

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

RICHARD FRANKLIN BARNARD

) Case: 1:21-mj-00262
) Assigned to: Judge Faruqi, Zia M
) Assign Date: 2/24/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)

Defendant

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) Richard Franklin Barnard,
 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) - Unlawful Entry on Restricted Building or Grounds

18 U.S.C. § 1752(a)(2) - Unlawful Entry on Restricted Building or Grounds

40 U.S.C. § 5104(e)(2)(D)- Violent entry and disorderly conduct on Capitol Grounds

40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating or Picketing in a Capitol Building

Date: 02/24/2021

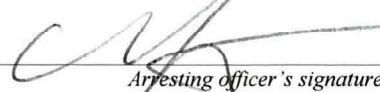
2021.02.24

15:37:02 -05'00'

*Issuing officer's signature*City and state: Washington, D.C.Zia M. Faruqi, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) 2/24/2021 and the person was arrested on (date) 2/25/2021
 at (city and state) Capitol Hill, DC

Date: 3/3/2021*Arresting officer's signature*

Brian Bethard, Special Agent
Printed name and title

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

JEFFERY SHANE WITCHER

Case: 1:21-mj-00262

Assigned to: Judge Faruqui, Zia M

Assign Date: 2/24/2021

Description: COMPLAINT W/ARREST WARRANT

Defendant

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) Jeffery Shane Witcher,
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)- Obstruction of an Official Proceeding
 18 U.S.C. § 1752(a)(1) - Unlawful Entry on Restricted Building or Grounds
 18 U.S.C. § 1752(a)(2) - Unlawful Entry on Restricted Building or Grounds
 40 U.S.C. § 5104(e)(2)(D)- Violent entry and disorderly conduct on Capitol Grounds
 40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating or Picketing in a Capitol Building

Date: 02/24/20212021.02.24 15:30:54
-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) 2/24/2021, and the person was arrested on (date) 2/25/21
 at (city and state) BASTROP, TEXAS.

Date: 3/3/21

Arresting officer's signature

THOMAS SULLIVAN TFD

Printed name and title

February 25, 2021

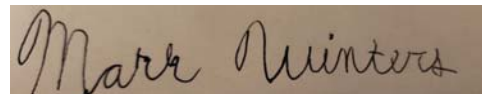
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT**for the
District of ColumbiaBY: kkc
DEPUTY**TXWD Case No.: 1:21-MJ-159-ML**United States of America
v.
Richard Franklin Barnard, (XX/XX/XXXX)
Jeffery Shane Witcher, (XX/XX/XXXX))
) **Case: 1:21-mj-00262**
) **Assigned to: Judge Faruqui, Zia M**
) **Assign Date: 2/24/2021**
) **Description: COMPLAINT W/ARREST WARRANT**
)
)
)Defendant(s)**CRIMINAL COMPLAINT**

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

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ District of Columbia, the defendant(s) violated:*Code Section**Offense Description***Richard Franklin Barnard:**18 U.S.C. § 1752(a)(1) - Unlawful Entry on Restricted Building or Grounds
18 U.S.C. § 1752(a)(2) - Unlawful Entry on Restricted Building or Grounds
40 U.S.C. § 5104(e)(2)(D)- Violent entry and disorderly conduct on Capitol Grounds
40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating or Picketing in a Capitol
Building**Jeffery Shane Witcher:**18 U.S.C. § 1512(c)(2)- Obstruction of an Official Proceeding
18 U.S.C. § 1752(a)(1) - Unlawful Entry on Restricted Building or Grounds
18 U.S.C. § 1752(a)(2) - Unlawful Entry on Restricted Building or Grounds
40 U.S.C. § 5104(e)(2)(D)- Violent entry and disorderly conduct on Capitol Grounds
40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating or Picketing in a Capitol
Building

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.*Complainant's signature*

FBI Special Agent Mark Winters

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

Telephone (specify reliable electronic means).

Date: 02/24/2021

2021.02.24

15:27:15 -05'00'

*Judge's signature*City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, Mark Winters, is a Special Agent assigned to the Central Texas Joint Terrorism Task Force. In my duties as a special agent, I have led arrests on subjects with known racially motivated violent extremist tendencies, as well as those with militia-based ideologies. I have authored search warrant and arrest warrant affidavits, and participated in the execution of such warrants, leading to the seizure of controlled substances, firearms, records, cellular telephones, and other evidence. Additionally, I have conducted interviews and interrogations of individuals ranging from victims to violent gang members. I have also participated in investigations of those with links to domestic terrorism. I am experienced in the methods used by homegrown violent extremists (HVEs), among others, to socially engineer and manipulate the unsuspecting in order to achieve their goals. Currently, I am also tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 8, 2021, an individual (hereafter W-1) contacted the National Threat Operations Center to report an individual who was inside the Capitol on January 6, 2021. W-1 reported that he was notified by a second individual (hereafter W-2) that a mutual friend, Jeffery Shane WITCHER, was inside the U.S. Capitol Building on January 6, 2021. W-2 informed W-1 that WITCHER had sent him several videos from his time inside of the Capitol, but W-2 did not wish to have them sent to him.

On January 16, 2021, Special Agents of the Houston Division interviewed W-2 regarding his contact with WITCHER and recovered the videos from his phone, to the include the image pictured below (Figure 1). W-2 also passed the contact information for the local FBI field office to WITCHER. Shortly thereafter WITCHER contacted the FBI, requesting an interview. WITCHER's contact information, as well as the videos, were then passed to the San Antonio Division.



Figure 1 Witcher (right)-Barnard (left) Selfie with Timestamp

At approximately 0920 AM CST on January 26, 2021, WITCHER made telephonic contact with the FBI, and informed the interviewing Agents in Austin that he was anxious to meet and conduct an interview regarding his involvement in the riot that occurred on January 6, 2021 at the United States Capitol building in the District of Columbia (DC). WITCHER stated he had already deleted most of the videos and pictures he took from the Capitol riot on January 6, 2021 while he was at the Atlanta airport. WITCHER stated he saw what was happening on the news, and felt the videos could be self-incriminating, but insisted he was not deleting the files as a way of destroying evidence. He also agreed to bring his phone for the interview, and would discuss access to the phone upon meeting the Agents.

During the interview WITCHER stated he traveled to the Capitol on January 5, 2021, arriving that evening, and stayed at the Moxy hotel in Washington D.C. WITCHER traveled with two close friends, one of whom he later identified as Richard BARNARD, who also went with him inside the Capitol building. WITCHER had met BARNARD in the United States Marine Corps (USMC), hence the above photo featuring Barnard on the left with his USMC hat. WITCHER later left the USMC to serve in the United States Army (USA). As a combat veteran, WITCHER believed free speech across the country was being censored and most people were tone deaf to discussion and have become disenfranchised with the political process. He stated his purpose was to take part in civil disobedience, which he felt was necessary to facilitate a dialogue, only he had expected it to be nonviolent and peaceful.

On his way to the Capitol, WITCHER stated he stopped for a photo at the Trump Hotel at approximately 1:02 PM EST. At the time the Capitol building was initially breached, he was approximately 300 yards away, closer to the Washington monument. He then joined the group of people who were proceeding into the Capitol, noting a significant lack of police personnel or barriers preventing him and others from making entry. At approximately 2:19 PM EST, WITCHER and his friend BARNARD made entry into the Capitol building, where they came upon a large rotunda filled with law enforcement officers and protestors. Some of WITCHER's interactions with the LEOs and violent protestors was captured on WITCHER's cell phone.

During the interview, WITCHER agreed to a consent search of his cell phone and, if necessary, his Apple iCloud account. Agents directed WITCHER to the phone's deleted files, where they were able to locate the videos and pictures that WITCHER had previously thought deleted. All of these files were recovered, and two videos taken from inside the Capitol building were sent to Special Agent Mark Winters Bureau issued cell phone. Included in these images was the same image identified by W-2, pictured above (Figure 1), where WITCHER identified himself, and BARNARD. Additionally, the photograph below (Figure 2) depicting BARNARD inside the U.S. Capitol was also retrieved from WITCHER's cell-phone.



Figure 2 Barnard Side Profile 1

In the first video retrieved from WITCHER's phone, WITCHER appears to be walking towards the rotunda where the line of police officers was overpowered by the crowd. WITCHER can be heard saying, "I am in the White House! We crashed this. Our house! We did it! We did it, family, we did it! We did it! We're in the White House! I'm out here with my brother Richard Barnard-no, no, no, let's go! It's our house, it's our house! Our house! Our house! Hey family, we did it. We came, and we did it. We're inside the White House. Our house." WITCHER later clarified during his interview that he was so emotional and invested in the moment, he briefly forgot he was in the Capitol building, and not the White House. In the second video, which is recorded from inside the rotunda, WITCHER's voice can be heard saying, "We're in the rotunda. We're in the rotunda. Our house! Our house! Our house! Our house! Our house! Our house! Our house! Our house! Our house! Our house! Our house! Our house! Our house! Our house!" WITCHER's voice can be heard shouting to law enforcement, "Our house! Our house! Our house! Don't be a traitor! Fulfill your Constitutional duties, man. Do or die! Do or die! Do or die! Be with us! Be with us! Be with us!" WITCHER continues shouting to law enforcement saying, "You are us! You are us! You are us! You are us! Hey man, you grew up in the same place I grew up, you're us. Hey man, you are us, you are us, you're us, guy. Hey man, don't forget your Constitutional duties. Don't forget your oath, brother. Don't forget your oath! Do not forget your oath! You are us! You are us! You are us!" A few seconds later, a heavy thud can be heard in the video, which WITCHER described during his interview as someone throwing a fire extinguisher at the police officers. WITCHER can then be heard shouting, "Don't do that! No, no! No! These are not our enemies. No, don't do it." WITCHER then joins in the chant in the rotunda, saying, "Our house! Our house! Man, I'm so proud of us."

WITCHER had been initially hesitant to share the name and contact information of his close friend Richard BARNARD, but at approximately 4:00 PM CST, WITCHER contacted the interviewing Agents once more and provided that information.

The following morning, January 20, 2021, Agents contacted BARNARD telephonically to arrange a time to meet at the Austin Resident Agency for a consensually recorded interview. BARNARD agreed to the interview, and came to the Austin RA at 2:00 PM CST, January 26, 2021, where he was advised of

his rights, informed he was in a recorded room, and presented with a consent to search form for his electronics and digital media, which he signed.

During the interview BARNARD stated he arrived in Washington D.C. on the evening of January 5, 2021 via air travel at approximately 9:00 PM EST. On January 6, 2021, BARNARD went to former President Donald Trump's speech before moving to the Capitol building in the hopes of being closer to the President when he announced he would march to the building. BARNARD believed there were people at the Capitol who were already attempting to breach it before he ever arrived. At approximately 2:02 PM EST, BARNARD made entry into the Capitol building with WITCHER, and walked into a large rotunda where he encountered multiple law enforcement officers. More individuals in the crowd began to push against the police officers, and BARNARD, with at least three other individuals, shielded the police officers with their bodies while the crowd moved past. The officers, along with BARNARD, moved to a shattered window near the front entrance, where BARNARD and his friend, Jeffery Shane WITCHER exited the U.S. Capitol building. All of these events occurred over the span of approximately 15-20 minutes, or 2:02 PM EST to 2:18 PM EST. BARNARD stated he did not originally plan to go into the Capitol building. BARNARD stated he stayed at the Moxy hotel, and recalled following the election results in Georgia that night through the check-in process at the hotel. BARNARD flew out of Washington D.C. on January 7, 2021. BARNARD became scared when his wife texted him on January 6, 2021, telling him that people had died during the protests. Barnard stated he then decided to delete the videos and photographs from his phone. BARNARD still thought it felt good to be there and was a good experience up until the moment he entered the Capitol. BARNARD allowed investigators to examine his cell phone after signing a consent to search mobile device and electronic data form. No videos or photos could be recovered from the device, but BARNARD offered to send whatever he could if he found other materials later.

During the course of the investigation your affiant also retrieved video footage from "cantcensortruth.com" where a video labeled "THERESISTANCE.VIDEO" captured WITCHER and BARNARD inside the U.S. Capitol building. Specifically, both defendants can be seen wearing the same clothing as depicted in the above photograph (Figure 1) where WITCHER positively identified himself and BARNARD. Screenshots of this video are pictured below in Figure 3 and 4.



Figure 3 Witcher (left)-Barnard (right) Inside Capitol



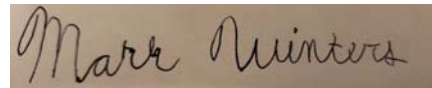
Figure 4 Barnard Side Profile 2

Based on the foregoing, your affiant submits that there is probable cause to believe that Jeffrey Shane WITCHER and Richard Franklin BARNARD violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the

orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

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

Finally, your affiant submits there is probable cause to believe that Jeffery Shane WITCHER violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.



Special Agent Mark Winters
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 24th day of February 2021.



2021.02.24
15:38:10 -05'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

RICHARD FRANKLIN BARNARD

) Case: 1:21-mj-00262
) Assigned to: Judge Faruqui, Zia M
) Assign Date: 2/24/2021
) Description: COMPLAINT W/ARREST WARRANT
)
)

Defendant

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☐ 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) - Unlawful Entry on Restricted Building or Grounds
 18 U.S.C. § 1752(a)(2) - Unlawful Entry on Restricted Building or Grounds
 40 U.S.C. § 5104(e)(2)(D)- Violent entry and disorderly conduct on Capitol Grounds
 40 U.S.C. § 5104(e)(2)(G)- Parading, Demonstrating or Picketing in a Capitol
 Building

Date: 02/24/2021

2021.02.24

15:37:02 -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) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
JEFFERY SHANE WITCHER

Defendant

) Case: 1:21-mj-00262
) Assigned to: Judge Faruqui, Zia M
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Building

Date: 02/24/2021




2021.02.24 15:30:54
-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) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

USA
vs.
(1) Richard Franklin Barnard
Defendant

§
§ Case Number: AU:21-M -00159(1)
§
§ Charging District Case No.: 1:21mj262
§
§

Waiver of Rule 5 & 5.1 Hearing
(Complaint/Indictment)

I understand that I have been charged in another district, the 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 within 14 days of my first appearance if I am in custody and 21 days otherwise —unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

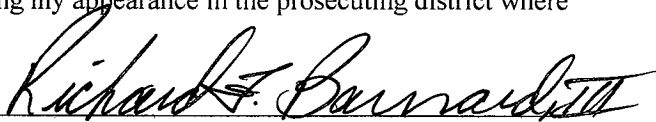
I agree to waive my right(s) to:

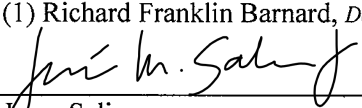
- (X) an identity hearing and production of the warrant.
- (X) a preliminary hearing.
- () a detention hearing.
- () an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting 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.

March 2, 2021

Date


(1) Richard Franklin Barnard, Defendant


Jesus Salinas
Counsel for Defendant

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

USA

vs.

(2) Jeffery Shane Witcher

Defendant

§

§

§

§

§

§

Case Number: AU:21-M -00159(2)

Charging District Case No.: 1:21mj262

Waiver of Rule 5 & 5.1 Hearing
(Complaint/Indictment)

I understand that I have been charged in another district, the 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 within 14 days of my first appearance if I am in custody and 21 days otherwise —unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request 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 warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings 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.

Jeffery Shane Witcher by Sam S. Bassett
(2) Jeffery Shane Witcher, *Defendant* *w/ permission*

3-1-21

Date

Sam Bassett, David Minton
Counsel for Defendant

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED

February 26, 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: AD
DEPUTY

United States of America
v.

Richard Franklin Barnard
Defendant

Case No. 1:21-159(1)-ML

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: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA AT 333
Constitution Avenue NW Washington, Courtroom 6

Place

on as directed

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

☒ (7) The defendant must:

☒ (a) submit to supervision by and report for supervision to the U.S. Pretrial Services Office, telephone number 512-916-5297, no later than ____.

☒ (b) continue or actively seek employment.

☐ (c) continue or start an education program.

☐ (d) surrender any passport to: U.S. Pretrial Services

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

☐ (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the county of residence and those counties immediately surrounding that county. No travel to DC except for Court Appearances, Pretrial Meetings, or Consulting with an Attorney. No travel outside the continental U.S. without Court approval. No foreign travel.

☐ (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: including all codefendants.

☐ (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.

☐ (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 on 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) The defendant is ordered to appear for processing by the United States Marshal's Service at their office on the 3rd floor of the U.S. Courthouse in Austin, Texas WITHIN FIVE (5) DAYS of the defendant's release from custody.

☐ (t) _____

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

Georgetown Texas
City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released.
- (☐) 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: February 26, 2021


Judicial Officer's Signature

U.S. Magistrate Judge Mark Lane

Printed name and title

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

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

USA	§	
	§	
vs.	§	Case No: AU:21-M -00159(2)
	§	
(2) Jeffery Shane Witcher	§	Charging District: District of Columbia
	§	Charging District's Case No.: 1:21mj262

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE
CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place:	Courtroom No. Date and Time:
--------	---------------------------------

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

Date: February 26, 2021


 MARK LANE
 UNITED STATES MAGISTRATE JUDGE

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

USA	§	
	§	
vs.	§	Case No: AU:21-M -00159(1)
	§	
(1) Richard Franklin Barnard	§	Charging District: 1:21mj262
	§	Charging District's Case No.: District of Columbia

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE
CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

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

Date: February 26, 2021



MARK LANE
UNITED STATES MAGISTRATE JUDGE

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00159-ML All Defendants**

Case title: USA v. Barnard et al
Other court case number: 1:21-mj-262 District of Columbia

Date Filed: 02/25/2021
Date Terminated: 03/02/2021

Assigned to: Judge Mark Lane

Defendant (1)

Richard Franklin Barnard
TERMINATED: 03/02/2021

represented by **Jesus M. Salinas , Jr.**
Federal Public Defender
Lavaca Plaza
504 Lavaca St., Ste. 960
Austin, TX 78701
512-916-5025
Fax: 512-916-5035
Email: jesus_salinas@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Duty Pub. Defender-Austin
Office of the Federal Public Defender
Austin Division
500 Lavaca St., Suite 960
Austin, TX 78701
(512) 916-5025
Fax: (512) 916-5035
Email: norma_g_medrano@fd.org
TERMINATED: 02/26/2021
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

Complaint from District of Columbia

Disposition

Assigned to: Judge Mark Lane

Defendant (2)**Jeffery Shane Witcher***TERMINATED: 03/02/2021*represented by **Samuel E. Bassett**

Minton, Burton, Bassett & et al

1100 Guadalupe

Austin, TX 78701

(512) 472-0144

Fax: 512/479-8315

Email: sbassett@mbfc.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

Complaint from District of Columbia

Disposition**Plaintiff****USA**represented by **G. Karthik Srinivasan**US Attorney's Office - Western District of
Texas

903 San Jacinto Blvd., Suite 334

Austin, TX 78701

512-370-1253

Fax: 512-916-5854

Email: karthik.srinivasan@usdoj.gov

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/25/2021	<u>1</u>	Arrest (Rule 5) of Richard Franklin Barnard, Jeffery Shane Witcher. (kkc) (Entered: 02/25/2021)
02/26/2021	<u>2</u>	CJA 23 Financial Affidavit by Richard Franklin Barnard (SEALED pursuant to E-Government Act of 2002). (kkc) (Main Document 2 replaced on 2/26/2021) (kkc). (Entered: 02/26/2021)
02/26/2021	<u>3</u>	Minute Entry for proceedings held before Judge Mark Lane: Initial Appearance in Rule 5(c)(3) as to Richard Franklin Barnard held on 2/26/2021 (Minute entry documents are not available electronically.) (Court Reporter Zoom.) (kkc) (Entered: 02/26/2021)
02/26/2021	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Richard Franklin Barnard: Duty Pub. Defender-Austin for Richard Franklin Barnard appointed. Signed by Judge Mark Lane. (kkc) (Entered: 02/26/2021)
02/26/2021	<u>5</u>	Order Regarding Financial Status as to Richard Franklin Barnard. Signed by Judge Mark Lane. (kkc) (Entered: 02/26/2021)
02/26/2021	<u>6</u>	ORDER Setting Conditions of Release as to Richard Franklin Barnard (1). Signed by Judge Mark Lane. (kkc) (Main Document 6 replaced on 3/1/2021) (jf). (Entered: 02/26/2021)
02/26/2021	<u>7</u>	Minute Entry for proceedings held before Judge Mark Lane: Initial Appearance in Rule 5(c)(3) as to Jeffery Shane Witcher held on 2/26/2021 (Minute entry documents are not available electronically.) (Court Reporter Zoom.) (kkc) (Entered: 02/26/2021)
02/26/2021	<u>8</u>	ORDER Setting Conditions of Release as to Jeffery Shane Witcher (2). Signed by Judge Mark Lane. (kkc) (Main Document 8 replaced on 3/1/2021) (jf). (Entered: 02/26/2021)
02/26/2021	<u>9</u>	ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Richard Franklin Barnard. Signed by Judge Mark Lane. (kkc) (Entered: 02/26/2021)
02/26/2021	<u>10</u>	ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Jeffery Shane Witcher. Signed by Judge Mark Lane. (kkc) (Entered: 02/26/2021)
02/26/2021	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: Jesus M. Salinas, Jr appearing for Richard Franklin Barnard . Attorney Jesus M. Salinas, Jr added to party Richard Franklin Barnard(pty:dft) (Salinas, Jesus) (Entered: 02/26/2021)
03/02/2021	<u>12</u>	Waiver of Identity Hearing by Jeffery Shane Witcher (Bassett, Samuel) (Entered: 03/02/2021)
03/02/2021	<u>13</u>	Waiver of Identity Hearing by Richard Franklin Barnard (Salinas, Jesus) (Entered: 03/02/2021)
03/02/2021	<u>14</u>	Notice to District of Columbia of a Rule 5 Appearance as to Richard Franklin Barnard. Your case number is: 1:21-MJ-262. Docket sheet and documents attached. (If you require certified copies of any documents, please send a request to TXWD_ECF_help@txwd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov.) (Entered: 03/02/2021)
03/02/2021	<u>15</u>	Notice to District of Columbia of a Rule 5 Appearance as to Jeffery Shane Witcher. Your case number is: 1:21-MJ-262. Docket sheet and documents attached. (If you require

certified copies of any documents, please send a request to TXWD_ECF_help@txwd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov.) (jf) (Entered: 03/02/2021)

PACER Service Center			
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03/02/2021 15:29:43			
PACER Login:	BrittanyBryant:6635828:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:21-mj-00159-ML
Billable Pages:	2	Cost:	0.20
Exempt flag:	Exempt	Exempt reason:	Always

PACER fee: Exempt