

AO 442 (Rev. 11/11) Arrest Warrant

ATTEST AND CERTIFY  
A TRUE COPY

## UNITED STATES DISTRICT COURT

U.S. District Court  
Middle District of Tennesseefor the  
District of ColumbiaBy: Jim  
Deputy ClerkUnited States of America  
v.  
Michael TimbrookDefendant) Case: 1:21-mj-00383  
) Assigned To : Meriweather, Robin M.  
) Assign. Date : 4/16/2021  
) 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) Michael Timbrook,  
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;  
40 U.S.C. §§ 5104(e)(2)(C), (D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds.Date: 04/16/2021Rob M. Meriweather

Issuing officer's signature

City and state: Washington, D.C.Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

## Return

This warrant was received on (date) 04/16/2021, and the person was arrested on (date) 04/20/2021  
at (city and state) Cookeville, TN 6:45 AMDate: 04/20/2021Brent D. Henry

Arresting officer's signature

SP BRENT D. HENRY

Printed name and title

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U.S. District Court  
Middle District of Tennessee  
Jm

MAGISTRATE JUDGE NEWBERN COURTROOM MINUTES FOR CRIMINAL PROCEEDINGS  
by VIDEOCONFERENCE

U.S.A. v. Michael Timbrook, No. 3:21-MJ-4051

ATTORNEY FOR GOVERNMENT: Josh Kurtzman

ATTORNEY FOR DEFENDANT: Ron Small (AFPD) Panel Retained

PRETRIAL SERVICES/PROBATION OFFICER: Tiana Rock

INTERPRETER NEEDED? YES ☒ NO ☐ LANGUAGE/INTERPRETER:                       
☐ PRESENT ☐ ON TELEPHONE

☒ Defendant consents to Initial App. and ☐ All future hearings before the Magistrate Judge by video conference.

☒ INITIAL APPEARANCE ☐ ON A SUMMONS ☒ ARRESTED ON: 4/20/21

DEFENDANT HAS A COPY OF:

- ☒ Complaint ☐ Indictment ☐ Information ☐ Supervised Release Pet. ☐ Other                       
☒ Defendant advised of the charges and the maximum penalties ☐ Defendant has a copy of notice of rights  
☒ Defendant advised of right to counsel ☐ Counsel retained  
☐ Defendant sworn and/or certified under penalty of perjury and financial affidavit filed ☒ FPD Appointed  
☒ Defendant advised of right to silence

☐ Defendant advised of right to Consular notification

☒ GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020

☒ Defendant advised of right to preliminary hearing

☒ Defendant waived preliminary hearing

☐ Government motion for detention

☐ Defendant temporarily detained

☐ Defendant waived detention hearing

☐ ICE detainer on defendant

☐ Defendant reserved right to hearing in future

☐ Defendant to be returned to State custody

☐ Defendant to remain in Federal custody

☐ Defendant waived rights under IAD

☐ Defendant remain on current conditions of supervised release

☐ Defendant ordered to psychological/psychiatric evaluation

☒ Defendant released on:

☒ Own recognizance with conditions of release ☐ standard ☐ special

☐ Appearance bond in the amount of:                     

☐ Property bond [description of property]:                     

☒ RULE 5 - Defendant advised of right to identity hearing ☒ Defendant waived identity hearing

☐ RULE 5 - Defendant reserved right to have preliminary hearing in District of Prosecution

☐ RULE 5 - Defendant elected to have detention hearing in District of Prosecution

☒ RULE 5 - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

☐ PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO:                     

☐ GRAND JURY WAIVED IN OPEN COURT [Defendant sworn and advised of rights by Court]

☐ ARRAIGNMENT

☐ Defendant acknowledges he/she has copy of Indictment/Information ☐ Court advised Def. of penalties

☐ Defendant waives reading thereof ☐ Indictment/Information read to defendant by Judge

PLEA: ☐ GUILTY ☐ NOT GUILTY ☐ Defendant intends to plead guilty and case referred to DJ

DATE: 4/20/21


TOTAL TIME: 28 min

BEGIN TIME: 12:07 p.m.

END TIME: 12:35 p.m.

Digitally Recorded

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U.S. District Court  
Middle District of Tennessee  
By:   
Deputy Clerk

UNITED STATES OF AMERICA,

v.

MICHAEL TIMBROOK,

Defendant.

Case No. 3:21-mj-4054

Magistrate Judge Alistair E. Newbern

ORDER

Pursuant to the Due Process Protections Act, the Court reminds the government of its obligation under *Brady v. Maryland*, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with *Brady* and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court or any other remedy that is just under the circumstances.

It is so ORDERED.



ALISTAIR E. NEWBERN

United States Magistrate Judge

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U.S. District Court  
Middle District of Tennessee

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

By: *SW*  
Deputy Clerk

UNITED STATES OF AMERICA,

v.

MICHAEL TIMBROOK,

Defendant.

Case No. 3:21-mj-4054

Magistrate Judge Alistair E. Newbern

ORDER

On the basis of Defendant's affidavit in this cause, the Court determines that Defendant:

☐ is financially able to employ counsel and, therefore, denies his application for appointment of counsel at government expense.

☒ is financially unable to employ counsel and appoints the Office of the Federal Public Defender to represent him.

☒ is financially unable to pay the fee of any witness and pursuant to Rule 17(b), of the Federal Rules of Criminal Procedure, the Clerk shall issue a subpoena for any witness, PROVIDED that Defendant and his counsel shall submit subpoenas only for those witnesses whose presence is necessary to present an adequate defense to the charge or charges.

☐ Upon Motion of the Government, the Court may order repayment or partial repayment from Defendant for the attorney and witness fees for these services should it appear Defendant has such ability at a later time.

It is so ORDERED.

*Alistair E. Newbern*  
ALISTAIR E. NEWBERN  
United States Magistrate Judge

AO 466A (Rev. 12/17) Waiver of Rule 5 &amp; 5.1 Hearings (Complaint or Indictment)

ATTEST AND CERTIFY  
A TRUE COPY  
ClerkUNITED STATES DISTRICT COURT  
Middle District of Tennesseefor the  
Middle District of TennesseeBy:   
Deputy Clerk

United States of America

v.

MICHAEL TIMBROOK

Defendant

Case No. 3:21-mj-4054

Charging District's Case No. 1:21-mj-00383

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)I understand that I have been charged in another district, the (name of other court) \_\_\_\_\_  
District of Columbia

I have been informed of the charges and of my rights to:



- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my  
☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 04/20/2021

  
Defendant's signature  
Signature of defendant's attorney

s/ Ronald C. Small

Printed name of defendant's attorney

AO 199A (Rev. 06/19) Order Setting Conditions of Release

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U.S. District Court  
Middle District of Tennessee  
Pages 4

By: Sm  
UNITED STATES DISTRICT COURT  
Deputy Clerk

for the

Middle District of Tennessee

United States of America

v.

MICHAEL TIMBROOK

Defendant

Case No. 3:21-mj-4054

ORDER SETTING CONDITIONS OF RELEASE

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

- (1) The defendant must not violate 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 34 U.S.C. § 40702.
- (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: the District of Columbia by video conference

Place

on \_\_\_\_\_  
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.



**ADDITIONAL CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

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. \_\_\_\_\_

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

Date

- ☒ (7) The defendant must:

- ☒ (a) submit to supervision by and report for supervision to the Pretrial Service Office telephone number (615) 736-5771, no later than \_\_\_\_\_ as directed.
- ☒ (b) continue or actively seek employment.
- ☐ (c) continue or start an education program.
- ☐ (d) surrender any passport to: \_\_\_\_\_
- ☒ (e) not obtain a passport or other international travel document.
- ☒ (f) abide by the following restrictions on personal association, residence, or travel: unless approved in advance  
Middle District of Tennessee or District of Columbia for court appearances, pretrial supervision, or meetings with counsel only.
- ☒ (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 purposes: \_\_\_\_\_
- ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- ☒ (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 office or supervising officer; or
- ☐ (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- ☐ (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
- ☐ (iv) Stand Alone Monitoring. You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

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**ADDITIONAL CONDITIONS OF RELEASE**

- ☐ (q) submit to the following location monitoring technology and comply with its requirements as directed:
    - ☐ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
    - ☐ (ii) Voice Recognition; or
    - ☐ (iii) Radio Frequency; or
    - ☐ (iv) GPS.
  - ☐ (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
  - ☒ (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
  - ☒ (t) Allow Pretrial Services to visit at home or elsewhere and confiscate any contraband in plain view as well as call Pretrial Services once per week and verify address.
-



**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

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

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

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

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

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

**Acknowledgment of the Defendant**

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



Defendant's Signature

City and State

**Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.
- ( ☐ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 4/20/2021



Judicial Officer's Signature

Magistrate Judge Alistair E. Newbern

Printed name and title

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

**U.S. District Court  
Middle District of Tennessee (Nashville)  
CRIMINAL DOCKET FOR CASE #: 3:21-mj-04054 All Defendants  
Internal Use Only**

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U.S. District Court  
Middle District of Tennessee  
By: *jm*  
Deputy Clerk

Case title: USA v. Timbrook

Date Filed: 04/20/2021

Date Terminated: 04/22/2021

Assigned to: Magistrate Judge Alistair Newbern

**Defendant (1)**

**Michael Timbrook**  
*Rule 5 to the District of Columbia*  
**TERMINATED: 04/22/2021**

represented by **Ronald Clayton Small**  
Federal Public Defender's Office (MDTN)  
810 Broadway  
Suite 200  
Nashville, TN 37203  
(615) 736-5047  
Email: ron\_small@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Disposition**

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Disposition**

**Complaints**


18:1752(a)(1) and (2) Knowingly Entering or  
Remaining in any Restricted Building or  
Grounds Without Lawful Authority; 40 U.S.C.  
§§ 5104(e)(2)(C), (D) and (G) - Violent Entry  
and Disorderly Conduct on Capitol Grounds

**Plaintiff**

**USA**

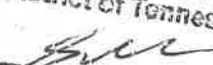
represented by **Joshua A. Kurtzman**  
U.S. Attorney's Office (Nashville Office)  
Middle District of Tennessee  
110 Ninth Avenue, S  
Suite A961

Nashville, TN 37203-3870  
 (615) 401-6617  
 Fax: (615) 401-6626  
 Email: Joshua.Kurtzman@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
04/20/2021	<u>1</u>	Warrant issued in the District of Columbia returned executed in this district on 4/20/2021 as to Michael Timbrook. (jm) (Entered: 04/22/2021)
04/20/2021		Arrest (Rule 5) of Michael Timbrook. (jm) (Entered: 04/22/2021)
04/20/2021	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Alistair Newbern: Initial Appearance in Rule 5(c)(3) Proceedings as to Michael Timbrook held by video conference on 4/20/2021. Defendant appeared with appointed counsel Ronald Clayton Small. Defendant released on own recognizance, with conditions. (jm) (Entered: 04/22/2021)
04/20/2021	<u>3</u>	ORDER as to Michael Timbrook: Pursuant to the Due Process Protections Act, the Court reminds the government of its obligation under Brady v. Maryland, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with Brady and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court or any other remedy that is just under the circumstances. Signed by Magistrate Judge Alistair Newbern on 4/20/2021. (jm) (Entered: 04/22/2021)
04/20/2021	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Michael Timbrook. Signed by Magistrate Judge Alistair Newbern on 4/20/2021. (jm) (Entered: 04/22/2021)
04/20/2021	<u>5</u>	WAIVER of Rule 5 & 5.1 Hearings by Michael Timbrook. (jm) (Entered: 04/22/2021)
04/20/2021	<u>6</u>	ORDER Setting Conditions of Release as to Michael Timbrook. Signed by Magistrate Judge Alistair Newbern on 4/20/2021. (jm) (Entered: 04/22/2021)
04/22/2021	<u>7</u>	Rule 5(c)(3) Documents Transmitted to the District of Columbia as to Michael Timbrook. (jm) (Entered: 04/22/2021)
04/22/2021		(Court only) ***Case closed. (jm) (Entered: 04/22/2021)

United States District Court  
Middle District of Tennessee

Office of the Clerk  
800 United States Courthouse  
Nashville, Tennessee 37203  
(615) 736-5498 x. 3238

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk  
U.S. District Court  
Middle District of Tennessee  
By:   
Deputy Clerk

E-Mail: [jeremy\\_medley@tnmd.uscourts.gov](mailto:jeremy_medley@tnmd.uscourts.gov)  
Web Site: [www.tnmd.uscourts.gov](http://www.tnmd.uscourts.gov)

April 22, 2021

Clerk  
E. Barrett Prettyman  
United States Courthouse  
333 Constitution Avenue, N.W.,  
Room 1225  
Washington, DC 20001

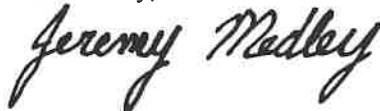
Re: TRANSMISSION OF RULE 5  
DOCUMENTS

USA v. **Timbrook**  
District of Columbia Case No. **1:21-mj-00383**  
Middle District of Tennessee Case No. **3:21-mj-4054**

Dear Clerk:

Enclosed please find certified copies of Rule 5 paperwork for the above-reference case.

Sincerely,



Jeremy Medley  
Criminal Case Administrator

Enclosures

cc: U. S. Marshal Service

cc: Probation

**United States District Court  
Middle District of Tennessee**

Office of the Clerk  
800 United States Courthouse  
Nashville, Tennessee 37203  
(615) 736-5498 x. 3238

E-Mail: [jeremy\\_medley@tnmd.uscourts.gov](mailto:jeremy_medley@tnmd.uscourts.gov)  
Web Site: [www.tnmd.uscourts.gov](http://www.tnmd.uscourts.gov)

**April 22, 2021**

Clerk  
**E. Barrett Prettyman**  
**United States Courthouse**  
**333 Constitution Avenue, N.W.,**  
**Room 1225**  
**Washington, DC 20001**

Re: TRANSMISSION OF RULE 5  
DOCUMENTS

USA v. **Timbrook**  
District of Columbia Case No. **1:21-mj-00383**  
Middle District of Tennessee Case No. **3:21-mj-4054**

Dear Clerk:

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Sincerely,



Jeremy Medley  
Criminal Case Administrator

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