



Date: 7/19/2023

KEVIN P. WEIMER, Clerk

CLOSED

By: s/J. Arnold
Deputy Clerk

U.S. District Court
Northern District of Georgia (Atlanta)
CRIMINAL DOCKET FOR CASE #: 1:23-mj-00672-RDC-1

Case title: USA v. Rivera

Date Filed: 07/18/2023

Other court case number: 23-mj-2051 (AMD) USDC for the
District of New Jersey

Date Terminated: 07/18/2023

Assigned to: Magistrate Judge
Regina D Cannon

Defendant (1)

Eric Rivera
TERMINATED: 07/18/2023

represented by **Michelle Tatum McIntyre**
Federal Defender Program, Inc.
101 Marietta Street NW
Ste 1500
Atlanta, GA 30303
404-688-7530
Email: michelle_mcintyre@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community
Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

18:1349

Disposition

Plaintiff

USA

represented by **Radka T. Nations**
 United States Attorney's Office
 75 Ted Turner SW
 Suite 600
 Atlanta, GA 30303
 404-581-6000
 Email: radka.nations2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
07/18/2023			Arrest (Rule 40) of Eric Rivera (jra) (Entered: 07/19/2023)
07/18/2023	<u>1</u>		Minute Entry for proceedings held before Magistrate Judge Regina D Cannon: Initial Appearance in Rule 5(c)(3) Proceedings & Bond Hearing held as to Eric Rivera on 7/18/2023. Defendant WAIVES identity hearing. Defendant waives Preliminary Hearing in this district only. Waivers filed. Bond set as to Eric Rivera (1) 10,000.00. Bond filed. Defendant released. (Attachments: # <u>1</u> Charging Document) (Tape #FTR) (jra) (Entered: 07/19/2023)
07/18/2023	<u>2</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER Michelle Tatum McIntyre for (IA Only) as to Eric Rivera. Signed by Magistrate Judge Regina D Cannon on 7/18/2023. (jra) (Entered: 07/19/2023)
07/18/2023	<u>3</u>		CJA 23 Financial Affidavit by Eric Rivera (jra) (Entered: 07/19/2023)
07/18/2023	<u>4</u>		Waiver of Rule 5 & 5.1 Hearings by Eric Rivera (jra) (Entered: 07/19/2023)
07/18/2023	<u>5</u>		Order Setting Conditions of Release as to Eric Rivera. Signed by Magistrate Judge Regina D Cannon on 7/18/2023. (jra) (Entered: 07/19/2023)
07/18/2023	<u>6</u>		Appearance Bond on Rule 5(c)(3) Entered as to Eric Rivera in amount of \$10,000.00. (jra) (Entered: 07/19/2023)
07/18/2023			Magistrate Case Closed. Defendant Eric Rivera terminated. (jra) (Entered: 07/19/2023)

MIME-Version:1.0
From:ganddb_efile_notice@gand.uscourts.gov
To:CourtMail@localhost.localdomain
Bcc:
--Case Participants: Radka T. Nations (cheronda.wesley@usdoj.gov, dena.hudson@usdoj.gov, radka.nations2@usdoj.gov, shavaughn.broughton@usdoj.gov, tia.verrett@usdoj.gov, usagan.criminaldocketing-courtntices@usdoj.gov), Magistrate Judge Regina D Cannon (ganddb_efile_rdc@gand.uscourts.gov, phyllis_brannon@gand.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:13393318@gand.uscourts.gov
Subject:Activity in Case 1:23-cr-00672-RDC USA v. Rivera Arrest - Rule 40
Content-Type: text/html

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 7/19/2023 at 2:33 PM EDT and filed on 7/18/2023

Case Name: USA v. Rivera
Case Number: 1:23-cr-00672-RDC
Filer:
Document Number: No document attached
Docket Text:
[Arrest \(Rule 40\) of Eric Rivera \(jra\)](#)

1:23-cr-00672-RDC-1 Notice has been electronically mailed to:

Radka T. Nations radka.nations2@usdoj.gov, cheronda.wesley@usdoj.gov, dena.hudson@usdoj.gov, shavaughn.broughton@usdoj.gov, Tia.Verrett@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov

1:23-cr-00672-RDC-1 Notice has been delivered by other means to:

MAGISTRATE'S CRIMINAL MINUTES - REMOVALS (Rule 5 & 5.1)

FILED IN OPEN COURT

DATE: 07/18/2023 @ 2:50 p.m.

TAPE: FTR

TIME IN COURT: 29 mins

MAGISTRATE JUDGE REGINA D. CANNON

COURTROOM DEPUTY CLERK: Phyllis Brannon

CASE NUMBER: 1:23-mj-00672-RDC

DEFENDANT'S NAME: Eric Rivera

AUSA: Radka Nations

DEFENDANT'S ATTY: Michelle McIntyre (IA ONLY)

USPO / PTR: Cunningham

☐ Retained ☐ CJA ☒ FDP ☐ Waived

ARREST DATE

☒ Initial appearance hearing held.☒ Defendant informed of rights.

Interpreter sworn:

COUNSEL☒ ORDER appointing Federal Defender as counsel for defendant.

ORDER appointing _____ as counsel for defendant.

ORDER: defendant to pay attorney's fees as follows: _____

IDENTITY / PRELIMINARY HEARING☒ Defendant WAIVES identity hearing.☒ WAIVER FILED

Identity hearing HELD. _____ Def is named def. in indictment/complaint; held for removal to other district.

☒ Defendant WAIVES preliminary hearing in this district only.☒ WAIVER FILED

Preliminary hearing HELD. _____ Probable cause found; def. held to District Court for removal to other district

Commitment issued.

BOND/PRETRIAL DETENTION HEARING

Government motion for detention filed .

@

Pretrial hearing set for

@

☐ In charging district.)

Bond/Pretrial detention hearing held.

Government motion for detention ☐ GRANTED ☐ DENIED

Pretrial detention ordered. _____ Written order to follow.

☒ BOND set at \$10,000.00☒ NON-SURETY

SURETY

cash

property

corporate surety ONLY

SPECIAL CONDITIONS: _____

☒ Bond filed. Defendant released.

Bond not executed. Defendant to remain in Marshal's custody.

Motion (_____ verbal) to reduce/revoke bond filed.

Motion to reduce/revoke bond

GRANTED

DENIED

See page 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN OPEN COURT
U.S.D.C. - Atlanta

JUL 18 2023

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 1:23-mj-00672-RDC

ERIC RIVERA,

Defendant.

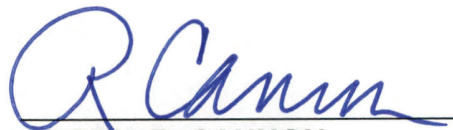
ORDER APPOINTING COUNSEL

MICHELLE MCINTYRE (IA ONLY)

The above-named defendant has testified under oath or has filed with the Court an affidavit of financial status and hereby satisfied this Court that he or she is financially unable to employ counsel.

Accordingly, the **FEDERAL DEFENDER PROGRAM, INC.**, is hereby appointed to represent this defendant in the above-captioned case unless relieved by an Order of this Court or by Order of the Court of Appeals.

Dated at Atlanta, Georgia this 18th day of July, 2023.



REGINA D. CANNON
UNITED STATES MAGISTRATE JUDGE

AO 466A (Rev. 07/16) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

FILED IN OPEN COURT
U.S.D.C. - Atlanta

JUL 18 2023

United States of America

v.

ERIC RIVERA

Defendant

KEVIN P. WEIMER, Clerk

By:  Deputy Clerk

Case No. 1:23-mj-00672

Charging District's Case No. 23-mj-2051 (AMD)

**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 New Jersey

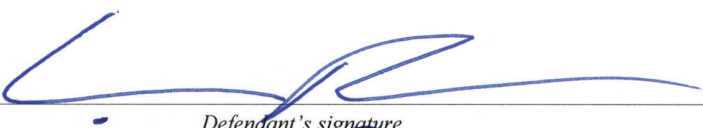
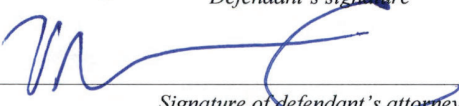
I have been informed of the charges and of my rights to:

- (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: 7/18/2023
Defendant's signature
Signature of defendant's attorney

Michelle McInyre

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
for the

NORTHERN DISTRICT OF GEORGIA

FILED IN OPEN COURT
U.S.D.C. - Atlanta

JUL 18 2023

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA

v.

ERIC RIVERA

Defendant

Case No.: 1:23-mj-00672-RDC

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:

July 26, 2023 at 3:00pm

Place

Judge Ann Marie Donio Courthouse 3B

on

Mitchell & Cohen Bldg + US Courthouse

Htn & Cooper Streets

Date and Time

Camden NJ 08101.

If blank, defendant will be notified of next appearance.

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

ADDITIONAL CONDITIONS OF RELEASE

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

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the () U.S. Pretrial Services (XX) U.S. Probation Office

telephone number 404-215-1950, () No later than _____ () Before leaving courthouse, or _____

- (X) (b) continue or actively seek employment.

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

- (X) (d) surrender any passport to: your supervising officer by: _____, and do not obtain nor possess a passport or other international travel document, not obtain or possess a passport or other international travel document in your name, another name or on behalf of a third party, including minor children.

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

- (X) (f) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

- () (g) get medical or psychiatric treatment: () as directed by your supervising officers () _____

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

- (X) (i) not possess a firearm, destructive device, other weapon, or ammunition, in your home, vehicle or place of employment, or upon your person.

- (X) (j) not use alcohol () at all (X) excessively.

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

- () (l) 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.

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

- () (n) 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.

- () (o) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

- () You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- (X) (p) report within 72 hours to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- (X) (q) restrict travel to the Northern District of Georgia unless the supervising officer has approved travel in advance.

- (X) (r) *Submit proof of employment to pretrial officer by Friday, July 26 at 4:30pm and District of NJ Jersey*

- () (s) _____

- () (t) *(letters or emails from employers/business associates)*

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 release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in a term of 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; if you commit 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) any other sentence you receive.

It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to: obstruct a criminal investigation; tamper with 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 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 10 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 not more than two years, or both;
- (4) a misdemeanor, you shall 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 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.

Acknowledgment of Defendant

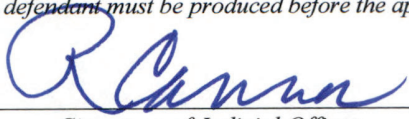
I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


 Signature of Defendant
 Cumming GA (310) 936-5966
 City and State Telephone

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 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: 7/18/2023


 Signature of Judicial Officer

REGINA D. CANNON, U.S. MAGISTRATE JUDGE
 Name and Title of Judicial Officer

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

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

FILED IN OPEN COURT
U.S.D.C. - Atlanta

JUL 18 2023

United States of America

v.

Eric Rivera

Defendant

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

Case No. 1:23-mj-00672-RDC

APPEARANCE BOND

Defendant's Agreement

I, Eric Rivera (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:

- (X) to appear for court proceedings;
 (X) 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.

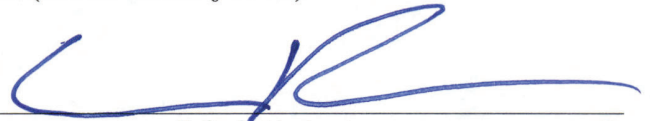
Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

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: 7-18-2023


Defendant's signature

(1) Surety/property owner – printed name

(1) Surety/property owner – signature and date

(1) Surety/property owner's address

(1) Surety/property owner's city/state/zip

(2) Surety/property owner – printed name

(2) Surety/property owner – signature and date

(2) Surety/property owner's address

(2) Surety/property owner's city/state/zip

(3) Surety/property owner – printed name

(3) Surety/property owner – signature and date

(3) Surety/property owner's address

(3) Surety/property owner's city/state/zip

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Date: 7/18/2023

APPROVED



Signature, United States Magistrate Judge