

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Shane Jenkins

Defendant

)
) **Case: 1:21-mj-00271**
) **Assigned To : Harvey, G. Michael**
) **Assign. Date : 03/02/2021**
) **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) Shane Jenkins

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. § 111(a)(1) and (b) - Assault on Federal Officer;
- 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
- 18 U.S.C. § 1361 - Damage to Federal Property;
- 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) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
- 18 U.S.C. § 1752(a)(4) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority.

Date: 03/02/2021

Digitally signed by G. Michael Harvey
Date: 2021.03.02 13:30:54 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 3/2/2021, and the person was arrested on (date) 3/5/2021
at (city and state) Houston, Texas.

Date: 3/5/2021

Arresting officer's signature

Amy L. Avila, Special Agent
Printed name and title

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Shane Jenkins

DOB: XXXXXX

Defendant(s)

)
)
)
)
)
)
)
)

Case: 1:21-mj-00271

Assigned To : Harvey, G. Michael

Assign. Date : 03/02/2021

Description: Complaint w/ Arrest Warrant

4:21mj0443

United States Courts
Southern District of Texas
FILED

March 05, 2021

Nathan Ochsner, Clerk of Court

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
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 111(a)(1) and (b) - Assault on Federal Officer, 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder, 18 U.S.C. § 1361 - Damage to Federal Property, 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) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 18 U.S.C. § 1752(a)(4) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Jeffrey Johannes, Special Agent
Printed name and title

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

Date: 03/02/2021

Judge's signature

Digitally signed by G. Michael Harvey
Date: 2021.03.02 13:32:34 -05'00'

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge
Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Case: 1:21-mj-00271
Assigned To : Harvey, G. Michael
Assign. Date : 03/02/2021
Description: Complaint w/ Arrest Warrant

UNITED STATES OF AMERICA

v.

SHANE JENKINS,

Defendant.

- : **Case No.**
- : **VIOLATIONS:**
- : **18 U.S.C. § 231(a)(3)**
- : **(Civil Disorder)**
- : **18 U.S.C. §§ 111(a)(1) and (b)**
- : **(Assaulting, Resisting, or Impeding**
- : **Certain Officers Using a Dangerous**
- : **Weapon)**
- : **18 U.S.C. § 1361**
- : **(Destruction of Government Property)**
- : **18 U.S.C. § 1752(a)(1)**
- : **(Entering and Remaining in a Restricted**
- : **Building or Grounds)**
- : **18 U.S.C. § 1752(a)(2)**
- : **(Disorderly and Disruptive Conduct in a**
- : **Restricted Building or Grounds)**
- : **18 U.S.C. § 1752(a)(4)**
- : **(Engaging in Physical Violence in a**
- : **Restricted Building or Grounds)**

ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: March 2, 2021



Digitally signed by G.
Michael Harvey
Date: 2021.03.02
13:33:38 -05'00'

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE

Case: 1:21-mj-00271
Assigned To : Harvey, G. Michael
Assign. Date : 03/02/2021
Description: Complaint w/ Arrest Warrant

STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and I am currently assigned to the Washington, D.C. Field Office. Currently, I am 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 violations 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 U.S. Congress convened at the U.S. 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.

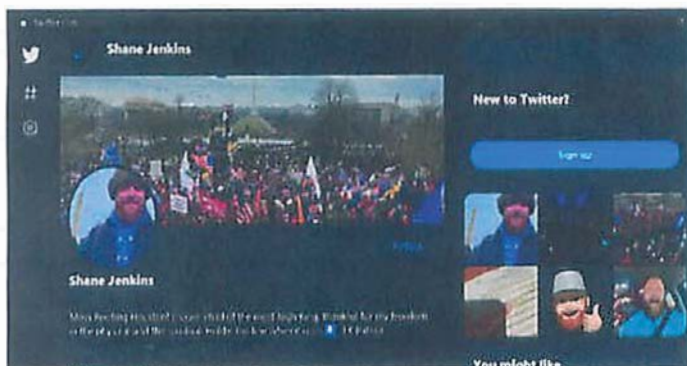
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals 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 or about January 18, 2021, the FBI received tips from an individual (“Witness 1”) who did not know the individual personally, but based on Internet research, had determined that SHANE JENKINS, from Houston, Texas, was seen on publicly available footage of the Capitol Riots. Witness 1 provided a screen shot of the video. According to Witness 1, in the video, JENKINS could be seen pulling a “small crowbar” out of his bag and smashing a window to the left of the tunnel in the Lower West Terrace area of the U.S. Capitol. Witness 1 described JENKINS as having a red/blonde beard, a shaven head, a tattoo under his right eye, a large tattoo across his neck, and hand tattoos. Witness 1 also stated that he/she had done Internet research and found a Facebook page for JENKINS at www.facebook.com/shane.jenkins.7 and a Twitter account for JENKINS at twitter.com/redtattoo179.

Following these tips, the FBI examined the social media accounts provided by Witness-1. On the Twitter account “redtattoo179,” the FBI found that the user of the account self-identified as SHANE JENKINS and publicly posted a photograph of the Capitol Riots from a location near the Lower West Terrace area of the U.S. Capitol. The user of the account also posted a photograph showing an individual with a tattoo under his right eye, wearing a blue hoodie, a black jacket, and a fur hat. A screenshot from this Twitter account is shown below.



On the Facebook account “shane.jenkins.7,” the FBI found that the user of the account self-identified as SHANE JENKINS and publicly posted what appears to be a video of himself taken at the Capitol Riots. In the video, JENKINS can be seen with a red/blonde beard, wearing a red beanie, blue hoodie and black jacket, and a tattoo under his right eye. A screen capture from the video is shown below.



The FBI conducted a search on Twitter for videos relating to the breaking of windows during the Capitol Riots. From this search, the FBI located a publicly posted video showing an individual, resembling SHANE JENKINS, and wearing a red Nautica beanie, blue hoodie, black jacket, and camouflage pants, with a tattoo under his right eye. JENKINS removes a metal survival hatchet out of a backpack, puts on black gloves, and uses the hatchet to hit a window to the left of the Lower West Terrace tunnel. Two screenshots from this video are below. The one on the left matches the screenshot provided by Witness-1. According to information received from the Architect of the Capitol, the cost to repair this window is approximately \$1,500.



I have reviewed a 2014 photograph from the Texas Department of Criminal Justice file on inmate SHANE JENKINS. The photograph shows that JENKINS has a tattoo under his right eye and a tattoo of the words "MAMA TRIED" across his neck. I have also reviewed the Texas Driver's License picture for SHANE JENKINS, which shows the same tattoos.

I have reviewed additional publicly posted photographs and videos from the Capitol Riots which show that JENKINS was present in the area of the Lower West Terrace. In these photographs, JENKINS' distinctive tattoos are visible, and he is wearing a red Nautica beanie, blue hoodie, and black jacket. Some of these photos are shown below.



On February 12, 2021, the FBI showed the above two photos to a parole officer with the Texas Department of Criminal Justice who was assigned to JENKINS for several years and had regular in-person contact with him. The parole officer identified JENKINS as the person appearing in these photos.

I have reviewed additional publicly available video from the Capital Riots as well as security camera footage and body-worn camera provided by the U.S. Capitol Police (“USCP”) and Metropolitan Police Department (“MPD”). In these videos, at approximately 4:33 p.m., JENKINS can be seen retrieving objects from the ground and throwing them at USCP and MPD officers stationed in the entranceway. Some of the items I observe Shane Jenkins throw at the officers are a pole, a desk drawer, some type of pipe/metal rod, and a flagpole. I further observe these items land on top of the heads of several of the MPD and USCP officers inside the entranceway tunnel. Screenshots from these videos are shown below.







I have also reviewed body-worn camera video taken by an MPD officer enforcing a curfew that was imposed after the Capitol Riots. In this video, at approximately 9:49 p.m., on January 6, 2021, JENKINS can be seen confronting officers outside the Embassy Suites Hotel, at 900 10th Street NW, Washington, D.C. In the video, JENKINS' tattoos are visible, and he is wearing the same red beanie, blue hoodie, and black gloves seen in the images above.





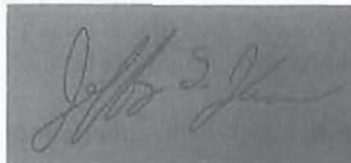
Based on the foregoing, your affiant submits that there is probable cause to believe that SHANE JENKINS violated 18 U.S.C. § 111(a)(1) and (b), which makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in section 1114 of title 18 while engaged in or on account of the performance of official duties and using a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component). Persons designated within section 1114 include any person assisting an officer or employee of the United States in the performance of their official duties.

Your affiant submits there is also probable cause to believe that SHANE JENKINS violated 18 U.S.C. § 231(a)(3) and § 2, which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits there is also probable cause to believe that SHANE JENKINS violated 18 U.S.C. § 1361, by willfully injuring or committing any depredation against government property, or attempting to do so, that is, a window of the Capitol building, causing damage in an amount more than \$1000.

Your affiant submits that there is also probable cause to believe that SHANE JENKINS violated 18 U.S.C. § 1752(a)(1), (2) and (4), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire to do so. 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.



Jeffery F. Johannes
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of March 2021.



Digitally signed by G. Michael
Harvey
Date: 2021.03.02 13:34:01 -05'00'

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Shane Jenkins

Case: 1:21-mj-00271
Assigned To : Harvey, G. Michael
Assign. Date : 03/02/2021
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) Shane Jenkins
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. § 111(a)(1) and (b) - Assault on Federal Officer;
18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder;
18 U.S.C. § 1361 - Damage to Federal Property;
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) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
18 U.S.C. § 1752(a)(4) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority.

Date: 03/02/2021
Digitally signed by G. Michael Harvey
Date: 2021.03.02 13:30:54 -05'00'
Issuing officer's signature

City and state: Washington, D.C.
G. Michael Harvey, 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
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

March 05, 2021

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

versus

§

Case No. 4:21-mj-00443

§

Shane Jenkins

§

§

ORDER APPOINTING COUNSEL FOR LIMITED PURPOSE

Because the Defendant, Shane Jenkins, has satisfied this court that (s)he is financially unable to employ counsel for initial appearance only and does not wish to waive counsel, and because the interests of justice so require, an attorney is hereby **APPOINTED** to represent Defendant in the above designated case for the **limited purpose of any hearing conducted in Houston, Texas**, and shall have no effect once the Defendant is transferred to the original court in the District of Columbia, Washington DC Division. Once transferred, the original court must make a new determination on whether the Defendant satisfies the requirements for appointed counsel based on the information available to the court at that time.

Attorney appointed: Federal Public Defender

The appointment **SHALL** remain in effect until Defendant is transferred to the original jurisdiction and this case is terminated in the Southern District of Texas.

Signed on March 5, 2021.



Christina A. Bryan
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

March 05, 2021

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

versus

§

Case No. 4:21-mj-00443

§

Shane Jenkins

§

§

ORDER

In accordance with Federal Rule of Criminal Procedure 5(f), as amended by the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), the Government is **ORDERED** to comply with the prosecutor's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. The Government is also notified of the potential consequences of violating this Order and the disclosure obligations. The consequences include, but are not limited to, sanctions such as delaying trial or other proceedings, excluding evidence, giving adverse jury instructions, granting a new trial, dismissing the case, or finding the Government in contempt.

It is so **ORDERED**.

SIGNED on March 5, 2021.



Christina A. Bryan
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

March 05, 2021

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

versus

§

Case No. 4:21-mj-00443

§

Shane Jenkins

§

§

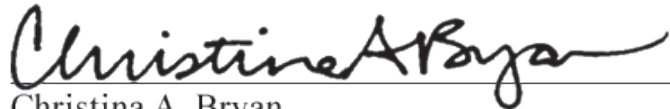
ORDER OF DETENTION PENDING HEARING

A hearing in this case is scheduled as follows:

Preliminary Examination and Detention Hearing
March 8, 2021 at 10:00 AM
by video

IT IS ORDERED: Pending the hearing, the defendant is to be detained in the custody of the United States Marshal or any other authorized officer. The custodian must bring the defendant to the hearing at the time, date, and place set forth above.

Date: March 5, 2021



Christina A. Bryan
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

ENTERED

March 11, 2021

Nathan Ochsner, Clerk

United States of America)

v.)

Shane Jenkins)

Defendant)

Case No. 4:21-mj-443-001

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon the

- Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
- Motion of the Government or Court’s own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court’s findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2)** (*previous violator*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
 - (1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
 - (a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**
 - (b)** an offense for which the maximum sentence is life imprisonment or death; **or**
 - (c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
 - (d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
 - (e)** any felony that is not otherwise a crime of violence but involves:
 - (i)** a minor victim; **(ii)** the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);
 - (iii)** any other dangerous weapon; or **(iv)** a failure to register under 18 U.S.C. § 2250; **and**
 - (2)** the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**
 - (3)** the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**
 - (4)** a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.
- B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3)** (*narcotics, firearm, other offenses*): There is a

rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

C. Conclusions Regarding Applicability of Any Presumption Established Above

- The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. *(Part III need not be completed.)*

OR

- The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- Lack of stable employment
- Lack of stable residence
- Lack of financially responsible sureties
- Lack of significant community or family ties to this district
- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration

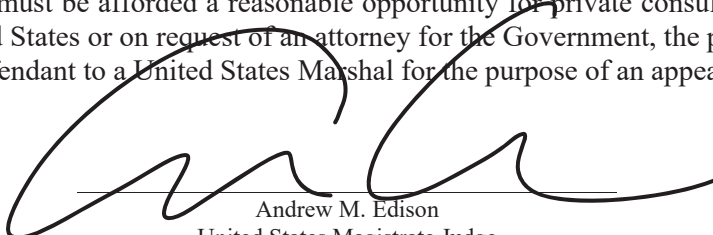
- Prior failure to appear in court as ordered
- Prior attempt(s) to evade law enforcement
- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

I explained my reasoning on the record in great detail. Long story, short: I do not think this is close call. The government has met its burden to provide by clear and convincing evidence that there are no conditions or combination of conditions of release will reasonably assure the safety of any other persons and the community. Mr. Jenkins visited the Capitol grounds on January 6. He brought with him a crowbar/hatchet and used it to smash a window at the US Capitol. He then threw nine items — pole, a desk drawer, a pipe/metal rod — at law enforcement officers, trying to hurt them for doing their job and trying to protect the symbol of our great democracy and those public servants inside. In short, he put law enforcement officers in danger of significant harm. In my view, Defendant is a danger to the community because he actively participated in a violent insurrection aimed at overthrowing our democracy. In addition, Defendant has a long criminal history — multiple assault charges, DWI, Terroristic threat, drug charges, evading arrest, assault on a public servant, and resisting arrest. He has had parole revoked previously, demonstrating a clear inability to comply with instructions and follow supervision.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: March 11, 2021

Andrew M. Edison
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS**

ENTERED

March 11, 2021

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§
§
§
§
§

versus

Case No. 4:21-mj-00443

Shane Jenkins

COMMITMENT TO ANOTHER DISTRICT

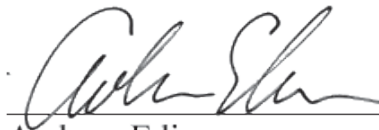
The defendant has been ordered to appear in the **District of Columbia – Washington DC, in 1:21mj0271 (charging District's case number)**.

The defendant requested court appointed counsel. Federal Public Defender appointed.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: March 11, 2021



Andrew Edison
United States Magistrate Judge

Government moved for detention and Defendant detained after a hearing in District of arrest.

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00443 All Defendants
*Internal Use Only***

Case title: USA v. Jenkins

Date Filed: 03/05/2021

Other court case number: 1:21mj0271 District of Columbia –
Washington DC

Date Terminated: 03/11/2021

Assigned to: Magistrate Judge
Christina A Bryan

Defendant (1)

Shane Jenkins

TERMINATED: 03/11/2021

represented by **Federal Public Defender – Houston**

440 Louisiana

Ste 310

Houston, TX 77002

713-718-4600

Fax: 713-718-4610

Email: hou_ecf@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

John Dennis Hester

Federal Public Defender's Office

440 Louisiana St.

Ste 1350

Houston, TX 77002

713-718-4600

Email: dennis_hester@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

Disposition

None

Highest Offense Level
(Terminated)

None

Complaints**Disposition**

18 U.S.C. § 11 l(a)(l) and
 (b)–Assault on Federal Officer; 18
 U.S.C. § 231(a)(3)– Obstruction of
 Law Enforcement During Civil
 Disorder; 18 U.S.C. § 1361 –
 Damage to Federal Property; 18 U
 .S.C. § I 752(a)(l) – Knowingly
 Entering or Remaining in any
 Restricted Building or Grounds
 Without Lawful Authority; 18
 U.S.C. § 1 752(a)(2) – Disorderly
 and Disruptive Conduct in a
 Restricted Building or Grounds; 18
 U.S.C. § 1752(a)(4)– Knowingly
 Entering or Remaining in any
 Restricted Building or Grounds
 Without Lawful Authority.

Plaintiff

USA

Date Filed	#	Page	Docket Text
03/05/2021	<u>1</u>	4	Copy of Complaint from the District of Columbia – Washington DC Division 1:21mj0271 as to Shane Jenkins, filed.(kmurphyadi, 4) (Entered: 03/05/2021)
03/05/2021			Arrest (Rule 40) of Shane Jenkins. (kmurphyadi, 4) (Entered: 03/05/2021)
03/05/2021			***Set Hearing as to Shane Jenkins: Initial Appearance – Rule 40 set for 3/5/2021 at 02:00 PM before Magistrate Judge Christina A Bryan (kmurphyadi, 4) (Entered: 03/05/2021)
03/05/2021			Set/Reset Deadlines/Hearings as to Shane Jenkins: Identity, Preliminary Examination and Detention Hearing set for 3/8/2021 at 10:00 AM by video before Magistrate Judge Andrew M Edison (wbostic, 4) (Entered: 03/05/2021)
03/05/2021			INITIAL APPEARANCE IN RULE 5(c)(3) Minute Entry for proceedings held on 3/5/2021 before Magistrate Judge Christina A Bryan as to Shane Jenkins. Defendant first appearance on Complaint from the District of Columbia 1:21–mj271 and advised of rights/charges. Defendant appeared without counsel, Defendant requests appointed counsel, Financial Affidavit executed on the record. Order appointing FPD for limited purpose, Waiver of Identity executed on

			the record, Court finds identity, Order of Temporary Detention Pending Hearing to be entered,. Preliminary Examination & Detention Hearing set for 3/8/2021 at 10:00 AM in by video before Magistrate Judge Christina A Bryan Appearances: AUSA Heather Winter f/USA.(Court Reporter: L. Smith) (Interpreter: No) (Pretrial Officer: L. Fermin) Defendant remanded to custody, filed.(cjan, 4) (Entered: 03/05/2021)
03/05/2021	<u>2</u>	16	ORDER APPOINTING FEDERAL PUBLIC DEFENDER FOR LIMITED PURPOSE. (Signed by Magistrate Judge Christina A Bryan) Parties notified. (cjan, 4) (Entered: 03/05/2021)
03/05/2021	<u>3</u>	17	BRADY ORDER on Rule 5(f) as to Shane Jenkins. (Signed by Magistrate Judge Christina A Bryan) Parties notified. (cjan, 4) (Entered: 03/05/2021)
03/05/2021	<u>4</u>	18	Order of Temporary Detention Pending Hearing as to Shane Jenkins Preliminary Examination & Detention Hearing set for 3/8/2021 at 10:00 AM in by video before Magistrate Judge Christina A Bryan (Signed by Magistrate Judge Christina A Bryan) Parties notified. (cjan, 4) (Entered: 03/05/2021)
03/08/2021			NOTICE OF ATTORNEY APPEARANCE John Dennis Hester, Federal Public Defender, in case as to Shane Jenkins, filed.(Hester, John) (Entered: 03/08/2021)
03/08/2021			Minute Entry for proceedings held before Magistrate Judge Christina A Bryan: PRELIMINARY EXAMINATION & DETENTION HEARING as to Shane Jenkins held on 3/8/2021. Defendant waived his right to appear in person and consented to appear by video. Defense counsel's oral request to continue preliminary and detention hearing is granted. There was no opposition from the government. Preliminary Examination & Detention Hearing reset for 3/11/2021 at 10:00 AM in by video before Magistrate Judge Andrew M Edison Appearances:Heather Winter. John Dennis Hester.(Court Reporter: K. Metzger) (Interpreter:no) Deft remanded to custody, filed.(cjan, 4) (Entered: 03/08/2021)
03/11/2021			Minute Entry for proceedings held before Magistrate Judge Andrew M Edison: PRELIMINARY EXAMINATION & DETENTION HEARING as to Shane Jenkins held on 3/11/2021. The Government's Exhibit 1 & 2 have been admitted. Defendant's Exhibits 1 – 5 have been admitted. Appearances:Heather Winter and John Dennis Hester. (Court Reporter: L. Wells) Deft remanded to Custody and will be transported to the District of Columbia, filed. (wbostic, 4) (Entered: 03/11/2021)
03/11/2021	<u>5</u>	19	Sealed Exhibit 1, filed. (Entered: 03/11/2021)
03/11/2021	<u>6</u>	27	Sealed Exhibit 2, filed. (Entered: 03/11/2021)
03/11/2021	<u>7</u>	36	Sealed Exhibits 1 – 5 as to Shane Jenkins, filed. (Entered: 03/11/2021)
03/11/2021	<u>8</u>	41	ORDER OF DETENTION PENDING as to Shane Jenkins entered. (Signed by Magistrate Judge Andrew M Edison) Parties notified. (wbostic, 4) (Entered: 03/11/2021)
03/11/2021	<u>9</u>	44	COMMITMENT TO ANOTHER DISTRICT as to Shane Jenkins. Defendant committed to the District of Columbia – Washington DC. (Signed by Magistrate Judge Andrew M Edison) Parties notified. (wbostic, 4) (Entered: 03/11/2021)