

CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CRIMINAL DOCKET FOR CASE #: 1:23-mj-00947-RDC All Defendants**

Case title: USA v. Okojie

Date Filed: 11/07/2023

Other court case number: 4:22-cr-84-001 USDC Southern
District of GA (Savannah)

Date Terminated: 11/07/2023

Assigned to: Magistrate Judge
Regina D Cannon

Defendant (1)

Bernard Okojie

TERMINATED: 11/07/2023

represented by **Alejandro Benito Fernandez**

Federal Defender Program, Inc.

101 Marietta Street NW

Ste 1500

Atlanta, GA 30303

404-688-7530

Email: alejandro_fernandez@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

18:3148

Disposition

Plaintiff**USA**represented by **Jamil A Favors**

United States Attorneys Office

Criminal

75 Ted Turner Drive SW, Suite 600

Atlanta, GA 30303

404-581-6079

Email: jamil.favors@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Retained*

Date Filed	#	Page	Docket Text
11/07/2023			Arrest (Rule 40) of Bernard Okojie (rlh) (Entered: 11/09/2023)
11/07/2023	<u>1</u>		Minute Entry for proceedings held before Magistrate Judge Regina D Cannon: Initial Appearance in Rule 5(c)(3) Proceedings as to Bernard Okojie held on 11/7/2023. Defendant waives identity hearing, waiver filed. Commitment issued. Government motion for detention filed. Detention hearing held, government's motion granted, pretrial detention ordered, written order to follow. (Attachments: # <u>1</u> Violation Report) (Tape #FTR) (rlh) (Entered: 11/09/2023)
11/07/2023	<u>2</u>		WAIVER of Rule 5 & 5.1 Hearings by Bernard Okojie (rlh) (Entered: 11/09/2023)
11/07/2023	<u>3</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER Alejandro Fernandez as to Bernard Okojie. Signed by Magistrate Judge Regina D Cannon on 11/7/23. (rlh) (Entered: 11/09/2023)
11/07/2023	<u>4</u>		Government's Brief in Support of Petition to Revoke Conditional Release by USA as to Bernard Okojie. (rlh) (Entered: 11/09/2023)
11/07/2023	<u>5</u>		ORDER of Detention Pending Trial re <u>4</u> Government's Brief in Support of Petition to Revoke Conditional Release as to Bernard Okojie (1). Signed by Magistrate Judge Regina D Cannon on 11/7/23. (rlh) Modified on 11/9/2023 to change file date (rlh). (Entered: 11/09/2023)
11/07/2023	<u>6</u>		COMMITMENT TO ANOTHER DISTRICT as to Bernard Okojie. Defendant committed to District of Southern District of Georgia Savannah Division. Signed by Magistrate Judge Regina D Cannon on 11/7/23. (rlh) (Entered: 11/09/2023)
11/07/2023			Magistrate Case Closed. Defendant Bernard Okojie terminated. (rlh) (Entered: 11/09/2023)

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

FILED IN OPEN COURT

DATE: 11/07/2023 @ 1:00 p.m.TAPE: FTRTIME IN COURT: 19 minsMAGISTRATE JUDGE REGINA D. CANNONCOURTROOM DEPUTY CLERK: Phyllis BrannonCASE NUMBER: 1:23-mj-00947-RDCDEFENDANT'S NAME: Bernard OkojieAUSA: Jamil FavorsDEFENDANT'S ATTY: Alejandro FernandezUSPO / PTR: Whitson☐ 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 _____ 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

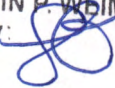
AO 466A (Rev. 07/16) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

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

UNITED STATES DISTRICT COURT

for the
Northern District of Georgia

NOV - 7 2023

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

United States of America

v.

Bernard Okojie

Defendant

Case No. 1:23-mj-00947-RDC

Charging District's Case No. 4:22-cr-00084-001

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) Southern District of Georgia

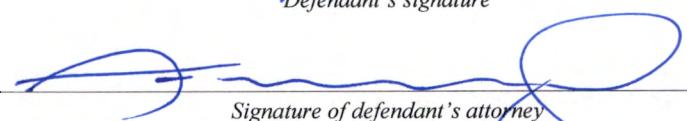
I have been informed of the charges and of my rights to:

- (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: 11.7.23
Defendant's signature
Signature of defendant's attorneyAlejandro Fernandez
Printed name of defendant's attorney

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

NOV - 7 2023

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 1:23-mj-00947-RDC

BERNARD OKOJIE,

Defendant.

ORDER APPOINTING COUNSEL

ALEJANDRO FERNANDEZ

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 7th day of November, 2023.

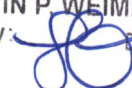


REGINA D. CANNON
UNITED STATES MAGISTRATE JUDGE

ORIGINAL

FILED IN OPEN COURT
U.S.D.C. - AtlantaIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NOV - 7 2023

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA

v.

Criminal Action No.

1:23-MJ-947

Bernard OKOJIE**Government's Brief in Support of Petition to Revoke Conditional Release**

The United States of America, by counsel, Ryan K. Buchanan, United States Attorney, and Gregory E. Radics, Assistant United States Attorney for the Northern District of Georgia, files this brief in support of the United States Probation Office's Petition to Revoke Conditional Release.

Defendant's conditional release should be revoked and Defendant should be detained pending further proceedings pursuant to 18 U.S.C. § 3148(b), because there is: 1) probable cause to believe that the Defendant has committed a Federal, State or local crime while on release, or clear and convincing evidence that the Defendant has violated any other condition of release; and 2) based on the factors set forth in 18 U.S.C. § 3142(g), there is no condition or combination of conditions of release that will assure that the Defendant will not flee or pose a danger to the safety of any other person or the community, or the Defendant is unlikely to abide by any condition or combination of conditions of release. See 18 U.S.C. § 3148(b).

Rebuttable Presumptions and Defendant Burdens (check all that apply)

- ☐ The United States hereby invokes the rebuttable presumption under 18 U.S.C. § 3148(b) that no condition of release or combination of conditions will assure that the Defendant will not pose a danger to the safety of any other person or the community, because there is probable cause to believe that, while on release, the Defendant committed a Federal, State, or local felony.
- ☒ The Defendant bears the burden of proving by clear and convincing evidence that he or she is not likely to flee or pose a danger to the safety of any other person or the community if released, because the Defendant has already been found guilty and is awaiting sentencing or execution of a sentence. See 18 U.S.C. § 3143(a)(1).

Additional Information

The defendant was convicted of three (3) counts
of (conspiracy to commit wire fraud; wire fraud; and money
laundering) on October 3, 2023 in the S.D. of Georgia.

The defendant received a sentence of 64 months to serve in custody, to be followed by three (3) years of supervised release.

The defendant was ordered to surrender for service of his sentence by Wednesday, Nov. 1, 2023 before 2:00pm.
(See J&C)

The defendant failed to report for service of his custodial sentence.

Dated: Nov. 7, 2023

Respectfully submitted,

RYAN K. BUCHANAN
United States Attorney

75 Ted Turner Drive S.W., Suite 600
Atlanta, Georgia 30303-3309
Phone: (404) 581-6000
Fax: (404) 581-6181

GREGORY E. RADICS
Assistant United States Attorney
Ga. Bar No. 591724

Certificate of Service

The undersigned served this document today by handing a copy to defense counsel:

Nov. 7, 2023

Alejandro Fernandez

/s/ GREGORY E. RADICS

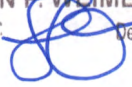
UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

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

NOV - 7 2023

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

United States of America

v.

Bernard Okojie

Defendant

Case No. 1:23-mj-00947-RDC

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon the

- ☒ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
☐ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- ☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2)** (*previous violator*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
- ☐ (1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
 - ☐ (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
 - ☐ (b) an offense for which the maximum sentence is life imprisonment or death; or
 - ☐ (c) 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. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
 - ☐ (d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
 - ☐ (e) any felony that is not otherwise a crime of violence but involves:
 - (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);
 - (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; and
 - ☐ (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; and
 - ☐ (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; and
 - ☐ (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

- ☐ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:
- ☐ (1) 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. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
 - ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
 - ☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
 - ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; or
 - ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 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.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

- ☐ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. *(Part III need not be completed.)*

OR

- ☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- ☐ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☒ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☐ Weight of evidence against the defendant is strong
- ☐ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties

AO 472 (Rev. 11/16) Order of Detention Pending Trial

- ☐ Lack of significant community or family ties to this district
- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☐ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

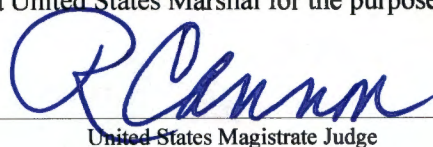
Defendant failed to surrender to begin serving his prison sentence as ordered by the District Court. He also failed to respond to his probation officer's attempt to contact him in violation of his pretrial release conditions.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date:

11/7/2023



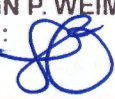
United States Magistrate Judge

NOV - 7 2023

AO 94 (Rev. 12/03) Commitment to Another District

UNITED STATES DISTRICT COURT

KEVIN P. WEIMER, Clerk

By:  Deputy Clerk

NORTHERN

District of

GEORGIA

UNITED STATES OF AMERICA

V.

BERNARD OKOJIE

COMMITMENT TO ANOTHER
DISTRICT

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

4:22CR00084-001

1:23-mj-00947-RDC

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐

Indictment

☐

Information

☐

Complaint

☒

Other (specify)

charging a violation of

U.S.C. §

DISTRICT OF OFFENSE

Southern District of Georgia Savannah Division

DESCRIPTION OF CHARGES:

Petition for Action on Conditions of Pretrial Release

CURRENT BOND STATUS:

☐

Bail fixed at

and conditions were not met

☐

Government moved for detention and defendant detained after hearing in District of Arrest

☒

Government moved for detention and defendant detained pending detention hearing in District of Offense

☐

Other (specify)

Representation:

☐

Retained Own Counsel

☒

Federal Defender Organization

☐

CJA Attorney

☐

None

Interpreter Required?

☒

No

☐

Yes

Language:

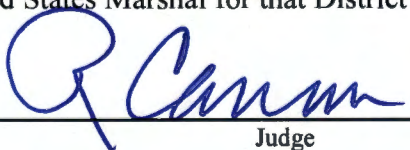
DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

11/7/2023

Date



Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL