

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

JACOB FRACKER

Defendant

Case: 1:21-mj-00036

Assigned to: Judge Robin M. Meriweather

Assign Date: 1/12/2021

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) JACOB FRACKER,

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

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

Date: 01/12/2021

Robin M.

Meriweather

 Digitally signed by Robin
 M. Meriweather
 Date: 2021.01.12 12:35:23
 -05'00'
*Issuing officer's signature*City and state: Washington, DCRobin M. Meriweather, U.S. Magistrate Judge*Printed name and title*

Return

 This warrant was received on (date) 1/12/21, and the person was arrested on (date) 1/13/21
 at (city and state) Rocky Mount, Virginia.
Date: 1/13/21*Arresting officer's signature*
Charles Tarboe Special Agent FBI
Printed name and title

UNITED STATES DISTRICT COURT

for the
District of ColumbiaUnited States of America
v.
THOMAS ROBERTSON and
JACOB FRACKER) Case: 1:21-mj-00036
) Assigned to: Judge Robin M. Meriweather
) Assign Date: 1/12/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ District of Columbia, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 1752 (a)

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

40 U.S.C. 5104(e)(2)

Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Vincent Veloz, USCP

Printed name and titleAttested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).Date: 01/12/2021Robin M.
Meriweather
Digitally signed by Robin M.
Meriweather
Date: 2021.01.12 12:36:01
-05'00'

Judge's signatureCity and state: Washington, DC

Robin M. Meriweather, United States Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Vincent Veloz, is a Special Agent with United States Capitol Police. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. 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 are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

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

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

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

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

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

According to information the FBI has reviewed, after 2:00 p.m., but before the joint session of Congress resumed at 8:00 p.m., the defendants Thomas Robertson and Jacob Fracker were

photographed in the Capitol Building making an obscene statement in front of a statute of John Stark (Exhibit A). At the time they were photographed, the defendants were off-duty from their positions as police officers with the Rocky Mountain Police Department in Rocky Mount, Virginia.

In social media posts, Defendant Robertson is quoted as saying, “CNN and the Left are just mad because we actually attacked the government who is the problem and not some random small business ... The right IN ONE DAY took the f***** U.S. Capitol. Keep poking us.” He also stated that he was “proud” of the photo in an Instagram Post that was shared to Facebook, because he was “willing to put skin in the game” (Exhibit B).

A now-deleted Facebook post by Defendant Fracker containing the caption, “Lol to anyone who’s possibly concerned about the picture of me going around... Sorry I hate freedom? ...Not like I did anything illegal...y’all do what you feel you need to...” (Exhibit C).

In a statement to Newsweek, Defendant Robertson admitted that he and Defendant Fracker sent the photo to their police department colleagues, and after it was leaked to social media he reposted it on his own Facebook page. It has also been reported that Robertson stated that he broke no laws, did not know about the violence, and that he had been escorted “in” by the Capitol Police. Robertson made these claims notwithstanding his previous posts that he had “attacked the government” and “took the f***** Capitol.” Moreover, at that date and time, the United States Capitol was on lockdown and the defendants’ presence inside was without lawful authority.

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

Your affiant submits there is also probable cause to believe that Thomas Robertson and Jacob Fracker violated 40 U.S.C. § 5104(e)(2)(D), which makes it a crime to willfully and knowingly 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.



Vincent Veloz
Special Agent
United States Capitol Police

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone, this 12th day of January 2021.

Robin M.
Meriweather

Digitally signed by
Robin M. Meriweather
Date: 2021.01.12
12:36:34 -05'00'

Robin M. Meriweather
U.S. MAGISTRATE JUDGE

Exhibit A



Exhibit B

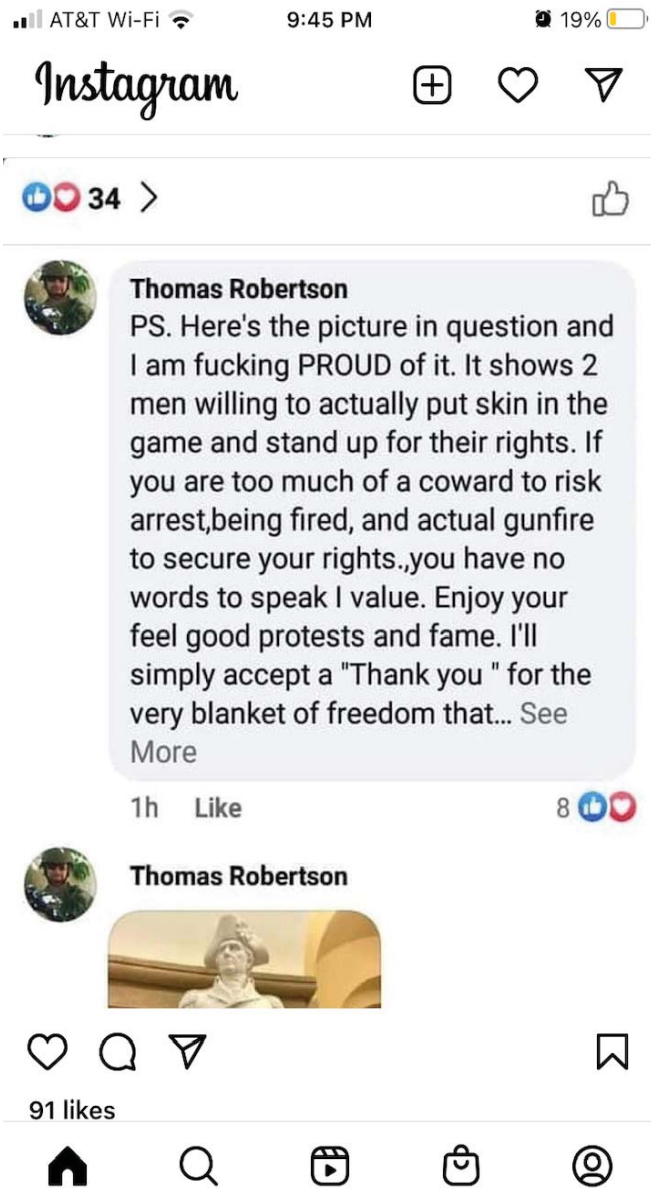


Exhibit C



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

THOMAS ROBERTSON AND
JACOB FRACKER

Defendant.

Case: 1:21-mj-00036
Assigned to: Judge Robin M. Meriweather
Assign Date: 1/12/2021
Description: COMPLAINT W/ARREST WARRANT

**UNDER SEAL
VIOLATION:**

18 U.S.C. § 1752(a)
(Restricted Building or Grounds)
40 U.S.C. § 5104(e)(2)
(Violent Entry or Disorderly Conduct)

ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until otherwise ordered by the Court.

2. IT IS FURTHER ORDERED that the Clerk's office shall not make any entry on the public docket of the arrest warrant until further order of the Court.

Date: January 12, 2021

Robin M. Meriweather
Digitally signed by
Robin M. Meriweather
Date: 2021.01.12
12:37:40 -05'00'

Robin M. Meriweather
UNITED STATES MAGISTRATE JUDGE

cc: Elizabeth Aloï
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W.
Washington, D.C. 20530

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

THOMAS ROBERTSON

Defendant)
)
)
)
)
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Case: 1:21-mj-00036

Assigned to: Judge Robin M. Meriweather

Assign Date: 1/12/2021

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ARREST WARRANT

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(name of person to be arrested) Thomas Robertson,
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

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Date: 01/12/2021

Robin M.
Meriweather

Digitally signed by
Robin M. Meriweather
Date: 2021.01.12
12:37:00 -05'00'

*Issuing officer's signature*City and state: Washington, DCRobin M. Meriweather, 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.

JACOB FRACKER

Defendant

Case: 1:21-mj-00036

Assigned to: Judge Robin M. Meriweather

Assign Date: 1/12/2021

Description: COMPLAINT W/ARREST WARRANT

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☐ Probation Violation Petition
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40 U.S.C. 5104(e)(2)- Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/12/2021Robin M.
Meriweather

 Digitally signed by Robin
M. Meriweather
Date: 2021.01.12 12:35:23
-05'00'
*Issuing officer's signature*City and state: Washington, DCRobin M. Meriweather, 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*

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CRIMINAL MINUTES - INITIAL APPEARANCE - RULE 5
(Complaint/Indictment/Other District)**

Case No.: 7:21-MJ-5

Date: 1/13/2021

Defendant(s):

**1-Thomas Robertson, custody
2-Jacob Fracker, custody**

Counsel:

**not represented
Randy Cargill FPD**

PRESENT:	Presiding Judge:	Robert S. Ballou	TIME IN COURT: 33 min
	Deputy Clerk:	K. Brown	
	Court Reporter:	K. Brown/ZOOMGOV	
	AUSA:	Dan Bubar	
	USPO:	Lollie Burns/Andrew Ridgway	
	Case Agent:	Charles Jarboe, FBI	

☒ Defendant arrested on warrant from United States District Court for the District of Columbia.

RIGHTS:

- ☒ Defendant advised of charges and nature of proceedings and provision of Rule 20.
- ☒ Defendant advised of right to retain counsel or to request that counsel be appointed.
- ☒ Defendant advised of right to preliminary exam.
- ☒ Defendant advised of right to identity hearing.
- ☒ Defendant advised of right to a bond/detention hearing.

COUNSEL:

- ☒ Defendant Fracker present with counsel. FPD appointed for today's purposes, however defendant will see to retain for further proceedings.
- ☒ Defendant Robertson present without counsel and in process of retaining counsel.

IDENTITY:

- ☒ Identity hearing waived.*

PRELIMINARY HEARING:

- ☒ Defendant requests preliminary hearing in prosecuting district.*

RELEASE/DETENTION:

- ☒ Government does not oppose bond. Bond set at \$15K Unsecured. See conditions below.
- ☒ Conditions of Release/Bond to enter for reasons as follows:

In addition to the standard conditions of release, the following special conditions of release are imposed:

- ☒ The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case.
- ☒ The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.

- ☒ The defendant shall abstain from the excessive use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- ☒ The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- ☒ The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer. But may travel to the District of DC for all court matters and attorney appointments.
- ☒ The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release.
- ☒ The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport.

Additional Information:

4:49

Parties present. Mr. Robertson is not represented today. Mr. Fracker is present with FPD. All parties present on screen.

Court explains to defendants their right to an in person hearing. Both defendants waive that right and consent to proceed by video conference.

Defendants both advise that they will retain counsel going forward with their cases in DC.

Government does not seek detention.

Deft Fracker would like to have all hearings heard in DC court. No issues with identity. Court shares Rule 5 Waiver on screen and explains content. Deft and his attorney give permission for the Court to sign this waiver on their behalf.

Deft Robertson would like to have all hearings heard in DC Court as well. Court shares Rule 5 waiver, and deft gives Court permission to sign on his behalf.

USA reports that their next appearance will be by video as well, 3 business days out at 1pm. Set for Tuesday, January 19, 2021 at 1:00pm. Court leaves Mr. Cargill as Mr. Fracker's attorney for now.

Government requests GPS monitoring, stay away order from DC, and any other standard terms. Response from defendant Fracker's counsel. Deft. Robertson response.

Court addresses defendants. Unsecured bonds. \$15,000. Reside at homes. No firearms. Relocate firearms in homes by COB on Friday. Travel restricted to WDVA. May travel to DoDC only for court and meeting with attys. Deft not allowed to engage in any public assembly until this matter concludes. That includes anything like this in any state. Turn in passport- Robertson, by end of this week. Cooperate with USPO. Report contact with LEO's. NO excessive alcohol. Warrantless search and seizure.

Mr. Robertson to provide his contact information to clerk. Probation will be in contact with each defendant tomorrow.

Defendants released on bond.

Adjourned.

5:22

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America

v.

Jacob Fracker

Defendant

Case No. 7:21-MJ-00005-002

Charging District's Case No. 1:21-MJ-00036

**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)* USDC of the 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 within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request 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 warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings 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: 01/13/2021

Jacob Fracker by Robert S. Ballou with permission

Defendant's signature

Randy Cargill by Robert S. Ballou with permission

*Signature of defendant's attorney**Printed name of defendant's attorney*

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

Jacob Fracker) Case No. 7:21-MJ-00005-002

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, Jacob Fracker (*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 \$ 15,000.00.
- () (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.

Recording of Agreement: We agree, at our cost, to record this agreement in the land records of jurisdiction where this property is located, as a lien against the property, and to have this agreement indexed in the name(s) of all owners of the subject property.

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

Date: 01/13/2021


Defendant's signature

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

CLERK OF COURT

 Deputy Clerk

Date: 01/13/2021

Signature of Clerk or Deputy Clerk

Approved.

Date: 1/14/2021


Judge's signature

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

Jacob Fracker)

Defendant)

Case No. 7:21-MJ-00005-002

ORDER SETTING CONDITIONS OF RELEASE

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

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at *(if blank, to be notified)* _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- ✕ (✓) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- ✕ (✓) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of Fifteen thousand and no cents _____ dollars (\$ 15,000.00) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

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

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. (only if above is an organization) _____

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: _____

Custodian or Proxy _____

Date _____

JF (✓) (8) The defendant must:

JF (✓) (a) report to the USPO

telephone number (540) 857-5180, no later upon release

JF (✓) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

\$15K unsecured

() (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

() (d) maintain or actively seek employment.

() (e) maintain or commence an education program.

JF (✓) (f) surrender any passport to: USPO

JF (✓) (g) abide by the following restrictions on personal association, place of abode, or travel:
remain in WDVA & not travel outside the WDVA without permission of the supervising officer. See condition (w).

JF (✓) (h) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: co-defendants.

() (i) undergo medical or psychiatric treatment.

() (j) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s):

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

JF (✓) (l) refrain from possessing a firearm, destructive device, or other dangerous weapons.

JF (✓) (m) refrain from () any (✓) excessive use of alcohol.

() (n) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (o) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

() (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

() (q) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.

(✓) (i) Curfew. You are restricted to your residence every day (✓) from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) Home Detention. You are restricted to your 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 pre-approved by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

() (r) submit to location monitoring and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

() The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

JF (✓) (s) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

JF (✓) (t) follow the directions and instructions of the supervising officer

JF (✓) (u) submit to warrantless search and seizure of person and property as directed by supervising officer.

() (v) not frequent places where controlled substances are illegally sold, used, distributed, or administered, and shall not associate with any persons engaged in criminal activity or associate with any person convicted of a felony, unless under the supervision of law enforcement

JF (✓) (w) In addition to condition (g), defendant may travel to the District of the District of Columbia for all court appearances and meetings with his attorney. Defendant is to travel there by the most direct route.

JF (✓) (x) Defendant may not participate in or join any public assembly, demonstration, or protest.

JF (X) (y) All firearms located within defendant's home are to be relocated by COB on Friday, 1/15/2021.

() (z)

() (aa)

() (bb)

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

ADVICE OF PENALTIES AND SANCTIONS

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.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

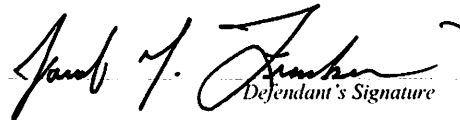
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the 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.

 Deputy Clerk

Deputy Clerk

 Defendant's Signature

ROANOKE VA
City and State

Directions to the 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: January 14, 2021


Judicial Officer's Signature

Robert S. Ballou, United States Magistrate Judge
Printed name and title

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CLOSED, VIDEO

U.S. District Court
Western District of Virginia (Roanoke)
CRIMINAL DOCKET FOR CASE #: 7:21-mj-00005-RSB All Defendants

Case title: USA v Robertson et al

Date Filed: 01/13/2021

Other court case number: 1:21-MJ-00036 USDC for the District of Columbia
Date Terminated: 01/14/2021

Assigned to: Magistrate Judge Robert S.
Ballou

Defendant (1)**Thomas Robertson***TERMINATED: 01/14/2021***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition

Assigned to: Magistrate Judge Robert S.
Ballou

Defendant (2)**Jacob Fracker***TERMINATED: 01/14/2021***Pending Counts**

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Christopher Robert Kavanaugh**
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 Western District of Virginia
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 Charlottesville, VA 22902
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney
Bar Status: DOJ

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
01/13/2021	1	Charging Documents from United States District Court for the District of Columbia - Rule 5(c)(3) as to Thomas Robertson, Jacob Fracker (Attachments: # 1 Statement of Facts, # 2 Sealing Order, # 3 Robertson Warrant Issued, # 4 Fracker Warrant Issued)(kab) (Attachment 4 replaced on 1/13/2021) (kab). (Attachment 3 replaced on 1/13/2021) (kab). (Main Document 1 replaced on 1/13/2021) (kab). (Attachment 1 replaced on 1/13/2021) (kab). (Attachment 2 replaced on 1/13/2021) (kab).
01/13/2021	2	RESCINDED :Oral CJA 20 as to Jacob Fracker: Appointment of Attorney Paul Graham Beers for Jacob Fracker. Entered by Magistrate Judge Robert S. Ballou on 1/13/2021. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (kab) Modified on 1/14/2021 Court was informed that defendant will retain counsel. CJA appointment is rescinded and counsel is removed from the docket. (kab).
01/13/2021	3	Oral ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Thomas Robertson. Entered by Magistrate Judge Robert S. Ballou on 1/13/2021. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (kab)
01/13/2021		Arrest - 5(c)(3) of Thomas Robertson, Jacob Fracker (kab)

01/13/2021	4	NOTICE OF VIDEO CONFERENCED HEARING as to Thomas Robertson, Jacob Fracker (CUSTODY) (FTR) (Click on this link for guidance for participation via Zoom and Click on this link for instructions on how to listen to public hearings) Initial Appearance - Rule 5c3 set for 1/13/2021 04:00 PM in via Zoom before Magistrate Judge Robert S. Ballou.(kab)
01/13/2021	5	SEALED Pretrial Bail Report as to Thomas Robertson. (jp)
01/13/2021	6	SEALED Pretrial Bail Report as to Jacob Fracker. (jp)
01/13/2021	7	CJA 23 Financial Affidavit as to Jacob Fracker (kab) (Entered: 01/14/2021)
01/13/2021	8	Minute Entry for video conferenced proceedings held before Magistrate Judge Robert S. Ballou:Initial Appearance Rule 5(c)(3) Complaint/Indictment - Other District as to Thomas Robertson, Jacob Fracker held on 1/13/2021, Bond Hearing as to Thomas Robertson, Jacob Fracker held on 1/13/2021. Defendants released on Bond. (Operator: K.Brown/ZOOMGOV)(kab) (Entered: 01/14/2021)
01/13/2021	9	Log Notes as to Thomas Robertson, Jacob Fracker for video conferenced Initial Appearance in the Roanoke Division held before Judge Robert S. Ballou on 1/13/2021. In accordance with 28 USC 753(b), I certify that I monitored the digital recording of this proceeding and that it is a true and correct record, that it is sufficiently intelligible when replayed, and that it can be transcribed without undue difficulty. Operator: K. Brown/ZOOMGOV (kab) (Entered: 01/14/2021)
01/13/2021	10	Oral Waivers of in person appearance rights and consents to appear by Video Conference for initial appearance and bond hearings as to Thomas Robertson, Jacob Fracker (kab) (Entered: 01/14/2021)
01/13/2021	11	WAIVER of Rule 5(c)(3) Hearing by Thomas Robertson (kab) (Entered: 01/14/2021)
01/13/2021	12	WAIVER of Rule 5(c)(3) Hearing by Jacob Fracker (kab) Modified on 1/14/2021 to correct date filed (kab). (Entered: 01/14/2021)
01/14/2021	13	Unsecured Bond Entered as to Thomas Robertson in amount of \$ \$15,000.00 (kab)
01/14/2021	14	Unsecured Bond Entered as to Jacob Fracker in amount of \$ \$15,000.00 (kab)
01/14/2021	15	ORDER Setting Conditions of Release as to Thomas Robertson (1) \$15,000.00 Unsecured. Signed by Magistrate Judge Robert S. Ballou on 1/14/2021.(kab)
01/14/2021	16	ORDER Setting Conditions of Release as to Jacob Fracker (2) \$15,000.00. Signed by Magistrate Judge Robert S. Ballou on 1/14/2021.(kab)