

UNITED STATES DISTRICT COURT

for the
District of ColumbiaUnited States of America
v.
JACK WADE WHITTONCase: 1:21-cr-00035
) Assigned to: Judge Sullivan, Emmet G.
) Assign Date: 3/12/2021
) Description: SUPERSEDING INDICTMENT (B)
) Related Case: 21-cr-35 (EGS)*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) JACK WADE WHITTON
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. §§ 111(a)(1), (b) (Assaulting, Resisting, or Impeding Certain Officers with a Dangerous Weapon); 18 U.S.C. § 111(a)(1), (Assaulting, Resisting, or Impeding Certain Officers); 18 U.S.C. 231(a)(3) (Civil Disorder); 18 U.S.C. §§ 1752(a)(1) and (b)(1)(a) (Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon); 18 U.S.C. §§ 1752(a)(2) and (b)(1)(a) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Dangerous or Deadly Weapon); 18 U.S.C. §§ 1752(a)(4) and (b)(1)(a) (Engaging in Physical Violence in a Restricted Building or Grounds with a Dangerous or Deadly Weapon); and 40 U.S.C. § 5104(e)(2)(F) (Violent Entry and Disorderly Conduct in a Capitol Building)

Date: 03/12/2021

Digitally signed by G. Michael
Harvey
Date: 2021.03.12 16:23:24 -05'00'

Issuing officer's signature

City and state: Washington, DC

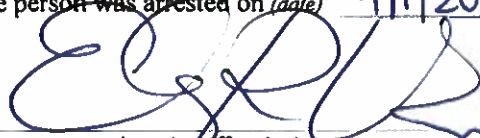
G. MICHAEL HARVEY, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 3/16/2021, and the person was arrested on (date) 4/1/2021
at (city and state) Locust Grove, GA

Date: 4/1/2021



Arresting officer's signature

Elizabeth Urban, Special Agent

Printed name and title

MIME-Version:1.0
From:ganddb_efile_notice@gand.uscourts.gov
To:CourtMail@localhost.localdomain
Bcc:
--Case Participants: Benjamin Black Alper (alper@howardjweintraubpc.com), Katherine Irene Terry (caseview.ecf@usdoj.gov, gaylene.berberick@usdoj.gov, katie.terry@usdoj.gov, nefertiri.mckenzie@usdoj.gov, usagan.motionsresponses@usdoj.gov), Magistrate Judge Regina D Cannon (ganddb_efile_rdc@gand.uscourts.gov, phyllis_brannon@gand.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:11691609@gand.uscourts.gov
Subject:Activity in Case 1:21-mj-00348-RDC USA v. Whitton Arrest - Rule 40
Content-Type: text/html

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 4/2/2021 at 3:36 PM EDT and filed on 4/1/2021

Case Name: USA v. Whitton
Case Number: 1:21-mj-00348-RDC
Filer:
Document Number: No document attached
Docket Text:
[Arrest \(Rule 40\) of Jack Wade Whitton \(jpk\)](#)

1:21-mj-00348-RDC-1 Notice has been electronically mailed to:

Benjamin Black Alper alper@howardjweintraubpc.com

Katherine Irene Terry katie.terry@usdoj.gov, CaseView.ECF@usdoj.gov,
gaylene.berberick@usdoj.gov, nefertiri.mckenzie@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

1:21-mj-00348-RDC-1 Notice has been delivered by other means to:

MAGISTRATE'S CRIMINAL MINUTES - REMOVALS (Rule 5 & 5.1)

FILED IN OPEN COURT

DATE: 4/1/2021 @ 12:39 pm

TAPE: FTR

TIME IN COURT: 5 mins

MAGISTRATE JUDGE REGINA D. CANNON

COURTROOM DEPUTY CLERK: Phyllis Brannon

CASE NUMBER: 1:21-mj-348

DEFENDANT'S NAME: Jack Wade Whitton

AUSA: Katie Terry for Ryan Buchanan

DEFENDANT'S ATTY: Benjamin Alper

USPO / PTR: Ty Ransom

☒ Retained ☐ CJA ☐ FDP ☐ Waived

ARREST DATE

☒ Initial appearance hearing held.

Defendant informed of rights.

Interpreter sworn:

COUNSEL

ORDER appointing Federal Defender as counsel for defendant.

ORDER appointing as counsel for defendant.

ORDER: defendant to pay attorney's fees as follows:

IDENTITY / PRELIMINARY HEARING☒ Defendant WAIVES identity hearing.☒ WAIVER FILED

Identity hearing HELD. Def is named def. in indictment/complaint; held for removal to other district.

Defendant WAIVES preliminary hearing in this district only.

WAIVER FILED

Preliminary hearing HELD. Probable cause found; def. held to District Court for removal to other district

Commitment issued.

BOND/PRETRIAL DETENTION HEARING☒ Government motion for detention filed. Detention Hearing set for April 2, 2021 @ 1:00 pm

Pretrial hearing set for @ In charging district.)

Bond/Pretrial detention hearing held.

Government motion for detention ☐ GRANTED ☐ DENIED

Pretrial detention ordered. Written order to follow.

BOND set at NON-SURETY SURETY

cash

property

corporate surety ONLY

SPECIAL CONDITIONS:

Bond filed. Defendant released.

Bond not executed. Defendant to remain in Marshal's custody.

Motion (verbal) to reduce/revoke bond filed.

Motion to reduce/revoke bond

GRANTED

DENIED

See page 2

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.

JEFFREY SABOL,
PETER FRANCIS STAGER,
MICHAEL JOHN LOPATIC SR.,
CLAYTON RAY MULLINS, and
JACK WADE WHITTON,

Defendants.

CRIMINAL NO. 21-CR-35 (EGS)

MAGISTRATE NO. 21-MJ-233

GRAND JURY ORIGINAL

VIOLATIONS:

18 U.S.C. § 1512(c)(2), 2

(Obstruction of an Official Proceeding)

18 U.S.C. §§ 111(a)(1) and (b)

(Assaulting, Resisting, or Impeding

Certain Officers Using a Dangerous
Weapon)

18 U.S.C. §§ 111(a)(1) and (b), 2

(Assaulting, Resisting, or Impeding

Certain Officers and Inflicting Bodily
Injury)

18 U.S.C. § 111(a)(1)

(Assaulting, Resisting, or Impeding
Certain Officers)

18 U.S.C. § 231(a)(3)

(Civil Disorder)

18 U.S.C. § 1752(a)(1) and (b)(1)(A)

(Entering and Remaining in a Restricted
Building or Grounds with a Deadly or
Dangerous Weapon)

18 U.S.C. § 1752(a)(2) and (b)(1)(A)

(Disorderly and Disruptive Conduct in a
Restricted Building or Grounds with a
Deadly or Dangerous Weapon)

18 U.S.C. § 1752(a)(4) and (b)(1)(A)

(Engaging in Physical Violence in a
Restricted Building or Grounds)

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)

: 18 U.S.C. § 1752(a)(4)
: (Engaging in Physical Violence in a
: Restricted Building or Grounds)
: 40 U.S.C. § 5104(e)(2)(F)
: (Violent Entry and Disorderly Conduct in
: a Capitol Building)

INDICTMENT

The Grand Jury charges that:

Case: 1:21-cr-00035
Assigned To : Sullivan, Emmet G.
Assign Date : 3/12/2021
Description: Superseding Indictment (B)
Case related to 21-cr-35 (EGS)

COUNT ONE

On or about January 6, 2021, within the District of Columbia and elsewhere, **PETER FRANCIS STAGER** attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, by entering and remaining in the United States Capitol without authority and committing an act of civil disorder.

(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, **JEFFREY SABOL**, **PETER FRANCIS STAGER**, and **JACK WADE WHITTON**, using a deadly or dangerous weapon, that is, a baton, flag pole, and crutch, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, B.M., an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT THREE

On or about January 6, 2021, within the District of Columbia, **CLAYTON RAY MULLINS**, did forcibly assault, resist, oppose, impede, intimidate, interfere and inflict bodily injury on, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, that is, A.W., an officer from the Metropolitan Police Department.

(Assaulting, Resisting, or Impeding Certain Officers and Inflicting Bodily Injury and Aiding and Abetting, in violation of Title 18, United States Code, Sections 111(a)(1) and (b), and 2)

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **CLAYTON RAY MULLINS** did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, B.M., an officer from the Metropolitan Police Department, while such person was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT FIVE

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL** and **JACK WADE WHITTON** did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, A.W., an officer from the Metropolitan Police Department, while such person was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR.** did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, C.M., an officer from the Metropolitan Police Department, while such person was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, JACK WADE WHITTON**, and **CLAYTON RAY MULLINS**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, Officer A.W., an officer from the Metropolitan Police Department, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

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

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC SR., JACK WADE WHITTON**, and **CLAYTON RAY MULLINS**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, Officer B.M., an officer from the Metropolitan Police Department, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

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

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR.** committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, Officer CM., an officer from the Metropolitan Police Department, lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

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

COUNT TEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL, PETER FRANCIS STAGER, and JACK WADE WHITTON** did unlawfully and 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, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a baton, flag pole, and crutch.

(**Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A))

COUNT ELEVEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL**, **PETER FRANCIS STAGER**, and **JACK WADE WHITTON**, 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 and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a baton, flag pole, and crutch.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))

COUNT TWELVE

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL**, **PETER FRANCIS STAGER**, and **JACK WADE WHITTON**, did knowingly, engage in any act of physical violence against any person and property 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 and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a baton, flag pole, and crutch.

(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

COUNT THIRTEEN

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR.** and **CLAYTON RAY MULLINS** did unlawfully and 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 FOURTEEN

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR.** and **CLAYTON RAY MULLINS** 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 FIFTEEN

On or about January 6, 2021, within the District of Columbia, **MICHAEL JOHN LOPATIC SR.** and **CLAYTON RAY MULLINS** did knowingly, engage in any act of physical violence against any person and property 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.

(Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(4))

COUNT SIXTEEN

On or about January 6, 2021, within the District of Columbia, **JEFFREY SABOL**, **PETER FRANCIS STAGER**, **MICHAEL JOHN LOPATIC SR.**, **JACK WADE WHITTON**, and **CLAYTON RAY MULLINS** willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings.

(Act of Physical Violence in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(F))

A TRUE BILL:

FOREPERSON.

A handwritten signature in black ink, appearing to read "Chauncy D. Phillips" followed by a stylized flourish.

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

UNITED STATES DISTRICT COURT

APR - 1 2021

JAMES N. HATTEN, Clerk

By:  Deputy Clerk

NORTHERN

DISTRICT OF

GEORGIA

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

V.

JACK WADE WHITTON

Defendant

CASE NUMBER: 1:21-mj-348CHARGING DISTRICTS
CASE NUMBER: 1:21-cr-00035

I understand that charges are pending in the _____ District of Columbia
 alleging violation of 18 U.S.C. 111(a)(1) and that I have been arrested in this district and
 (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

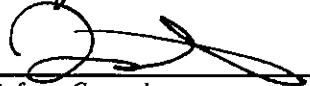
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- (☒) identity hearing
- () preliminary hearing
- () identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

4/1/21

Date


Defendant
Defense Counsel

APR - 1 2021

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JACK WADE WHITTON

Criminal Action No.

Government's Motion for Detention

The United States of America, by counsel, Kurt R. Erskine, Acting United States Attorney, and Ryan K. Buchanan, Assistant United States Attorney for the Northern District of Georgia, moves for detention under 18 U.S.C. §§ 3142(e) and (f).

1. Eligibility of Case

This case is eligible for a detention order because this case involves:

A crime of violence ([18 U.S.C. § 3156](#));

A serious risk that the defendant will flee;

A serious risk that the defendant will obstruct or attempt to obstruct justice; and

A serious risk that the defendant will threaten, injure, or intimidate a prospective witness or juror, or attempt to do so.

2. Reason for Detention

The Court should detain defendant because there are no conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community.

3. Time for Detention Hearing

The United States requests the Court conduct the detention hearing after continuance of 1 day.

The United States requests leave of Court to supplement this motion with additional grounds or presumptions for detention.

Dated: April 1, 2021.

Richard Russell Federal Building
75 Ted Turner Drive S.W., Suite 600
Atlanta, Georgia 30303-3309
Phone: (404) 581-6000
Fax: (404) 581-6181

Respectfully submitted,

KURT R. ERSKINE
Acting United States Attorney

Ryan K. Buchanan
RYAN K. BUCHANAN
Assitant U.S. Attorney
Ga. Bar No. 623388

Certificate of Service

I served this document today by electronic mail.

April 1, 2021

Ryan K. Buchanan

RYAN K. BUCHANAN

Assistant U.S. Attorney

UNITED STATES DISTRICT COURT

NORTHERN

District of

GEORGIA

UNITED STATES OF AMERICA

V.

ORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT TO
BAIL REFORM ACTFILED IN OPEN COURT
U.S.D.C. - Atlanta

APR - 1 2021

JACK WADE WHITTON

Defendant

Case 1:21-mj-348

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

Upon motion of the U. S. GOVERNMENT, it is ORDERED that a
detention hearing is set 4/2/2021 * at 1:00 p.m.
Date Time

before REGINA D. CANNON
Name of Judicial Officer

2022 U. S. Courthouse 75 Ted Turner Drive Street, S.W., Atlanta, GA 30303
Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal) _____
_____ and produced for the
Other Custodial Official

Date:

4/1/2021


Judicial Officer

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. § 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. § 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

MAGISTRATE'S CRIMINAL MINUTES - REMOVALS (Rule 5 & 5.1)

FILED IN OPEN COURT

DATE: 4/2/2021 @ 2:12 pm

TAPE: FTR

TIME IN COURT: 50 mins

MAGISTRATE JUDGE REGINA D. CANNON

COURTROOM DEPUTY CLERK: Phyllis Brannon

CASE NUMBER: 1:21-mj-348-RDC

DEFENDANT'S NAME: Jack Wade Whitton

AUSA: Ryan Buchanan

DEFENDANT'S ATTY: Ben Alper

USPO / PTR:

☒ Retained ☐ CJA ☐ FDP ☐ Waived

ARREST DATE

Initial appearance hearing held.

Defendant informed of rights.

Interpreter sworn:

COUNSEL

ORDER appointing Federal Defender as counsel for defendant.

ORDER appointing as counsel for defendant.

ORDER: defendant to pay attorney's fees as follows:

IDENTITY / PRELIMINARY HEARING

Defendant WAIVES identity hearing.

WAIVER FILED

Identity hearing HELD. Def is named def. in indictment/complaint; held for removal to other district.

Defendant WAIVES preliminary hearing in this district only.

WAIVER FILED

Preliminary hearing HELD. Probable cause found; def. held to District Court for removal to other district

Commitment issued.

BOND/PRETRIAL DETENTION HEARING

Government motion for detention filed .

@

Pretrial hearing set for

@

☐ In charging district.)☒ Bond/Pretrial detention hearing held.☒ Government motion for detention ☐ GRANTED ☒ DENIED

Pretrial detention ordered. Written order to follow.

☒ BOND set at \$10,000.00☒ NON-SURETY

SURETY

cash

property

corporate surety ONLY

SPECIAL CONDITIONS:

Bond filed. Defendant released.

☒ Bond not executed. Defendant to remain in Marshal's custody. Bond stayed. Government will appeal.

Motion (verbal) to reduce/revoke bond filed.

Motion to reduce/revoke bond

GRANTED

DENIED

See page 2

Defendant: Jack Whitton

Case No.: 1:21-mj-348

Date: 4/2/21

WITNESSES:

EXHIBITS:

Gov't exhibits: 1 - 17, admitted and retained

Gov't exhibit: 18, admitted and retained

Original Exhibits X RETAINED by the Court RETURNED to counsel

<h2 style="margin: 0;">UNITED STATES DISTRICT COURT</h2>				APR - 2 2021
NORTHERN		District of		GEORGIA
UNITED STATES OF AMERICA V. JACK WADE WHITTON			COMMITMENT TO ANOTHER DISTRICT	
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER		
District of Arrest	District of Offense	District of Arrest	District of Offense	
21-cr-35 (EGS)	1:21-mj-348-RDC	21-mj-233		
CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN <input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input type="checkbox"/> Other (specify)				
charging a violation of 18 U.S.C. § 111 (a)(1), (b)				
DISTRICT OF OFFENSE District of Columbia				
DESCRIPTION OF CHARGES: Assaulting, Resisting, or Impeding Certain Officers with a Dangerous Weapon				
CURRENT BOND STATUS: <input type="checkbox"/> Bail fixed at and conditions were not met <input type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input checked="" type="checkbox"/> Other(specify) Bond granted in District of Arrest. Bond stayed pending appeal in District of Offense. Defendant detained.				
Representation: <input checked="" type="checkbox"/> Retained Own Counsel <input type="checkbox"/> Federal Defender Organization <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None				
Interpreter Required? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Language:				
<p style="text-align: center;">DISTRICT OF</p> <p>TO: THE UNITED STATES MARSHAL</p> <p>You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>April 2, 2021</p> <p>_____</p> <p>Date</p> </div> <div style="text-align: center;"> <p>_____</p> <p>Judge</p> </div> </div>				
RETURN				
This commitment was received and executed as follows:				
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT		DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL		

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION FILE NO.
	:	1:21-mj-00348-RDC
JACK WADE WHITTON	:	
	:	
Defendant.	:	

RECEIPT FOR EXHIBITS

I have received from Phyllis Brannon this 2nd day of April, 2021, the following exhibits:

Government's Exhibits: 1 - 18

Defendant's Exhibits:

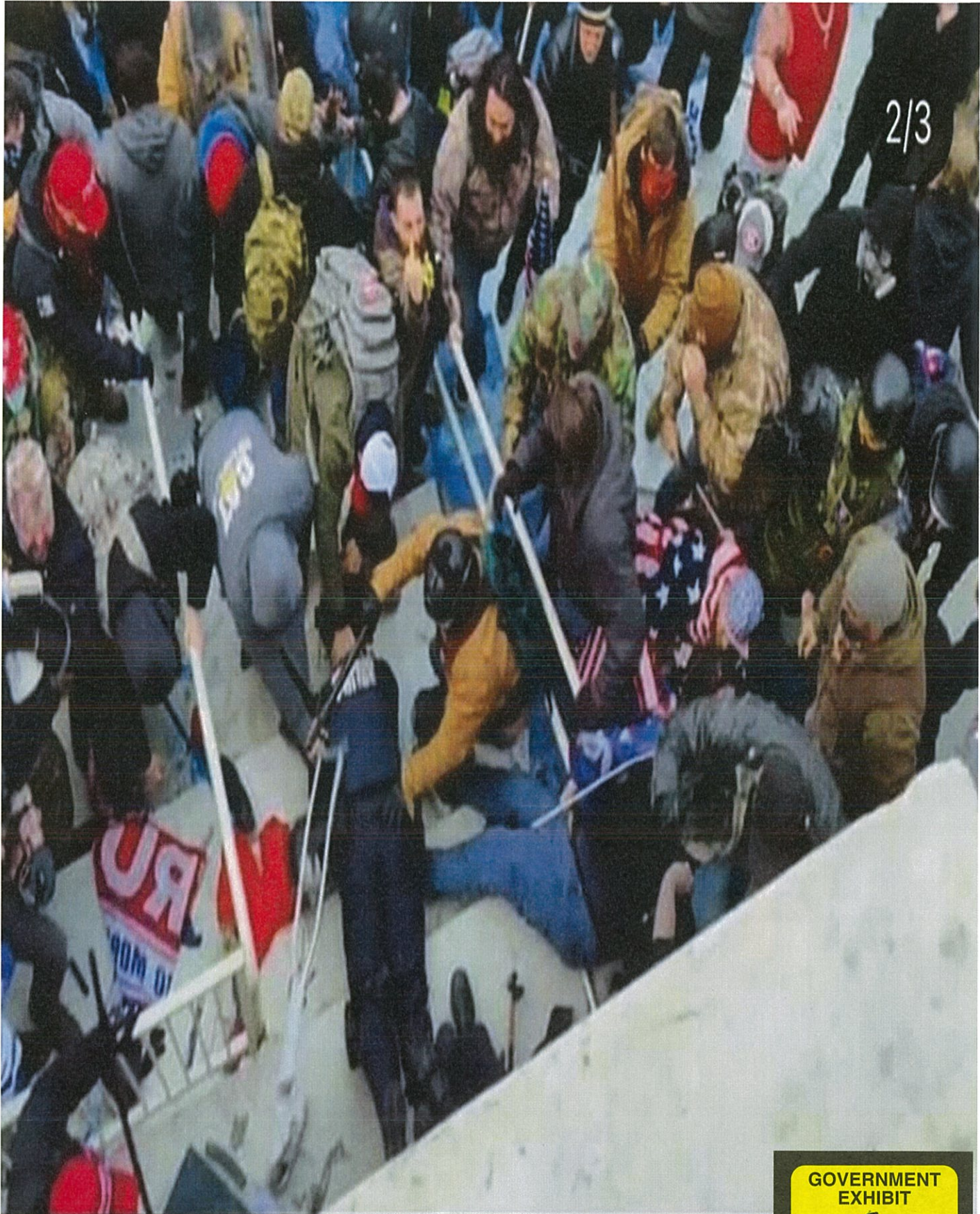
These exhibits are from the Detention Hearing held April 2, 2021, before Magistrate Judge Regina D. Cannon.



SIGNATURE OF EXHIBIT CUSTODIAN



GOVERNMENT
EXHIBIT



2/3

GOVERNMENT
EXHIBIT

2



GOVERNMENT
EXHIBIT

3



GOVERNMENT
EXHIBIT
4

2021-01-06 16:27:21 -0500
AXON BODY 3 X6039BJJV



GOVERNMENT
EXHIBIT

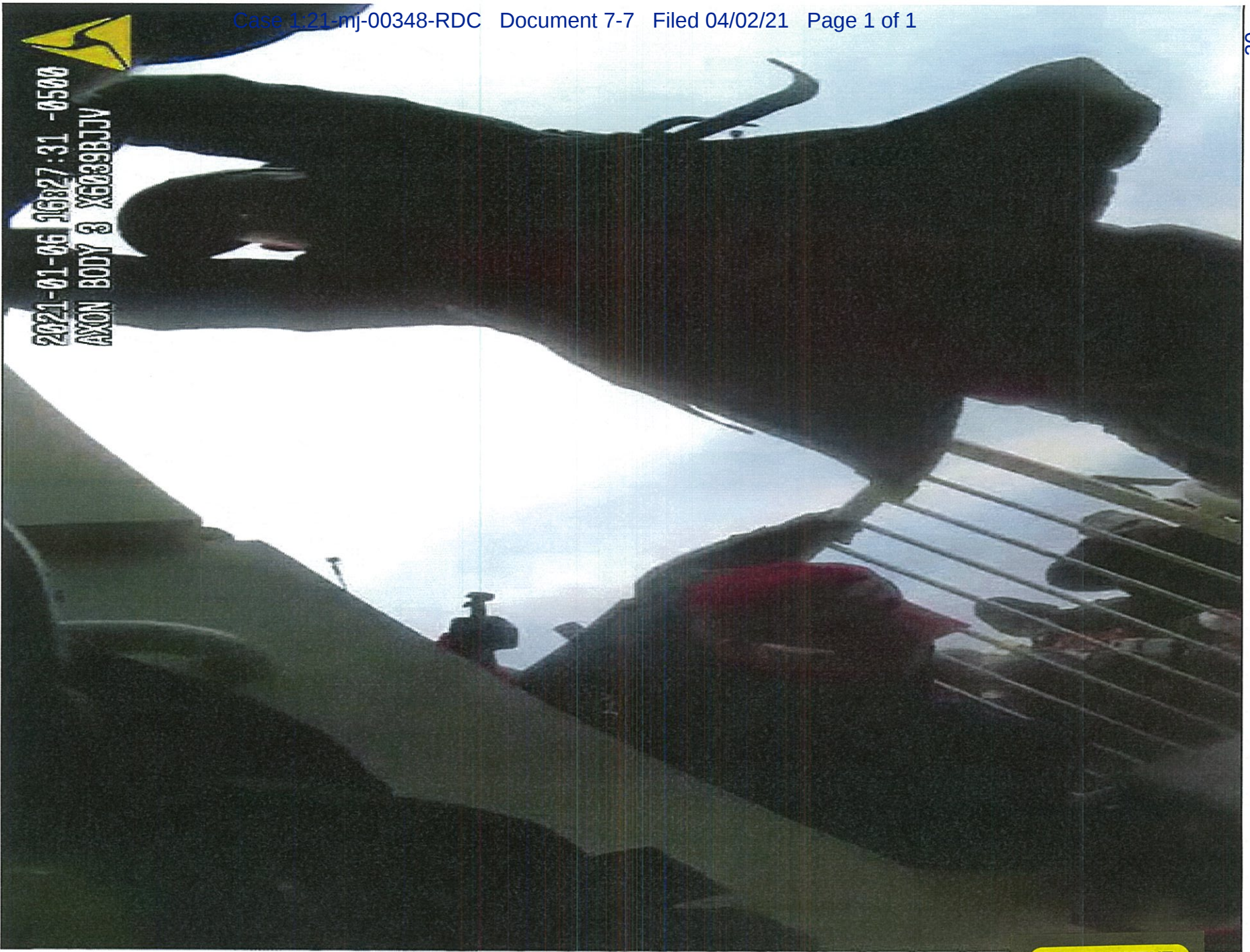
5

2021-01-06 16:27:29 -0500
AXON BODY 3 X6039BJJV



GOVERNMENT
EXHIBIT

6



2021-01-06 16:27:31 -0500

AXON BODY 3 X6039BJJV

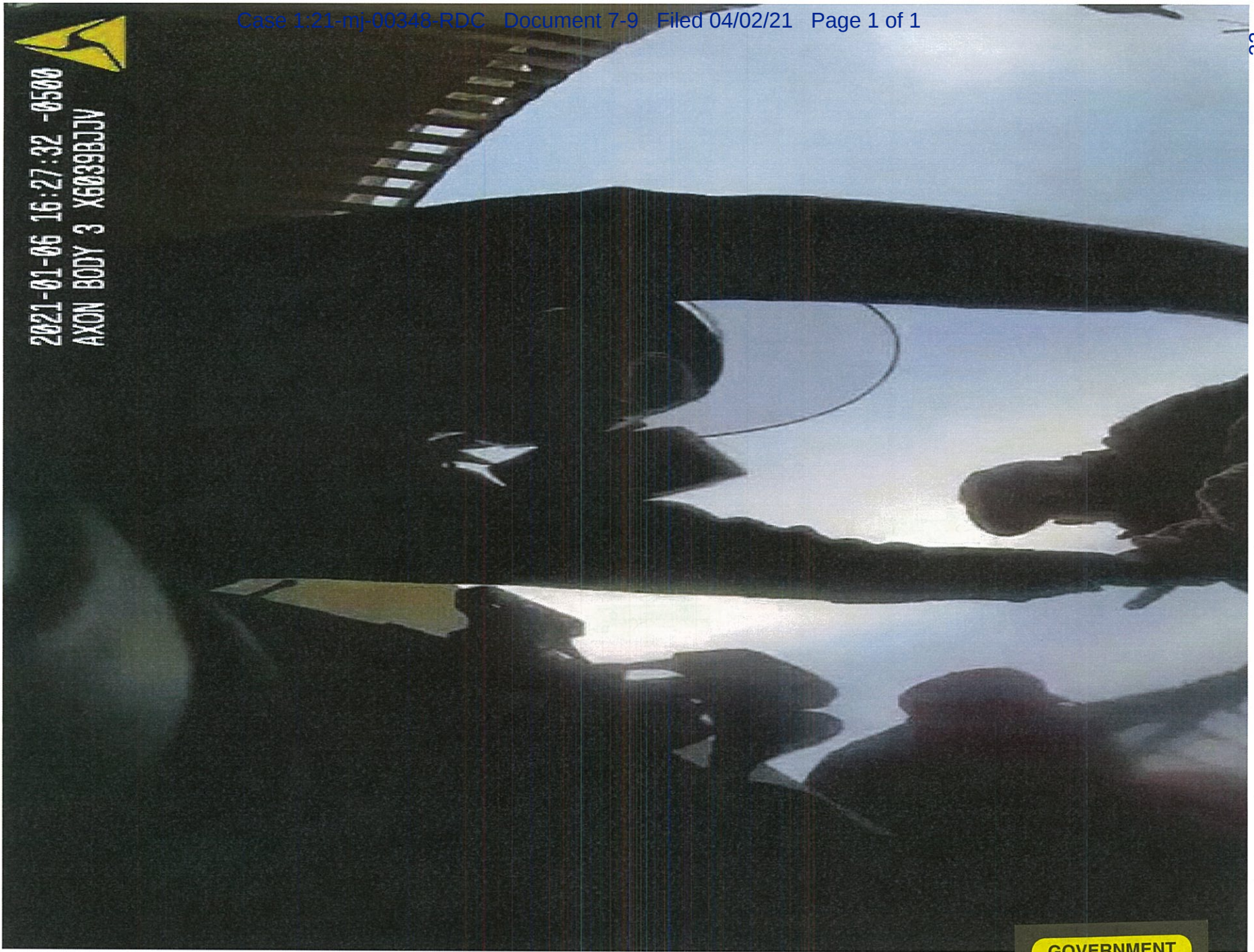
GOVERNMENT
EXHIBIT

7





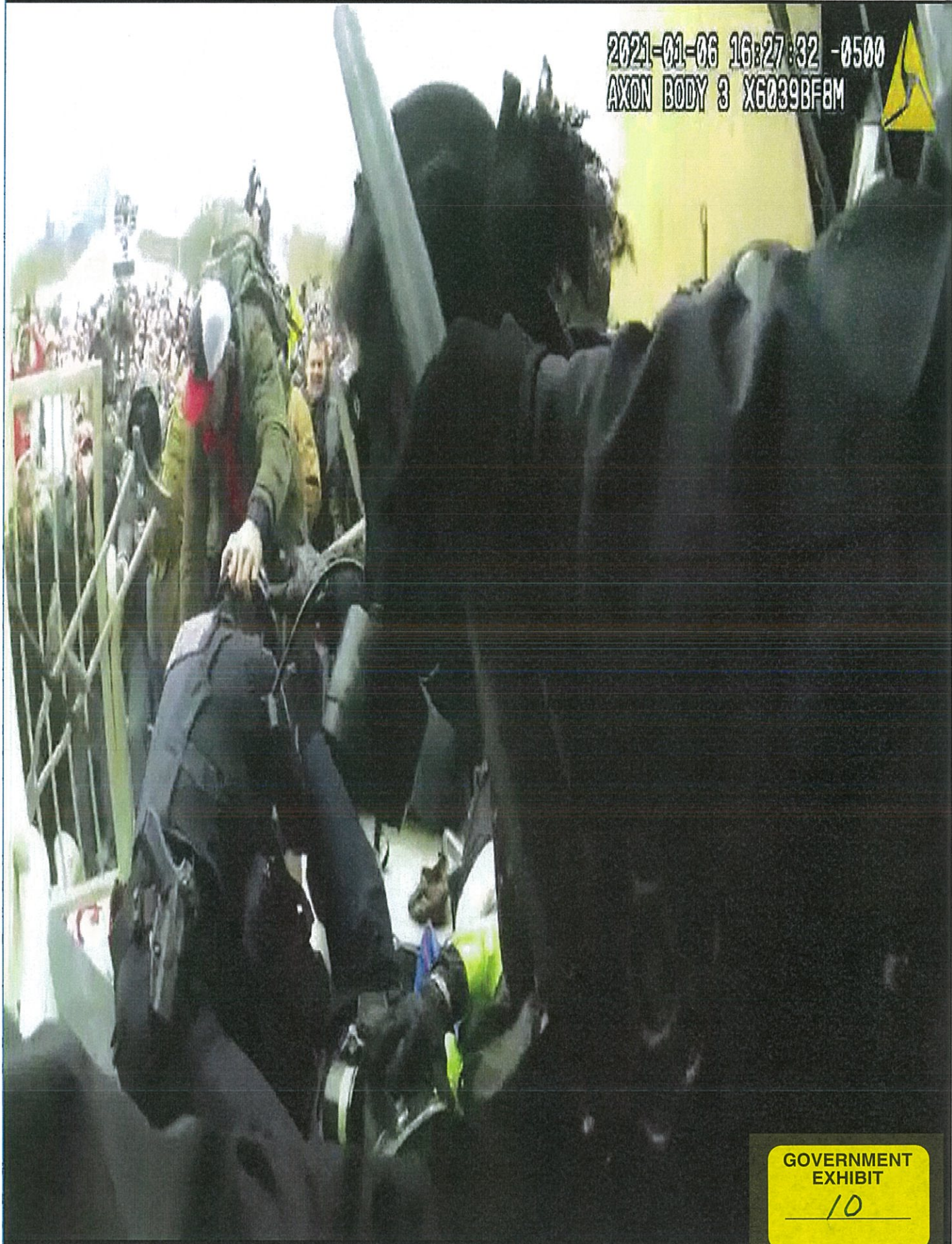
2021-01-06 16:27:32 -0500
AXON BODY 3 X6039BJJV



GOVERNMENT
EXHIBIT

9

2021-01-06 16:27:32 -0500
AXON BODY 3 X6039BF8M



GOVERNMENT
EXHIBIT

10

2021-01-06 16:27:33 -0500
AXON BODY 3 X6039BF&M



GOVERNMENT
EXHIBIT
11



~16:25-26



Moments before #Scallops starts his crutches assault, he is seen jumping up and down, screaming "fuck you!" and is flipping the MPD officers in the tunnel off.

#SeditioHunters believe #Scallops is wearing 3 layers: a maroon long sleeve shirt, a red vest, and a olive green and navy blue shirtjacket (combined piece).

16:27



#Scallops clearly physically assaults several MPD officers (assaults badges 5586, 4935, 5529, 5077, and 5213 are also in the vicinity). #BaldEagle was also involved in this part of the initial crutches assault

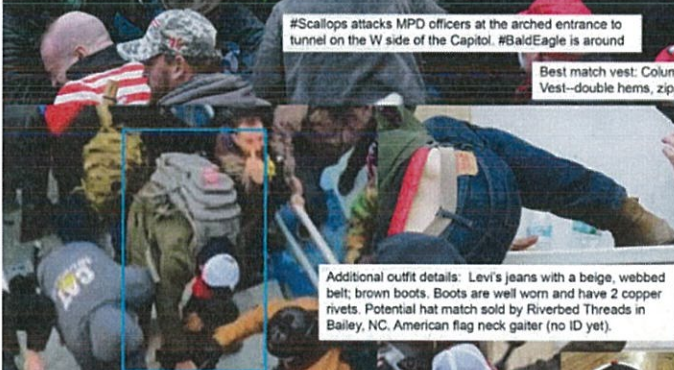
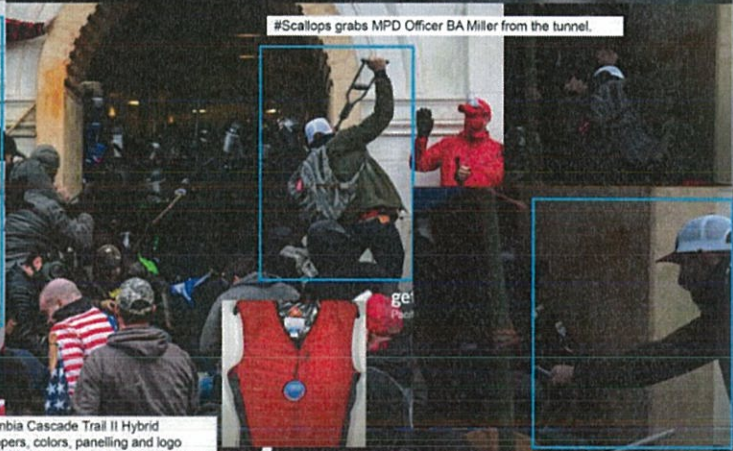
16:27



#Scallops attacks MPD officers at the arched entrance to tunnel on the W side of the Capitol. #BaldEagle is around

Best match vest: Columbia Cascade Trail II Hybrid Vest-double hems, zippers, colors, panelling and logo

#Scallops grabs MPD Officer BA Miller from the tunnel.



Additional outfit details: Levi's jeans with a beige, webbed belt; brown boots. Boots are well worn and have 2 copper rivets. Potential hat match sold by Riverbed Threads in Bailey, NC. American flag neck gaiter (no ID yet).



#Scallops can be seen with a female accomplice, #ScallopsSqueeze, in several separate pieces of footage. She has long dark hair, is wearing a black hoodie, a Trump winter pom pom beanie, dark sunglasses, and a grey backpack.



#Scallops, along with #CatSweat, #OrangeTeal, & #Fingerman, pulls either MPD Officer Miller or Fanone down the stairs and out of the tunnel.



#Scallops goes back into the riot crowd attacking the cops, & seems to be retrieved by #WalkerTexasFascist.

16:48

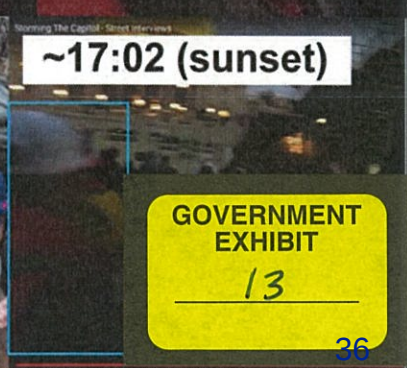


16:50



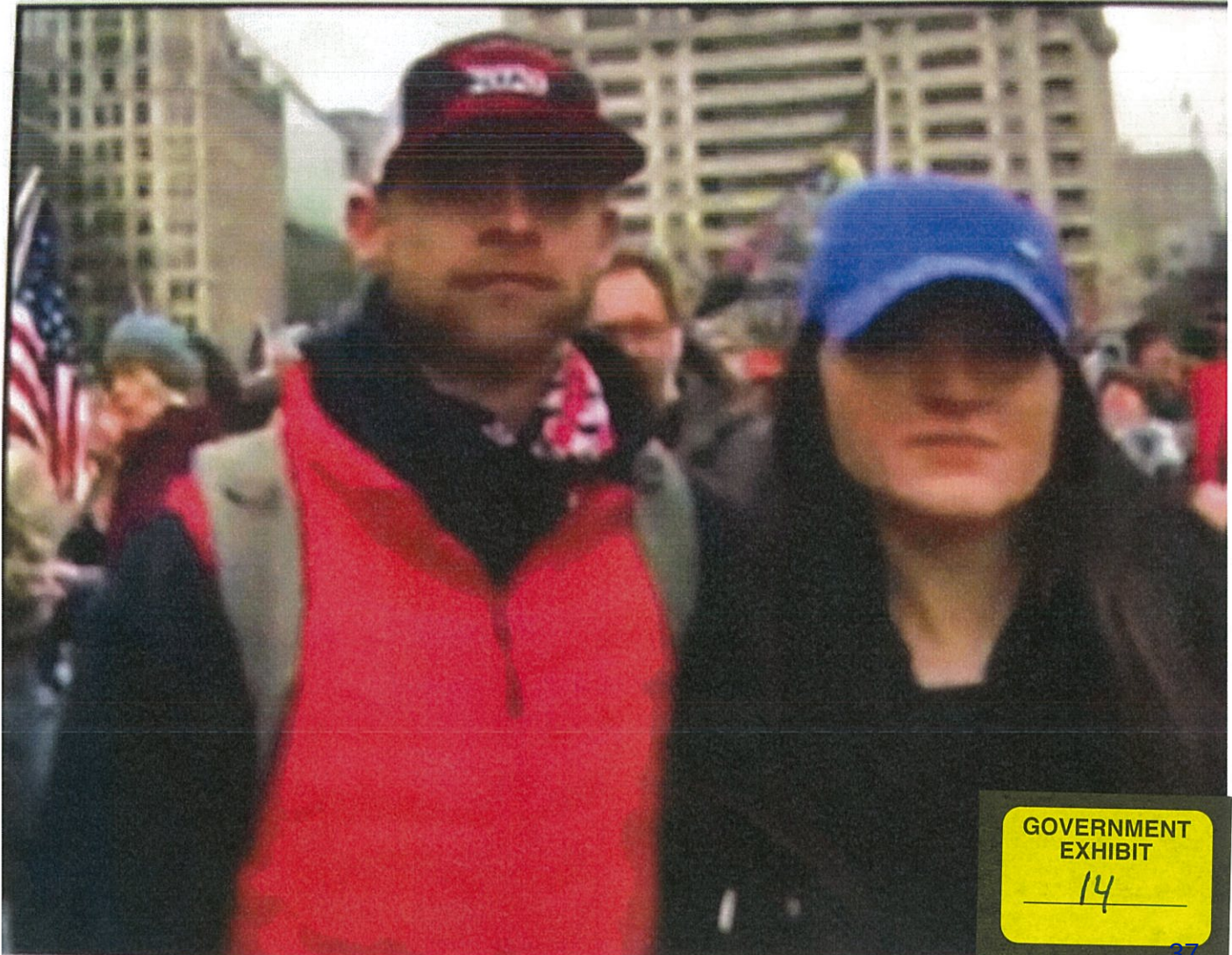
#Scallops has a distinctively hooked nose and receding hair-line. He also has large ears with detached lobes, and scruffy dirty blonde facial hair.

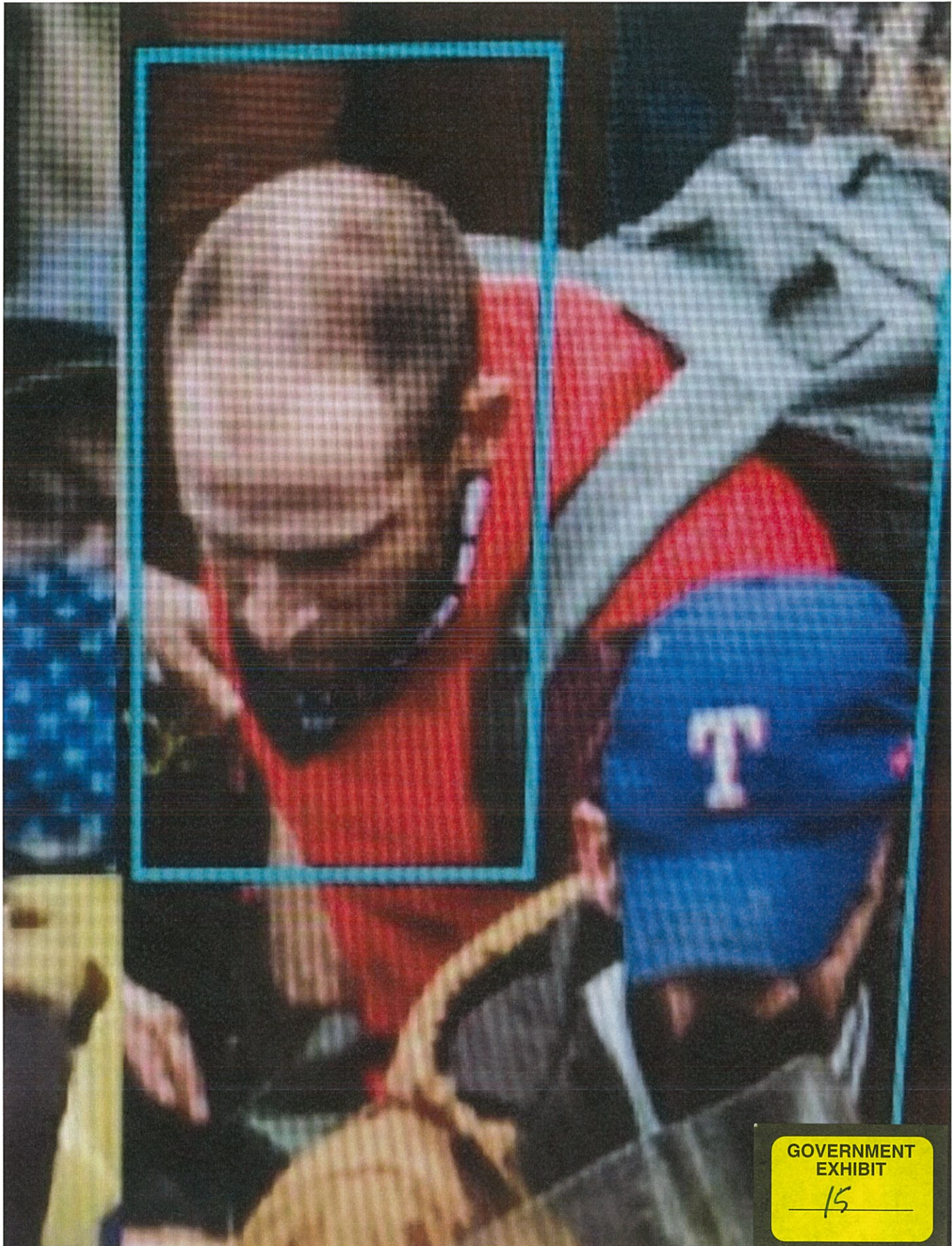
~17:02 (sunset)



GOVERNMENT EXHIBIT

13





GOVERNMENT
EXHIBIT

15

9:24



Wade >



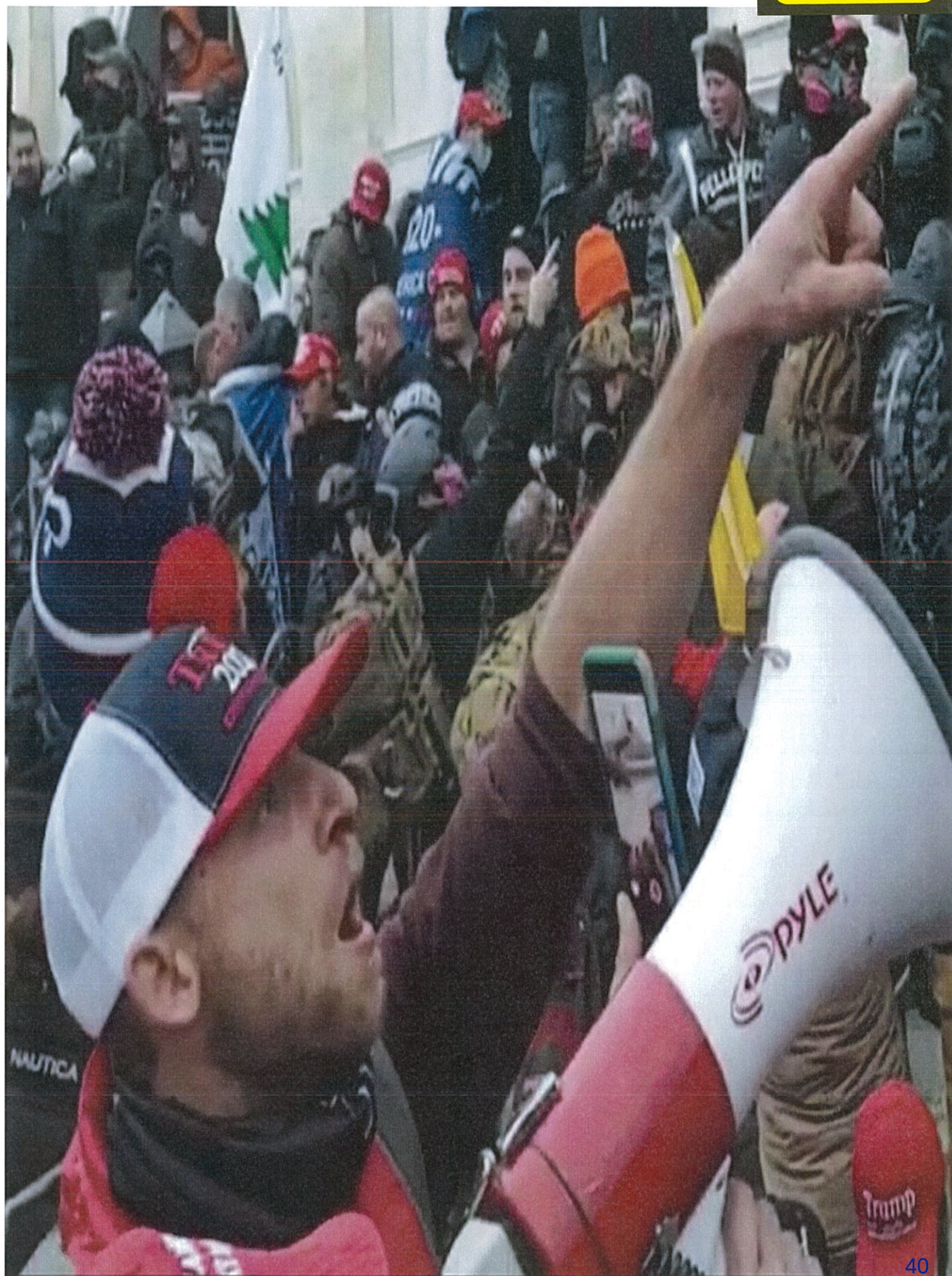
This is from a bad cop.

Damn son!

Yea I fed him to the people. Idk his status. And don't care tbh

GOVERNMENT
EXHIBIT

16





NOTICE TO COUNSEL OF RECORD AND PARTIES

TO: Counsel for Government

FROM: R. Bryant, Deputy Clerk

DATE: April 5, 2021

CASE NO.: 1:21-MJ-348-RDC-1, Jack Wade Whitton

SUBJECT: RECLAMATION AND DISPOSITION OF DOCUMENTARY EXHIBITS

Pursuant to Local Rule 79.1(D), you are hereby notified that the documentary exhibits in the above styled case will be disposed of if you have not recovered same within 30 days from the date of this letter.¹ Any audio and video exhibits will be retained until after the time for appeal has expired, or in appealed cases, until entry of the appellate court's mandate.

Please date and sign this Notice to acknowledge receipt, indicate how the exhibits should be handled, and electronically file the signed Notice using the **Exhibit Disposition Notification** event in CM/ECF. The event is located under the Other Documents heading.

(If you will be picking up exhibits, please allow at least 24 hours from the filing of your notice to ensure the exhibits are ready for pickup.)

Receipt of this Notice is hereby acknowledged. _____
(Signature)

☐ **Documentary Exhibits will be picked up no later than** _____
(Date)

☐ **Documentary Exhibits may be destroyed.** _____ (Initials)

Note: If someone other than the attorney of record will be picking up exhibits, a letter of authorization from the attorney of record is required.

Exhibits Received by: _____
(Signature)

This _____ **day of** _____, 2020.

¹ The exhibits have been uploaded to the electronic file which is the official record of the court.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION FILE NO.
	:	1:21-mj-00348-RDC
JACK WADE WHITTON	:	
	:	
Defendant.	:	

RECEIPT FOR EXHIBITS

I have received from Phyllis Brannon this 2nd day of April, 2021, the following exhibits:

Government's Exhibits: 1 - 18

Defendant's Exhibits:

These exhibits are from the Detention Hearing held April 2, 2021, before Magistrate Judge Regina D. Cannon.



SIGNATURE OF EXHIBIT CUSTODIAN



MIME-Version:1.0
From:ganddb_efile_notice@gand.uscourts.gov
To:CourtMail@localhost.localdomain
Bcc:
--Case Participants: Benjamin Black Alper (alper@howardjweintraubpc.com), Katherine Irene Terry (caseview.ecf@usdoj.gov, gaylene.berberick@usdoj.gov, katie.terry@usdoj.gov, nefertiri.mckenzie@usdoj.gov, usagan.motionsresponses@usdoj.gov), Magistrate Judge Regina D Cannon (ganddb_efile_rdc@gand.uscourts.gov, phyllis_brannon@gand.uscourts.gov)
--Non Case Participants: File Clerks (ganddb_file_clerks@gand.uscourts.gov)
--No Notice Sent:

Message-Id:11695681@gand.uscourts.gov
Subject:Activity in Case 1:21-mj-00348-RDC USA v. Whitton Termination of Magistrate Case
Content-Type: text/html

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 4/5/2021 at 4:03 PM EDT and filed on 4/2/2021

Case Name: USA v. Whitton

Case Number: 1:21-mj-00348-RDC

Filer:

Document Number: No document attached

Docket Text:

Magistrate Case Closed. Defendant Jack Wade Whitton terminated. (rlb)

1:21-mj-00348-RDC-1 Notice has been electronically mailed to:

Benjamin Black Alper alper@howardjweintraubpc.com

Katherine Irene Terry katie.terry@usdoj.gov, CaseView.ECF@usdoj.gov,
gaylene.berberick@usdoj.gov, nefertiri.mckenzie@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

1:21-mj-00348-RDC-1 Notice has been delivered by other means to:

**U.S. District Court
Northern District of Georgia (Atlanta)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00348-RDC-1**

Case title: USA v. Whitton

Date Filed: 04/01/2021

Other court case number: 1:21-CR-35 USDC District of
Columbia

Date Terminated: 04/02/2021

Assigned to: Magistrate Judge
Regina D Cannon

Defendant (1)

Jack Wade Whitton

TERMINATED: 04/02/2021

represented by **Benjamin Black Alper**

Law Offices of Weintraub & Alper, P.C.

Suite 1250

1355 Peachtree Street, N.E.

Atlanta, GA 30309

404-892-2000

Fax: 404-892-2040

Email: alper@howardjweintraubpc.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level

(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level

(Terminated)

None

Complaints

18:111(a)(1) Assaulting,
Resisting, or Impeding Certain
Officers and Inflicting Bodily
Injury and Aiding and Abetting

Disposition

Plaintiff**USA**

represented by **Katherine Irene Terry**
Office of the United States
Attorney–ATL600
Northern District of Georgia
600 United States Courthouse
75 Ted Turner Dr., S.W.
Atlanta, GA 30303
404–581–6000
Email: katie.terry@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
04/01/2021			Arrest (Rule 40) of Jack Wade Whitton (jpk) (Entered: 04/02/2021)
04/01/2021	<u>1</u>		Minute Entry for proceedings held before Magistrate Judge Regina D Cannon: Initial Appearance in Rule 5(c)(3) Proceedings as to Jack Wade Whitton held on 4/1/2021. Defendant waives identity hearing. Waiver filed. Government motion for detention filed. Detention Hearing set for 4/2/2021 at 01:00 PM in ATLA Courtroom 2022 before Magistrate Judge Regina D Cannon. (Attachments: # <u>1</u> Indictment) (Tape #FTR) (jpk) (Entered: 04/02/2021)
04/01/2021	<u>2</u>		WAIVER of Rule 5 and 5.1 Hearings by Jack Wade Whitton (jpk) (Entered: 04/02/2021)
04/01/2021	<u>3</u>		MOTION for Detention by USA as to Jack Wade Whitton. (jpk) (Entered: 04/02/2021)
04/01/2021	<u>4</u>		Order of Temporary Detention pursuant to Bail Reform Act by Judge Regina D. Cannon as to Jack Wade Whitton. (jpk) (Entered: 04/02/2021)
04/02/2021	<u>5</u>		Minute Entry for proceedings held before Magistrate Judge Regina D Cannon: Bond Hearing as to Jack Wade Whitton. Government motion for detention denied. Bond set at \$10,000, non–surety. Bond not executed. Government's exhibits 1–17, 18 admitted and retained. (Tape #FTR) Interpreted by David Hoover.(rlb) (Entered: 04/05/2021)
04/02/2021	<u>6</u>		COMMITMENT TO ANOTHER DISTRICT as to Jack Wade Whitton. Defendant committed to District of Columbia. Signed by Magistrate Judge Regina D Cannon on 4/2/21. (rlb) (Entered: 04/05/2021)
04/02/2021	<u>7</u>		EXHIBITS (Government's Exhibits 1–17) admitted and retained at the <u>5</u> Bond Hearing as to Jack Wade Whitton have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17)(rlb) (Entered: 04/05/2021)

04/02/2021	<u>9</u>		Exhibits Audio/Video (Government's Exhibits 18) admitted and retained at the <u>5</u> Bond Hearing as to Jack Wade Whitton have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Exhibit 18)(rlb) (Entered: 04/05/2021)
04/02/2021			Magistrate Case Closed. Defendant Jack Wade Whitton terminated. (rlb) (Entered: 04/05/2021)
04/05/2021	<u>8</u>		NOTICE TO GOVERNMENT'S COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>7</u> Exhibits. (rlb) (Entered: 04/05/2021)