

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Andrew Alan Hernandez

) Case: 1:21-mj-00253
) Assigned to: Judge Faruqui, Zia M
) Assign Date: 2/23/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Andrew Alan Hernandez

who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress;
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 Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

2021.02.23 12:47:09 -05'00'

Date: 02/23/2021

Issuing officer's signature

City and state: Washington, D.C.

ZIA M. FARUQUI, U.S. MAGISTRATE JUDGE

Printed name and title

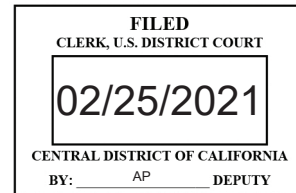
Return

This warrant was received on (date) 2/23/21, and the person was arrested on (date) 2/25/21 at (city and state) Riverside, CA

Date: 2/25/21

Arresting officer's signature

Special Agent Dewey Stover
Printed name and title



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

CASE NUMBER

5:21-mj-00125

PLAINTIFF(S)

1:21-mj-00253

v.

Andrew Alan Hernandez

DEFENDANT(S).

DECLARATION RE
OUT-OF-DISTRICT WARRANT

The above-named defendant was charged by: Complaint
in the United States District Court District of Columbia on 2/23/2021
at 12:47 a.m. / p.m. The offense was allegedly committed on or about 1/6/2021
in violation of Title 18 U.S.C., Section(s) 1512(c)(2)
to wit: Obstruction of Proceedings/Congress

A warrant for defendant's arrest was issued by: Honorable Magistrate Judge Zia M. FARUQUI

Bond of \$ No Bail was set / recommended.

Type of Bond:

Relevant document(s) on hand (attach):

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/25/21
Date

S/Dewey Stover
Signature of Agent

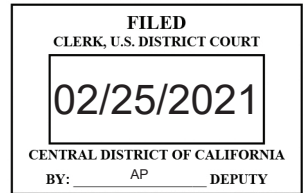
Dewey Stover
Print Name of Agent

FBI
Agency

Special Agent
Title

UNITED STATES DISTRICT COURT

for the
District of Columbia



United States of America
v.
Andrew Alan Hernandez

5:21-mj-00125

) Case: 1:21-mj-00253
) Assigned to: Judge Faruqui, Zia M
) Assign Date: 2/23/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Andrew Alan Hernandez,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress;
- 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 Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
- 40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds;
- 40 U.S.C. § 5104(e)(2)(G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

 2021.02.23
12:47:09
-05'00'

Date: 02/23/2021

Issuing officer's signature

City and state: Washington, D.C.

ZIA M. FARUQUI, U.S. MAGISTRATE JUDGE

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.

Andrew Alan Hernandez
DOB: 02/15/1977

5:21-mj-00125

Case: 1:21-mj-00253

Assigned to: Judge Faruqui, Zia M

Assign Date: 2/23/2021

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 January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress,

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 Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,

40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds,

40 U.S.C. § 5104(e)(2)(G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Richard Migliara (handwritten signature)

Complainant's signature

Richard Migliara, Special Agent

Printed name and title

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

Date: 02/23/2021

Zia M. Faruqui (handwritten signature)



2021.02.23

12:47:50 -05'00'

Judge's signature

City and state: Washington, D.C.

ZIA M. FARUQUI, U.S. MAGISTRATE JUDGE

Printed name and title

STATEMENT OF FACTS

Your affiant, Richard Migliara, is a special agent assigned to the Federal Bureau of Investigation (“FBI”). In my duties as a special agent, I was assigned to the FBI’s Washington Field Office, where I have served on a drug and violent crime squad. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a special agent I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

Background: The U.S. Capitol on January 6, 2021

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Michael R. Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Michael R. Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Facts Specific to Andrew Alan Hernandez

The FBI has identified Andrew Alan Hernandez (referred herein as “Hernandez”), based on FBI interviews, information obtained from open sources, and an investigation, as having made his way inside the U.S. Capitol on January 6, 2021. Hernandez is a resident of California.

On January 19, 2021, the FBI interviewed (via telephone) a manager (“Witness No. 1”) at Hernandez’s former employer (“Company No. 1”). Witness No. 1 is familiar with Hernandez due to his employment with Company No. 1. Witness No. 1 told the FBI agent that Company No. 1’s public information office had received a complaint from the public about an employee, later identified as Hernandez, participating in the U.S. Capitol riots on January 6, 2021. The employee (Hernandez) was identified because he was wearing the company shirt and hat in a picture that was on the cover of the New York Times magazine. Witness No. 1 told the agent that he had identified Hernandez from the photograph published by the New York Times Magazine that shows Hernandez wearing a shirt and hat bearing the company’s name and logo. After being confronted by the company’s management, Witness No. 1 told the FBI agent that Hernandez was subsequently terminated from Company No. 1 for misrepresenting the company in illegal activities. Below is a photograph from the New York Times Magazine from inside the U.S. Capitol on January 6, 2021, with Hernandez circled.



The FBI has confirmed that the New York Times photograph by Erin Scaff, shown above, was published by the NY Times on or about January 14, 2021.

Your affiant reviewed a copy of a driver's license photograph of Andrew Alan Hernandez. Your affiant confirmed that the person depicted in Hernandez's driver's license photograph bears a strong resemblance to the individual depicted in the photograph from the New York Times and in security camera footage from inside the U.S. Capitol, in which an individual appearing to be Hernandez can be seen entering the Capitol with a group of rioters who are violently pushing their way into the building. A still image from the security camera video is below, with Hernandez circled. In the video from the U.S. Capitol, Hernandez can be seen shouting, but what he is saying is inaudible.



In the below photograph obtained from Getty Images that your affiant has examined, Hernandez (circled) is shown carrying a flag with a GoPro camera zip-tied to the flag pole. Your affiant knows from his training and experience that Go-Pro cameras are digital devices that allow users to record video and photographs and store that data on memory cards.



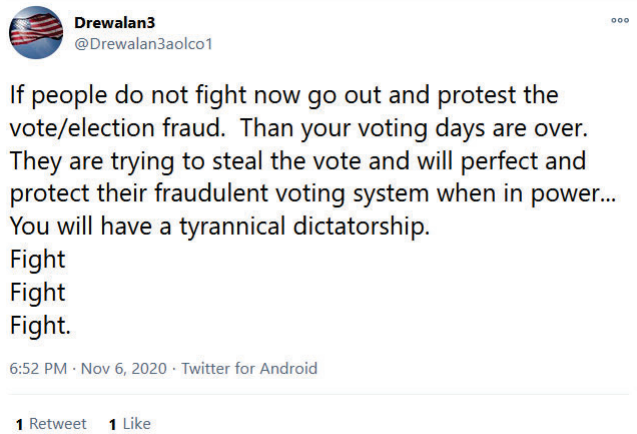
FBI social media analysts found several social media accounts which are either believed to be associated with Hernandez (YouTube) or have been confirmed that Hernandez is the subscriber (Twitter) and which were publically available. A review of the accounts suggests that Hernandez adheres to multiple ideologies including: Q-Anon, health and science related conspiracies, financial conspiracies, and various conspiracies associated to US political figures. Below, in Post No. 1, is a post from one of the accounts, which has a photograph of a burning Q over a United States seal. “Q” is a letter/symbol that has been associated with Q-Anon, a movement which adheres to various conspiracy theories involving alleged government corruption.

Post No. 1



Another post dated November 6, 2020, from one of Hernandez’s social medical accounts states, “If people do not fight now go out and protest the vote/election fraud. Than your voting days are over. They are trying to steal the vote and will perfect and protect their fraudulent voting system when in power. . . You will have a tyrannical dictatorship. Fight Fight Fight[.]”

Post No. 2



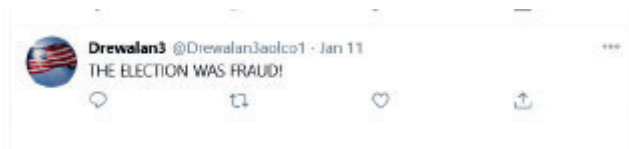
In a third post from one of Hernandez’s accounts, on January 1, 2021, states, “Happy New Year to You and your Family Courageous Mr. President. You are the Greatest President These United States of American Has Had! We the People are Honored to Stand with You, Fight and Defeat this [hidden] ENEMY Once and For All. For God and Country We Fight!”

Post No. 3



As shown below, on or about January 11, 2021, one of Hernandez’s accounts had the following tweet, “THE ELECTION WAS FRAUD!”

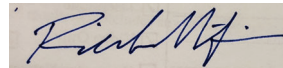
Post No. 4



Based on the foregoing, your affiant submits that there is probable cause to believe that Andrew Alan Hernandez violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Andrew Alan Hernandez violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Finally, your affiant submits there is probable cause to believe that Andrew Alan Hernandez violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, Congressional proceedings are official proceedings.



Special Agent Richard Migliara
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 23rd day of February 2021.



2021.02.23
12:44:51 -05'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

Eastern Division

vs.

Case #: 5:21-MJ-00125

Out of District

Andrew Alan Hernandez

Initial App. Date: 02/25/2021

Affidavit

Time: 2:00 PM

Custody

Defendant.

Date Filed: 02/25/2021

Violation: 18:1512

CourtSmart/Reporter: Phyllis Preston

PROCEEDINGS HELD BEFORE UNITED STATES
MAGISTRATE JUDGE: Kenly Kiya Kato

CALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE

PRESENT:

Deb Taylor

Jeremiah Levine

/ None

Deputy Clerk

Assistant U.S. Attorney

Interpreter/Language

Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and preliminary hearing, and removal hearing / Rule 20.

Defendant states true name is as charged.

Defendant advised of consequences of false statement in financial affidavit.

Attorney: Andrew Byrd DFPD, Appointed

Government's request for detention is: DENIED.

BAIL FIXED AT \$50,000.00 (**SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS.**)

PIA set for .

Defendant executed Waiver of Rights. Process received.

Court ORDERS defendant Held to Answer to District of Columbia

Bond to transfer, if bail is posted. Defendant to report on or before 3/4/21

Defendant committed to the custody of the U.S. Marshal

Deputy Clerk Initials: dts

00 : 20

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v. **Andrew Alan Hernandez**

Case No. 5:21-MJ-00125-DUTY

Defendant Material Witness

Violation of Title and Section: **18:1512**

Summons Out of District UNDER SEAL Modified Date: _____

Check only one of the five numbered boxes below (unless one bond is to be replaced by another):

<p>1. <input type="checkbox"/> Personal Recognizance (<i>Signature Only</i>)</p> <p>2. <input type="checkbox"/> Unsecured Appearance Bond \$ _____</p> <p>3. <input checked="" type="checkbox"/> Appearance Bond \$ <u>50,000.00</u></p> <p>(a). <input type="checkbox"/> Cash Deposit (<i>Amount or %</i>) (<i>Form CR-7</i>) \$ _____</p> <p>(b). <input checked="" type="checkbox"/> Affidavit of Surety Without Justification (<i>Form CR-4</i>) Signed by: <u>wife, Chanel Hernandez</u> <u>The unsecured affidavit signed by</u> <u>defendant's wife shall be replaced by</u> <u>secured affidavit of surety 4 weeks</u> <u>from today-prior to releasing the</u> <u>defendant</u></p>	<p>(c). <input checked="" type="checkbox"/> Affidavit of Surety With Justification (<i>Form CR-3</i>) Signed by: <u>wife, Chanel Hernandez and defendant</u> <u>4 weeks to post property</u></p> <p><input checked="" type="checkbox"/> With Full Deeding of Property: <u>5890 Campero Drive</u> <u>Iurupa Vallej, CA 92508</u></p> <p>4. <input type="checkbox"/> Collateral Bond in the Amount of (<i>Cash or Negotiable Securities</i>): \$ _____</p> <p>5. <input type="checkbox"/> Corporate Surety Bond in the Amount of: \$ _____</p>	<p>Release No. _____</p> <p><input type="checkbox"/> Release to Pretrial ONLY</p> <p><input type="checkbox"/> Release to Probation ONLY</p> <p><input type="checkbox"/> Forthwith Release</p> <p><input checked="" type="checkbox"/> All Conditions of Bond (<i>Except Clearing-Warrants Condition</i>) Must be Met and Posted by: <u>3/25/2021</u></p> <p><input type="checkbox"/> Third-Party Custody Affidavit (<i>Form CR-31</i>)</p> <p><input checked="" type="checkbox"/> Bail Fixed by Court: <u>KK</u> / <u>dts</u> <i>(Judge / Clerk's Initials)</i></p>
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PRECONDITIONS TO RELEASE

- The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).
- The Court has ordered a Nebbia hearing under § 3142 (g)(4).
- The Nebbia hearing is set for _____ at _____ a.m. p.m.

ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

- Submit to: Pretrial Services Agency (PSA) supervision as directed by PSA; Probation (USPO) supervision as directed by USPO.
(The agency indicated above, PSA or USPO, will be referred to below as "Supervising Agency.")
- Surrender all passports and travel documents to Supervising Agency no later than _____, sign a Declaration re Passport and Other Travel Documents (*Form CR-37*), and do not apply for a passport or other travel document during the pendency of this case.
- Travel is restricted to CDC (Washington D.C. for Court appearances only) unless prior permission is granted by Supervising Agency to travel to a specific other location. Court permission is required for international travel.
- Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.
- Maintain or actively seek employment and provide proof to Supervising Agency. Employment to be approved by Supervising Agency.
- Maintain or begin an educational program and provide proof to Supervising Agency.

Defendant's Initials: _____ Date: _____

Defendant Material Witness

- Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, including but not limited to _____; except _____.
- Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present: _____.
- Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- Do not engage in telemarketing.
- Do not sell, transfer, or give away any asset valued at \$ _____ or more without notifying and obtaining permission from the Court, except _____.
- Do not engage in tax preparation for others.
- Do not use alcohol.
- Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.
- Do not use or possess illegal drugs or state-authorized marijuana. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.
- Submit to: drug and/or alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.
- Participate in residential drug and/or alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. **Release to PSA only** **Release to USPO only**
- Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.
- Participate in the Location Monitoring Program and abide by all of the requirements of the program, under the direction of Supervising Agency, which **will** or **will not** include a location monitoring bracelet. You must pay all or part of the costs of the program based upon your ability to pay as determined by Supervising Agency. You must be financially responsible for any lost or damaged equipment.
 - Location monitoring only - no residential restrictions;

-or-

- You are restricted to your residence every day:
 - from _____ a.m. p.m. to _____ a.m. p.m.
 - as directed by Supervising Agency;

-or-

Defendant's Initials: _____ Date: _____

Defendant Material Witness

You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances, and _____, all of which must be preapproved by Supervising Agency;

Release to PSA only Release to USPO only

You are placed in the third-party custody (Form CR-31) of _____.

Clear outstanding warrants or DMV and traffic violations and provide proof to Supervising Agency within _____ days of release from custody.

Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.

Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.

Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.

Do not view or possess child pornography or child erotica. In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

Other conditions:

Weekly telephone contact with PSA

Defendant shall contact PSA within 24 hours of release

Report to Washington D.C. no later than 3/4/21, 12 noon

GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: _____ Date: _____

Defendant Material Witness

ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said **forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.**

Date Signature of Defendant / Material Witness Telephone Number

City and State (DO NOT INCLUDE ZIP CODE)

Check if interpreter is used: I have interpreted into the _____ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature Date

Approved: _____
United States District Judge / Magistrate Judge Date

If cash deposited: Receipt # _____ for \$ _____

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: _____ Date: _____

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v. Andrew Alan Hernandez

Case No. 5:21-MJ-00125-DUTY

Defendant Material Witness

Violation of Title and Section: 18:1512

Summons Out of District UNDER SEAL Modified Date: _____

Check only one of the five numbered boxes below (unless one bond is to be replaced by another):

<p>1. <input type="checkbox"/> Personal Recognizance (Signature Only)</p> <p>2. <input type="checkbox"/> Unsecured Appearance Bond \$ _____</p> <p>3. <input checked="" type="checkbox"/> Appearance Bond \$ <u>50,000.00</u></p> <p>(a.) <input type="checkbox"/> Cash Deposit (Amount or %) (Form CR-7) \$ _____</p> <p>(b.) <input checked="" type="checkbox"/> Affidavit of Surety Without Justification (Form CR-4) Signed by: <u>wife, Chanel Hernandez</u> <u>The unsecured affidavit signed by defendant's wife shall be replaced by secured affidavit of surety 4 weeks from today-prior to releasing the defendant</u></p>	<p>(c.) <input checked="" type="checkbox"/> Affidavit of Surety With Justification (Form CR-3) Signed by: <u>wife, Chanel Hernandez and defendant</u> <u>4 weeks to post property</u></p> <p><input checked="" type="checkbox"/> With Full Deeding of Property: <u>5890 Campero Drive</u> <u>Jurupa Valley, CA 92508</u></p> <p>4. <input type="checkbox"/> Collateral Bond in the Amount of (Cash or Negotiable Securities): \$ _____</p> <p>5. <input type="checkbox"/> Corporate Surety Bond in the Amount of: \$ _____</p>	<p>Release No. <u>40037 -release 3/2/21</u></p> <p><input type="checkbox"/> Release to Pretrial ONLY <input type="checkbox"/> Release to Probation ONLY <input type="checkbox"/> Forthwith Release</p> <p><input checked="" type="checkbox"/> All Conditions of Bond (Except Clearing-Warrants Condition) Must be Met and Posted by: <u>3/25/2021</u></p> <p><input type="checkbox"/> Third-Party Custody Affidavit (Form CR-31)</p> <p><input checked="" type="checkbox"/> Bail Fixed by Court: <u>KK</u> / <u>dts</u> (Judge / Clerk's Initials)</p>
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PRECONDITIONS TO RELEASE

- The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).
- The Court has ordered a Nebbia hearing under § 3142 (g)(4).
- The Nebbia hearing is set for _____ at _____ a.m. p.m.

ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

- Submit to: Pretrial Services Agency (PSA) supervision as directed by PSA; Probation (USPO) supervision as directed by USPO.
(The agency indicated above, PSA or USPO, will be referred to below as "Supervising Agency.")
- Surrender all passports and travel documents to Supervising Agency no later than _____, sign a Declaration re Passport and Other Travel Documents (Form CR-37), and do not apply for a passport or other travel document during the pendency of this case.
- Travel is restricted to CDC (Washington D.C. for Court appearances only) unless prior permission is granted by Supervising Agency to travel to a specific other location. Court permission is required for international travel.
- Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.
- Maintain or actively seek employment and provide proof to Supervising Agency. Employment to be approved by Supervising Agency.
- Maintain or begin an educational program and provide proof to Supervising Agency.

Defendant's Initials: _____ Date: _____

Defendant Material Witness

Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, including but not limited to _____; except _____.

Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present: _____

Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not engage in telemarketing.

Do not sell, transfer, or give away any asset valued at \$ _____ or more without notifying and obtaining permission from the Court, except _____.

Do not engage in tax preparation for others.

Do not use alcohol.

Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.

Do not use or possess illegal drugs or state-authorized marijuana. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.

Submit to: drug and/or alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.

Participate in residential drug and/or alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. Release to PSA only Release to USPO only

Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.

Participate in the Location Monitoring Program and abide by all of the requirements of the program, under the direction of Supervising Agency, which will or will not include a location monitoring bracelet. You must pay all or part of the costs of the program based upon your ability to pay as determined by Supervising Agency. You must be financially responsible for any lost or damaged equipment.

Location monitoring only - no residential restrictions;

-or-

You are restricted to your residence every day:

from _____ a.m. p.m. to _____ a.m. p.m.

as directed by Supervising Agency;

-or-

Defendant's Initials: _____ Date: _____

Defendant Material Witness

You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances, and _____, all of which must be preapproved by Supervising Agency;

Release to PSA only Release to USPO only

You are placed in the third-party custody (Form CR-31) of _____.

Clear outstanding warrants or DMV and traffic violations and provide proof to Supervising Agency within _____ days of release from custody.

Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.

Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.

Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.

Do not view or possess child pornography or child erotica. In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

Other conditions:

Weekly telephone contact with PSA _____

Defendant shall contact PSA within 24 hours of release _____

Report to Washington D.C. no later than 3/4/21, 12 noon _____

GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: _____ Date: _____

Defendant Material Witness

ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.

2/25/21 Attorney Andrew Byrd 951-906-2090
Date Signature of Defendant / Material Witness Telephone Number

Jurupa Valley, CA
City and State (DO NOT INCLUDE ZIP CODE)

Check if interpreter is used: I have interpreted into the _____ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature Date

Approved: [Signature] March 2, 2021
United States District Judge / Magistrate Judge Date

If cash deposited: Receipt # _____ for \$ _____

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: _____ Date: _____

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CLOSED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Eastern Division - Riverside)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-00125-DUTY All Defendants**

Case title: USA v. Hernandez

Date Filed: 02/25/2021

Other court case number: 1:21-mj-0253 District of Columbia

Date Terminated: 03/02/2021

Assigned to: Duty Magistrate Judge

Defendant (1)

Andrew Alan Hernandez
TERMINATED: 03/02/2021

represented by **Andrew Byrd**
Federal Public Defenders Office
3801 University Avenue Suite 700
Riverside, CA 92501
951-779-8028
Fax: 951-276-6368
Email: andrew_byrd@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

None

Disposition**Plaintiff**

USA

represented by **US Attorney's Office**

AUSA - Office of US Attorney
 Criminal Division - US Courthouse
 312 North Spring Street 12th Floor
 Los Angeles, CA 90012-4700
 213-894-2434
 Email: USACAC.Criminal@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
02/25/2021	1	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Andrew Alan Hernandez, originating in the District of Columbia. Defendant charged in violation of: 18:1512(c)(2). Signed by agent Dewey Stover, FBI, Special Agent. filed by Plaintiff USA. (cio) (Entered: 02/26/2021)
02/25/2021	2	REPORT COMMENCING CRIMINAL ACTION as to Defendant Andrew Alan Hernandez; defendants Year of Birth: 1977; date of arrest: 2/25/2021 (cio) (Entered: 02/26/2021)
02/25/2021	3	Defendant Andrew Alan Hernandez arrested on warrant issued by the USDC District of Columbia at Washington. (Attachments: # 1 Out-of-District Complaint)(cio) (Entered: 02/26/2021)
02/25/2021	4	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Kenly Kiya Kato as to Defendant Andrew Alan Hernandez Defendant arraigned and states true name is as charged. Attorney: Andrew Byrd for Andrew Alan Hernandez, Deputy Federal Public Defender, present. Court orders bail set as: Andrew Alan Hernandez (1) \$50,000 Appearance Bond, (SEE BOND ATTACHED). Defendant remanded to the custody or currently in the custody of the US Marshal. Court orders defendant held to answer to District of Columbia. Bond to Transfer. Defendant ordered to report on or before 03/04/2021. Court Reporter: Phyllis Preston. (cio) (Entered: 03/02/2021)
02/25/2021	5	FINANCIAL AFFIDAVIT filed as to Defendant Andrew Alan Hernandez. (Not for Public View pursuant to the E-Government Act of 2002) (cio) (Entered: 03/02/2021)
02/25/2021	6	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Andrew Alan Hernandez. (cio) (Entered: 03/02/2021)
02/25/2021	7	CONSENT to Video Conference/Telephonic Conference filed by Defendant Andrew Alan Hernandez. (cio) (Entered: 03/02/2021)
02/25/2021	8	WAIVER OF RIGHTS approved by Magistrate Judge Kenly Kiya Kato as to Defendant Andrew Alan Hernandez. (cio) (Entered: 03/02/2021)
02/25/2021	9	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Andrew Alan Hernandez (cio) (Entered: 03/02/2021)
03/02/2021		Notice to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Defendant Andrew Alan Hernandez. Your case number is: 1:21-mj-0253. The clerk will transmit any restricted documents via email. Using your PACER account, you may retrieve the docket sheet and any text-only entries via the case number link. The following document link(s) is also provided: 4 Initial Appearance - Arrest on Out of District Warrant - Rule 5(c)(3) (fka Rule 40),,. If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (cio) (Entered: 03/02/2021)

03/02/2021	10	BOND AND CONDITIONS OF RELEASE filed as to Defendant Andrew Alan Hernandez conditions of release: \$50,000 Appearance Bond (SEE BOND ATTACHED FOR ADDITIONAL CONDITIONS) approved by Magistrate Judge Shashi H. Kewalramani. (cio) (Entered: 03/05/2021)
03/05/2021		Notice to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Defendant Andrew Alan Hernandez. Your case number is: 1:21-mj-0253. Using your PACER account, you may retrieve the docket sheet and any text-only entries via the case number link. The following document link(s) is also provided: 10 Bond and Conditions (CR-1). If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (cio) (Entered: 03/05/2021)
03/23/2021	11	EX PARTE APPLICATION for Extension of Time to File Property Bond Filed by Defendant Andrew Alan Hernandez. (Attachments: # 1 Proposed Order For Extension of Time To File Property Bond) (Byrd, Andrew) (Entered: 03/23/2021)
03/23/2021	12	ORDER RE: EXTENSION OF TIME WITHIN WHICH TO FILE PROPERTY BOND by Magistrate Judge Shashi H. Kewalramani, GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that the property bond in the amount \$50,000 shall be filed by April 15, 2021. All other conditions will stay the same. - granting 11 as to Andrew Alan Hernandez (1) (cio) (Entered: 03/25/2021)