

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
GILBERT FONTICوبا

Defendant

) Case: 1:21-cr-00638
) Assigned To : Kelly, Timothy J.
) Assign. Date : 10/22/2021
) Description: Indictment (B)
) Related Case: 21-cr-175 & 21-cr-378 (TJK)

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) GILBERT FONTICوبا
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. §231(Civil Disorder)
18 U.S.C. §1512(c)(2), 2 (Obstruction of an Official Proceeding)
18 U.S.C. §7152(a)(1) (Entering and Remaining in a Restricted Building or Grounds)
18 U.S.C. §7152(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: 10/22/2021

G. Michael Harvey, U.S. Magistrate Judge

City and state: Washington D.C.

Issuing officer's signature
G. Michael Harvey
Digitally signed by G. Michael Harvey
Date: 2021.10.22 15:02:12 -04'00'
Printed name and title

Return

This warrant was received on (date) 10/22/2021, and the person was arrested on (date) 10/26/2021
at (city and state) Miami Florida

Date: 10/26/2021

TFO Robert Fumicreddo
Arresting officer's signature
TFO Robert Fumicreddo
Printed name and title

21-mj-4099-MCALILEYFILED BY KS D.C.**Oct 26, 2021**ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Miami**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA****Holding a Criminal Term****Grand Jury Sworn in on January 8, 2021****UNITED STATES OF AMERICA****v.****GILBERT FONTICOBIA,****Defendant.**

:

CRIMINAL NO.

:

:

MAGISTRATE NO.

:

VIOLATIONS:

:

18 U.S.C. §§ 1512(c)(2), 2

:

(Obstruction of an Official Proceeding)

:

18 U.S.C. § 231(a)(3), 2

:

(Civil Disorder)

:

18 U.S.C. § 1752(a)(1)

:

(Entering and Remaining in a Restricted

:

Building or Grounds)

:

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

:

Capitol Building)**INDICTMENT**

The Grand Jury charges that:

Case: 1:21-cr-00638

Assigned To : Kelly, Timothy J.

Assign. Date : 10/22/2021

Description: Indictment (B)

Related Case: 21-cr-175 & 21-cr-378 (TJK)

COUNT ONE

On or about January 6, 2021, within the District of Columbia and elsewhere, **GILBERT FONTICOBIA** attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

(Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

COUNT TWO

On or about January 6, 2021, within the District of Columbia, **GILBERT FONTICوبا** committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, officers from the United States Capitol Police Department, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3) and 2)

COUNT THREE

On or about January 6, 2021, within the District of Columbia, **GILBERT FONTICوبا** did knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so.

(Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1))

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **GILBERT FONTICوبا** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-

elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2))

COUNT FIVE

On or about January 6, 2021, within the District of Columbia, **GILBERT FONTICOB**A willfully and knowingly engaged in disorderly and disruptive conduct within the United States Capitol Grounds and in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

(Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, **GILBERT FONTICOB**A willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building.

(Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G))

A TRUE BILL:

FOREPERSON.

Attorney of the United States in
and for the District of Columbia.

UNITED STATES DISTRICT COURT

for the
District of ColumbiaUnited States of America
v.
GILBERT FONTICوبا*Defendant*Case: 1:21-cr-00638
Assigned To : Kelly, Timothy J.
Assign. Date : 10/22/2021
Description: Indictment (B)
Related Case: 21-cr-175 & 21-cr-378 (TJK)

ARREST WARRANT

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YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) GILBERT FONTICوبا

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

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Date: 10/22/2021

G. Michael Harvey, U.S. Magistrate Judge

Issuing officer's signature

G. Michael Harvey

Digitally signed by G. Michael Harvey
Date: 2021.10.22 15:02:12 -04'00'City and state: Washington D.C.

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

MINUTE ORDER

Page 1

Magistrate Judge Chris M. McAiley

Atkins Building Courthouse - 6th Floor

Date: 10/26/2021 Time: 1:30 p.m.

Defendant: GILBERT FONTICOPA J#: 71241-509 Case #: 21-mj-4099-McAiley (SEALED)

AUSA: Yara Klukas Attorney: AUBERY WEBB (Temp)

Violation: Warr/D/DC/Indictment/Civil disorder/Obstruction of an official proceeding Surr/Arrest Date: 10/26/2021 YOB: 1974

Proceeding: Initial Appearance CJA Appt: _____

Bond/PTD Held: Yes ☒ No Recommended Bond: _____

Bond Set at: Stip 100K PSB Co-signed by: _____

☒ Surrender and/or do not obtain passports/travel docs Language: English

☒ Report to PTS as directed/or _____ x's a week/month by phone: _____ x's a week/month in person

☒ Random urine testing by Pretrial Services No controlled substances unless

☒ Treatment as deemed necessary prescribed by mb.

☒ Refrain from excessive use of alcohol

☒ Participate in mental health assessment & treatment

☒ Maintain or seek full-time employment/education

☒ No contact with victims/witnesses, except through counsel

☒ No firearms

☒ Not to encumber property

☒ May not visit transportation establishments

☒ Home Confinement/Electronic Monitoring and/or

☒ Curfew _____ pm to _____ am, paid by _____

☒ Allowances: Medical needs, court appearances, attorney visits, religious, employment

☒ Travel extended to: SD/FL District of _____

☒ Other: Stay away from DC unless columbia

Disposition:

• Def advised of rights/charges.

• Def consents to UTC.

• Order to unseal case - granted.

• Def waived removal on the record.

• Stip - 100K PSB

• Def ordered removed to D/DC

* Def to be released

Bond papers due by 10/28

Brady given

Time from today to _____ excluded from Speedy Trial Clock

NEXT COURT APPEARANCE Date: approved by PTS for court case Time: _____ Judge: _____ Place: _____

Report RE Counsel: _____

PTD/Bond Hearing: _____

Prelim/Arraign or Removal: _____

Status Conference RE: _____

D.A.R. 13:33:40 13:47:11 Time in Court: 22 mins

s/Chris M. McAiley Magistrate Judge

* Must appear at arraign. at DC on 11/2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 21-mj-4099-McAliley

United States of America
Plaintiff,

v.

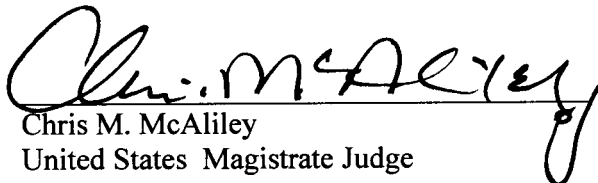
GILBERT FONTICوبا,
Defendant.

ORDER OF REMOVAL

It appearing that in the **DISTRICT OF DISTRICT OF COLUMBIA**, an Indictment was filed against the above-named defendant on a charge of **Civil disorder/obstruction of an official proceeding**, and that the defendant was arrested in the Southern District of Florida and was given a hearing before United States Magistrate Judge Chris M. McAliley at Miami, Florida, which officially committed the defendant for removal to the **DISTRICT OF DISTRICT OF COLUMBIA**, it is **ORDERED AND ADJUDGED** that the defendant be removed to the above-named district for trial on said charge.

And it further appearing that the defendant waived further hearing in the said removal proceedings and was held by the Magistrate Judge Chris M. McAliley for removal and posted bail in the amount of \$ 100K PSB which was approved by the United States Magistrate Judge Chris M. McAliley, and it is further **ORDERED** that the defendant shall appear in the aforesaid district at such times and places as may be ordered by that District Court, in accordance with the terms and conditions of aforesaid bond furnished by the defendant, and it is further **ORDERED** that the funds, plus interest, which may have been deposited on behalf of this defendant with the Clerk of the Court under Bail Reform Act be transferred to the district where removed.

DONE AND ORDERED at Miami, Florida on 1/26/2021.


Chris M. McAliley
United States Magistrate Judge

**U.S. District Court
Southern District of Florida (Miami)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-04099-CMM-1**

Case title: USA v. Fonticoba

Date Filed: 10/26/2021

Other court case number: 21-CR-638 District for the District of
Columbia

Assigned to: Magistrate Judge Chris M.
McAliley

Defendant (1)

Gilbert Fonticoba
71241-509

represented by **Aubrey Quinton Webb**
Law Offices of Aubrey Webb, P.A.
55 Merrick Way, Suite 212
Coral Gables, FL 33134
305-461-1116
Fax: 305-461-6446
Email: breywebb@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Temporary

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Warr/D/DC/Indictment/Civil
disorder/Obstruction of an official
proceeding

Disposition

Plaintiff

USA

represented by **Noticing AUSA CR TP/SR**
Email: Usafls.transferprob@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
10/26/2021	<u>1</u>	Magistrate Removal of Indictment from District for the District of Columbia Case number in the other District 21-CR-638 as to Gilbert Fonticoba (1). (kss) (Entered: 10/26/2021)
10/26/2021	<u>2</u>	ORDER UNSEALING CASE as to Gilbert Fonticoba. Signed by Magistrate Judge Chris M. McAliley on 10/26/2021. <i>See attached document for full details.</i> (cg1) (Entered: 10/27/2021)
10/26/2021	<u>3</u>	Minute Order for Zoom proceedings held before Magistrate Judge Chris M. McAliley: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Gilbert Fonticoba held on 10/26/2021. Defendant consented to video appearance. Case unsealed. Bond recommendation set: Gilbert Fonticoba (1) Stipulated \$100K PSB. Date of Arrest or Surrender: 10/26/21. Defendant waived removal and Ordered removed to the District of Columbia. Attorney added: Aubrey Quinton Webb for Gilbert Fonticoba (Digital 13:33:40/13:47:11) Signed by Magistrate Judge Chris M. McAliley on 10/26/2021. (sl) (Entered: 10/27/2021)
10/27/2021	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE: Aubrey Quinton Webb appearing for Gilbert Fonticoba (Webb, Aubrey) (Entered: 10/27/2021)

PACER Service Center			
Transaction Receipt			
10/27/2021 13:37:28			
PACER Login:	NadiaMoore	Client Code:	
Description:	Docket Report	Search Criteria:	1:21-mj-04099-CMM
Billable Pages:	2	Cost:	0.20