

AO 442 (Rev. 01/09) Arrest Warrant

# UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Jonah Westbury

*Defendant*

) Case: 1:21-mj-00341  
 ) Assigned to: Judge Faruqui, Zia M.  
 ) Assign Date: 3/29/2021  
 ) 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) Jonah Westbury,  
 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) - Entering and Remaining in a Restricted Building and Grounds
- 18 U.S.C. §§ 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building and Grounds
- 40 U.S.C. §§ 5104(e)(2)(D) - Disorderly and Disruptive Conduct in a Capitol Building and Grounds
- 40 U.S.C. §§ 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building

Date: 03/29/2021



Zia M. Faruqui  
 2021.03.29  
 22:45:08 -04'00'

*Issuing officer's signature*

City and state: Washington, D.C.

ZIA M. FARUQUI, Magistrate Judge

*Printed name and title*

### Return

This warrant was received on (date) 3/29/21, and the person was arrested on (date) 4/9/21  
 at (city and state) Lindstrom, MN.

Date: 4/12/21

*Arresting officer's signature*

SA Lauren A. Anderson

*Printed name and title*

MIME-Version:1.0  
From:ecf-notice@mnd.uscourts.gov  
To:mndecfnofications@mnd.uscourts.gov  
Bcc:  
--Case Participants: Charles J Kovats, Jr (alissa.goessl@usdoj.gov,  
caseview.ecf@usdoj.gov, charles.kovats@usdoj.gov, usamn.ecfcriminal@usdoj.gov), Magistrate  
Judge Becky R. Thorson (brthorson@mnd.uscourts.gov, danielle\_mair@mnd.uscourts.gov,  
gordon\_knoblach@mnd.uscourts.gov, james\_sadkovich@mnd.uscourts.gov,  
melissa\_kruger@mnd.uscourts.gov, thorson\_chambers@mnd.uscourts.gov)  
--Non Case Participants: Probation/Pretrial Services (mnpdb\_cmecf@mnp.uscourts.gov)  
--No Notice Sent:  
  
Message-Id:7809870@mnd.uscourts.gov  
Subject:Activity in Case 0:21-mj-00286-BRT USA v. Westbury Arrest - Rule 5  
Content-Type: text/html

**U.S. District Court**

**U.S. District of Minnesota**

**Notice of Electronic Filing**

The following transaction was entered on 4/9/2021 at 5:13 PM CDT and filed on 4/9/2021

**Case Name:** USA v. Westbury  
**Case Number:** 0:21-mj-00286-BRT  
**Filer:**  
**Document Number:** No document attached  
**Docket Text:**  
**[Arrest \(Rule 5\) of Jonah Westbury. \(MME\)](#)**

**0:21-mj-00286-BRT-1 Notice has been electronically mailed to:**

Charles J Kovats , Jr &nbsp; &nbsp; charles.kovats@usdoj.gov, alissa.goessl@usdoj.gov,  
CaseView.ECF@usdoj.gov, usamn.ecfcriminal@usdoj.gov

**0:21-mj-00286-BRT-1 Notice has been delivered by other means to:**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

INITIAL APPEARANCE - REMOVAL

United States of America,	)	<b>COURT MINUTES - CRIMINAL</b>
	)	BEFORE: BECKY R. THORSON
	)	U.S. MAGISTRATE JUDGE
Plaintiff,	)	
v.	)	Case No: 21-mj-286 BRT
	)	Date: April 9, 2021
Jonah Westbury,	)	Video Conference
	)	Time Commenced: 1:32 p.m.
Defendant.	)	Time Concluded: 2:07 p.m.
	)	Time in Court: 35 minutes
	)	
	)	

APPEARANCES:

Plaintiff: Benjamin Bejar, Assistant U.S. Attorney  
Defendant: Sydney Tombers, Esq;  
 Retained

Advised of Rights

on  Complaint

Date charges or violation filed: 3/29/2021

Current Offense: entering and remaining in a restricted building and grounds; parading, demonstrating or picketing in a Capitol Building

Charges from other District: District of Columbia

Title and Code of underlying offense from other District: 18:1752(a)(1); 40:5104(e)(2)(G)

Case no: 1:21-mj-341

**Personal Recognizance Bond set with conditions, see Order Setting Conditions of Release.**

Next appearance date is April 14, 2021 at 1:00 p.m. via video conference before U.S. Magistrate Judge G. Michael Harvey, District of Columbia

Removal hearing waived

Removal Order to be issued

Additional Information:

Defendant consents to this hearing via video conference.

Oral Rule5(f) Brady notice read on the record.

\_\_\_\_\_  
s/ SAE  
Signature of Courtroom Deputy

**UNITED STATES DISTRICT COURT  
for the  
District of Minnesota**

United States of America,  
  
v.  
  
Jonah Westbury  
*Defendant*

Case No. 0864 0:21-00286M-001 (BRT)

**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 it is authorized by 42 U.S.C. § 14135a.<sup>1</sup>
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the Court may impose. The defendant must appear at \_\_\_\_\_ on \_\_\_\_\_.  
If blank, defendant will be notified of next appearance.
- (5) The defendant must sign an appearance bond, if ordered.

<sup>1</sup> The Director of the FBI is required by law to promptly expunge from the index described in 42 USC Section 14132(a), the analysis of the DNA sample collected from this Defendant upon receipt by the Attorney General of a certified copy of a final court order establishing: 1) that no indictment was returned, or 2) that the charges giving rise to this Order Setting Conditions of Release were dismissed, or 3) that Defendant was acquitted of the charges giving rise to this Order setting Conditions of Release. In the event any of the foregoing occur, Defendant or his or her Attorney should submit a proposed Order to the Court specifying which of the foregoing events occurred, and sufficient information regarding his or her identity and the charges giving rise to this Order Setting Conditions of Release to enable the FBI to match the Order to the DNA sample to be expunged. To accomplish the expungement, once the Order is entered, the Defendant or his or her Attorney must send a certified copy of the Order to:

Federal Bureau of Investigation  
Laboratory Division  
2501 Investigation Parkway  
Quantico, VA 22135  
Attn: Federal Convicted Offender Program Manager

**ADDITIONAL CONDITIONS OF RELEASE**

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

- (6) The defendant is placed in the custody of:  
 Person or organization \_\_\_\_\_  
 Address (*Only if above is an organization*) \_\_\_\_\_  
 City and State \_\_\_\_\_  
 Tel No. (*if organization*) \_\_\_\_\_

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

Signed: \_\_\_\_\_  
*Custodian or Proxy* *Date*

- (7) The defendant must:
- (a) submit to supervision by and report for supervision to the U.S. Probation and Pretrial Services Office as directed and ensure your supervising officer has a means to reach you.
- (b) continue or actively seek employment.
- (c) continue or start an education program.
- (d) surrender any passport, Green Card, Visa, Advanced Parole Document, Refugee Travel Permit/Reentry Document, or other foreign travel document to Probation and Pretrial Services as directed.
- (e) not obtain a passport, Green Card, Visa, Advanced Parole Document, Refugee Travel Permit/Reentry Document, or other foreign travel document.
- (f) abide by the following restrictions on personal association, residence, or travel:  
Travel shall be restricted to Minnesota unless approved by the supervising officer. No travel to the District of Columbia unless for Court, Pretrial, or Consultation with Attorney. No travel outside the United States without Court approval. Initial appearance (via zoom) in DC is set for April 14, 2021 at 1:00 EST before Mag. Judge G. Michael Harvey.
- (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including:  
 \_\_\_\_\_
- (h) get medical or psychiatric treatment: \_\_\_\_\_
- (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released

at \_\_\_\_\_ o'clock for employment, schooling, or the following purpose(s):

**ADDITIONAL CONDITIONS OF RELEASE**

- (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary, and observe the rules and regulations of that facility.
- (k) not possess a firearm, destructive device, or other weapon.
- (l) not use alcohol  at all  excessively.
- (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- (i) **Curfew.** You are restricted to your residence every day
- from \_\_\_\_\_ to \_\_\_\_\_ or
- as directed by the pretrial services 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 approved in advance by the pretrial services office or supervising officer; or
- (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lockdown at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

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**ADDITIONAL CONDITIONS OF RELEASE**

- (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
  - you must pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- (r) report as soon as possible, to the pretrial services office or supervising officer every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (s) Reside at an address as approved by supervising officer.

**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) 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.

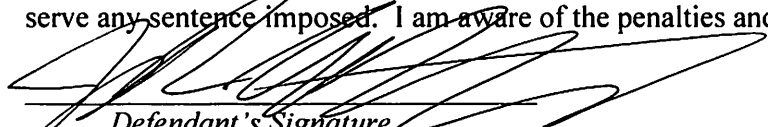
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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.



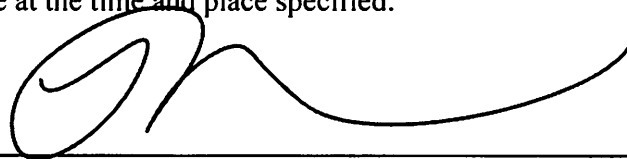
Defendant's Signature

Minneapolis, MN  
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.
- The United States Marshal is ORDERED to keep the defendant in custody until notified by the U.S. Probation and Pretrial Services Office that a halfway house bed is available. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: April 9, 2021



*Judicial Officer's Signature*

U.S. Magistrate Judge Becky R. Thorson

*Printed Name and Title*

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

UNITED STATES DISTRICT COURT
for the
District of Minnesota

United States of America,
v.
Jonah Westbury
Defendant

Case No. 0864 0:21-00286M-001 (BRT)

APPEARANCE BOND

Defendant's Agreement

I, Jonah Westbury (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:

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

Type of Bond

- (1) This is a personal recognizance bond.
(2) This is an unsecured bond of \$
(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...
(c) A bail bond with a solvent 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.

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

**Declarations**

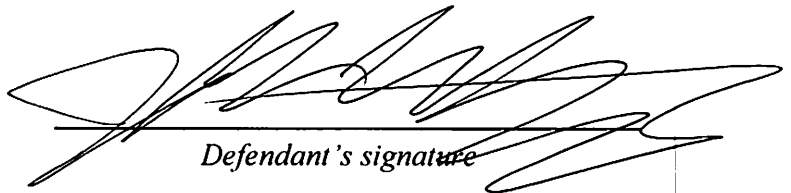
*Ownership of the Property.* I, the defendant—and each surety—declare under penalty of perjury that:

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

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

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

Date: April 9<sup>th</sup>, 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*

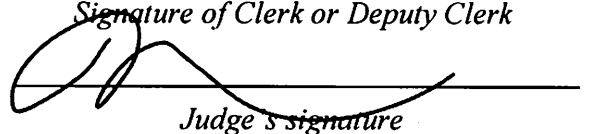
\_\_\_\_\_  
*Surety/property owner—signature and date*

**CLERK OF COURT**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Date: APRIL 9, 2021

  
Judge's signature

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Plaintiff,

v.

Jonah Westbury,

Defendant.

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Criminal No. 21-mj-286 BRT

**ORDER OF REMOVAL**

The above captioned case was before the undersigned United States Magistrate Judge for an appearance on April 9, 2021. Defendant waived the removal hearing.

Based on defendant's waiver, the court finds that the defendant is the same person named in the warrant filed in the District of Columbia, and he is ordered removed to that district for further proceedings.

Dated: April 9, 2021

s/ Becky R. Thorson  
Becky R. Thorson  
United States Magistrate Judge

CLOSED,RULE5

**U.S. District Court  
U.S. District of Minnesota (DMN)  
CRIMINAL DOCKET FOR CASE #: 0:21-mj-00286-BRT All Defendants  
*Internal Use Only***

Case title: USA v. Westbury

Date Filed: 04/09/2021

Date Terminated: 04/09/2021

Assigned to: Magistrate Judge Becky R. Thorson

**Defendant (1)**

**Jonah Westbury**

*TERMINATED: 04/09/2021*

**Pending Counts**

**Disposition**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

**Disposition**

18:1752

**Plaintiff**

**USA**

represented by **Charles J Kovats , Jr**  
United States Attorney's Office  
300 S 4th St Ste 600  
Minneapolis, MN 55415  
612-664-5600  
Fax: 612-664-5787  
Email: [charles.kovats@usdoj.gov](mailto:charles.kovats@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
04/09/2021			Arrest (Rule 5) of Jonah Westbury. (MME) (Entered: 04/09/2021)
04/09/2021	<u>1</u>		Minute Entry for proceedings held before Magistrate Judge Becky R. Thorson: Initial Appearance in Rule 5(c) (3) Proceedings as to Jonah Westbury held on 4/9/2021. Charges from the District of Columbia. Personal Recognizance Bond set with conditions, see Order Setting Conditions of Release. Deft consented to hearing via video conference. (MME) (Entered: 04/09/2021)
04/09/2021	<u>2</u>		ORDER Setting Conditions of Release as to Jonah Westbury. Signed by Magistrate Judge Becky R. Thorson on 4/9/2021. (MME) (Entered: 04/09/2021)
04/09/2021	<u>3</u>		Personal Recognizance Bond Entered as to Jonah Westbury. Signed by Magistrate Judge Becky R. Thorson on 4/9/2021. (MME) (Entered: 04/09/2021)
04/09/2021	<u>4</u>		ORDER OF REMOVAL to District of District of Columbia as to Jonah Westbury. Signed by Magistrate Judge Becky R. Thorson on 4/9/2021. (MME) (Entered: 04/09/2021)