

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

Case No. 22-30466
Originating No. 22-225

GARY FRANCIS SMITH,

Defendant.

_____ /

**GOVERNMENT'S PETITION
FOR TRANSFER OF DEFENDANT TO
ANOTHER DISTRICT AND SUPPORTING BRIEF**

Pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant **GARY FRANCIS SMITH**, to answer to charges pending in another federal district, and states:

1. On **October 27, 2022**, defendant voluntarily appeared in the Eastern District Michigan in connection with a federal arrest warrant issued in the **District of Columbia based on a Criminal Complaint**. Defendant is charged in that district with violations of **18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, 18 U.S.C. § 1752(a)(2) - Knowingly Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds, and 40 U.S.C. § 5104(e)(2)(G) - Violently Parading, Demonstrating, or Picketing in a**

Capitol Building

2. Rule 5 requires this Court to determine whether defendant is the person named in the arrest warrant and is entitled to a preliminary examination as described in Paragraph One above. See Fed. R. Crim. P. 5(c)(3)(D)(ii).

WHEREFORE, the government requests this Court to conduct transfer proceedings in accordance with Rule 5 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

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