. App. § 1901 et seq.);or

- ☐ b. Defendant committed an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b, or an offense involving a minor victim under Sections 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of Title 18.

- ☐ 5. A Continuance of _____ day(s) is requested for the detention hearing based upon the following reasons:

- ☐ 6. Good cause for a continuance in excess of three days exists in that:

Respectfully submitted,

STEPHEN R. KAUFMAN
Acting United States Attorney

By: s/Mark V. Gurzo
MARK V. GURZO
Assistant U.S. Attorney
MD ID No. 20794

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

CHANDLER SIMBECK

CRIM. NO. 21-1903M

ORDER REGARDING USE OF VIDEO CONFERENCING/TELECONFERENCING

In accordance with Administrative Order 20-mc-466, this Court finds:

X

That the Defendant (or the Juvenile) has consented to the use of video

teleconferencing/teleconferencing to conduct the proceeding(s) held today, after

consultation with counsel; and

The proceeding(s) held on this date may be conducted by:

X

Video Teleconferencing

 Teleconferencing, because video teleconferencing is not reasonably available for the

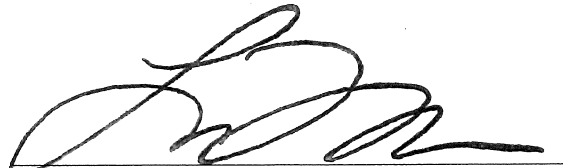
following reason:

 The Defendant (or the Juvenile) is detained at a facility lacking video
teleconferencing capability.

 Other:

Date:

9/22/21



United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff,

vs.

CHANDLER SIMBECK

Defendant.

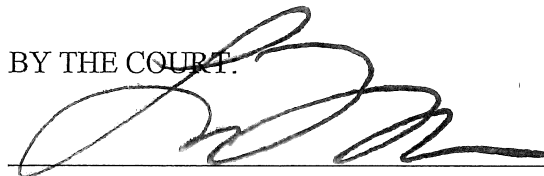
Case No. 21-1903M

ORDER

The United States is obligated, pursuant to Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), and subsequent cases, to timely disclose information favorable to the defense as to criminal liability on the charged offense(s) or mitigation of any punishment that may be imposed. Such favorable information includes information that may cast doubt on the credibility of government witnesses. Possible consequences for violating this order include exclusion of evidence, dismissal of charges, contempt proceedings, disciplinary referral, and any other relief authorized by law.

Dated: 9/22/21

BY THE COURT.



United States Magistrate Judge

RECORD OF MAGISTRATE'S PROCEEDINGS FOR AN INITIAL APPEARANCE

UNITED STATES OF AMERICA

vs

CRIMINAL DOCKET NO. _____

CHANDLER SIMBECK

MAGISTRATE'S DOCKET NO. 21-1903

DATE ARRESTED: 9/21/2021

Before
Magistrate

☒ LENIHAN
☐ EDDY
☐ KELLY

☐ DODGE
☐ LANZILLO
☐ PESTO

Date: 9/22/21 Time: 3:00

US ATTORNEY: MARK GURZO

1. RIGHTS EXPLAINED:

2. COMPLAINT/INDICTMENT/INFORMATION:

☐ Read ☒ Summarized ☐ Reading waived
☐ Defendant provided with a copy of the charges
☒ Defendant to be provided with a copy of the charges as soon as possible

3. ACT & PENALTIES

☐ Read ☒ Summarized ☐ Reading waived
☒ Defendant requested appointment ☐ Defendant waived appointment

4. COUNSEL

☒ Defendant represented by: Chris Brown for procedural purposes
☐ Defendant expects to retain: _____
☒ Affidavit executed.
☐ Not Qualified ☒ Qualified ☐ with possible requirement for partial or full payment
☒ Federal Public Defender to be appointed
☐ CJA Panel Attorney _____ to be appointed

5. BAIL

Bond Set: _____
☐ Temporary Commitment issued ☐ Final Commitment issued
☒ Detention Hearing Set For: 9/24/21 at 3:00PM before Judge Lenihan

6. PRELIMINARY EXAMINATION/RULE 40 HEARING/ARRAIGNMENT

Preliminary Exam/Rule 40/Arraignment set for: _____ Before Magistrate Judge _____

ADDITIONAL COMMENTS:

The Defendant agreed to participate in the Initial Appearance via video.

Def't will waive identity hearing and will not object to the warrant.

AO 470 (Rev. 01/09) Order Scheduling a Detention Hearing

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America

v.

CHANDLER SIMBECK

Defendant

Case No. Criminal No. 2:21-mj-01903

ORDER SCHEDULING A DETENTION HEARING

A detention hearing in this case is scheduled as follows:

Place: 700 Grant Street Pittsburgh, PA 15219	Courtroom No.: via video before Judge Lenihan
	Date and Time: 9/24/21 3:00 pm

IT IS ORDERED: Pending the hearing, the defendant is to be detained in the custody of the United States marshal or any other authorized officer. The custodian must bring the defendant to the hearing at the time, date, and place set forth above.

Date: 09/22/2021



Judge's signature

Lisa Pupo Lenihan, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

CHANDLER SIMBECK

CRIM. NO. 21-mj-1903

ORDER REGARDING USE OF VIDEO CONFERENCING/TELECONFERENCING

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teleconferencing/teleconferencing to conduct the proceeding(s) held today, after

consultation with counsel; and

The proceeding(s) held on this date may be conducted by:

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Video Teleconferencing

 Teleconferencing, because video teleconferencing is not reasonably available for the

following reason:

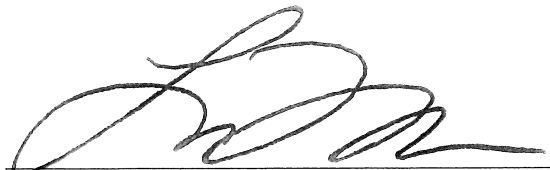
 The Defendant (or the Juvenile) is detained at a facility lacking video

teleconferencing capability.

 Other:

Date:

9/24/21



United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
)
 v.) Criminal No. 2:21-mj-01903
)
 CHANDLER SIMBECK)

DETENTION HEARING
Before Magistrate Judge Lisa Pupo Lenihan

<u>PARTY</u>		<u>COUNSEL</u>
USA		Mark Gurzo
Chandler Simbeck		Christopher Brown

Date: September 24, 2021 at 3:45 PM
Court Reporter: Recorded
Clerk: Michael Banas

The Defendant agrees to proceed via video for this hearing. Conditions of release have been agreed to by both the Defendant and the government. The conditions of release are outlined in open Court. The Defendant agrees to the conditions as well as an unsecured \$10,000 bond. The Defendant is sworn to both the conditions of release and the bond. The Defendant is ordered released pursuant to the agreed conditions.

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

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

United States of America

v.

CHANDLER SIMBECK

Defendant

Case No. Magistrate No. 2:21-mj-01903

Charging District's Case No. 1:21-cr-00165

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 COLORADO

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: 09/24/2021



for Chandler Simbeck

Defendant's signature



Signature of defendant's attorney

Christopher Brown

Printed name of defendant's attorney

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America)

v.)

CHANDLER SIMBECK)

Case No. 2:21-mj-01903

Defendant

APPEARANCE BOND

Defendant's Agreement

I, CHANDLER SIMBECK (*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: 9/24/21

Chanel Simsek 9/24/21
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: 9/24/21

[Signature]
Signature of Clerk or Deputy Clerk

Approved.

Date: 9/24/21

[Signature]
Judge's signature

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

United States of America
v.

Chandler Simbeck

Defendant

Case No. 2:21CR-01903M

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: _____

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. Pretrial Services telephone number (412) 395-6907, no later than _____.
- ☐ (b) continue or actively seek employment.
- ☐ (c) continue or start an education program.
- ☒ (d) surrender any passport to: U.S. Pretrial Services.
- ☒ (e) not obtain a passport or other international travel document.
- ☒ (f) abide by the following restrictions on personal association, residence, or travel: Travel is restricted to the Western District of Pennsylvania and the District of Colorado for Court purposes only.
- ☒ (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) Defendant is to report to the Washington City Mission
and remain there until approved to leave by
PreTrial Services.
PreTrial Services also to approve any subsequent
housing.

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

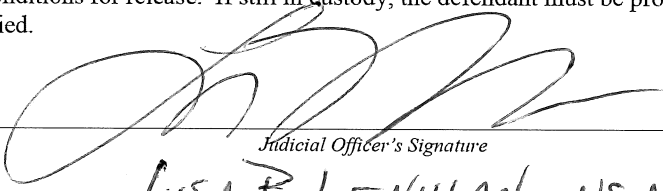
City and State

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:

9/24/21


Judicial Officer's Signature

LISA P. LENIHAN USMJ
Printed name and title