

**U.S. District Court
District of Maryland (Baltimore)
CRIMINAL DOCKET FOR CASE #: 1:16-mj-02254-BPG-1**

Case title: USA v. Martin

Date Filed: 08/29/2016

Assigned to: Magistrate Judge Beth P.
Gesner

Defendant (1)

Harold T. Martin, III

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:641.F - Theft of Government Property,
18:1924.M - Unauthorized Removal or
Retention of Classified Documents or
Materials by Government Employee or
Contractor

Disposition

Plaintiff

USA

represented by **Zachary A Myers**

Office of the United States Attorney
36 S Charles St Ste 400
Baltimore, MD 21201
4102094800
Fax: 4109623091
Email: zachary.myers@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
08/29/2016	1	SEALED COMPLAINT as to Harold T. Martin, III (1). (stds, Deputy Clerk) (Additional attachment(s) added on 10/5/2016: # 1 Affidavit) (jws, Deputy Clerk). (Entered: 08/30/2016)
08/29/2016	2	-SEALED- MOTION to Seal Complaintby USA as to Harold T. Martin, III. (stds, Deputy Clerk) (Entered: 08/30/2016)

08/29/2016	3	ORDER granting 2 Motion to Seal as to Harold T. Martin III (1). Signed by Magistrate Judge Beth P. Gesner on 8/29/2016. [For #3, see #2]. (stds, Deputy Clerk) (Entered: 08/30/2016)
08/29/2016	5	SEALED Minute Entry, Initial Appearance as to Harold T. Martin, III (Defendant informed of Rights.) held on 8/29/2016 before Magistrate Judge Beth P. Gesner. (FTR Gold) (stds, Deputy Clerk) (Entered: 08/30/2016)
08/29/2016	6	Sealed Document - Financial Affidavit. (stds, Deputy Clerk) (Entered: 08/30/2016)
08/29/2016	7	Sealed Document - Contribution Order. (stds, Deputy Clerk) (Entered: 08/30/2016)
08/29/2016	8	Sealed Document - Order Appointing Federal Public Defender. (stds, Deputy Clerk) (Entered: 08/30/2016)
08/29/2016	9	Sealed Document - Order of Detention by Agreement. (stds, Deputy Clerk) (Entered: 08/30/2016)
08/29/2016	10	Sealed Document - Medical Notice. (stds, Deputy Clerk) (Entered: 08/30/2016)
09/07/2016	11	Sealed Document - Notice of Appearance (jws, Deputy Clerk) (Entered: 09/13/2016)
09/13/2016	12	Sealed Document - Waiver of a Preliminary Hearing (jws, Deputy Clerk) (Entered: 09/13/2016)
09/13/2016	13	Unopposed Motion for an Extension of Time to File Indictment by USA as to Harold T. Martin, III. (jws, Deputy Clerk) (Entered: 09/14/2016)
09/13/2016	14	ORDER granting 13 Motion for Extension of Time to Indictment as to Harold T. Martin III (1). Signed by Magistrate Judge Beth P. Gesner on 9/13/2016. (jws, Deputy Clerk) (Entered: 09/14/2016)
10/05/2016	15	MOTION to Unseal Case by USA as to Harold T. Martin, III. (jws, Deputy Clerk) (Entered: 10/05/2016)
10/05/2016	16	ORDER granting 15 Motion to Unseal Case as to Harold T. Martin III (1). Signed by Magistrate Judge Beth P. Gesner on 10/5/2016. (jws, Deputy Clerk) (Entered: 10/05/2016)

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Maryland

United States of America
v.

Harold T. Martin, III

Defendant(s)

Case No.

16 - 2254 BPG

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 August 29, 2016 in the county of Anne Arundel in the
District of Maryland, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Row 1: Count 1: 18 U.S.C. § 641, Count 1: Theft of Government Property;. Row 2: Count 2: 18 U.S.C. § 1924, Count 2: Unauthorized Removal or Retention of Classified Documents or Materials by Government Employee or Contractor;

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Signature of Jeremy Bucalo
Complainant's signature
Jeremy Bucalo, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 8-29-16

Signature of Beth P. Gesner
Judge's signature
Beth P. Gesner, US Magistrate Judge
Printed name and title

City and state: Baltimore, Maryland

AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT

I, Special Agent Jeremy Bucalo being duly sworn, depose and state as follows:

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI), U.S. Department of Justice, and have been so employed since October 2004. I have completed FBI criminal investigation training and have taken several courses specifically for cyber investigations. Throughout my FBI employment, I have received training in general law enforcement and in specialized areas including national security computer intrusions. As part of my duties as a FBI Special Agent, I investigate criminal cyber violations and have statutory authority to execute warrants issued under the authority of the United States and to make arrests.

2. I make this affidavit in support of an application for a criminal complaint and arrest warrant for **Harold Thomas MARTIN III**, ("MARTIN"), DOB November 1964, SSAN xxx-xx-7404, of Glen Burnie, Maryland, for violations of 18 U.S.C. § 641 (Theft of Government Property); and 18 U.S.C. § 1924 (Unauthorized Removal and Retention of Classified Documents or Materials by Government Employee or Contractor).

3. I am familiar with the facts set forth in this affidavit based upon my participation in this investigation; communications with other agents, investigators and government employees; my review of records, documents, and other evidence obtained during the course of the investigation; and information gained through training and experience. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

PROBABLE CAUSE

4. **MARTIN** is a private contractor assigned to a United States government office.

As part of his duties while working at the United States government office, **MARTIN** had a top secret national security clearance and the ability to access United States government property that was not permitted to be removed from authorized locations without authorization. That property included classified information of the United States.

5. On August 27, 2016, United States Magistrate Judge Stephanie A. Gallagher, of the United States District Court for the District of Maryland issued warrants authorizing the search of **MARTIN**'s residence in Glen Burnie, Maryland, including its curtilage on which two storage sheds were located, as well as his vehicle and person, for fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 641 (Theft of Government Property).

6. On August 27, 2016, during execution of the warrants, investigators located hard copy documents and digital information stored on various devices and removable digital media. A large percentage of the materials recovered from **MARTIN**'s residence and vehicle bore markings indicating that they were property of the United States and contained highly classified information of the United States, including Top Secret and Sensitive Compartmented Information (SCI).

7. Among the classified documents located thus far, six of them appear to have been obtained from sensitive intelligence. These six documents are the property of the government and contain dates indicating that they were produced by an agency of the government in 2014. Each of these documents bears standard markings and other indicia that are applied to classified government information. These six documents were produced through sensitive government sources, methods, and capabilities, which are critical to a wide variety of national security issues. The disclosure of the documents would reveal those sensitive sources, methods, and capabilities.

16 - 2254 BPG

8. The documents have been reviewed by an original classification authority of the government and, in each instance, the authority has determined that the documents are currently and properly classified at the TOP SECRET level, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security of the United States.

9. These documents contained information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure in the interests of national security.

10. During execution of the warrants, investigators located property of the United States with an aggregate value in well excess of \$1,000, which MARTIN had stolen.

11. Neither MARTIN's residence nor his vehicle was an authorized location for the storage of classified information. MARTIN was never authorized by his employer or any United States government agency to keep these materials at his residence or in his vehicle.

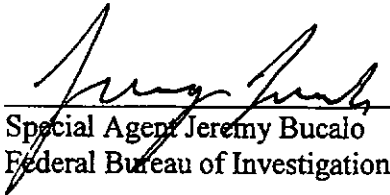
12. During execution of the warrants, MARTIN was not in custody, and voluntarily agreed to be interviewed by investigators. During the interview, MARTIN at first denied, and later when confronted with specific documents, admitted he took documents and digital files from his work assignment to his residence and vehicle that he knew were classified. MARTIN stated that he knew he did not have authorization to retain the materials at his residence or in his vehicle. MARTIN stated that he knew what he had done was wrong and that he should not have done it because he knew it was unauthorized.

CONCLUSION

13. Based on the foregoing, your affiant respectfully submits that there is probable

cause to believe that **Harold Thomas MARTIN III**, has embezzled, stolen, purloined and knowingly converted to his own use, or the use of another, property of the United States valued in excess of \$1,000, in violation of 18 U.S.C. § 641; and that, having become possessed of documents and materials containing classified information of the United States, he has knowingly removed such documents and materials without authority and with the intent to retain them at an unauthorized location, in violation of 18 U.S.C. § 1924.

14. WHEREFORE, I respectfully request that the Court issue the requested criminal complaint and warrant for **MARTIN's** arrest.


Special Agent Jeremy Bucalo
Federal Bureau of Investigation

Sworn and subscribed before me
this 29th day of August, 2016


HONORABLE BETH P. GESNER
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

HAROLD T. MARTIN, III

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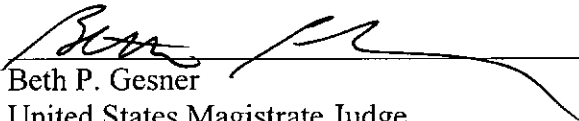
Case No. 16-2254BPG

CONTRIBUTION ORDER

Although counsel has been appointed to represent the Defendant, it appears to the United States Magistrate Judge the Defendant may have sufficient resources to contribute financially toward the payment of counsel fees.

It is therefore required that court-appointed counsel as well as counsel for the government bring this matter to the attention of the judicial officer at the time of conviction or acquittal. The judicial officer may request the Probation Department investigate the Defendant's financial resources and recommend whether the Defendant should be required to pay any sum as a result of services rendered by court-appointed counsel pursuant to the provisions of 18 U.S.C. § 3006A(f).

August 29, 2016
Date


Beth P. Gesner
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

HAROLD T. MARTIN, III

*

Case No. 16-2254BPG


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ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The above named Defendant having been found to be indigent and entitled to appointment of counsel under the Criminal Justice Act, and the government having proffered that they know of no conflict precluding appointment of the Public Defender,

IT IS ORDERED this 29th day of August, 2016, that the Federal Public Defender for the District of Maryland is appointed to represent the above named Defendant.



Beth P. Gesner
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2016 AUG 29 P 3:52
UNITED STATES OF AMERICA

vs.

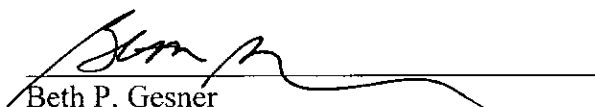
Case No. 16-2254BPG

HAROLD T. MARTIN, III

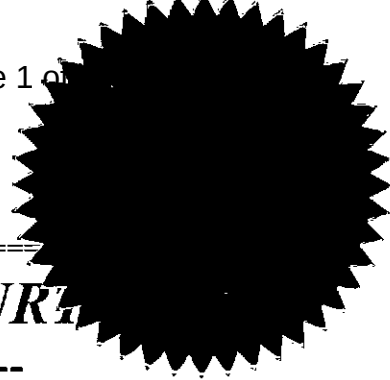
ORDER OF DETENTION BY AGREEMENT

A hearing, having been held on this date, at which the defendant was represented by
James Wyda, AFPD, and the Government was represented by
Assistant United States Attorney Zachary Myers, it is

ORDERED, this 29TH day of August 2016, that the
above-named defendant be, and the same hereby is, DETAINED by agreement of the parties
without prejudice to either side requesting a prompt hearing to set appropriate conditions of
release or otherwise address the detention of the defendant.


Beth P. Gesner
United States Magistrate Judge

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND



2016 SEP 11 PM 1:16
UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
AT BALTIMORE

BY Kho DEPUTY
APPEARANCE

UNITED STATES OF AMERICA

v.

CASE NO. : 16-02254-BPG

HAROLD T. MARTIN, III

* * * * *

NOTICE OF APPEARANCE

To the Clerk of this Court and all parties of record:

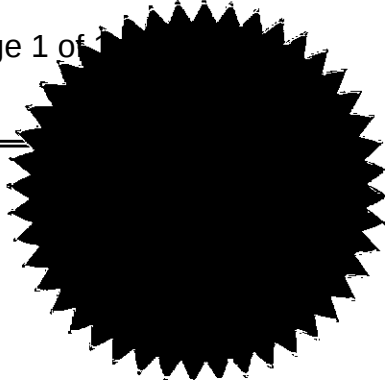
Enter my appearance as counsel in this case for Harold T. Martin, III. I certify that I am admitted to practice in this court.

09/06/16
Date

/s/
JAMES WYDA (#25298)
Federal Public Defender
100 South Charles Street
Tower II, 9th Floor
Baltimore, Maryland 21201
Telephone: (410) 962-3962
Facsimile: (410) 962-0872
Email: jim_wyda@fd.org

AO 468 (Rev. 04/15) Waiver of a Preliminary Hearing

SEP 13 2016



UNITED STATES DISTRICT COURT

for the
District of Maryland

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND DEPUTY

BY

United States of America)
v.)
Harold T. Martin, III)
Defendant)

Case No. 16-02254-BPG

WAIVER OF A PRELIMINARY HEARING

I, Harold T. Martin, III, understand that I have been charged with an offense in a criminal complaint filed in this court. A magistrate judge has informed me of my right to a preliminary hearing under Fed. R. Crim. P. 5.1.

I agree to waive my right to a preliminary hearing under Fed. R. Crim. P. 5.1.

Date: 07/SEP/16

Defendant's signature

Signature of defendant's attorney

James Wyda, 25298

Printed name and bar number of defendant's attorney
Federal Public Defender
Tower II, Suite 900
100 South Charles Street
Baltimore, Maryland 21201

Address of defendant's attorney

jim_wyda@fd.org

E-mail address of defendant's attorney

(410) 962-3962

Telephone number of defendant's attorney

(410) 962-0872

FAX number of defendant's attorney

RECEIVED IN THE OFFICE OF
BETH P. GESNER

SEP - 9 2016

UNITED STATES MAGISTRATE JUDGE

SEP 13 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

UNITED STATES OF AMERICA

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v.

MAGISTRATE NO. BPG-16-2254

HAROLD T. MARTIN III

FILED UNDER SEAL

GOVERNMENT'S UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE INDICTMENT

The United States, with the consent of the defense, respectfully moves for an order extending the period within which an indictment or information must be filed to and including March 1, 2017. In support of this request, the government states as follows:

1. On August 29, 2016, a Criminal Complaint was issued against the above-named Defendant charging him with Theft of Government Property and Unauthorized Removal or Retention of Classified Documents or Materials by Government Employee or Contractor, in violation of Title 18, United States Code, Sections 641 and 1924.

2. On August 29, 2016, the Defendant made his initial appearance on the criminal complaint before the Honorable Beth P. Gesner, United States Magistrate Judge. The Defendant consented to detention without prejudice.

3. Defense counsel has also informed the undersigned that the defendant consents to this motion. Undersigned counsel for the government has been informed by James Wyda, Federal Public Defender, that the Defendant will file a written waiver of preliminary examination or hearing.

4. The parties are engaged in pre-indictment discovery, and exploring the possibility of resolving this matter prior to presentation of the case to a grand jury. Furthermore, this case involves voluminous materials, complex technical issues, and issues related to classified information. During execution of the warrants, investigators seized thousands of pages of

documents and dozens of computers or other digital storage devices and media. The digital media contained many terabytes¹ of information that must be reviewed by appropriate authorities. A thorough review of the seized materials, in order to inform discussions with the defense, will take place during the course of the period of the requested extension.

5. Complete discovery would likely require defense counsel to obtain appropriate security clearances (which they do not possess), and appropriate facilities to be prepared and made available to the defense for review and storage of any classified materials. In anticipation of that possibility, the process of obtaining security clearances was initiated shortly after the complaint in this case was issued, to avoid delays later in the case. Obtaining the required clearances, if deemed necessary, may take weeks or months. Furthermore, if it is deemed necessary for defense counsel to review classified material, preparing and certifying appropriate facilities would also take several weeks.

6. The parties believe that they would benefit from additional time to continue discovery and discussions, and that the ends of justice served by such a delay outweigh the best interests of the public and the Defendant in a speedy trial.

7. Title 18, United States Code, Section 3161(b) requires that

“any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges.”

Certain periods of time may be excluded from this time period by a Court pursuant to Title 18, United States Code, Section 3161(h). One reason for acceptable excludable delay is:

(7)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the

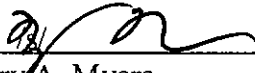
¹ A terabyte of data is roughly the size of 500 hours of digital video; 200,000 image files; or 1,000,000 electronic books

basis of his findings that the ends of justice served by taking such action outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, the United States respectfully requests that the time by which an indictment or information must be filed in this case be extended to and including March 1, 2017, and that the delay resulting from this extension be excluded in computing time pursuant to Title 18, United States Code, Section 3161(h).

Respectfully Submitted,

Rod J. Rosenstein
United States Attorney




Zachary A. Myers
Assistant United States Attorney
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
410-209-4800

FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____

SEP 13 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY  DEPUTY

UNITED STATES OF AMERICA

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MAGISTRATE NO. BPG-16-2254

v.

HAROLD T. MARTIN III

SEALED

ORDER


This matter is before the Court on the ~~suppose~~ motion of the United States to extend the time period in which to return an indictment in this matter, *which the defendant, through counsel, consents to,*

Having reviewed the motion, the Court finds that a period of delay to and including March 1, 2017, is warranted and thus, excludable pursuant to Title 18, United States Code, Section 3161(h). The Court finds that this period of delay is warranted and results from the fact that the defendant and the Government are engaged in pre-indictment discovery and discussions, and the Defendant ~~does not oppose~~ *consents to* the government's motion. Title 18, United States Code, Section 3161(h)(7)(A).

For the reasons noted underpin the govt's motion,
The Court also finds that the ends of justice will be served by granting this continuance outweigh the best interests of public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED, that any indictment or information in this cause be filed by March 1, 2017. It is further ordered that the period of delay to and including March 1, 2017, be excluded from the Speedy Trial Act computation.

DATE: 9-12-16


Hon. Beth P. Gesner
United States Magistrate Judge
District of Maryland

OCT 05 2016

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND DEPUTY

BY

UNITED STATES OF AMERICA

v.

MISC NO. BPG-16-2254

HAROLD T. MARTIN, III,

Defendant

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GOVERNMENT'S MOTION TO UNSEAL CASE

Comes now the United States of America, by and through its Attorneys, Rod J. Rosenstein, United States Attorney for the District of Maryland and Zachary A. Myers, Assistant United States Attorney for said District and hereby moves this Honorable Court for an Order unsealing the above-referenced case, including the criminal complaint and supporting affidavit, and in support thereof states:

1. On August 29, 2016, the United States District Court for the District of Maryland issued a criminal complaint charging the Defendant with violations of 18 U.S.C. § 641 (Theft of Government Property); and 18 U.S.C. § 1924 (Unauthorized Removal and Retention of Classified Documents or Materials by Government Employee or Contractor). The same day, this Court issued an order sealing the complaint and various related documents.
2. At his initial appearance, the Defendant consented to detention, without prejudice, and he is being held in the custody of the United States Marshal.
3. The government submits that the reasons for sealing the case no longer exist, and requests that the Court enter an order unsealing the case, including the criminal complaint and

supporting affidavit.

WHEREFORE, the United States respectfully requests that the Court issue an ORDER fully unsealing this case, including the criminal complaint and supporting affidavit.

Respectfully submitted,

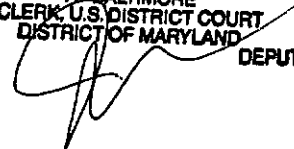
Rod J. Rosenstein
United States Attorney

By: 

Zachary A. Myers
Assistant United States Attorney
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4800

OCT 05 2016

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY  DEPUTY

UNITED STATES OF AMERICA

v.

MISC NO. BPG-16-2254

HAROLD T. MARTIN, III,

Defendant

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ORDER

For good cause shown upon motion of the United States of America, it is this 5th day of October, 2016, by the United States District Court for the District of Maryland, hereby ORDERED that the this case, including the criminal complaint and supporting affidavit, BE, and the same hereby are, UNSEALED.



Honorable Beth P. Gesner
United States Magistrate Judge