

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.

JASON DANIEL RIDDLE
AKA: JASON RIDDLE

Defendant

)
) Case: 1:21-mj-00204
) Assigned to: Judge Harvey, G. Michael
) Assign Date: 2/5/2021
) 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) JASON DANIEL RIDDLE,
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) and (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
- 18 U.S.C. § 641 - Theft of Government Property
- 40 U.S.C. §§ 5104(e)(2)(D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 02/05/2021

Digitally signed by
G. Michael Harvey
Date: 2021.02.05
14:44:13 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 2/8/2021, and the person was arrested on (date) 2/8/2021
at (city and state) Bedford, NH.

Date: 2-8-2021

Arresting officer's signature

K. LeBlanc TFO Boston/Bedford
Printed name and title

RA

MIME-Version:1.0
From:ecf_bounce@nhd.uscourts.gov
To:nef@nhd.uscourts.gov
Bcc:
--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov,
georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov,
usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov)
--Non Case Participants: US Probation (nhpdb_cmecf@nhp.uscourts.gov)
--No Notice Sent:

Message-Id:2308380@nhd.uscourts.gov
Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Arrest - Removal
Content-Type: text/html

U.S. District Court
District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/8/2021 at 2:39 PM EST and filed on 2/8/2021

Case Name: USA v. Riddle
Case Number: 1:21-mj-00031-AJ
Filer:
Document Number: No document attached
Docket Text:
[Arrest \(Removal\) of Jason Riddle.\(kad\)](#)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov,
jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECFCriminal@usdoj.gov,
USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

UNITED STATES DISTRICT COURT

for the

United States of America
v.

JASON DANIEL RIDDLE
AKA: JASON RIDDLE
DOB: XXXXXXXX

Defendant(s)

Case: 1:21-mj-00204
Assigned to: Judge Harvey, G. Michael
Assign Date: 2/5/2021
Description: COMPLAINT W/ARREST WARRANT

CRIMINAL COMPLAINT

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

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

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. §§ 1752(a) (1) and (2), 18 U.S.C. § 641, and 40 U.S.C. §§ 5104(e)(2)(D) and (G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Kevin M. Helson (handwritten signature)

Complainant's signature

Kevin M. Helson, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/05/2021

G. Michael Harvey (handwritten signature with seal)

Digitally signed by G. Michael Harvey

Judge's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

1. On January 6, 2021, your affiant, Kevin M. Helson, was on duty and performing my official duties as a Special Agent. Specifically, I am assigned to the Federal Bureau of Investigation, tasked with investigating criminal activity in and around the Capitol grounds. 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.

2. 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. On January 6, 2021, the U.S. Capitol was closed to the public and only authorized people with appropriate identifications were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

3. 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.

4. 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. 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.

5. At such time, the certification proceedings were still underway, and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol. However, shortly 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.

6. 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.

7. 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 laws, including scores of individuals inside the U.S. Capitol building without authority to be there.

8. Following the events on January 6, 2021, the Federal Bureau of Investigation (FBI) received tips at the FBI National Threat Operations Center (NTOC) from individuals who reported they had observed a media interview of Jason RIDDLE by NBC10 Boston during which RIDDLE admitted to entering the U.S. Capitol on January 6, 2021. During the two minute and forty-two seconds video produced by NBC10 Boston, RIDDLE describes his observation of what other rioters were doing inside the U.S. Capitol by stating, “They were smashing computers, and printers, and breaking things, and throwing papers and lamps around.” When asked by the reporter, “Why did you go in?” RIDDLE responded, “I just, I Just had to see it.” When asked if RIDDLE regretted it, RIDDLE responded, “No.”



A New Hampshire man who was at the protests in Washington, D.C., and even joined the mob storming the Capitol is now speaking out — saying he was proud to be there but didn't go there to break anything.

9. Later in the interview, a digital image was displayed which showed RIDDLE holding a bottle of wine while standing inside the U.S. Capitol. RIDDLE describes his activities while inside the Capitol by stating that he “poured a glass of wine and watched it all unfold.” He also described those he saw committing violent acts, stating, “[t]hose psychopaths going around breaking things and hurting people can rot in hell.”

10. RIDDLE provided photos and videos of the events that day to NBC10 News. According to the reporter who spoke with him, RIDDLE stated that he took the videos himself. Some of the video footage depicted a group of protestors outside the U.S. Capitol. RIDDLE also apparently provided NBC10 News with a photograph of himself inside a lawmaker's office, holding a bottle wine he stole.



11. Investigators reviewed video footage and images taken from the U.S. Capitol that day that was submitted to the FBI tip line. Some of the footage captured RIDDLE walking up the steps toward the entrance to the Capitol and taking photographs with his cellular phone outside the Capitol apparently before his entry. At this point, RIDDLE appears to be holding only a cell phone and wearing a red sweatshirt/jacket and a red Trump hat.



12. At a time consistent with RIDDLE having exited the Capitol, he appears on video again, this time, for the first time, holding a book in his right hand, depicted in the following images below. The book was not seen in images of RIDDLE before he entered the Capitol.



13. On January 22, 2021, FBI Special Agents executed a court authorized Search Warrant on RIDDLE's registered address, located in Keene, New Hampshire, for digital evidence of RIDDLE's participation in the January 6, 2021 U.S. Capitol riots to include photos, videos, and

other images. During the execution of the search warrant, RIDDLE agreed to an interview with the FBI agents. RIDDLE was not under arrest.

14. During the interview, RIDDLE admitted to taking an Uber with two friends to the area near the Washington Monument in Washington, D.C., and estimated he arrived around 12:05 pm on January 6, 2021. RIDDLE described his movement from the Washington Monument toward the U.S. Capitol. His two friends did not want to proceed past the barriers and departed to get food. As RIDDLE got closer to the Capitol, he saw police standing in a line. People continued to move and push forward, closer to the Capitol building. One individual continued yelling instructions from on top of scaffolding, such as “move forward” and “keep moving.” RIDDLE also described the rioters. RIDDLE stated that he saw many people dressed in military gear such as helmets and body armor, some of whom also had radios. At one point, he saw a man carrying a pitch fork. Another man carried a fire extinguisher filled with mace, which was orange when sprayed and was used against police near the scaffolding. RIDDLE also described the police response. He stated that the police lobbed flashbangs into the crowd, but that simply “fired people up.” RIDDLE also stated that a man broke through the fence and people began climbing up the scaffolding. Soon afterwards, RIDDLE stated that he stopped on a small grassy patch, just to the left side of the front of the Capitol. He recalled spending approximately a half hour or so there, taking pictures and making phone calls. He then began to see Trump flags being waved inside the Capitol.

15. During his interview, RIDDLE also described when he and others entered the U.S. Capitol, what he called the “break in.” He stated that a group accompanying a “big dude with a cane” made its way to the front. The “big dude.”” who was approximately in his fifties, with glasses and a beard, broke a window with the cane and reached in and opened a door. Then people began

to rush in. RIDDLE stated that he waited for the initial rush to get by, and then followed and walked into the Capitol. There he saw papers everywhere, people breaking things, and he saw a man smashing printers and computers with what appeared to be a fence pole from the barriers outside.

16. RIDDLE also admitted that he walked into an office and found an open bottle of wine on or in a refrigerator and poured himself a glass. RIDDLE then admitted to drinking the wine and then leaving the office after being told to do so by a police officer.

17. RIDDLE admitted he also took a book from the office where he drank the wine. RIDDLE explained he took the book from a desk, believed it was titled something to the effect of "Senate Chambers" and described it as old looking, bound in reddish-brown leather, and it was "like a dictionary." RIDDLE stated that, shortly after he exited the Capitol, he sold the book to an unknown male individual for \$40. RIDDLE also admitted that he stole a small Fox News football from the same office, but tossed it aside as he exited the Capitol building.

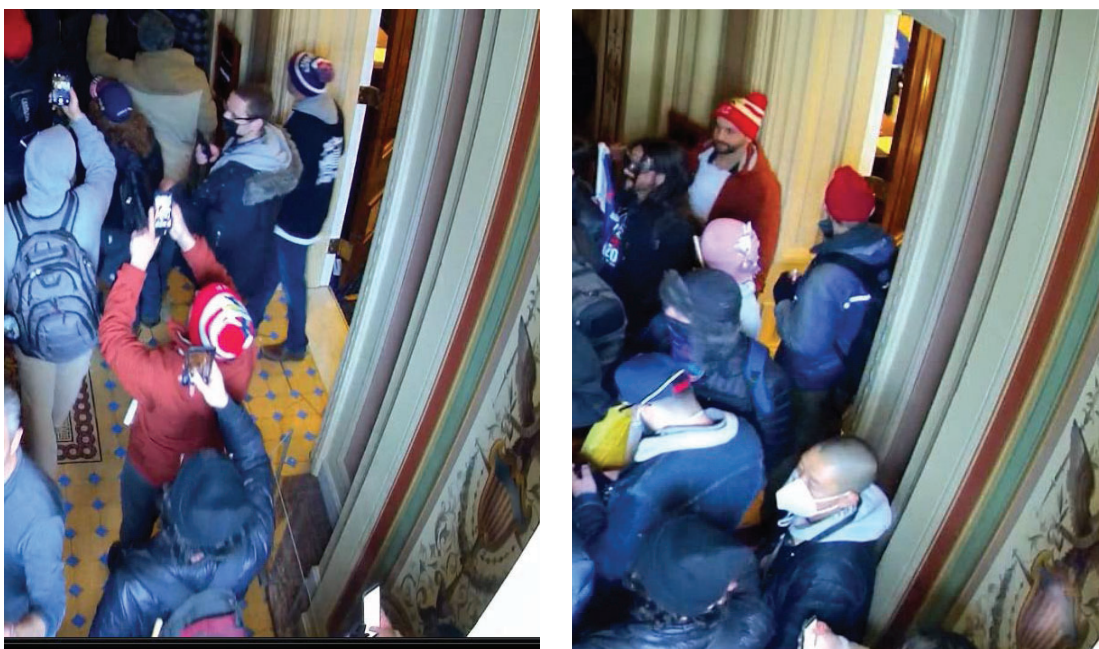
18. RIDDLE also stated that instead of leaving the U.S. Capitol, he continued to proceed into the building and described seeing individuals in body armor moving through the building "with a sense of urgency." RIDDLE noted these individuals communicated via radios and relayed directions to head right or left. RIDDLE explained after about a half hour, he decided to exit the Capitol.

19. RIDDLE also admitted that at some point after the Capitol incident, he had deleted some messages, photos, and videos of his D.C. trip from his phone, during what he termed a "delete frenzy."

20. On January 24, 2021, your affiant obtained surveillance video from the U.S. Capitol. At approximately 2:47:09 pm, as noted by the time stamp located in the upper left corner

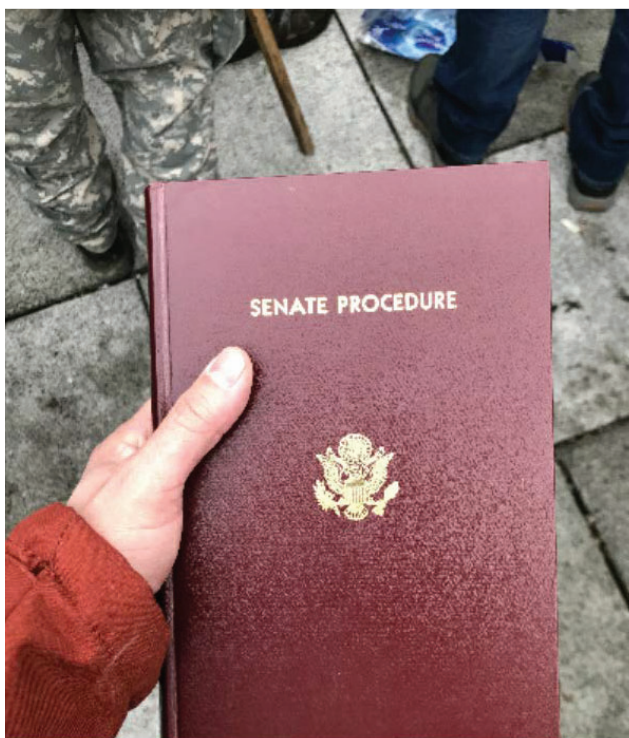
of the video, RIDDLE is observed entering the U.S. Capitol and utilizing his cellular phone to record the rioting underway inside the Capitol. Shortly thereafter, RIDDLE is observed making a right turn into the Office of the Senate Parliamentarian.

21. Further review of the surveillance video reveals RIDDLE leaving the Office of the Senate Parliamentarian after four minutes and twenty-five seconds. As depicted in the screen shots below, RIDDLE is observed standing at the doorway for several seconds before continuing on through the U.S. Capitol.



22. On January 25, 2021, your affiant was provided access to the Office of the Senate Parliamentarian. Witness-1 (hereinafter “W-1”), an employee who works in the Office of the Senate Parliamentarian, viewed the photo RIDDLE took of himself with the wine bottle and made public, and W-1 confirmed that the photo was taken inside the Office of the Senate Parliamentarian. In addition, W-1 explained that the photo was taken from a spot near the refrigerator that housed wine in the Office of the Senate Parliamentarian.

23. On January 30, 2021, your affiant reviewed the digital evidence recovered from RIDDLE's mobile device seized on January 22, 2021. RIDDLE's phone contains several images taken outside the U.S. Capitol and from inside the U.S. Capitol to include the image RIDDLE provided to NBC10 Boston of himself holding a bottle of wine. One image which was located on RIDDLE's mobile device appears to be the "old looking, bound reddish brown leather book" as described by RIDDLE bearing the title, "Senate Procedure." The image appears to be taken outside the U.S. Capitol. After reviewing the below photo, W-1 confirmed that this book is United States Government property belonging to the United States Senate Office of the Parliamentarian.



24. In addition to the above image, RIDDLE photographed other rioters inside the U.S. Capitol during the time they were actively causing destruction and damages of U.S. Government property. W-1 also confirmed that the following photograph recovered from RIDDLE's cellphone was taken from inside the Office of the Senate Parliamentarian.

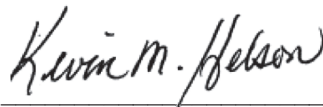


25. Based on the foregoing, your affiant submits there is probable cause to believe that JASON DANIEL RIDDLE aka JASON RIDDLE violated [18 U.S.C. § 1752\(a\)\(1\)](#) and [\(2\)](#), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority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

be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

26. Your affiant submits there is also probable cause to believe that JASON DANIEL RIDDLE aka JASON RIDDLE violated 18 U.S.C. § 641 which makes it a crime to steal ... or knowingly convert to his use or the use of another, or without authority, sells conveys or disposes of any record, voucher, money, or thing of value to the United States or of any department of agency thereof, or any property made or being made under contract for the United States or any department agency.

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



KEVIN M. HELSON, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

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



Digitally signed by
G. Michael Harvey
Date: 2021.02.05
14:46:57 -05'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.

JASON DANIEL RIDDLE
AKA: JASON RIDDLE

Defendant

Case: 1:21-mj-00204
Assigned to: Judge Harvey, G. Michael
Assign Date: 2/5/2021
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) JASON DANIEL RIDDLE,
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) and (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
18 U.S.C. § 641 - Theft of Government Property
40 U.S.C. §§ 5104(e)(2)(D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 02/05/2021

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, 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

MIME-Version:1.0

From:ecf_bounce@nhd.uscourts.gov

To:nef@nhd.uscourts.gov

Bcc:

--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov, georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Eric Wolpin (brandy_fantasia@fd.org, elizabeth_sousa@fd.org, eric_wolpin@fd.org)

--Non Case Participants: US Marshal (adele.duchesneau@usdoj.gov, brenda.mikelson2@usdoj.gov, eugene.robinson2@usdoj.gov, kathleen.renaud@usdoj.gov, kimberly.dow@usdoj.gov, wanda.dechaine@usdoj.gov), US Probation (nhpdb_cmecf@nhp.uscourts.gov)

--No Notice Sent:

Message-Id:2308443@nhd.uscourts.gov

Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Notice of Hearing

Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/8/2021 at 3:21 PM EST and filed on 2/8/2021

Case Name: USA v. Riddle

Case Number: 1:21-mj-00031-AJ

Filer:

Document Number: No document attached

Docket Text:

NOTICE OF HEARING as to Jason Riddle. Removal Hearing via Video set for 2/8/2021 04:30 PM before Magistrate Judge Andrea K. Johnstone. (kad)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Eric Wolpin eric_wolpin@fd.org, brandy_fantasia@fd.org, elizabeth_sousa@fd.org

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECF Criminal@usdoj.gov, USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 21-mj-31-01-AJ

Jason Riddle

Public Access Findings

I. Background

Today's hearing is taking place during the public health emergency caused by the COVID-19 outbreak. All parties to this proceeding, including the court, are appearing remotely via video teleconference. The court's protocols for this hearing are laid out in Standing Order 20-7 (Mar. 23, 2020). The court finds that conducting this hearing via video teleconference – under the unique circumstances presented by the COVID-19 pandemic – is the best way to ensure the safety of the litigants, court personnel, and the public at large. All findings made in the court's prior standing orders are incorporated herein. See Standing Order 20-25 (July 24, 2020).¹

Today's hearing has been noticed as a video teleconference. The fact that this hearing is being conducted by video

¹ The court's Standing Orders regarding the COVID-19 outbreak can be found here: <http://www.nhd.uscourts.gov/court-response-coronavirus-disease-covid-19>.

teleconference impacts the public's right to access court proceedings. See Press-Enter. Co. v. Superior Court, 464 U.S. 501, 509-10 (1984). Information regarding the hearing appears on the court's public docket, which is available on the court's public website. Instructions regarding how members of the public can join the hearing are also available on the court website. In the event the defendant consents to proceed, the court makes the findings below.

II. Partial Rather Than Total Closure

The court first finds that this video hearing constitutes a partial, rather than total, closure of these proceedings. The court so finds because the goals of public access will still be achieved: this proceeding is not being held in secret and the public, including members of the press, maintains the opportunity to access this proceeding in real time. See Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 593-97 (1980) (Brennan, J., concurring in the judgment) (discussing the functions of public access to court proceedings, including ensuring that procedural rights are protected and that justice is administered equally, maintaining public confidence in the justice system, enabling the public to act as a check on judicial power, and promoting accurate fact-finding); see also Bucci v. United States, 662 F.3d 18, 22 (1st Cir. 2011)

(discussing benefits of openness in criminal proceedings). Under the extraordinary circumstances presented by the continuing COVID-19 pandemic, the court finds this partial closure is necessary.

III. Findings in Support of Necessity for this Partial Closure

A. First, the court finds that protecting the health and safety of the public and the parties to this proceeding from the spread of COVID-19 is a substantial interest that would be jeopardized and prejudiced if the court did not impose this partial closure.

Since the first announced case in New Hampshire on March 2, 2020, the state has reported 54,125 confirmed cases of COVID-19.² As of January 13, 2021, 885 deaths have been attributed to the disease in this state.³ Further, as of January 13, 2021, 1,112,047 total polymerase chain reaction ("PCR") tests⁴ have been reported (both positive and negative test results).⁵ As of

² Novel Coronavirus 2019 (COVID-19), N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/> (last updated Jan. 13, 2021). The statistics in this paragraph change frequently; updated figures are available at the sources cited.

³ Novel Coronavirus 2019 (COVID-19), N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/> (last updated Jan. 13, 2021).

⁴ See COVID-19 diagnostic testing, Mayo Clinic, <https://www.mayoclinic.org/tests-procedures/covid-19-diagnostic-test/about/pac-20488900> (last updated Dec. 12, 2020).

⁵ COVID-19 Testing Dashboard, N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/dashboard/testing.htm#dash> (last updated Jan. 13, 2021).

January 13, 2021, there are 6,607 current cases of COVID-19 in New Hampshire.⁶ Nationally, as of January 13, 2021, the number of confirmed cases has grown to 22,740,142, with 379,255 cases resulting in death.⁷

Given the contagious nature of the virus and the exponential growth in cases, COVID-19 presents an enormous danger to the health and safety of the public, including the litigants, security, and court personnel involved in this proceeding. The court's interest in preventing the spread of COVID-19 and preserving the health of all hearing participants, including the public, is a weighty and substantial interest that would likely be prejudiced if the court were not to impose this partial closure. See United States v. Smith, 426 F.3d 567, 572-73 (2d Cir. 2005) (finding that U.S. Marshals' policy after September 11th of requiring unknown visitors to court to produce photo identification constituted partial closure of courtroom that was justified by substantial reason of promoting security and preventing terrorism).

⁶ Novel Coronavirus 2019 (COVID-19), N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/> (last updated Jan. 13, 2021).

⁷ CDC COVID Data Tracker, Ctrs. for Disease Control and Prevention, https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days (last updated Jan. 13, 2021).

B. Second, the court finds that this partial closure of court proceedings is narrowly tailored to protect public health and safety and is less restrictive than the court's current in-court hearing protocols.

Allowing the public to access these proceedings through video teleconference allows members of the public to access the proceedings while, at the same time, protecting the health of all involved by limiting the potential exposure of the public, parties, and court staff to COVID-19.

Importantly, the court finds that, in light of the court's current restrictions on the number of people permitted in the courtroom, providing public video access is less restrictive than holding an in-person hearing which only a more limited number of people can attend. Further, via video, even individuals who would have otherwise been prohibited from entering the courthouse – for example, people who have tested positive for COVID-19 – now have access (even though virtual) to the proceedings. See Standing Order 20-33 (Nov. 16, 2020) (prohibiting certain individuals from entering the courthouse, including people recently diagnosed with COVID-19 or exposed to someone diagnosed with COVID-19). Providing the public access to this proceeding via video is the least restrictive means of protecting the substantial interest of public health and safety. See United States v. Alimehmeti, [284 F. Supp. 3d 477, 490](#) (S.D.N.Y. 2018) (granting partial closure of courtroom to

protect identity of undercover agents: courtroom was closed to public during undercover agents' testimony but audio of testimony was live-streamed into different courtroom and transcripts of testimony were promptly made available to public).

C. Third, the court has considered reasonable alternatives to this partial closure.

The court has considered alternatives to this partial closure and finds they are neither reasonable nor feasible under the circumstances of the COVID-19 pandemic and this case, particularly the necessity that this hearing be conducted promptly.

IV. Conclusion

In sum, the court finds that in this case a partial closure of court proceedings is necessary in that today's hearing will be conducted by video teleconference. This partial closure is justified by the substantial interest of protecting public health and safety. The public maintains the opportunity to access this proceeding by video teleconference.

SO ORDERED.



Andrea K. Johnstone
United States Magistrate Judge

February 8, 2021

cc: Counsel of record

MIME-Version:1.0

From:ecf_bounce@nhd.uscourts.gov

To:nef@nhd.uscourts.gov

Bcc:

--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov, georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Eric Wolpin (brandy_fantasia@fd.org, elizabeth_sousa@fd.org, eric_wolpin@fd.org)

--Non Case Participants: US Marshal (adele.duchesneau@usdoj.gov, brenda.mikelson2@usdoj.gov, eugene.robinson2@usdoj.gov, kathleen.renaud@usdoj.gov, kimberly.dow@usdoj.gov, wanda.dechaine@usdoj.gov), US Probation (nhpdb_cmecf@nhp.uscourts.gov)

--No Notice Sent:

Message-Id:2308499@nhd.uscourts.gov

Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Rescheduling Notice of Hearing

Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/8/2021 at 4:16 PM EST and filed on 2/8/2021

Case Name: USA v. Riddle

Case Number: 1:21-mj-00031-AJ

Filer:

Document Number: No document attached

Docket Text:

RESCHEDULING NOTICE OF HEARING as to Jason Riddle. Removal Hearing via Video reset for 2/8/2021 05:00 PM before Magistrate Judge Andrea K. Johnstone. (kad)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Eric Wolpin eric_wolpin@fd.org, brandy_fantasia@fd.org, elizabeth_sousa@fd.org

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECF Criminal@usdoj.gov, USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

MIME-Version:1.0

From:ecf_bounce@nhd.uscourts.gov

To:nef@nhd.uscourts.gov

Bcc:

--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov, georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Eric Wolpin (brandy_fantasia@fd.org, elizabeth_sousa@fd.org, eric_wolpin@fd.org)

--Non Case Participants:

--No Notice Sent:

Message-Id:2308560@nhd.uscourts.gov

Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Motion to Continue

Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/8/2021 at 5:14 PM EST and filed on 2/8/2021

Case Name: USA v. Riddle
Case Number: 1:21-mj-00031-AJ
Filer: Dft No. 1 – Jason Riddle
Document Number: No document attached

Docket Text:

[Oral MOTION to Continue Removal Hearing by Jason Riddle. \(kad\)](#)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Eric Wolpin eric_wolpin@fd.org, brandy_fantasia@fd.org, elizabeth_sousa@fd.org

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECFCriminal@usdoj.gov, USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

MIME-Version:1.0

From:ecf_bounce@nhd.uscourts.gov

To:nef@nhd.uscourts.gov

Bcc:

--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov, georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Eric Wolpin (brandy_fantasia@fd.org, elizabeth_sousa@fd.org, eric_wolpin@fd.org)

--Non Case Participants: US Marshal (adele.duchesneau@usdoj.gov, brenda.mikelson2@usdoj.gov, eugene.robinson2@usdoj.gov, kathleen.renaud@usdoj.gov, kimberly.dow@usdoj.gov, wanda.dechaine@usdoj.gov), US Probation (nhpdb_cmecf@nhp.uscourts.gov)

--No Notice Sent:

Message-Id:2308562@nhd.uscourts.gov

Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Order on Motion to Continue

Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/8/2021 at 5:16 PM EST and filed on 2/8/2021

Case Name: USA v. Riddle

Case Number: 1:21-mj-00031-AJ

Filer:

Document Number: No document attached

Docket Text:

Oral ORDER granting MOTION to Continue Removal Hearing as to Jason Riddle (1). So Ordered by Magistrate Judge Andrea K. Johnstone. Removal Hearing via Video set for 2/9/2021 04:00 PM before Magistrate Judge Andrea K. Johnstone. (kad)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Eric Wolpin eric_wolpin@fd.org, brandy_fantasia@fd.org, elizabeth_sousa@fd.org

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECFCriminal@usdoj.gov, USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 21-mj-31-01-AJ

Jason Riddle

Public Access Findings

I. Background

Today's hearing is taking place during the public health emergency caused by the COVID-19 outbreak. All parties to this proceeding, including the court, are appearing remotely via video teleconference. The court's protocols for this hearing are laid out in Standing Order 20-7 (Mar. 23, 2020). The court finds that conducting this hearing via video teleconference – under the unique circumstances presented by the COVID-19 pandemic – is the best way to ensure the safety of the litigants, court personnel, and the public at large. All findings made in the court's prior standing orders are incorporated herein. See Standing Order 20-25 (July 24, 2020).¹

Today's hearing has been noticed as a video teleconference. The fact that this hearing is being conducted by video

¹ The court's Standing Orders regarding the COVID-19 outbreak can be found here: <http://www.nhd.uscourts.gov/court-response-coronavirus-disease-covid-19>.

teleconference impacts the public's right to access court proceedings. See Press-Enter. Co. v. Superior Court, 464 U.S. 501, 509-10 (1984). Information regarding the hearing appears on the court's public docket, which is available on the court's public website. Instructions regarding how members of the public can join the hearing are also available on the court website. In the event the defendant consents to proceed, the court makes the findings below.

II. Partial Rather Than Total Closure

The court first finds that this video hearing constitutes a partial, rather than total, closure of these proceedings. The court so finds because the goals of public access will still be achieved: this proceeding is not being held in secret and the public, including members of the press, maintains the opportunity to access this proceeding in real time. See Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 593-97 (1980) (Brennan, J., concurring in the judgment) (discussing the functions of public access to court proceedings, including ensuring that procedural rights are protected and that justice is administered equally, maintaining public confidence in the justice system, enabling the public to act as a check on judicial power, and promoting accurate fact-finding); see also Bucci v. United States, 662 F.3d 18, 22 (1st Cir. 2011)

(discussing benefits of openness in criminal proceedings). Under the extraordinary circumstances presented by the continuing COVID-19 pandemic, the court finds this partial closure is necessary.

III. Findings in Support of Necessity for this Partial Closure

A. First, the court finds that protecting the health and safety of the public and the parties to this proceeding from the spread of COVID-19 is a substantial interest that would be jeopardized and prejudiced if the court did not impose this partial closure.

Since the first announced case in New Hampshire on March 2, 2020, the state has reported 54,125 confirmed cases of COVID-19.² As of January 13, 2021, 885 deaths have been attributed to the disease in this state.³ Further, as of January 13, 2021, 1,112,047 total polymerase chain reaction ("PCR") tests⁴ have been reported (both positive and negative test results).⁵ As of

² Novel Coronavirus 2019 (COVID-19), N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/> (last updated Jan. 13, 2021). The statistics in this paragraph change frequently; updated figures are available at the sources cited.

³ Novel Coronavirus 2019 (COVID-19), N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/> (last updated Jan. 13, 2021).

⁴ See COVID-19 diagnostic testing, Mayo Clinic, <https://www.mayoclinic.org/tests-procedures/covid-19-diagnostic-test/about/pac-20488900> (last updated Dec. 12, 2020).

⁵ COVID-19 Testing Dashboard, N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/dashboard/testing.htm#dash> (last updated Jan. 13, 2021).

January 13, 2021, there are 6,607 current cases of COVID-19 in New Hampshire.⁶ Nationally, as of January 13, 2021, the number of confirmed cases has grown to 22,740,142, with 379,255 cases resulting in death.⁷

Given the contagious nature of the virus and the exponential growth in cases, COVID-19 presents an enormous danger to the health and safety of the public, including the litigants, security, and court personnel involved in this proceeding. The court's interest in preventing the spread of COVID-19 and preserving the health of all hearing participants, including the public, is a weighty and substantial interest that would likely be prejudiced if the court were not to impose this partial closure. See United States v. Smith, 426 F.3d 567, 572-73 (2d Cir. 2005) (finding that U.S. Marshals' policy after September 11th of requiring unknown visitors to court to produce photo identification constituted partial closure of courtroom that was justified by substantial reason of promoting security and preventing terrorism).

⁶ Novel Coronavirus 2019 (COVID-19), N.H. Dep't of Health and Human Servs., <https://www.nh.gov/covid19/> (last updated Jan. 13, 2021).

⁷ CDC COVID Data Tracker, Ctrs. for Disease Control and Prevention, https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days (last updated Jan. 13, 2021).

B. Second, the court finds that this partial closure of court proceedings is narrowly tailored to protect public health and safety and is less restrictive than the court's current in-court hearing protocols.

Allowing the public to access these proceedings through video teleconference allows members of the public to access the proceedings while, at the same time, protecting the health of all involved by limiting the potential exposure of the public, parties, and court staff to COVID-19.

Importantly, the court finds that, in light of the court's current restrictions on the number of people permitted in the courtroom, providing public video access is less restrictive than holding an in-person hearing which only a more limited number of people can attend. Further, via video, even individuals who would have otherwise been prohibited from entering the courthouse – for example, people who have tested positive for COVID-19 – now have access (even though virtual) to the proceedings. See Standing Order 20-33 (Nov. 16, 2020) (prohibiting certain individuals from entering the courthouse, including people recently diagnosed with COVID-19 or exposed to someone diagnosed with COVID-19). Providing the public access to this proceeding via video is the least restrictive means of protecting the substantial interest of public health and safety. See United States v. Alimehmeti, 284 F. Supp. 3d 477, 490 (S.D.N.Y. 2018) (granting partial closure of courtroom to

protect identity of undercover agents: courtroom was closed to public during undercover agents' testimony but audio of testimony was live-streamed into different courtroom and transcripts of testimony were promptly made available to public).


C. Third, the court has considered reasonable alternatives to this partial closure.

The court has considered alternatives to this partial closure and finds they are neither reasonable nor feasible under the circumstances of the COVID-19 pandemic and this case, particularly the necessity that this hearing be conducted promptly.

IV. Conclusion

In sum, the court finds that in this case a partial closure of court proceedings is necessary in that today's hearing will be conducted by video teleconference. This partial closure is justified by the substantial interest of protecting public health and safety. The public maintains the opportunity to access this proceeding by video teleconference.

SO ORDERED.



Andrea K. Johnstone
United States Magistrate Judge

February 9, 2021

cc: Counsel of record

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

IN RE THE MATTER OF:

Jason Riddle

(Petitioner's Name)

Case No. 21-mj-31-01-AJ
(If known)

REQUEST FOR APPOINTMENT OF COUNSEL

I, Jason Riddle, respectfully request appointment of
counsel to represent me as a criminal defendant.

I am financially unable to hire counsel. A completed Financial Affidavit is attached.

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

2.9.21
Date: _____

/s/ Eric Wolpin (Counsel with permission)

Signature of Petitioner

RULING BY JUDICIAL OFFICER

- Request Approved. Appoint Counsel.
- Request Denied.
- Other: _____

Date: 2/9/2021

Audrea K. Minton

U.S. Magistrate Judge

MIME-Version:1.0

From:ecf_bounce@nhd.uscourts.gov

To:nef@nhd.uscourts.gov

Bcc:

--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov, georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Eric Wolpin (brandy_fantasia@fd.org, elizabeth_sousa@fd.org, eric_wolpin@fd.org)

--Non Case Participants: US Marshal (adele.duchesneau@usdoj.gov, brenda.mikelson2@usdoj.gov, eugene.robinson2@usdoj.gov, kathleen.renaud@usdoj.gov, kimberly.dow@usdoj.gov, wanda.dechaine@usdoj.gov), US Probation (nhpdb_cmecf@nhp.uscourts.gov)

--No Notice Sent:

Message-Id:2309572@nhd.uscourts.gov

Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Order on Motion to Appoint Counsel

Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/10/2021 at 8:38 AM EST and filed on 2/9/2021

Case Name: USA v. Riddle

Case Number: 1:21-mj-00031-AJ

Filer:

Document Number: No document attached

Docket Text:

ENDORSED ORDER approving [5] Motion to Appoint Counsel. Eric Wolpin appointed in the case as to Jason Riddle (1). Text of Order: Request approved. Appoint counsel. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Eric Wolpin eric_wolpin@fd.org, brandy_fantasia@fd.org, elizabeth_sousa@fd.org

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECFCriminal@usdoj.gov, USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

United States District Court
District of New Hampshire

United States of America

V.

Case No. 21-mj-31-01-AJ

Jason Riddle

**CONSENT TO VIDEO/TELEPHONIC CONFERENCE
AND WAIVER OF RIGHT TO APPEAR IN PERSON**

With the consent of the defendant, the court is authorized to conduct certain criminal proceedings by video/telephonic conference. See Standing Order 20-25 (July 24, 2020); Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, §15002(b), 134 Stat. 281, 528-29 (2020).

I understand that the U.S. Constitution, the Federal Rules of Criminal Procedure, and/or one or more federal statutes may give me the right to have all the proceedings listed below take place in person in open court. After consultation with my attorney, I knowingly and voluntarily consent to the proceeding(s) checked below taking place by video/telephonic conference and I knowingly and voluntarily waive my right to be present, in person, in open court as to the proceeding(s) checked below.

Check each that applies:

- Initial Appearance ([Fed. R. Crim. P. 5](#))
- Preliminary Hearing ([Fed. R. Crim. P. 5.1](#))
- Arraignment ([Fed. R. Crim. P. 10](#))
- Detention/Bail Review/Reconsideration Hearing(s) ([18 U.S.C. § 3142](#))
- Pretrial Release Bail Revocation Proceedings ([18 U.S.C. § 3148](#))
- Misdemeanor Pleas and Sentencings ([Fed. R. Crim. P. 43\(b\)\(2\)](#))
- Appearances under [Fed. R. Crim. P. 40](#)
- Probation and Supervised Release Revocation Proceedings ([Fed. R. Crim. P. 32.1](#))
- Other: _____

Date: 2/9/21

/s/ Jason Riddle

Defendant

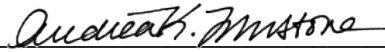
Date: 2/9/21

/s/ Eric Wolpin

Counsel for Defendant

APPROVED.

Date: 2/9/2021



U.S. Magistrate Judge

U.S. District Judge

Per District Court Order 20-34 which governs signatures in magistrate judge proceedings, Counsel signs below and attests that he reviewed the substance and meaning of this waiver with Mr. Riddle on February 9 2021 by telephone, and obtained consent to sign and submit this waiver on his behalf.

MIME-Version:1.0
From:ecf_bounce@nhd.uscourts.gov
To:nef@nhd.uscourts.gov
Bcc:
--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov,
georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov,
usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Eric Wolpin
(brandy_fantasia@fd.org, elizabeth_sousa@fd.org, eric_wolpin@fd.org)
--Non Case Participants: US Marshal (adele.duchesneau@usdoj.gov,
brenda.mikelson2@usdoj.gov, eugene.robinson2@usdoj.gov, kathleen.renaud@usdoj.gov,
kimberly.dow@usdoj.gov, wanda.dechaine@usdoj.gov), US Probation
(nhpdb_cmecf@nhp.uscourts.gov)
--No Notice Sent:

Message-Id:2309587@nhd.uscourts.gov
Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Endorsed Order
Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/10/2021 at 8:40 AM EST and filed on 2/9/2021

Case Name: USA v. Riddle
Case Number: 1:21-mj-00031-AJ
Filer:
Document Number: No document attached

Docket Text:

ENDORSED ORDER as to Jason Riddle approving [6] Consent to Video/Telephonic Conference Waiver to Appear in Person. Text of Order: APPROVED. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Eric Wolpin eric_wolpin@fd.org, brandy_fantasia@fd.org, elizabeth_sousa@fd.org

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov,
jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECFCriminal@usdoj.gov,
USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

MIME-Version:1.0

From:ecf_bounce@nhd.uscourts.gov

To:nef@nhd.uscourts.gov

Bcc:

--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov, georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Eric Wolpin (brandy_fantasia@fd.org, elizabeth_sousa@fd.org, eric_wolpin@fd.org)

--Non Case Participants:

--No Notice Sent:

Message-Id:2309599@nhd.uscourts.gov

Subject:Activity in Case 1:21-mj-00031-AJ USA v. Riddle Removal Hearing

Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 2/10/2021 at 8:47 AM EST and filed on 2/9/2021

Case Name: USA v. Riddle

Case Number: 1:21-mj-00031-AJ

Filer:

Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before Magistrate Judge Andrea K. Johnstone: REMOVAL HEARING as to Jason Riddle held on 2/9/2021. Defendant consented to a hearing by video and waived an in-court hearing Defendant: advised of rights and charges, waived identity hearing. Defendant requests a preliminary hearing in the prosecuting district. Prosecutor's Brady disclosure obligations confirmed. Upon agreement of the parties defendant released on conditions. Defendant ordered to answer and appear by video in the prosecuting district on 2/16/2021 at 1 p.m. (Court Reporter: Susan Bateman) (Govt Atty: Georgiana MacDonald) (Defts Atty: Eric Wolpin) (USP: Jacqulyne Santullo)(Total Hearing Time: 23 min.) (kad)

1:21-mj-00031-AJ-1 Notice has been electronically mailed to:

Eric Wolpin eric_wolpin@fd.org, brandy_fantasia@fd.org, elizabeth_sousa@fd.org

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECFCriminal@usdoj.gov, USANH.ECFDocket@usdoj.gov

1:21-mj-00031-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (5/20)

UNITED STATE DISTRICT COURT
District of New Hampshire

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS OF RELEASE

Jason Riddle

Case No. 21-mj-31-AJ-1

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- 1. The defendant shall not commit any offense in violation of federal, state, or local law while on release in this case.
- 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 shall immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and telephone number.
- 4. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed or as directed.
- 5. The defendant shall appear at _____, on _____ at _____ AM or as otherwise notified.

Additional Conditions of Release

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

- 6. The defendant is placed in the custody of: *(address to be redacted from electronic version of document entered on CM/ECF):*

_____ Tel. No. _____

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

Signed: _____
(Custodian or Proxy)

7. The defendant shall:
- (a) Report on a regular basis as directed by the supervising officer.
 - (b) Maintain or actively seek employment.
 - (c) Refrain from possessing a firearm, destructive device, or other dangerous weapons.
 - (d) Surrender any firearm(s) to:
 - Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
 - Other: _____
 and provide written verification to the supervising officer.
 - (e) Surrender any passport to:
 - Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
 - Other: _____
 - by: _____
 - (f) Obtain no passport.
 - (g) Submit to any method of testing required by the supervising officer for determining whether the defendant is using a prohibited substance. Such methods 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.
 - (h) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
 - (i) Meaningfully participate in a program of inpatient or outpatient substance abuse treatment, which may include medication assisted treatment, if deemed advisable by the supervising officer and do not discontinue any treatment program without the prior approval of the supervising officer.
 - (j) Be detained until he/she can be released directly into an inpatient treatment facility. Further hearing to be held upon the completion of the program or upon discontinuation for any reason. Defendant shall promptly notify the court, Assistant U.S. Attorney and the supervising officer of his/her discontinuation of the program or the anticipated program completion date and shall appear for a bail review hearing as scheduled.
 - (k) Restrict travel to the State(s) of New Hampshire and _____
 - Travel to _____ for work purposes only.
 - Travel to _____ for court purposes only.
 - Other: _____
 Any other travel must be pre-approved by the supervising officer.
 - (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:
 - _____
 - _____
 - Those individuals identified on the list provided to defendant and his/her counsel at the hearing.
 - Contact is permitted with _____, but defendant shall not discuss this case.
 - Other: _____
 - (m) Have no unsupervised contact with any minor children.
 - Other: _____
 - (n) Refrain from any use of alcohol or refrain from the excessive use of alcohol.
 - (o) Participate in the following home confinement program components and abide by all the requirements of the program:
 - (1) Curfew: defendant is restricted to his/her residence every day
 - from _____ to _____; or
 - as directed by the supervising officer;
 - (2) Home Detention: defendant is restricted to his/her residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising officer; or
 - (3) Home Incarceration: defendant is restricted to his/her residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the supervising officer.

- (4) The home confinement program will include electronic monitoring or other location verification system. Defendant shall pay all or part of the cost of the program based upon his/her ability to pay as determined by the supervising officer.
- (p) 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.
- (q) Refrain from purchasing, possessing, distributing, administering, or otherwise using any psychoactive substances (e.g. synthetic marijuana, bath salts, kratom, etc.), whether or not intended for human consumption, without preapproval of the supervising officer.
- (r) Participate in a mental health program which shall include medical, psychological, or psychiatric treatment as directed by the supervising officer and do not discontinue any mental health program without preapproval of the supervising officer.
- (s) Defendant shall take all mental health medications as prescribed by his/her treating physician.
- (t) Execute, and do not withdraw or revoke, authorizations for the supervising officer to communicate and obtain information from his/her health care providers.
- (u) Execute a secured unsecured bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: _____
- (v) Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: _____
- (w) Execute a bail bond with solvent sureties in the amount of _____
- (x) Maintain or commence an education program.
- (y) Maintain residence at a halfway house or community corrections center, as deemed necessary by the supervising officer.
- (z) Comply with the following residential requirements or restrictions: _____
 - No overnights away from the residence without preapproval of the supervising officer.
 - Any change in residence must be preapproved by the supervising officer.
- (aa) Comply with the following employment requirements or restrictions: _____
 - Refrain from engaging in an occupation, business, profession, or volunteer activity that would require or enable you to _____ without preapproval of the supervising officer.
- (bb) Report as soon as possible, to the supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (cc) Other: *absent a court order that he appear in person for court hearing there and with prior approval from his supervising officer to consult with counsel.*
 The defendant shall not enter the District of Columbia for any reason ~~prior to his next scheduled~~ *he appear*

- 8. Participate in the following computer restriction or monitoring program:
 - (a) Refrain from the possession or use of a computer, electronic communication or data storage device or media, or any internet capable media device unless preapproved by the supervising officer and submit to the examination of any device owned or under the control of the defendant.
 - (b) No access to the internet unless preapproved by the supervising officer.
 - (c) Computer monitoring software or hardware shall be installed on defendant's computer which will be subject to periodic and unannounced examination by the supervising officer. These examinations may include retrieval and copying of data related to online use from the computer equipment and any internal or external peripheral devices. Defendant shall pay for the cost associated with the monitoring program based upon his/her ability to pay as determined by the supervising officer.
 - (d) Defendant shall not access any social media websites, messaging services, and applications that have chat or messaging functions without the approval of the supervising officer (e.g., Facebook, Snapchat, Instagram, WhatsApp, Kik, etc.)
 - (e) Defendant shall provide the supervising officer with all current online screen names and passwords and he/she shall not create or use any new profiles or screen names without the prior approval of the supervising officer.

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (8/12)

- (f) Defendant shall surrender his/her smartphone to the supervising officer immediately. He/she can request that it be returned to him/her for trade-in purposes only. If he/she trades in the smartphone proof of the trade-in shall be provided to the supervising officer.
9. Participate in a sex offender-specific assessment treatment as directed by the supervising officer.
10. Provide access to and execute authorizations and do not revoke /withdraw authorizations, for the release of any requested financial information as requested by the supervising officer.
- (a) Do not incur any new credit charges or open any new lines of credit without preapproval of the supervising officer.
- (b) Other:
11. Abide by all the mandatory, standard and special conditions of supervised release as previously imposed by this court.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

The commission of a federal offense while on pre-trial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony, or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment or a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim, or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to 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 required by the conditions of release, or to surrender for the service of 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 shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) on offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall 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 shall be in addition to the sentence for any other offense.

In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (8/12)

Acknowledgment of Defendant

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

Date: 2/9/21

[Signature]
Signature of the Defendant

Directions to United States Marshal

- The United State Marshal is ORDERED to keep the defendant in custody until notified by U.S. Probation or the court that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.
- The defendant shall be detained until notified by U.S. Probation or the court that he/she can be released directly to an inpatient treatment facility.
- The defendant is ORDERED released after processing.

Date: 2/9/2021

[Signature]
 United States Magistrate Judge
 United States District Judge

cc: Defendant
U.S. Attorney
U.S. Marshal
U.S. Probation
Defense counsel

AO 467 (Rev. 1/09) Order of Holding Defendant (NH-1/09)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

Case No. 21-mj-31-01-AJ

v.

Jason Riddle

Charging District Case Number: 1:21-mj-00204

**ORDER OF HOLDING DEFENDANT TO ANSWER
AND TO APPEAR IN DISTRICT OF PROSECUTION
OR DISTRICT HAVING PROBATION JURISDICTION**

The defendant having appeared before this Court pursuant to Rule 5, Fed. R. Crim. P., and proceedings having been concluded and the defendant released;

The defendant shall be held to answer in the United States District Court, District of Columbia and shall appear at all proceedings as required. The defendant shall next appear:

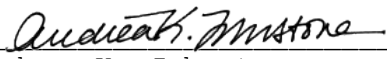
Where: U.S. District Court, District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001

When: February 16, 2021 at 1:00 p.m. - **BY VIDEO**

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of court where the charges are pending.

SO ORDERED.

2/9/2021



Andrea K. Johnstone
United States Magistrate Judge

cc: U.S. Attorney
U.S. Marshal
U.S. Probation
Eric Wolpin, AFDO

**U.S. District Court
District of New Hampshire (Concord)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00031-AJ-1**

Case title: USA v. Riddle

Date Filed: 02/08/2021

Assigned to: Magistrate Judge
Andrea K. Johnstone

Defendant (1)

Jason Riddle

represented by **Eric Wolpin**
Federal Defender's Office
The Ralph Pill Bldg
22 Bridge St
Concord, NH 03301
603 226-7360
Email: eric_wolpin@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18 U.S.C. 1752(a)(1) and (2)
Knowingly Entering or Remaining
in any Restricted Building or
Grounds Without Lawful
Authority; 18 U.S.C. 641 Theft of
Government Property; 40 U.S.C.
5104(e)(2)(D) and (G) Violent
Entry and Disorderly Conduct on

Disposition

Capitol Grounds

Plaintiff

USA

represented by **Georgiana MacDonald**
 US Attorney's Office (NH)
 James C Cleveland Federal Bldg
 53 Pleasant St, 4th Flr
 Concord, NH 03301
 603 230-2582
 Email: georgiana.macdonald@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Page	Docket Text
02/08/2021			Arrest (Removal) of Jason Riddle.(kad) (Entered: 02/08/2021)
02/08/2021	<u>1</u>		COPY of Warrant and Complaint (Redacted) from Washington, District of Columbia, Case No. 1:21-mj-00204 (kad) (Entered: 02/08/2021)
02/08/2021			NOTICE OF HEARING as to Jason Riddle. Removal Hearing via Video set for 2/8/2021 04:30 PM before Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/08/2021)
02/08/2021	<u>3</u>		PUBLIC ACCESS FINDINGS as to Jason Riddle. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/08/2021)
02/08/2021			RESCHEDULING NOTICE OF HEARING as to Jason Riddle. Removal Hearing via Video reset for 2/8/2021 05:00 PM before Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/08/2021)
02/08/2021			Minute Entry for proceedings held before Magistrate Judge Andrea K. Johnstone: REMOVAL HEARING via Video as to Jason Riddle held on 2/8/2021. The court appointed counsel. The court granted the defendant's motion to continue the removal hearing. Removal hearing rescheduled to 2/9/2021 at 4:00 p.m. (Court Reporter: Liza Dubois) (Govt Atty: Georgiana MacDonald) (Defts Atty: Eric Wolpin) (USP: Jacquelyne Santullo)(Total Hearing Time: 3 min.) (kad) (Entered: 02/08/2021)
02/08/2021			Oral MOTION to Continue Removal Hearing by Jason Riddle. (kad) (Entered: 02/08/2021)
02/08/2021			Oral ORDER granting MOTION to Continue Removal Hearing as to Jason Riddle (1). So Ordered by Magistrate Judge Andrea K. Johnstone. Removal Hearing via Video set for 2/9/2021 04:00 PM before Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/08/2021)
02/09/2021	<u>4</u>		PUBLIC ACCESS FINDINGS as to Jason Riddle. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/09/2021)
02/09/2021	<u>5</u>		MOTION to Appoint Counsel with Financial Declaration by Jason Riddle. (Attachments: # <u>1</u> Financial Affidavit) <i>Document available in clerk's office.</i> (kad)

		(Entered: 02/10/2021)
		<i>Main Document</i>
		Attachment # 1 <i>Financial Affidavit (Not Attached)</i>
02/09/2021		ENDORSED ORDER approving <u>5</u> Motion to Appoint Counsel. Eric Wolpin appointed in the case as to Jason Riddle (1). Text of Order: Request approved. Appoint counsel. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/10/2021)
02/09/2021	<u>6</u>	Consent to Video/Telephonic Conference and Waiver of Right to Appear in Person for Initial Appearance Fed. R. Crim. P. 5, Arraignment Fed. R. Crim. P. 10, Detention/Bail Review/Reconsideration Hearings 18 U.S.C. Sec. 3142, as to Jason Riddle. (kad) Modified on 2/10/2021 to correct Date Filed to read 2/9/2021 (kad). (Entered: 02/10/2021)
02/09/2021		ENDORSED ORDER as to Jason Riddle approving <u>6</u> Consent to Video/Telephonic Conference Waiver to Appear in Person. Text of Order: APPROVED. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/10/2021)
02/09/2021		Minute Entry for proceedings held before Magistrate Judge Andrea K. Johnstone: REMOVAL HEARING as to Jason Riddle held on 2/9/2021. Defendant consented to a hearing by video and waived an in-court hearing Defendant: advised of rights and charges, waived identity hearing. Defendant requests a preliminary hearing in the prosecuting district. Prosecutor's Brady disclosure obligations confirmed. Upon agreement of the parties defendant released on conditions. Defendant ordered to answer and appear by video in the prosecuting district on 2/16/2021 at 1 p.m. (Court Reporter: Susan Bateman) (Govt Atty: Georgiana MacDonald) (Defts Atty: Eric Wolpin) (USP: Jacquylene Santullo)(Total Hearing Time: 23 min.) (kad) (Entered: 02/10/2021)
02/09/2021	<u>7</u>	ORDER Setting Conditions of Release as to Jason Riddle. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/10/2021)
02/09/2021		ORDER Pursuant to FRCrP 5. In compliance with the Due Process Protections Act, the court issues the following Order: Consistent with Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, the United States is ordered to disclose all exculpatory information, in a timely manner, to the defendant. This information includes, but is not limited to, evidence that is material and is favorable to the accused. The failure to discharge this obligation may result in consequences, including the reversal of any conviction, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings and/or sanctions by the court. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/10/2021)
02/09/2021	<u>8</u>	ORDER OF HOLDING DEFENDANT TO ANSWER AND TO APPEAR IN DISTRICT OF PROSECUTION as to Jason Riddle to District of Washington, District of Columbia on 2/16/2021 at 1:00 p.m. – BY VIDEO. So Ordered by Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 02/10/2021)