

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Nicholas DeCarlo

AKA: Dick Necarlo a/k/a Dick Lambaste

Defendant

) Case: 1:21-mj-00120
) Assigned to: Judge Zia M. Faruqui
) Assign Date: 1/19/2021
) 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) Nicholas DeCarlo

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. 1512(c)(2)- Obstructing or Impeding Any Official Proceeding;
- 18 U.S.C. 1752(a)(1) & (2)- Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
- 40 U.S.C. 5104(e)(2)(G)- Parading or Demonstrating on Capitol Grounds

Date: 01/19/2021

 2021.01.19
 14:39:42 -05'00'
 Issuing officer's signature

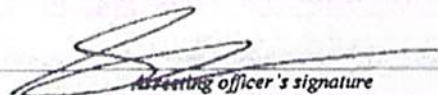
City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 01/19/21, and the person was arrested on (date) 01/26/21
at (city and state) Burleson, TX

Date: 01/26/21


 Arresting officer's signature
Seth D. Webb, Special Agent
 Printed name and title
 FBI

MIME-Version:1.0

From:ecf_txnd@txnd.uscourts.gov

To:Courtmail@localhost.localdomain

Bcc:

--Case Participants: J Stevenson Weimer-DOJ (caseview.ecf@usdoj.gov, courtney.carden2@usdoj.gov, cynthia.hood@usdoj.gov, deborah.burson@usdoj.gov, janise.withers@usdoj.gov, jay.weimer@usdoj.gov, jessica.sanchez@usdoj.gov, liuva.ruiz@usdoj.gov, michelle.thom@usdoj.gov, victoria.anderson@usdoj.gov), Magistrate Judge Jeffrey L. Cureton (kristi_verna@txnd.uscourts.gov, margarita_koye@txnd.uscourts.gov)

--Non Case Participants: Probation Office (txnp_edocs-pro@txnp.uscourts.gov), U.S. Marshals Office (usms-txn-court_docket@usdoj.gov)

--No Notice Sent:

Message-Id:12902586@txnd.uscourts.gov

Subject:Activity in Case 4:21-mj-00055-BJ USA v. DeCarlo Arrest - Rule 5/32.1/40

Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Click here to see [Judge Specific Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. [Forms and Instructions](#) found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 1/26/2021 at 5:15 PM CST and filed on 1/26/2021

Case Name: USA v. DeCarlo

Case Number: 4:21-mj-00055-BJ

Filer:

Document Number: No document attached

Docket Text:

[Arrest \(Rule 5\) of Nicholas DeCarlo. Case Number 1:21-MJ-120 Complaint and warrant from District of Columbia. \(jah\)](#)

4:21-mj-00055-BJ-1 Notice has been electronically mailed to:

J Stevenson Weimer-DOJ jay.weimer@usdoj.gov, CaseView.ECF@usdoj.gov, Courtney.Carden2@usdoj.gov, Cynthia.Hood@usdoj.gov, Jessica.Sanchez@usdoj.gov, Liuva.Ruiz@usdoj.gov, Victoria.Anderson@usdoj.gov, deborah.burson@usdoj.gov, janise.withers@usdoj.gov, michelle.thom@usdoj.gov

4:21-mj-00055-BJ-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

MIME-Version:1.0

From:ecf_txnd@txnd.uscourts.gov

To:Courtmail@localhost.localdomain

Bcc:

--Case Participants: Blake Ryan Burns (bburnslaw@gmail.com), J Stevenson Weimer-DOJ (caseview.ecf@usdoj.gov, courtney.carden2@usdoj.gov, cynthia.hood@usdoj.gov, deborah.burson@usdoj.gov, janise.withers@usdoj.gov, jay.weimer@usdoj.gov, jessica.sanchez@usdoj.gov, liuva.ruiz@usdoj.gov, michelle.thom@usdoj.gov, victoria.anderson@usdoj.gov), Magistrate Judge Jeffrey L. Cureton (kristi_verna@txnd.uscourts.gov, margarita_koye@txnd.uscourts.gov)

--Non Case Participants: Probation Office (txnp_edocs-pro@txnp.uscourts.gov)

--No Notice Sent:

Message-Id:12902615@txnd.uscourts.gov

Subject:Activity in Case 4:21-mj-00055-BJ USA v. DeCarlo Initial Appearance

Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Click here to see [Judge Specific Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. [Forms and Instructions](#) found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 1/26/2021 at 5:22 PM CST and filed on 1/26/2021

Case Name: USA v. DeCarlo
Case Number: 4:21-mj-00055-BJ
Filer:
Document Number: 2(No document attached)

Docket Text:

ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Jeffrey L. Cureton: Initial Appearance on Rule 5(c) hearing as to Nicholas DeCarlo held on 1/26/2021. Date of Arrest: 1/26/2021 on warrant from the District of Columbia; Attorney Blake Burns entered appearance as retained counsel; Deft filed waiver Rule 5(c) hearing as to identity & preliminary hearing; Court finds PC; Rule 5(f) admonishment given; Gov't is not moving for detention; Deft executed PR bond and advised of conditions of pretrial release; deft instructed to appear remotely in the District of Columbia on 2/9/21 at 1:00 p.m.; Deft released on conditions. Attorney Appearances: AUSA – Jay Weimer; Defense – Blake Burns. (No exhibits) Time in Court – :06. (Court Reporter: Digital File) (USPO Kirksey.) (jah)

4:21-mj-00055-BJ-1 Notice has been electronically mailed to:

J Stevenson Weimer-DOJ jay.weimer@usdoj.gov, CaseView.ECF@usdoj.gov, Courtney.Carden2@usdoj.gov, Cynthia.Hood@usdoj.gov, Jessica.Sanchez@usdoj.gov, Liuva.Ruiz@usdoj.gov, Victoria.Anderson@usdoj.gov, deborah.burson@usdoj.gov, janise.withers@usdoj.gov, michelle.thom@usdoj.gov

Blake Ryan Burns bburnslaw@gmail.com

4:21-mj-00055-BJ-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
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--Case Participants: Blake Ryan Burns (bburnslaw@gmail.com), J Stevenson Weimer-DOJ (caseview.ecf@usdoj.gov, courtney.carden2@usdoj.gov, cynthia.hood@usdoj.gov, deborah.burson@usdoj.gov, janise.withers@usdoj.gov, jay.weimer@usdoj.gov, jessica.sanchez@usdoj.gov, liuva.ruiz@usdoj.gov, michelle.thom@usdoj.gov, victoria.anderson@usdoj.gov), Magistrate Judge Jeffrey L. Cureton (kristi_verna@txnd.uscourts.gov, margarita_koye@txnd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:12902623@txnd.uscourts.gov
Subject:Activity in Case 4:21-mj-00055-BJ USA v. DeCarlo Rule 5(f)(1) Order
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Click here to see [Judge Specific Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. [Forms and Instructions](#) found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 1/26/2021 at 5:22 PM CST and filed on 1/26/2021

Case Name: USA v. DeCarlo
Case Number: [4:21-mj-00055-BJ](#)
Filer:
Document Number: 3(No document attached)

Docket Text:
[ELECTRONIC ORDER As to Nicholas DeCarlo:](#)

This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is entered by the court on the first scheduled court date when both the prosecutor and defense counsel are present.

By this order -- issued to the prosecution and defense counsel -- the court confirms the disclosure obligations of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. Failure to do so may result in consequences such as the dismissal of the indictment or information, dismissal of individual charges, exclusion of evidence or witnesses, adverse jury instructions, contempt proceedings, and/or sanctions by the court. (Ordered by Magistrate Judge Jeffrey L. Cureton on 1/26/2021) (jah)

4:21-mj-00055-BJ-1 Notice has been electronically mailed to:

J Stevenson Weimer–DOJ jay.weimer@usdoj.gov, CaseView.ECF@usdoj.gov,
Courtney.Carden2@usdoj.gov, Cynthia.Hood@usdoj.gov, Jessica.Sanchez@usdoj.gov,
Liuva.Ruiz@usdoj.gov, Victoria.Anderson@usdoj.gov, deborah.burson@usdoj.gov,
janise.withers@usdoj.gov, michelle.thom@usdoj.gov

Blake Ryan Burns bburnslaw@gmail.com

4:21–mj–00055–BJ–1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

United States District Court

NORTHERN DISTRICT OF TEXAS AT FORT WORTH

UNITED STATES OF AMERICA

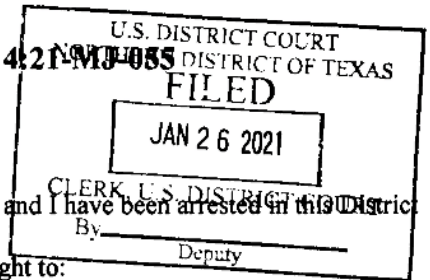
V.

NICHOLAS DECARLO

§ WAIVER OF RULE 5(c) HEARINGS
§ (Excluding Probation Cases)

§
§
§
§

CASE NUMBER: 4:21-MJ-055


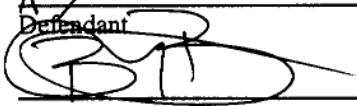


I, Nicholas DeCarlo, understand that in the District of Columbia, charges are pending, and I have been arrested in this District and taken before a United States Magistrate Judge who informed me of, the charge and of my right to:

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

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

- identity hearing
- Preliminary Hearing

X 
 Defendant

 Defense Counsel

January 26, 2021

UNITED STATES DISTRICT COURT

for the

Northern District of Texas, Fort Worth Division

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED JAN 26 2021 CLERK, U.S. DISTRICT COURT By _____ Deputy

United States of America)

v.)

NICHOLAS DECARLO)

Defendant)

Case No. 4:21-MJ-055

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 42 U.S.C. § 14135a.
- (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: Remotely in the District of Columbia as instructed
Place

on February 9, 2021 at 1:00 p.m.
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

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

(X) (7) The defendant must:

(X) (a) submit to supervision by and report for supervision to the United States Probation Officer as directed,
telephone number _____, no later than _____.

(X) (b) continue or actively seek employment.

() (c) continue or start an education program.

(X) (d) surrender any passport to: and/or any passport card to the United States Probation Office

(X) (e) not obtain a passport or other international travel document.

(X) (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the Northern District of Texas and to and from the District of Columbia for Court purposes unless permission received from the US Probation Officer

(X) (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: but not limited to anyone involved in anyway with the US Capitol protest held on January 6, 2021 and any protest participants, those involved in the organization or planning of a protest

() (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.

(X) (k) not possess a firearm, destructive device, or other weapon.

(X) (l) not use alcohol () at all (X) excessively.

(X) (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.

(X) (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

(X) (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.

(X) (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.

(X) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(X) (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.

(X) (s) Not participate in any capacity in any criminal activity, associate with any person engaged in any criminal activity, or enter into, or perform under, any agreement to act as an informer for, or special agent of, any governmental agency without permission of the court.

(X) (t) Restricted from entering the US Capitol or the grounds of the US Capitol

(X) (u) no access the internet Except as required for remote Court Appearances.

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.

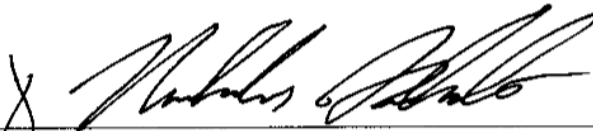
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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.

X 

Defendant's Signature

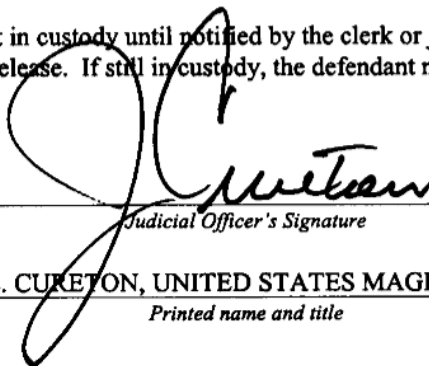
Ft Worth, TX

City and State

Directions to the United States Marshal

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

Date: January 26, 2021



Judicial Officer's Signature

JEFFREY L. CURETON, UNITED STATES MAGISTRATE JUDGE

Printed name and title

**U.S. District Court
Northern District of Texas (Fort Worth)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00055-BJ All Defendants**

Case title: USA v. DeCarlo

Date Filed: 01/26/2021

Other court case number: 1:21-MJ-120 District of Columbia

Assigned to: Magistrate Judge
Jeffrey L. Cureton

Defendant (1)

Nicholas DeCarlo

represented by **Blake Ryan Burns**
Danny & Blake Burns Attorneys at Law
115 N Henderson St
Fort Worth, TX 76102
817/870-1544
Fax: 817/870-1589
Email: bburnslaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:1512(c)(2) Obstructing or
impeding any official proceeding;
18:1752(a)(1) & (2) knowingly
entering or remaining in any
restricted building or grounds
without lawful authority;
40:5104(e)(2)(G) Parading &

Disposition

Plaintiff

USA

represented by **J Stevenson Weimer–DOJ**
 US Attorney's Office
 801 Cherry St
 Suite 1700, Unit 4
 Fort Worth, TX 76102
 817/252–5200
 Fax: 817–252–5455
 Email: jay.weimer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney's Office
Bar Status: Admitted/In Good Standing

Date Filed	#	Page	Docket Text
01/26/2021		4	Arrest (Rule 5) of Nicholas DeCarlo. Case Number 1:21–MJ–120 Complaint and warrant from District of Columbia. (jah) (Entered: 01/26/2021)
01/26/2021	<u>1</u>	5	NOTICE OF ATTORNEY APPEARANCE by Blake Ryan Burns appearing for Nicholas DeCarlo (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at 214.753.2240 during business hours to request access.) (jah) (Entered: 01/26/2021)
01/26/2021	2	6	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Jeffrey L. Cureton: Initial Appearance on Rule 5(c) hearing as to Nicholas DeCarlo held on 1/26/2021. Date of Arrest: 1/26/2021 on warrant from the District of Columbia; Attorney Blake Burns entered appearance as retained counsel; Deft filed waiver Rule 5(c) hearing as to identity & preliminary hearing; Court finds PC; Rule 5(f) admonishment given; Gov't is not moving for detention; Deft executed PR bond and advised of conditions of pretrial release; deft instructed to appear remotely in the District of Columbia on 2/9/21 at 1:00 p.m.; Deft released on conditions. Attorney Appearances: AUSA – Jay Weimer; Defense – Blake Burns. (No exhibits) Time in Court – :06. (Court Reporter: Digital File) (USPO Kirksey.) (jah) (Entered: 01/26/2021)
01/26/2021	3	8	ELECTRONIC ORDER As to Nicholas DeCarlo: This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is entered by the court on the first scheduled court date when both the prosecutor and defense counsel are present. By this order — issued to the prosecution and defense counsel — the court confirms the disclosure obligations of the prosecutor under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. Failure to do so may result in consequences such as the dismissal of the indictment or information, dismissal of individual

			charges, exclusion of evidence or witnesses, adverse jury instructions, contempt proceedings, and/or sanctions by the court. (Ordered by Magistrate Judge Jeffrey L. Cureton on 1/26/2021) (jah) (Entered: 01/26/2021)
01/26/2021	<u>4</u>	10	WAIVER of Rule 5(c) Hearings by Nicholas DeCarlo (jah) (Entered: 01/26/2021)
01/26/2021	<u>5</u>	11	ORDER Setting Conditions of Release as to Nicholas DeCarlo (1) Deft released on PR bond; Deft to next appear remotely on February 9, 2021 at 1:00 p.m. as directed by the Court; see order for specific conditions. (Ordered by Magistrate Judge Jeffrey L. Cureton on 1/26/2021) (jah) (Entered: 01/26/2021)