

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Paul Kovacic
DOB: XXXXXX

)
) Case: 1:24-mj-00228
) Assigned To : Judge G. Michael Harvey
) Assign. Date : 7/23/2024
) Description: COMPLAINT W/ARREST WARRANT
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 1, 2023 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 3146(a)(2) - Failure to Surrender for Service of Sentence Pursuant to a Court Order.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 07/23/2024

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED], is a Deputy United States Marshal assigned to the United States Marshal Service. In my duties as a Deputy United States Marshal, I am responsible for apprehending wanted fugitives, providing protection for the federal judiciary, transporting federal prisoners, protecting endangered federal witnesses, and managing assets seized from criminal enterprises.

On June 19, 2022, the Federal Bureau of Investigation arrested Paul Kovacik in Rockport, Indiana on charges related to his actions at the United States Capitol on January 6, 2021. On March 13, 2023, Kovacik pled guilty to one Count of violating 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building). On June 21, 2023, Judge Reggie B. Walton of the United States District Court for the District of Columbia sentenced Kovacik to 90 days imprisonment followed by three years of probation. Judge Walton permitted Kovacik to self-surrender for his sentence at the behest of the District of Columbia Probation Office.

The Probation Office initially ordered Kovacik to report to the Bureau of Prisons Metropolitan Correctional Center (MCC) – Chicago on August 22, 2023. Thereafter, Kovacik filed a motion to delay his self-surrender to no earlier than November 1, 2023. Kovacik requested additional time to allow him to complete his seasonal employment at Six Flags – Georgia and arrange travel to the designated confinement facility by his surrender date. Kovacik submitted a personal letter to Judge Walton with his motion where he requested a report date after Sunday, October 29th, 2023. On August 21, 2023, Judge Walton granted Kovacik's request.

The Probation Office set Kovacik's new report date to the MCC – Chicago as November 1, 2023. The Probation Office emailed Kovacik a "*Notice of Designation and Date to Report*" letter on October 2, 2023, advising Kovacik of his updated November 1, 2023, surrender date. The Probation Office also made numerous attempts via phone, text message, and email to contact Kovacik to ensure he was apprised of his new surrender date and location.¹ The Probation Office was not successful in these attempts. Additionally, Kovacik did not contact the Probation Office to acknowledge his new surrender date.

Kovacik did not self-surrender to the Bureau of Prisons at the MCC – Chicago on November 1, 2023, as ordered. Instead, Kovacik fled to Dublin, Ireland, through Munich, Germany, on November 1, 2023.² Based on his failure to self-surrender, the United States District Court for the District of Columbia issued an arrest warrant for Kovacik on November 21, 2023. Following the issuance of the arrest warrant, the United States Marshal Service undertook efforts to track and arrest Kovacik.

¹ The Probation Office attempted to communicate with Kovacik through his email address paulko@hotmail.com and telephone number (***) ***-9963. Records lawfully obtained from Google during the investigation into Kovacik's activities at the U.S. Capitol on January 6, 2021 associated paulko31@hotmail.com and (***) ***-9963 with Kovacik. Kovacik used the paulko31@hotmail.com email address and the (***) ***-9963 phone number to communicate with the Federal Bureau of Investigation during the course of this investigation.

² United States Customs and Border Protection records indicated Kovacik departed the United States at 22:25 on Lufthansa Airlines flight #435 from Chicago O'Hare International Airport (ORD) to Munich Airport, Germany (MUC).

On June 19, 2024, Kovacik decided to voluntarily return to the United States from Ireland. According to records obtained by the United States Custom and Border Protection (CBP), Kovacik submitted to a preclearance interview in Ireland prior to his departure. During this interview, Kovacik advised that after arriving in Dublin, Ireland on November 2, 2023, Kovacik claimed asylum and for international protection with the Irish Government. Kovacik advised that he had remained in Ireland since November 2, 2023, but recently decided to voluntarily withdraw his asylum claim and return to the United States because he felt “homesick.” Kovacik further advised that he left the United States because he “did not feel comfortable” and felt “unsafe.” CBP confirmed an active warrant for Kovacik and coordinated a “Preclearance Alert Event” to execute the warrant upon Kovacik’s arrival in the United States. CBP subsequently released Kovacik to travel to the United States via Minneapolis – St. Paul International Airport (MSP).³

An accompanying search of Kovacik’s luggage as part of this CBP interaction uncovered official documents relating to Kovacik’s request to the Irish government for asylum. Government documents in Kovacik’s luggage revealed that on November 2, 2023, Kovacik completed a preliminary interview when he arrived in Ireland for “International Protection at Port of Entry” with the Irish Naturalization and Immigration Service’s International Protection Office. During this interview, Kovacik stated on official government forms that he came to Ireland “to claim asylum.” Other government documents uncovered during this search revealed that Kovacik completed official documentation to apply for asylum with the International Protection Office on March 11, 2023. On the requisite forms, Kovacik annotated that he wished to make an “Application for Declaration” for asylum and claimed, “[A] fear of persecution for reason of: political.”

According to CBP Minneapolis records, CBP promptly arrested Kovacik upon his return to the United States based on the CBP “Preclearance Alert Event” and transferred him to the Hennepin County Jail.⁴ Following his arrest, Kovacik claimed to law enforcement that he was a “political prisoner.” Following a subsequent initial appearance and removal hearing in the District of Minnesota, the United States Marshal Service transported Kovacik to the MCC – Chicago to serve his previously imposed sentence. Kovacik is currently serving his original sentence with an anticipated release date of September 8, 2024.

Based on the foregoing, your affiant submits that there is probable cause to believe that Paul Kovacik violated 18 U.S.C. § 3146(a)(2), which makes it a crime to fail to surrender for service of a sentence pursuant to a court order.

³ United States Customs and Border Protection records indicated Kovacik departed Ireland at 07:46 on Aer Lingus flight #89 from Dublin Airport (DUB) to MSP.

⁴ MSP CBP records indicate Kovacik was immediately arrested at 1725 as he disembarked at his arrival gate.

[REDACTED]

[REDACTED]

United States Marshal Service

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 23rd day of July 2024.

G. Michael Harvey, U.S. Magistrate Judge