

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Philip Edward Kramer

Defendant

) Case: 1:21-mj-00360
) Assigned To : Faruqui, Zia M.
) Assign. Date : 4/7/2021
) 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) Philip Edward Kramer,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

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

Date: 04/07/2021

2021.04.07 15:27:24
 -04'00'

*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) 4/7/21, and the person was arrested on (date) 4/14/2021
 at (city and state) Orange, California.

Date: 4/14/21
Arresting officer's signature

Evan Desch, Special Agent
Printed name and title

FILED

2021 APR 14 AM 10:11

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BY eva

UNITED STATES OF AMERICA

PLAINTIFF(S)

v.

PHILLIP EDWARD KRAMER

DEFENDANT(S).

CASE NUMBER

SA 21 - 252M

DECLARATION RE
OUT-OF-DISTRICT WARRANT

The above-named defendant was charged by: Criminal Complaint
in the _____ District of COLUMBIA on April 7, 2021
at _____ ☐ a.m. / ☐ p.m. The offense was allegedly committed on or about January 6, 2021
in violation of Title 18 and 40 U.S.C., Section(s) 1752, 5104, 641
to wit: Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, Knowingly Entering or

A warrant for defendant's arrest was issued by: Hon. Zia Faruqui, United States Magistrate Judge

Bond of \$ _____ was ☐ set / ☐ recommended.

Type of Bond:

Relevant document(s) on hand (attach): Complaint, Statement of Facts, Arrest Warrant

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

Executed on 4/14/21
Date

/s/ _____
Signature of Agent

Evan Jesch
Print Name of Agent

FBI
Agency

Special Agent
Title

Submit this form by e-mail to:

CrimIntakeCourtDocs-LA@cacd.uscourts.gov For Los Angeles criminal duty.

CrimIntakeCourtDocs-SA@cacd.uscourts.gov For Santa Ana criminal duty.

CrimIntakeCourtDocs-RS@cacd.uscourts.gov For Riverside criminal duty.

FILED

2021 APR 14 AM 10:11

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

UNITED STATES OF AMERICA

V.

PLAINTIFF

PHILLIP EDWARD KRAMER

USMS#

DEFENDANT

CASE NUMBER:

SA 21-252M

BY

ena

REPORT COMMENCING CRIMINAL
ACTION

TO: CLERK'S OFFICE, U.S. DISTRICT COURT

All areas must be completed. Any area not applicable or unknown should indicate "N/A".

1. The defendant was arrested in this district on April 14, 2021 at 8:00 ☒ AM ☐ PM

or

The defendant was arrested in the _____ District of _____ on _____ at _____ ☐ AM ☐ PM

2. The above named defendant is currently hospitalized and cannot be transported to court for arraignment or any other preliminary proceeding: ☐ Yes ☒ No

3. Defendant is in U.S. Marshals Service lock-up (in this court building): ☒ Yes ☐ No

4. Charges under which defendant has been booked:

18 USC 1752(a)(1), (2), (b)(1)(A); 40 USC 5104(e)(2)(D), (G); 18 USC 641

5. Offense charged is a: ☒ Felony ☐ Minor Offense ☐ Petty Offense ☐ Other Misdemeanor

6. Interpreter Required: ☒ No ☐ Yes Language: _____

7. Year of Birth: 1959

8. Defendant has retained counsel: ☒ No

☐ Yes Name: _____ Phone Number: _____

9. Name of Pretrial Services Officer notified: via email to: duty-cacpt-cac@cacp.uscourts.gov

10. Remarks (if any): _____

11. Name: Evan Jesch (please print)

12. Office Phone Number: (213) 326-2366

13. Agency: FBI

14. Signature: /s/

15. Date: April 14, 2021

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Phillip Edward Kramer

Defendant.

Southern Division

Case #: 8:21-MJ-00252

Initial App. Date:

04/14/2021

Time: 02:00 PM

Out of District

Affidavit

Custody

Date Filed: 04/14/2021

Violation: 18 U.S.C. 1752 (a)(1); 18 U.S.C.

1752 (a)(2); 18 U.S.C. 1752 (b)(1)(A); 40

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

(e)(2)(G); 18 U.S.C. 641

CourtSmart/Reporter: Deborah Parker

PROCEEDINGS HELD BEFORE UNITED
STATES

MAGISTRATE JUDGE: Douglas F.
McCormick

CALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE

PRESENT: Nancy K. Boehme

Gabriel Podesto

/ None

Deputy Clerk

Assistant U.S. Attorney

Interpreter/Language

☒ Court issues Order under Fed. R. Crim. P. 5(f) concerning prosecutor's disclosure obligations; see General Order 21-02 (written order).

☒ Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and ☒ preliminary hearing

☒ Defendant advised of consequences of false statement in financial affidavit.

☒ Attorney: Jonathan Ogata and ☒ DFPD, and ☒ Poss. Contrib., and ☒ Appointed

☒ BAIL FIXED AT \$50,000 (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS.)

☒ Defendant executed Waiver of Rights.

☒ Court ORDERS defendant Held to Answer to United States District Court District of Columbia

☒ Bond to transfer, if bail is posted. Defendant to report on or before USAO to provide date and time

☒ Other: Jonathan Ogata, DFPD appointed for these proceedings only. Appointment subject to an order for contribution at the discretion of the Judge to whom this case is assigned.

Deputy Clerk Initials: nb
00 : 15

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v. **PHILIP EDWARD KRAMER**

Case No. **SA21-0252M**

☐ Defendant ☐ Material Witness

Violation of Title and Section: **18U.S.C. §§ 1752(a)(1), (a)(2), (b)(1)(A); 40 U.S.C. § 5104(e)(2)(D); 40 U.S.C. § 5104(e)(2)(G); 18: 641**

☐ Summons ☒ Out of District ☐ UNDER SEAL ☐ Modified Date: _____

Check only one of the five numbered boxes below (unless one bond is to be replaced by another):

1. ☐ Personal Recognizance (Signature Only) 2. ☐ Unsecured Appearance Bond \$ _____ 3. ☒ Appearance Bond \$ 50,000 (a). ☐ Cash Deposit (Amount or %) (Form CR-7) (b). ☒ Affidavit of Surety Without Justification (Form CR-4) Signed by: <u>Wife - Michelle Kramer</u>	(c). ☐ Affidavit of Surety With Justification (Form CR-3) Signed by: _____ _____ _____ ☐ With Full Deeding of Property: _____ _____ _____ 4. ☐ Collateral Bond in the Amount of (Cash or Negotiable Securities): \$ _____ 5. ☐ Corporate Surety Bond in the Amount of: \$ _____	Release No. _____ ☒ Release to Pretrial ONLY ☐ Release to Probation ONLY ☐ Forthwith Release ☐ All Conditions of Bond (Except Clearing-Warrants Condition) Must be Met and Posted by: _____ ☐ Third-Party Custody Affidavit (Form CR-31) ☒ Bail Fixed by Court: DFM / nb (Judge / Clerk's Initials)
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PRECONDITIONS TO RELEASE

- ☐ The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).
- ☐ The Court has ordered a Nebbia hearing under § 3142 (g)(4).
- ☐ The Nebbia hearing is set for _____ at _____ ☐ a.m. ☐ p.m.

ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

- ☒ Submit to: ☒ Pretrial Services Agency (PSA) supervision as directed by PSA; ☐ Probation (USPO) supervision as directed by USPO.
(The agency indicated above, PSA or USPO, will be referred to below as "Supervising Agency.")
- ☒ Surrender all passports and travel documents to Supervising Agency no later than April 19, 2021, sign a Declaration re Passport and Other Travel Documents (Form CR-37), and do not apply for a passport or other travel document during the pendency of this case.
- ☒ Travel is restricted to Central District of California unless prior permission is granted by Supervising Agency to travel to a specific other location. Travel to Washington D.C. is only permitted for purposes of the court proceedings in this case. Court permission is required for international travel.
- ☒ Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.
- ☒ Maintain or actively seek employment and provide proof to Supervising Agency. ☒ Employment to be approved by Supervising Agency.
- ☐ Maintain or begin an educational program and provide proof to Supervising Agency.

Defendant's Initials: _____ Date: _____

☐ Defendant ☐ Material Witness

☒ Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, ☒ including but not limited to any person who is known to be charged in connection with the January 6th ~~XXXXXX~~ Capitol riot.

☐ Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present:

☒ Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. ☒ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal. By 4/21/2021 provide proof of disposition of firearms to Pretrial Services.

☐ Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☐ Do not engage in telemarketing.

☐ Do not sell, transfer, or give away any asset valued at \$ _____ or more without notifying and obtaining permission from the Court, except _____.

☐ Do not engage in tax preparation for others.

☐ Do not use alcohol.

☐ Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.

☐ Do not use or possess illegal drugs or state-authorized marijuana. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☐ Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.

☐ Submit to: ☐ drug and/or ☐ alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.

☐ Participate in residential ☐ drug and/or ☐ alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. ☐ Release to PSA only ☐ Release to USPO only

☐ Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.

☒ Participate in the Location Monitoring Program and abide by all of the requirements of the program, under the direction of Supervising Agency, which ☒ will or ☐ will not include a location monitoring bracelet. You must pay all or part of the costs of the program based upon your ability to pay as determined by Supervising Agency. You must be financially responsible for any lost or damaged equipment.

☒ Location monitoring only - no residential restrictions;

-or-

☐ You are restricted to your residence every day:

☐ from _____ ☐ a.m. ☐ p.m. to _____ ☐ a.m. ☐ p.m.

☐ as directed by Supervising Agency;

-or-

Defendant's Initials: _____

Date: _____

☐ Defendant ☐ Material Witness

☐ You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances, and _____, all of which must be preapproved by Supervising Agency;

☒ Release to PSA only ☐ Release to USPO only

☐ You are placed in the third-party custody (Form CR-31) of _____.

☐ Clear outstanding ☐ warrants or ☐ DMV and traffic violations and provide proof to Supervising Agency within _____ days of release from custody.

☐ Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☐ Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.

☐ Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.

☐ Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.

☐ Do not view or possess child pornography or child erotica. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

☐ Other conditions:

GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: _____

Date: _____

☐ Defendant ☐ Material Witness**ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS**

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said **forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.**

Date_____
Signature of Defendant / Material Witness_____
Telephone Number_____
City and State (**DO NOT INCLUDE ZIP CODE**)

☐ **Check if interpreter is used:** I have interpreted into the _____ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature_____
Date

Approved: _____

United States District Judge / Magistrate Judge_____
Date

If cash deposited: Receipt # _____ for \$ _____

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: _____ Date: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

APR 14 2021

UNITED STATES OF AMERICA,

PLAINTIFF

CASE NUMBER:

SA 21-22-DUTY

CENTRAL DISTRICT OF CALIFORNIA
BY WJ DEPUTY

PHILLIP EDWARD KRAMER

DEFENDANT.

WAIVER OF RIGHTS
(OUT OF DISTRICT CASES)

I understand that charges are pending in the _____ District of Columbia
alleging violation of See Complaint and that I have been arrested in this district and
(Title and Section / Probation / Supervised Release)

taken before a United States Magistrate Judge, who has informed me of the charge(s) and my rights to:

- (1) have an identity hearing to determine whether I am the person named in the charges;
- (2) arrival of process;

-Check one only-

☒ **EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary hearing (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; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed.R.Crim.P., in order to plead guilty.

☐ **PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary hearing (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) under Rule 32.1(b), Fed.R.Crim.P., to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release.

I HEREBY WAIVE (GIVE UP) MY RIGHT(S) TO:

- ☒ have an identity hearing
- ☒ arrival of process
- ☐ have a preliminary hearing
- ☐ have an identity hearing, and I have been informed that I have no right to a preliminary hearing
- ☐ have an identity hearing, but I request that a preliminary hearing be held in the prosecuting district.

Phillip Edward Kramer
Defendant

Defense Counsel

DOUGLAS F. McCORMICK
United States Magistrate Judge

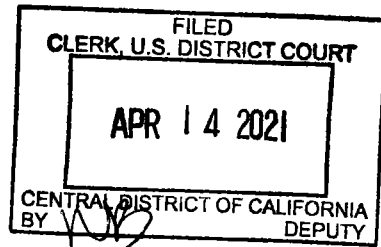
Date:

4/14/2021

I have translated this Waiver to the defendant in the _____ language.

Date:

Interpreter(if required)



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

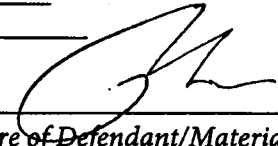
UNITED STATES OF AMERICA, v. Philip Edward Kramer	PLAINTIFF DEFENDANT.	CASE NUMBER: 8:21-MJ-00252 DECLARATION RE PASSPORT AND OTHER TRAVEL DOCUMENTS
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I, Philip Edward Kramer, declare that
(Defendant/Material Witness)

- ☐ I have never been issued any passport or other travel document by any country. I will not apply for a passport or other travel document during the pendency of this case.
- ☒ I have been issued a passport or other travel document(s). I will surrender my passport and all other travel document(s) issued to me to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case.
- ☐ I am unable to locate my passport(s) or other travel document(s). If I locate any passport or other travel document issued to me, I will immediately surrender it to the U.S. Pretrial Services Agency. I will not apply for a passport or other travel document during the pendency of this case.
- ☐ My passport and all other travel documents issued to me are in the possession of federal authorities. If any such document is returned to me during the pendency of this case, I will immediately surrender it to the U.S. Pretrial Services Agency. I will not apply for a passport or other travel document during the pendency of this case.

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

Executed this 14 day of April, 2021
at Santa Ana California
(City and State)


Signature of Defendant/Material Witness

If the declarant is not an English speaker, include the following:

I, _____, am fluent in written and spoken English and _____
languages. I accurately translated this form from English into _____
to declarant _____ on this date.

Date: _____

Interpreter

CUAUHTEMOC ORTEGA (Bar No. 257443)
Federal Public Defender
Jonathan K. Ogata (Bar No. 325914)
(E-Mail: jonathan_ogata@fd.org)
Deputy Federal Public Defender
411 West Fourth Street, Suite 7110
Santa Ana, California 92701-4598
Telephone: (714) 338-4500
Facsimile: (714) 338-4520

Attorneys for Defendant
PHILIP EDWARD KRAMER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILIP EDWARD KRAMER,

Defendant.

Case No. 8:21:MJ-00252

**ORDER
MODIFYING CONDITIONS OF
PRE-TRIAL BOND RELEASE**

GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that Defendant, Philip Edward Kramer's conditions of release and bond travel restrictions be modified as follows:

Travel is restricted to the Central District of California and the Southern District of California unless prior permission is granted by Supervising Agency to travel to a

//

//

specific other location. Travel to Washington D.C. is only permitted for purposes of the court proceedings in this case. Court permission is required for international travel.

DATED: April 22, 2021

By



HON. Douglas F. McCormick
United States Magistrate Judge

Presented by:

/s/ Jonathan K. Ogata

Jonathan K. Ogata
Deputy Federal Public Defender

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v. PHILIP EDWARD KRAMER

Case No. SA21-0252M

☐ Defendant ☐ Material Witness

Violation of Title and Section: 18 U.S.C. §§ 1752(a)(1), (a)(2), (b)(1)(A); 40 U.S.C. § 5104(e)(2)(D); 40 U.S.C. § 5104(e)(2)(G); 18: 641

☐ Summons ☒ Out of District ☐ UNDER SEAL ☒ Modified Date: 4/22/2021

Check only one of the five numbered boxes below (unless one bond is to be replaced by another):

1. ☐ Personal Recognizance (<i>Signature Only</i>) 2. ☐ Unsecured Appearance Bond \$ _____ 3. ☒ Appearance Bond \$ <u>50,000</u> (a). ☐ Cash Deposit (<i>Amount or %</i>) (<i>Form CR-7</i>) _____ (b). ☒ Affidavit of Surety Without Justification (<i>Form CR-4</i>) Signed by: <u>Wife - Michelle Kramer</u> _____ _____ _____ _____ _____	(c). ☐ Affidavit of Surety With Justification (<i>Form CR-3</i>) Signed by: _____ _____ _____ _____ _____ ☐ With Full Deeding of Property: _____ _____ _____ _____ _____ 4. ☐ Collateral Bond in the Amount of (<i>Cash or Negotiable Securities</i>): \$ _____ 5. ☐ Corporate Surety Bond in the Amount of: \$ _____	Release No. <u>39778</u> ☒ Release to Pretrial ONLY ☐ Release to Probation ONLY ☐ Forthwith Release ☐ All Conditions of Bond (<i>Except Clearing-Warrants Condition</i>) Must be Met and Posted by: _____ _____ ☐ Third-Party Custody Affidavit (<i>Form CR-31</i>) ☒ Bail Fixed by Court: <u>DFM</u> / <u>nb</u> (<i>Judge / Clerk's Initials</i>)
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PRECONDITIONS TO RELEASE

- ☐ The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).
- ☐ The Court has ordered a Nebbia hearing under § 3142 (g)(4).
- ☐ The Nebbia hearing is set for _____ at _____ ☐ a.m. ☐ p.m.

ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

- ☒ Submit to: ☒ Pretrial Services Agency (PSA) supervision as directed by PSA; ☐ Probation (USPO) supervision as directed by USPO.
(*The agency indicated above, PSA or USPO, will be referred to below as "Supervising Agency."*)
- ☒ Surrender all passports and travel documents to Supervising Agency no later than April 19, 2021, sign a Declaration
re Passport and Other Travel Documents (*Form CR-37*), and do not apply for a passport or other travel document during the pendency
of this case.
- ☒ Travel is restricted to Central District of California and Southern Dist. of Calif. unless prior permission is granted by Supervising
Agency to travel to a specific other location. Court permission is required for international travel.
- ☒ Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.
- ☒ Maintain or actively seek employment and provide proof to Supervising Agency. ☒ Employment to be approved by Supervising Agency.
- ☐ Maintain or begin an educational program and provide proof to Supervising Agency.

Defendant's Initials: PK

Date: 4-22-21

☐ Defendant ☐ Material Witness

- ☒ Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, ☒ including but not limited to any person who is known to be charged in connection with the January 6th ~~XXXXXX~~ Capitol riot.
- ☐ Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present: _____
- ☒ Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. ☒ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal. By 4/21/2021 provide proof of disposition of firearms to Pretrial Services.
- ☐ Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☐ Do not engage in telemarketing.
- ☐ Do not sell, transfer, or give away any asset valued at \$ _____ or more without notifying and obtaining permission from the Court, except _____.
- ☐ Do not engage in tax preparation for others.
- ☐ Do not use alcohol.
- ☐ Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.
- ☐ Do not use or possess illegal drugs or state-authorized marijuana. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☐ Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.
- ☐ Submit to: ☐ drug and/or ☐ alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.
- ☐ Participate in residential ☐ drug and/or ☐ alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. ☐ Release to PSA only ☐ Release to USPO only
- ☐ Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.
- ☒ Participate in the Location Monitoring Program and abide by all of the requirements of the program, under the direction of Supervising Agency, which ☒ will or ☐ will not include a location monitoring bracelet. You must pay all or part of the costs of the program based upon your ability to pay as determined by Supervising Agency. You must be financially responsible for any lost or damaged equipment.
- ☒ Location monitoring only - no residential restrictions;
- or-
- ☐ You are restricted to your residence every day:
- ☐ from _____ ☐ a.m. ☐ p.m. to _____ ☐ a.m. ☐ p.m.
- ☐ as directed by Supervising Agency;
- or-

Defendant's Initials: PKDate: 4-22-21

☐ Defendant ☐ Material Witness

☐ You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances, and _____, all of which must be preapproved by Supervising Agency;

☒ Release to PSA only ☐ Release to USPO only

☐ You are placed in the third-party custody (*Form CR-31*) of _____.

☐ Clear outstanding ☐ warrants or ☐ DMV and traffic violations and provide proof to Supervising Agency within _____ days of release from custody.

☐ Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☐ Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.

☐ Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.

☐ Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.

☐ Do not view or possess child pornography or child erotica. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

☐ Other conditions:

GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: PK

Date: 4-22-21

☐ Defendant ☐ Material Witness**ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS**

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said **forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.**

4-22-21
Date

[Signature]
Signature of Defendant / Material Witness

714-458-0226
Telephone Number

Yorba Linda, CA
City and State (DO NOT INCLUDE ZIP CODE)

☐ Check if interpreter is used: I have interpreted into the _____ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature

Date

Approved: [Signature]

United States District Judge / Magistrate Judge

AUTUMN D. SPAETH

4/23/21
Date

If cash deposited: Receipt # _____ for \$ _____

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: PEK

Date: 4-22-21

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Southern Division - Santa Ana)
CRIMINAL DOCKET FOR CASE #: 8:21-mj-00252-DUTY All Defendants**

Case title: USA v. Kramer

Date Filed: 04/14/2021

Other court case number: 1:21MJ360 District of Columbia

Date Terminated: 04/14/2021

Assigned to: Duty Magistrate Judge

Defendant (1)

Philip Edward Kramer
TERMINATED: 04/14/2021

represented by **Jonathan K. Ogata**
Federal Public Defenders Offices
Santa Ana Division
411 West 4th Street Suite 7110
Santa Ana, CA 92701
714-338-4521
Fax: 714-338-4520
Email: jonathan_ogata@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

None

Disposition

Plaintiff

Date Filed	#	Docket Text
04/14/2021	<u>1</u>	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Philip Edward Kramer, originating in the District of Columbia. Defendant charged in violation of: 18:1752,40:5104. Signed by agent Evan Jesch, FBI, Special Agent. (mhe) (Entered: 04/21/2021)
04/14/2021	<u>2</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Philip Edward Kramer; defendants Year of Birth: 1959; date of arrest: 4/14/2021 (mhe) (Entered: 04/21/2021)
04/14/2021	<u>3</u>	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Douglas F. McCormick as to Defendant Philip Edward Kramer. Court issues Order under Fed. R. Crim. P. 5(f) concerning prosecutor's disclosure obligations; <u>see</u> General Order 21-02 (written order). Defendant arraigned and states true name is as charged. Attorney: Jonathan K. Ogata for Philip Edward Kramer, Deputy Federal Public Defender, present. Court orders bail set as: Philip Edward Kramer (1) \$50,000 Appearance Bond, see attached for terms and conditions. Court orders defendant held to answer to District of Columbia. Court Reporter: Deborah Parker. (mhe) (Entered: 04/21/2021)
04/14/2021	<u>4</u>	SEALED Defendant Philip Edward Kramer arrested on warrant issued by the USDC District of Columbia at Washington. (Attachments: # <u>1</u> Charging Documents)(mhe) (Additional attachment(s) added on 4/21/2021: # <u>2</u> COMPLAINT) (mhe). (Entered: 04/21/2021)
04/14/2021	<u>6</u>	CONSENT to Video Conference/Telephonic Conference filed by Defendant Philip Edward Kramer. (mhe) (Entered: 04/21/2021)
04/14/2021	<u>7</u>	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Philip Edward Kramer. (mhe) (Entered: 04/21/2021)
04/14/2021	<u>8</u>	WAIVER OF RIGHTS approved by Magistrate Judge Douglas F. McCormick as to Defendant Philip Edward Kramer. (mhe) (Entered: 04/21/2021)
04/14/2021	<u>9</u>	REDACTED AFFIDAVIT OF SURETIES (No Justification - Pursuant to Local Criminal Rule 46-5.2.8) in the amount of \$50,000 by surety: Michelle Kramer for Filed by Defendant Philip Edward Kramer (mhe) (Entered: 04/21/2021)
04/14/2021	<u>10</u>	SEALED UNREDACTED Affidavit of Surety (No Justification) filed by Defendant Philip Edward Kramer re: Affidavit of Surety (No Justification)(CR-4) <u>9</u> (mhe) (Entered: 04/21/2021)
04/14/2021	<u>11</u>	DECLARATION RE: PASSPORT filed by Defendant Philip Edward Kramer, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I will surrender any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case. (mhe) (Entered: 04/21/2021)

04/14/2021	12	MEMORANDUM FOR RELEASE ORDER AUTHORIZATION filed by PSA Officer as to Defendant Philip Edward Kramer. (mhe) (Entered: 04/21/2021)
04/14/2021	13	FINANCIAL AFFIDAVIT filed as to Defendant Philip Edward Kramer. (Not for Public View pursuant to the E-Government Act of 2002) (mhe) (Entered: 04/21/2021)
04/14/2021		Notice to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Defendant Philip Edward Kramer. The clerk will transmit any restricted documents via email. Using your PACER account, you may retrieve the docket sheet and any text-only entries via the case number link. The following document link(s) is also provided: 3 Initial Appearance - Arrest on Out of District Warrant - Rule 5(c)(3) (fka Rule 40). If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (mhe) (Entered: 04/21/2021)
04/19/2021	14	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Philip Edward Kramer. USA passport was received on 4/14/21. (mhe) (Entered: 04/22/2021)
04/21/2021	5	STIPULATION for Modification of Conditions of Release filed by Defendant Philip Edward Kramer (Attachments: # 1 Proposed Order)(Ogata, Jonathan) (Entered: 04/21/2021)
04/22/2021	15	ORDER MODIFYING CONDITIONS OF PRE-TRIAL BOND RELEASE by Magistrate Judge Douglas F. McCormick as to Defendant Philip Edward Kramer (1) \$50,000 Appearance Bond (mhe) (Entered: 04/23/2021)
04/23/2021	16	BOND AND CONDITIONS OF RELEASE filed as to Defendant Philip Edward Kramer conditions of release: \$50,000 Appearance Bond, see attached for terms and conditions approved by Magistrate Judge Autumn D. Spaeth. (mhe) (Entered: 04/26/2021)