FILED IN CHAMBERS
U.S.D.C ATLANTA
Date: Apr 28 2022
KEVIN P. WEIMER, Clerk
By: s/James Jarvis
Deputy Clerk

United States District Court

NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

v.

DION MARQUISE HAYES

CRIMINAL COMPLAINT

UNDER SEAL

Case Number: 1:22-MJ-384

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about April 12, 2022, defendant DION MARQUISE HAYES, failed to surrender for service of sentence pursuant to a court order issued in the Northern District of Georgia, in violation of Title 18, United States Code, Section 3146.

I further state that I am a Deputy United States Marshal and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes

Matt Keown

Signature of Complainant
Matthew Keown

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

April 28, 2022
Date

at Atlanta, Georgia
City and State

CHRISTOPHER C. BLY
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

AUSA Ryan K. Buchanan
ryan.buchanan@usdoj.gov

CCBly

Signature of Judicial Officer

Issued pursuant to Federal Rule of Criminal Procedure 4.1.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Matthew Keown, depose and state under penalty of perjury:

AFFIANT BACKGROUND

1. I am an investigative or law enforcement officer of the United States, within the meaning of Title 18, United States Code, § 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, § 2516.

2. I am employed as a Deputy United States Marshal with the United States Marshals Service (USMS) and have been so employed since 2015. I am currently assigned to the USMS in the Northern District of Georgia. My duties and responsibilities include, but are not limited to, fugitive apprehension, protecting federal judges, prisoner management, and serving court documents. Throughout my 7-year career as a Deputy U.S. Marshal, I have participated in and led numerous investigations relating to tracking and locating fugitives who violate federal and state law. I am familiar with the methods and means individuals and organizations will use to escape and avoid law enforcement within the United States. One of my statutory duties is to investigate violations of Federal law, specifically Title 18 USC § 3146 (Failure to Appear).

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Dion HAYES with Failing to Appear after being ordered to surrender himself at FCI McDowell Camp in Welch, West Virginia, in violation of Title 18, United States Code, Section 3146.

SOURCES OF INFORMATION

4. The facts set forth in this affidavit are based on observations made by myself and other law enforcement officers participating in this investigation, and information obtained from other agents and witnesses, and may also be based on: (a) my training and experience, (b) reports and/or business records, (c) recorded conversations, and (d) communications with other individuals who have personal knowledge of the events and circumstances described herein. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included in this affidavit every detail of the investigation. Rather, I have set forth facts that I believe are sufficient to establish probable cause for the issuance of the requested arrest warrant. Unless specifically indicated otherwise, any conversations and statements described in this affidavit are related in substance and in part only.

FAILURE TO SURRENDER FOR SERVICE OF SENTENCE

5. A failure to surrender for service of sentence pursuant to a court order is a violation of Title 18, United States Code, Section 3146.

PROBABLE CAUSE

6. On or about March 10, 2020, a federal grand jury in the Northern District of Georgia returned an indictment charging Dion Marquise HAYES with possessing a firearm in the Northern District of Georgia after convictions for Carjacking and Felony Firearms Possession in the State of Michigan in 2011, a violation of Title 18, United States Code, Section922(g)(1).

7. On or about August 9, 2021, HAYES entered a guilty plea to the indictment.

8. On or about November 8, 2021, the Court sentenced HAYES to three years of probation and a fine of $90,000.

9. On or about December 10, 2021, the Court issued a summons for HAYES to appear based on a petition to show cause as to why probation should not be revoked due to multiple positive test results for use of controlled substances and an arrest in Nevada for Obstruction of Law Enforcement and Battery.

10. On or about February 1, 2022, the Court revoked HAYES'S probation and ordered HAYES to serve to six months in the custody of the Bureau of Prisons to be followed by two years of supervised release.

11. On or about March 11, 2022, the United States Marshal for the Northern District of Georgia directed HAYES to report to FCI McDowell Camp in Welch, West Virginia on April 12, 2022 to serve the sentence ordered by the Court.

12. On or about March 15, 2022, a United States Senior Probation Officer confirmed with HAYES that HAYES received the instruction to report to FCI McDowell Camp on April 12, 2022.

13. On April 12, 2022, HAYES did not surrender to FCI McDowell Camp to serve his sentence as directed.

14. As of April 27, 2022, HAYES has not surrendered to FCI McDowell Camp to serve his sentence.

CONCLUSION

15. Based on my knowledge, training, experience, and the facts set for in this affidavit, I submit there exists probable cause to believe that HAYES has failed to surrender to serve his sentence, in violation of Title 18 USC Section 3146,