

AO 442 (Rev. 11/11) Arrest Warrant

# UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Gabriel Burress

*Defendant*

)  
 ) Case: 1:21-mj-00569  
 ) Assigned to: Judge Faruqui, Zia M.  
 ) Assign Date: 8/18/2021  
 ) Description: COMPLAINT W/ ARREST WARRANT  
 )

## 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)* Gabriel Burress  
 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. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
- 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

Date: 08/18/2021



*[Handwritten signature]*

2021.08.18

17:01:08 -04'00'

*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)* 8/18/21, and the person was arrested on *(date)* 8/19/21  
 at *(city and state)* Toledo, OH

Date: 8/19/21

*[Handwritten signature]*

*Arresting officer's signature*

RICHARD CAPRAK, FBI SA  
*Printed name and title*

UNITED STATES DISTRICT COURT

FILED

for the
District of Columbia

12:48 pm Aug 19 2021
Clerk U.S. District Court
Northern District of Ohio
Toledo

United States of America
v.
Gabriel Burress

1:21mj2293 NDOH

Case: 1:21-mj-00569
Assigned to: Judge Faruqui, Zia M.
Assign Date: 8/18/2021
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) Gabriel Burress
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. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds
40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

Date: 08/18/2021



Handwritten signature of Zia M. Faruqui

2021.08.18
17:01:08 -04'00'

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.
Madison Pettit, (DOB: XXXXXXXXXX)
Gabriel Burrese, (DOB: XXXXXXXXXX)
Defendant(s)

Case: 1:21-mj-00569
Assigned to: Judge Faruqui, Zia M.
Assign Date: 8/18/2021
Description: COMPLAINT W/ ARREST WARRANT

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:

Table with 2 columns: Code Section, Offense Description. Rows include 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) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct in a Capitol Building, 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Ian Moore

Complainant's signature

Ian Moore, 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: 08/18/2021

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

### AFFIDAVIT

1. I, Special Agent Ian Moore, am an investigative or law enforcement officer of the United States within the meaning of Section 2501(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations of, and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. I have been a Special Agent with the Federal Bureau of Investigation (hereinafter "FBI") since September 2015 and am currently assigned to the Toledo, Ohio Resident Agency within the Cleveland Division of the FBI. My educational background includes study in the fields of criminal justice and law. Prior to joining the FBI, I served as a commissioned officer in the United States Army. During my time as an FBI Special Agent, I have investigated a variety of violations of federal law, including investigations concerning domestic terrorism, international terrorism, white-collar crimes, hate crimes, and public corruption.

2. In the course of these investigations, I have prepared and submitted numerous affidavits and executed associated federal search and arrest operations. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. 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.

4. 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 Pence was present and presiding, first in the joint session, and then in the Senate chamber.

5. As the proceedings continued in both the House and the Senate, and with Vice President 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.

6. 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, 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.

7. 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 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.

8. 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.

9. In January 2021, based on an online tip, the FBI began an investigation into whether GABRIEL BURRESS and MADISON PETTIT were unlawfully present inside the U.S. Capitol building on January 6, 2021. Initial background checks revealed addresses associated with BURRESS and PETTIT in Swanton, Ohio. BURRESS had previously been encountered on several occasions by the Swanton, Ohio police department, and accompanying police reports included phone numbers for BURRESS of \*\*\*-\*\*\*-3784 and \*\*\*-\*\*\*-3220. The police report featuring the phone number \*\*\*-\*\*\*-3220 is from 2018.

10. Records returned during a search warrant served on AT&T to obtain certain cellular device data pertaining to devices located in proximity of the U.S. Capitol Building on January 6, 2021 showed that the cellphone associated with \*\*\*-\*\*\*-3784 made a call on January 6, 2021, to the phone number \*\*\*-\*\*\*-0924 and that during the time of the call, \*\*\*-\*\*\*-0924 utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building.

11. There were 10 additional records of the cellphone associated with \*\*\*-\*\*\*-0924 having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building on January 6, 2021 during the time surrounding the unlawful activity at the Capitol building.

12. Business records from AT&T identified the subscriber of \*\*\*-\*\*\*-0924 as a “M.P.” M.P. shares a last name with, and appears to be a parent of, MADISON PETTIT based upon records from the Ohio Bureau of Motor Vehicles (BMV).

13. The records reflect that the cellphone associated with \*\*\*-\*\*\*-0924 was additionally in contact with \*\*\*-\*\*\*-5692 on January 6, 2021, around the time of the unlawful entries to the U.S. Capitol. \*\*\*-\*\*\*-5692 is another phone number on the same AT&T Wireless account owned by M.P., PETTIT’s parent.

14. Additional background searches on PETTIT identified her as having an Ohio driver’s license and an Ohio license plate of \*\*\*9951, which returns to a 2012 Blue Chevy Cruze. The FBI also confirmed that BURRESS has an Ohio driver’s license and is the registered owner of a grey 2017 Ford Fusion with the license plate \*\*\*7254.

15. A Facebook search for “MADISON PETTIT” returned an account under the same name with photographs of a female that appear to match the BMV photo of PETTIT. Several photographs on the Facebook page depict PETTIT with a male that appears to match the BMV photograph of BURRESS. The Facebook page indicates that PETTIT is in a “relationship” with BURRESS. Business records from Facebook state that \*\*\*-\*\*\*-0924 is associated with the Facebook account under the name “MADISON PETTIT” and that the account is owned by an individual named “MADISON PETTIT.”



**Madison Pettit**

Profile Pictures · Apr 3 · 🌐

16. Additional business records received from Google and Apple identify accounts subscribed to by a “MADISON PETTIT” to be associated with \*\*\*-\*\*\*-0924. Based on all of the foregoing, as well as the information below, your affiant believes that PETTIT was using the cellphone associated with \*\*\*-\*\*\*-0924 on January 6, 2021.

17. Business records from Facebook identified an account owned by a “GABE BURRESS” that was associated with \*\*\*-\*\*\*-3220. Photographs from that account appear to depict the same male individual with a female who also appears to match the photograph on the profile of “Madison Pettit” above, as the following comparison shows:



18. Business records received from Google and Apple also identify accounts associated with a “GABRIEL BURRESS” to be associated with \*\*\*-\*\*\*-3220. An Apple account associated with Burress and the -3220 phone number has a backup email address (an email address used to verify the Apple account) that is associated with an individual with the last name “Pettit.” That same backup email address is also associated with the Apple and Facebook accounts under the name “Madison Pettit” associated with the -0924 phone number. That association is further evidence that PETTIT and BURRESS are in a relationship.

19. Business records received from Verizon Wireless indicate that subscriber for \*\*\*-\*\*\*-3220 is L.D. Background checks indicate that L.D. is a family member of BURRESS. The business records from Verizon Wireless further reflect that \*\*\*-\*\*\*-3784 is also subscribed to by L.D. A pretext call placed to \*\*\*-\*\*\*-3784 in April 2021 was answered by an unidentified female, while a pretext call to \*\*\*-\*\*\*-3220 went unanswered. The business records from AT&T show that \*\*\*-\*\*\*-3220 exchanged multiple text messages with \*\*\*-\*\*\*-0924 on January 6, 2021.

20. The FBI compared photographs of PETTIT and BURRESS against images and video captured at the U.S. Capitol on January 6, 2021. As a result of that comparison, your affiant located and viewed a video that appears to have been taken from a security camera located within the U.S. Capitol building on January 6, 2021. Your affiant was then able to obtain footage from two security cameras providing coverage of the interior of the U.S. Capitol building on January 6, 2021.

21. Footage taken from one camera at the U.S. Capitol building on January 6, 2021 from approximately 3:01-3:04 PM ET depicts individuals that match the appearance of PETTIT and BURRESS inside the U.S. Capitol building. The individuals matching the appearance of PETTIT and BURRESS are observed entering the U.S. Capitol from an exterior door at approximately 3:02-3:03 PM ET.

22. The individual matching the appearance of PETTIT has blonde hair, is wearing a dark-colored coat and ripped jeans, is at times wearing sunglasses, and is in possession of a dark face mask. This individual remains in proximity to the male matching the appearance of BURRESS. The male matching the appearance of BURRESS is wearing what appears to be a brown or green hat, dark colored coat, black gloves, and carrying a dark colored backpack. The male matching the appearance of BURRESS has his hands around the female, on her hips, for several seconds while they walk closely together.



23. Footage taken from a second camera at the U.S. Capitol on January 6, 2021 between approximately 3:10 - 3:30 PM depicts individuals that match the appearance of PETTIT and BURRESS inside the U.S. Capitol, exiting the Rotunda area towards a common area in proximity to a doorway between 3:12 PM and 3:17 PM.



24. The following images are cropped versions of stills from the CCTV footage identified above, and display the faces of BURRESS and PETTIT more clearly:



25. The individual matching the description of PETTIT appears to be talking on her phone when she enters the U.S. Capitol, and later appears to be filming using her phone as she enters the Rotunda of the U.S. Capitol. BURRESS is not seen utilizing a cell phone during the time he appears within the U.S. Capitol.

26. On February 8, 2021, and April 28, 2021, your affiant conducted surveillance on multiple addresses in Swanton, Ohio associated with PETTIT and BURRESS, including an address in Swanton, Ohio. On February 8, 2021, the blue Cruze registered to PETTIT was observed parked in the driveway of that address in proximity to the grey Ford Fusion registered to

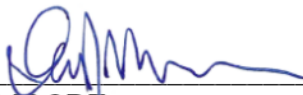
BURRESS. On April 28, 2021, at the same address, the blue Cruze was present and an additional vehicle registered to BURRESS was parked along the side of the driveway.

27. On August 12, 2021, both BURRESS and PETTIT were interviewed outside their residence at that same address in Swanton, Ohio. BURRESS identified himself and PETTIT in pictures shown to him; these pictures were still frames taken from CCTV video footage from the interior of the U.S. Capitol Building on January 6, 2021. BURRESS then admitted traveling to the U.S. Capitol Building on January 6, 2021, with PETTIT and two other individuals. BURRESS stated that he heard others yelling that they were charging the building. BURRESS stated that he followed the crowd to the steps of the U.S. Capitol and was pushed into the Building by the crowd behind him. BURRESS stated that he was inside the U.S. Capitol Building for approximately 10 minutes. BURRESS then confirmed that the \*\*\*-\*\*\*-3220 number is his phone number.

28. PETTIT likewise identified herself and BURRESS in pictures shown to her; these pictures were still frames taken from CCTV video footage from the interior of the U.S. Capitol Building on January 6, 2021. PETTIT admitted entering the building with a crowd of individuals after gates in front of them, which had been holding the protesters back, were removed. She indicated that she heard alarms go off and felt pepper spray in her lungs. She stated she was inside the U.S. Capitol Building for 10-15 minutes.

29. Based on the foregoing, your affiant submits that there is probable cause to believe that MADISON PETTIT and GABRIEL BURRESS 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 so; 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 attempt or conspire 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. As noted above, BURRESS and PETTIT were within a posted, cordoned off, or otherwise restricted area of a building or grounds where the Vice President was temporarily visiting on January 6, 2021.

30. Your affiant submits there is also probable cause to believe that MADISON PETTIT and GABRIEL BURRESS 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, or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

  
\_\_\_\_\_  
IAN MOORE  
SPECIAL AGENT, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 18th day of August, 2021.

\_\_\_\_\_  
ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE



AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

FILED

AUG 19 2021

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America )

v. )

Gabriel Burress )

Defendant )

Case No. 1:21MJ2293

Charging District's Case No. 1:21MJ569

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- an identity hearing and production of the warrant.
- a preliminary hearing.
- a detention hearing.
- an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my  preliminary hearing and/or  detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 8/19/21



Defendant's signature



Signature of defendant's attorney

Kurt W. Bruderk

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

FILED

AUG 19 2021

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

United States of America )

v. )

Case No. 1:21-mj-02293

Gabriel Burress )

Defendant )

APPEARANCE BOND

Defendant's Agreement

I, Gabriel Burress (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( X ) to appear for court proceedings;
- ( X ) if convicted, to surrender to serve a sentence that the court may impose; or
- ( X ) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- ( ) (1) This is a personal recognizance bond.
- ( X ) (2) This is an unsecured bond of \$ 10,000.00.
- ( ) (3) This is a secured bond of \$ \_\_\_\_\_, secured by:
  - ( ) (a) \$ \_\_\_\_\_, in cash deposited with the court.
  - ( ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ( ) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

**Declarations**

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 8/19/21

  
Defendant's signature

Gabriel Burress

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Sandy Opacich,  
CLERK OF COURT

Date: 8/19/2021

s/Kelly Roddy, Deputy Clerk  
Signature of Clerk or Deputy Clerk

Approved.

Date: Aug 19, 2021



  
Judge's signature

David A. Ruiz, United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

FILED

AUG 19 2021

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

United States of America )  
v. )  
Gabriel Burrese )  
Defendant )

Case No. 1:21-mj-02293

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

Place

on

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

(7) The defendant must:

(a) submit to supervision by and report for supervision to the U.S. Pretrial Services Office  
telephone number \_\_\_\_\_, no later than \_\_\_\_\_ as directed

(b) continue or actively seek employment and shall comply with the Northern District of Ohio Defendant/Offender Employment Policy which may include participation in training, education, counseling, and/or daily job search as directed by the pretrial services and probation officer. If not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, the defendant may be directed to perform up to 20 hours of community service per week until employed, as approved or directed by the pretrial services and probation officer.

(c) continue or start an education program.

(d) surrender any passport to: \_\_\_\_\_ and any travel related documents \_\_\_\_\_

(e) not obtain a passport or other international travel document.

(f) abide by the following restrictions on travel restricted to the Northern District of Ohio and/or \_\_\_\_\_

District of Columbia for court purposes only

(g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

(h) Undergo a psychiatric/mental health evaluation and/or counseling as directed by Pretrial Services. Take all medication as prescribed.

(i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

(j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(k) not possess a firearm, destructive device, or other weapon.

(l) not use alcohol (  ) at all (  ) excessively.

(m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

(o) Participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer. Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of release.

(p) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(q) avoid all contact, directly or indirectly, with codefendants.

(r) All firearms must be removed from defendant's residence today with written confirmation provided to pretrial services.

(r) Defendant shall not discuss this case or any issues related to the allegations in the complaint with Madison Pettit, unless in the presence of counsel.

participate in one of the following location restriction programs and comply with its requirements as directed.

- Participate in the **Curfew** component of the location monitoring program and abide by all requirements of the program which will include:
- Location monitoring technology at the discretion of the officer
  - Radio Frequency (RF) Monitoring
  - Passive GPS Monitoring
  - Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.  
**Curfew:** the defendant is restricted to their residence every day from to, or as directed by Pretrial Services.

- Participate in the **Home Detention** component of the location monitoring program and abide by all Requirements of the program which will include:
- Location monitoring technology at the discretion of the officer
  - Radio Frequency (RF) Monitoring
  - Passive GPS Monitoring
  - Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.  
**Home Detention:** The defendant is restricted to their residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services.

- Participate in the **Home Incarceration** component of the location monitoring program and abide by all requirements of the program which will include:
- Location monitoring technology at the discretion of the officer
  - Radio Frequency (RF) Monitoring
  - Passive GPS Monitoring
  - Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.  
**Home Incarceration:** The defendant is restricted to their residence at all times except for medical needs or treatment, religious services, attorney visits, and court appearances pre-approved by Pretrial Services.

- Participate in **Stand Alone Monitoring** - The defendant shall be monitored by the form of location monitoring indicated below which shall be utilized for the purpose of verifying compliance with any court imposed condition of supervision.
- Location monitoring technology at the discretion of the officer
  - Radio Frequency (RF) Monitoring
  - Passive GPS Monitoring
  - Active GPS Monitoring (to include hybrid GPS)

You shall pay the costs of participation in the location monitoring program, based upon your ability to pay as directed by the pretrial services and probation officer.

participate in cognitive behavioral program as instructed by the pretrial services and probation officer.

**Prohibition on Access to Computer/Internet:** The defendant is prohibited from accessing any computer, Internet Service Provider, bulletin board system or any other public or private computer network or the service at any location \* (including employment or education) without prior written approval of the U.S. Pretrial Services and Probation Office or the Court. Any approval shall be subject to any conditions set by the U.S. Pretrial Services and Probation Office or the Court with respect to that approval. Any computer found is subject to seizure and/or search. A search will not be conducted prior to approval of the Court.

**Computer/Internet Access Permitted:** The defendant shall consent to the U.S. Pretrial Services and Probation Office conducting periodic unannounced examinations of his/her computer system(s), which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on his/her computer(s), at his/her expense, any hardware/software to monitor his/her computer use or prevent access to particular materials. The defendant hereby consents to periodic inspection of any such installed hardware/software to insure it is functioning properly. The defendant shall provide the U.S. Pretrial Services and Probation Office with accurate information about his/her entire computer system (hardware/software); all passwords used by him/her; and his/her Internet Service Provider(s); and will abide by all rules of the Computer Restriction and Monitoring Program.

**Computer/Internet Restrictions:** The defendant is prohibited from accessing any on-line computer service at any location (including employment or education) without prior written approval of the U.S. Pretrial Services and Probation Office or the Court. This includes any Internet Service Provider, bulletin board system or any other public or private computer network. Any approval shall be subject to conditions set by the U.S. Pretrial Services and Probation Office or the Court with respect to that approval.

The defendant shall consent to the U.S. Pretrial Services and Probation Office conducting periodic unannounced examinations of his/her computer system(s), which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on his/her computer(s), at the defendant's expense, any hardware/software to monitor his/her computer use or prevent access to particular materials. The defendant hereby consents to periodic inspection of any such installed hardware/software to insure it is functioning properly.

The defendant shall provide the U.S. Pretrial Services and Probation Office with accurate information about the defendant's entire computer system (hardware/software); all passwords used by him/her; and the defendant's Internet Service Provider(s); and will abide by all rules of the Computer Restriction and Monitoring Program.

**No Contact with Minors:** The defendant shall not associate or have verbal, written, telephone, or electronic communication with any person under the age of 18 except in the presence of the parent or legal guardian of said minor. This provision does not encompass persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., with whom the defendant must deal in order to obtain ordinary and usual commercial services.

The defendant shall not frequent or loiter within 1000 feet of schoolyards, playgrounds, theme parks, arcades, swimming pools, skating rinks, toy stores and other places where persons under the age of 18 play, congregate, or gather, without the prior express written approval of the U.S. Pretrial Services and Probation Office.

The defendant shall not seek, obtain or maintain any employment, volunteer work, church or recreational activities involving minors (persons under the age of 18) in any way without the prior express written approval of the U.S. Pretrial Services and Probation Office.

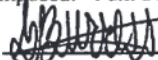
**TO THE DEFENDANT:**

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

**ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
City and State:

\_\_\_\_\_  
Telephone:

**Directions to United States Marshal**

- The defendant is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: **Aug 19, 2021**





\_\_\_\_\_  
Judicial Officer's Signature

**David A. Ruiz, U.S. Magistrate Judge**

\_\_\_\_\_  
Printed name and title

Termed

**U.S. District Court  
Northern District of Ohio (Cleveland)  
CRIMINAL DOCKET FOR CASE #: 1:21-mj-02293-DAR All Defendants**

Case title: United States of America v. Burress

Date Filed: 08/19/2021

Other court case number: 1:21mj569 District of Columbia

Date Terminated: 08/19/2021

Assigned to: Magistrate Judge David A. Ruiz

**Defendant (1)**

**Gabriel Burress**

***TERMINATED: 08/19/2021***

represented by **Kurt W. Bruderly**

2nd Floor  
1119 Adams Street  
Toledo, OH 43604  
419-243-3800  
Fax: 419-243-4046  
Email: [kurt@lawkwb.com](mailto:kurt@lawkwb.com)  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*  
*Bar Status: Active*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1752(a)(1) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

**Disposition**

[Query](#) [Reports](#) [Utilities](#) [Help](#) [What's New](#) [Log Out](#)

## Grounds

40:5104(e)(2)(D) Disorderly Conduct in a Capitol Building

40:5104(e)(2)(G) Parading, Demonstrating, or Picketing in a Capitol Building

## Plaintiff

**United States of America**

represented by **Michael J. Freeman**  
 Office of the U.S. Attorney - Toledo  
 Northern District of Ohio  
 Ste. 308  
 Four SeaGate  
 Toledo, OH 43604-2624  
 419-259-6376  
 Fax: 419-259-6360  
 Email: [michael.freeman2@usdoj.gov](mailto:michael.freeman2@usdoj.gov)  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*  
*Bar Status: Govt*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
08/19/2021		Arrest (Rule 40) of Gabriel Burress (1) on 8/19/2021. (R,Ke) (Entered: 08/19/2021)
08/19/2021	<a href="#">1</a>	Rule 40 Warrant received as to Gabriel Burress (1) (Attachments: # <a href="#">1</a> Complaint, redacted, # <a href="#">2</a> Affidavit, # <a href="#">3</a> Complaint, unredacted, # <a href="#">4</a> Order)(R,Ke) (Entered: 08/19/2021)
08/19/2021		Scheduling <b>Order</b> [non-document] as to Gabriel Burress (1), Initial Appearance set for 8/19/2021 at 03:30 PM in to be held by video conference (Toledo) before Magistrate Judge David A. Ruiz. Video conference access information to be provided to all participants in advance of hearing. Magistrate Judge David A. Ruiz on 8/19/2021. (R,Ke) (Entered: 08/19/2021)
08/19/2021		<b>Minutes of proceedings</b> [non-document] before Magistrate Judge David A. Ruiz. Initial Appearance in Rule 5(c)(3) Proceedings as to Gabriel Burress (1) held on 8/19/2021. Government appeared by Michael Freeman; Defendant appeared with attorney Kurt Bruderly; Officer Jordan Spadafore appeared on behalf of U.S. Pretrial Services. All participants consented to appear via audio/video conference. Charges read. Financial Affidavit executed and approved. Attorney Bruderly appointed to represent defendant. Parties advised of the Due Process Protections Act. Defendant waived right to Rule 5 identity and preliminary hearings and reserved right to hold preliminary hearing in the District of Columbia. Defendant released on \$10,000.00 unsecured bond, with terms and conditions as stated on the record. Defendant ordered to appear in the District of Columbia via zoom 8/25/21 1:00 PM. (Court Reporter ECRO Ashley Kreager) Time: 35 minutes. (R,Ke) (Entered: 08/19/2021)
08/19/2021		<b>Order</b> [non-document] as to Gabriel Burress (1). Pursuant to the Due Process Protections

[Query](#)   [Reports](#)   [Utilities](#)   [Help](#)   [What's New](#)   [Log Out](#)

		reminded that failure to comply with those disclosure obligations in timely manner could result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court. Magistrate Judge David A. Ruiz on 8/19/2021. (R,Ke) (Entered: 08/20/2021)
08/19/2021	<a href="#">3</a>	CJA 23 Financial Affidavit by Gabriel Burress (1). Magistrate Judge David A. Ruiz on 8/19/2021. (R,Ke) (Entered: 08/20/2021)
08/19/2021		CJA 20 Appointment of Attorney Kurt W. Bruderly for Gabriel Burress. Counsel is reminded of their obligation to report significant changes in defendant's employment or financial circumstances sufficient to enable defendant to pay, in whole or in part, for legal representation. CJA Plan, Part IV (D)(2). Magistrate Judge David A. Ruiz on 8/19/2021. (R,Ke) (Entered: 08/20/2021)
08/19/2021	<a href="#">4</a>	Waiver of Rule 5(c)(3) Hearing by Gabriel Burress (1). (R,Ke) (Entered: 08/20/2021)
08/19/2021	<a href="#">5</a>	Appearance Bond Entered as to Gabriel Burress (1) in amount of \$ 10,000, unsecured. (R,Ke) (Entered: 08/20/2021)
08/19/2021	<a href="#">6</a>	<b>Order</b> Setting Conditions of Release. Magistrate Judge David A. Ruiz on 8/19/2021. (Attachments: # <a href="#">1</a> Conditions, unredacted) (R,Ke) (Entered: 08/20/2021)
08/19/2021	<a href="#">7</a>	Commitment to Another District as to Gabriel Burress (1). Defendant committed to District of Columbia. Magistrate Judge David A. Ruiz on 8/19/2021. (R,Ke) (Entered: 08/20/2021)
08/19/2021		Notice to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Gabriel Burress (1). Your case number is: 1:21mj569. Using your PACER account, you may retrieve the docket sheet and any text-only entry via the case number link. The following document link(s) is also provided: <a href="#">4</a> Waiver of Rule 5(c)(3) Hearing, <a href="#">1</a> Rule 40 Warrant from Another District, <a href="#">7</a> Commitment to Another District, <a href="#">3</a> Financial Affidavit - CJA23, <a href="#">5</a> Bond, <a href="#">6</a> Order Setting Conditions of Release. If you require certified copies of any documents, please send a request to ohndml_InterDistrictTransfer@ohnd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov. (R,Ke) (Entered: 08/20/2021)
09/10/2021		CJA 20 as to Gabriel Burress (1): Authorization to Pay Kurt W. Bruderly. Magistrate Judge David A. Ruiz on 9/10/2021. (G,CA) (Entered: 09/14/2021)