

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

SHAWN BRADLEY WITZEMANN

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)

)

)

Case: 1:21-mj-00348

Assigned To : Meriweather, Robin M.

Assign. Date : 4/1/2021

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)

SHAWN BRADLEY WITZEMANN

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) - Disorderly and Disruptive Conduct in a 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: 4/01/2021



2021.04.01

15:24:02 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 4/1/2021, and the person was arrested on (date) 4/6/2021
at (city and state) Farmington, NM

Date: 4/6/21



Arresting officer's signature

Lance Roudy, Special Agent

Printed name and title



United States District Court
District of New Mexico

Office of the Clerk

Pete V. Domenici United States Courthouse

333 Lomas Blvd. N.W. - Suite 270
Albuquerque, New Mexico 87102
(505) 348-2000 - Fax (505) 348-2028



Mitchell R. Elfers
Clerk of Court

Divisional Offices

106 South Federal Place
Santa Fe, NM 87501
(505) 988-6481
Fax (505) 988-6473

100 North Church Street
Las Cruces, NM 88001
(575) 528-1400
Fax (575) 528-1425

April 14, 2021

US District Court Clerk's Office
District of Columbia
333 Constitution Avenue N.W.
Washington D.C. 20001

Re: **USA v. Witzemann**
Your Case No. **1:21-mj-00348**
New Mexico Case No. **21mj446 SCY**

To Whom it May Concern:

The above numbered case has been ordered removed to your District pursuant to a Commitment Order by this Court. **Shawn Bradley Witzemann** appeared in our district, waived identity, and was committed to your district for further proceedings.

You may access electronically filed documents in this case at our ECF/PACER web address <http://ecf.nmd.uscourts.gov>. Any documents not available electronically are enclosed in paper format.

Please acknowledge receipt of this letter by returning the enclosed copy to this district.

Sincerely,

MITCHELL R. ELFERS
Clerk of Court

Elizabeth Hernandez

By: **Elizabeth Hernandez**
Deputy Clerk

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

SHAWN BRADLEY WITZEMANN

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City and state: Washington, D.C.

Robin M. Meriweather, 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

FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

United States of America

v.

SHAWN BRADLEY WITZEMANN

DOB: XXXXXX

21 MJ 446

Case: 1:21-mj-00348

Assigned To : Meriweather, Robin M.

Assign. Date : 4/1/2021

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

Code Section

Offense Description

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,

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

Lance Roundy, 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: 4/1/2021 2021.04.01
15:25:21 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and I am currently assigned to the Albuquerque, New Mexico Office. Currently, I am tasked with investigating criminal activity in and around the U.S. 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, detection, investigation, and 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 are 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 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 after 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.

Evidence Linking SHAWN WITZEMANN to Assault on the U.S. Capitol

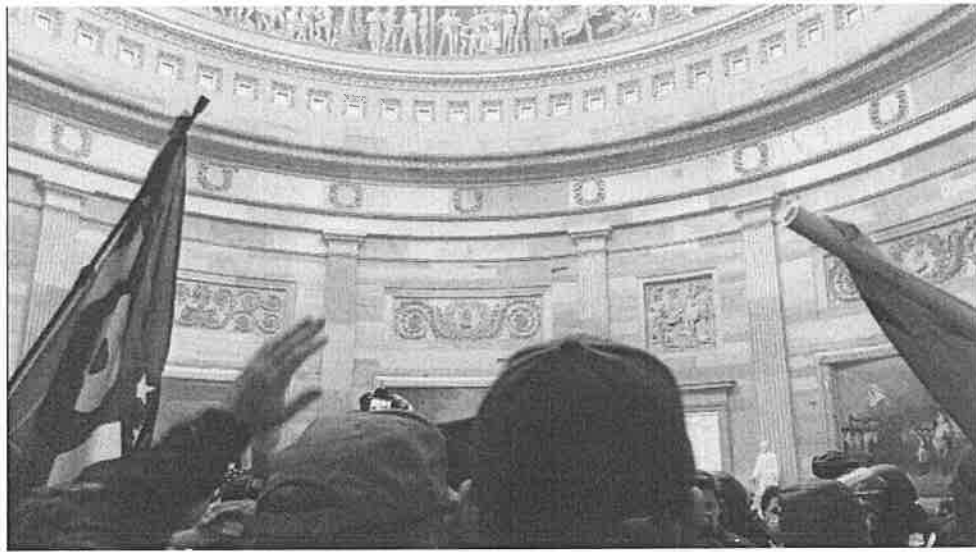
On or about January 15, 2021, the Federal Bureau of Investigation (FBI) received a tip in the form of a link to a Facebook page that contained a video that was taken on January 6, 2021 from inside the Capitol building. The video was posted to the Facebook page of The Armenian Council for Truth in Journalism by an Instagram user with the username “@krampusnatch.” The caption for the video read, in part, “moments ago... Shawn was inside the capitol building!” Through open source investigation, the FBI was able to determine that SHAWN BRADLEY WITZEMANN (“WITZEMANN”) was the registered Instagram user of “@krampusnatch.” A screenshot of the video uploaded to Facebook is shown below.



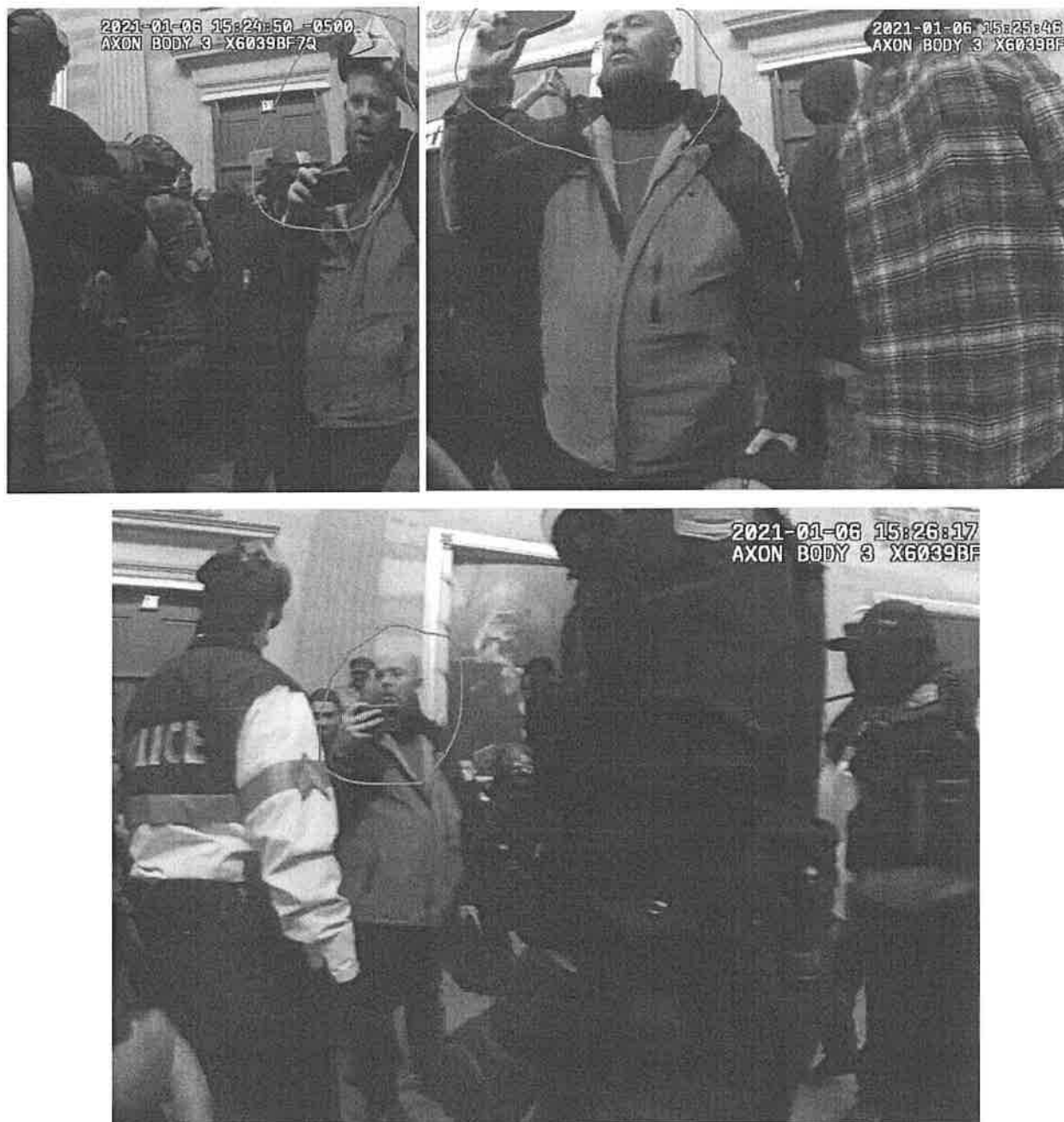
On or about January 15, 2021, WITZEMANN provided a voluntary video recorded statement to your affiant at the FBI office in Farmington, New Mexico. During the interview, WITZEMANN admitted to being inside of the Capitol building on January 6, 2021. WITZEMANN stated that he travels to demonstrations and protests to provide live-streaming video coverage. WITZEMANN also stated that he participates in a podcast every night called “The Armenian Council for Truth in Journalism.” WITZEMANN informed the FBI that he traveled to Washington, D.C. on or about January 4, 2021, and stayed at the Hilton Garden Inn near the U.S. Capitol. On January 6, 2021, WITZEMANN attended the rally for President Trump, and then, at approximately 1:00 p.m., he marched to the Capitol building.

WITZEMANN further stated that he made it to the top of the stairs, on what he described as a “patio” near the front entrance of the Capitol building. He observed Capitol Police walking around, and then attempted to climb up scaffolding to get a better view of the crowd with his cell phone camera. He came down off the scaffolding after a police officer told him to get down. WITZEMANN stated that he then walked to the north entrance of the Capitol building and entered there at approximately 2:30 p.m. WITZEMANN made his way to the rotunda of the Capitol building. While inside the Capitol building, WITZEMANN used his cell phone to make video recordings. WITZEMANN stated that at approximately 4:30 p.m., after being told by a police officer to leave, he left the Capitol building through what he believed were the back doors. On or about January 7, 2021, WITZEMANN rented a vehicle, left Washington, D.C., and drove back home.

On or about January 19, 2021, WITZEMANN sent three video files via e-mail to the FBI. The videos were taken by WITZEMANN from inside the Capitol building on January 6, 2021. The two images below are a sampling of screenshots from the videos provided by WITZEMANN.



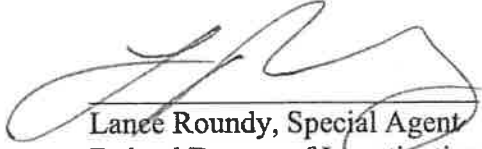
Law enforcement reviewed and collected video provided by the U.S. Capitol Police, which includes footage recorded by police officers' body worn cameras ("BWC"). While reviewing this video footage, your affiant observed an individual who appears to be WITZEMANN using his cell phone to record video from inside the Capitol building from approximately 3:24 p.m. to 3:26 p.m. The following images are a sampling of screenshots obtained from the BWC footage. WITZEMANN is circled in red.



Based on the aforementioned evidence, there is probable cause to believe that WITZEMANN was present inside the U.S. Capitol building during the riot and related offenses that occurred at the U.S. Capitol building, located at 1 First Street, NW, Washington, D.C. 20510 on January 6, 2021 and participated in the obstruction of the Congressional proceedings.

Accordingly, your affiant submits that there is probable cause to believe that WITZEMANN 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 so; 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; or attempts or conspires 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.

Your affiant submits there is also probable cause to believe that WITZEMANN 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.


Lance Roundy, 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 1st day of April 2021.



2021.04.01
15:26:08 -04'00'

HON. ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

FILED

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

United States of America

v.

Shawn Bradley Witzemann

Defendant

Case No. 21MJ446 SCY

WAIVER OF PERSONAL PRESENCE AT HEARING

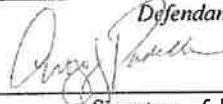
I, **Shawn Bradley Witzemann**, Defendant, understand that I am scheduled for
an **Initial** hearing on **4/7/2021**.
nature of hearing *date*

I understand that I may appear by video for this proceeding. I hereby ask to be permitted to
appear for the hearing by video, and waive my right to be personally present for this hearing.

Date: 4/7/21



Defendant's signature



Signature of defendant's attorney

Alonzo Padilla

Printed name of defendant's attorney

alonzo_padilla@fd.org

Defendant's attorney's e-mail address

CLERK'S MINUTE SHEET
 IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO (AT ALBUQUERQUE)

Before the Honorable Steven C. Yarbrough

Initial Appearance

| | | | |
|-------------------|------------------|-----------------------------|--------------------------------------|
| Case Number: | 21-MJ-446 | UNITED STATES vs. WITZEMANN | |
| Hearing Date: | 4/7/2021 | Time In and Out: | 9:48 am – 9:57 am |
| Courtroom Deputy: | K. Dapson | Courtroom: | Hondo |
| Defendant: | Shawn Witzemann | Defendant's Counsel: | Alonzo Padilla for this hearing only |
| AUSA: | Kimberly Brawley | Pretrial/Probation: | B. Manzanares |
| Interpreter: | | Witness: | |

Initial Appearance

| | | | |
|-------------------------------------|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Defendant received a copy of charging document | | |
| <input checked="" type="checkbox"/> | Court advises defendant(s) of possible penalties and all constitutional rights | | |
| <input checked="" type="checkbox"/> | Defendant wants Court appointed counsel | | |
| <input type="checkbox"/> | Government moves to detain | <input checked="" type="checkbox"/> | Government does not recommend detention |
| <input checked="" type="checkbox"/> | Set for Identity Hearing | on Friday, April 09, 2021 | @ 9:30 am |

Preliminary/Show Cause/Identity

| | | | |
|--------------------------|----------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | Defendant | | |
| <input type="checkbox"/> | Court finds probable cause | <input type="checkbox"/> | Court does not find probable cause |

Detention

| | | | |
|--------------------------|------------------------------------|--|--|
| <input type="checkbox"/> | Defendant waives Detention Hearing | | |
| <input type="checkbox"/> | | | |

Custody Status

| | | | |
|-------------------------------------|-------------------------------|--|--|
| <input type="checkbox"/> | Defendant | | |
| <input checked="" type="checkbox"/> | Conditions of release imposed | | |

Other

| | | | |
|-------------------------------------|--|--|--|
| <input checked="" type="checkbox"/> | Defendant waives personal presence at hearing/Court accepts Defendant's waiver | | |
| <input checked="" type="checkbox"/> | Pursuant to the Due Process Protections Act, Court confirms the United States obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and orders it to do so. | | |
| <input type="checkbox"/> | Matter referred to for Final Revocation Hearing | | |
| <input type="checkbox"/> | | | |

FILED**UNITED STATES DISTRICT COURT**United States District Court
Albuquerque, New Mexico

for the

District of New Mexico

Mitchell R. Elfers
Clerk of CourtUnited States of America
v.
SHAWN BRADLEY WITZEMANN

Case No. 1:21-mj-00446-SCY

Charging District's Case No. 1:21-mj-00348

Defendant

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**I understand that I have been charged in another district, the *(name of other court)* United States District Court for 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 to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

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

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

Date: 04/08/2021

Defendant's signature

/s/ Todd J. Bullion

Signature of defendant's attorney

Todd J. Bullion

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED

United States District Court
Albuquerque, New MexicoUnited States of America
v.
Shawn Bradley Witzemann

Case No. 21-MJ-446

Mitchell R. Elfers
Clerk of Court*Defendant*

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: _____

Place

Identity hearing via zoom before Magistrate Judge Steven C. Yarbrough

on _____

4/9/2021 9:30 am

Date and Time

If blank, defendant will be notified of next appearance.

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

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date _____

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the Pretrial/Probation office as directed,
telephone number _____, no later than _____.

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

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

- () (d) surrender any passport to: _____

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

- () (f) abide by the following restrictions on personal association, residence, or travel: _____

- () (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

- () (h) get medical or psychiatric treatment: _____

- () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

- () (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

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

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

- () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- () (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- () (p) participate in one of the following location restriction programs and comply with its requirements as directed.

- () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

- () (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

- () (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- () (q) submit to location monitoring as directed and comply with Ordered Technology:
all of the program requirements and instructions provided. () GPS () Radio Frequency () Supervising officer discretion

- () 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) _____

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

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

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

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

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

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

Acknowledgment of the Defendant

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



Defendant's Signature

FARMINGTON, NM

City and State

Directions to the United States Marshal

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

Date: 4/7/2021


Steven C. Yarbrough, United States Magistrate Judge

Printed name and title

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

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America
v.
Shawn Bradley Witzemann

Defendant

Case No. 21-MJ-446

Charging District: District of Columbia

Charging District's Case No. 21-MJ-348

FILED
UNITED STATES DISTRICT COURT
ABUQUERQUE, NEW MEXICO

APR 9 2021

MITCHELL R. ELFERS
CLERK

**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: Magistrate Judge Harvey's Recurring Zoom Hearing
(zoom information provided to counsel of record listed
on NM case)

Courtroom No.: via zoom

Date and Time: 4/15/2021 1:00 pm

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: 04/09/2021


Judge's signature

Steven C. Yarbrough, U.S. Magistrate Judge

Printed name and title

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U.S. District Court
United States District Court - District of New Mexico (Albuquerque)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00446-SCY-1

Case title: USA v. Witzemann

Date Filed: 04/06/2021

Other court case number: District of Columbia 1:21-mj-00348

Date Terminated: 04/09/2021

Assigned to: Magistrate Judge Steven C.
Yarbrough

Defendant (1)**Shawn Bradley Witzemann***TERMINATED: 04/09/2021*represented by **Todd J. Bullion**

Law Office of Todd J. Bullion

300 Central Ave SW

Suite #1000E

87102

Albuquerque, NM 87102

505-452-7674

Email: todd@bullionlaw.com*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: CJA Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

ComplaintsComplaint and Warrant from the District of
Columbia**Disposition****Plaintiff**

USA

represented by **Jack Burkhead**

U.S. Attorney's Office

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained*

| Date Filed | # | Docket Text |
|------------|--------------------------|---|
| 04/06/2021 | | Arrest (Rule 5) of Shawn Bradley Witzemann. (eh) (Entered: 04/06/2021) |
| 04/06/2021 | <u>1</u> | Rule 5 Documents (Complaint and Warrant) Received as to Shawn Bradley Witzemann. (eh) (Entered: 04/06/2021) |
| 04/06/2021 | <u>2</u> | <p>NOTICE OF HEARING WITH VIDEO STREAMING as to Shawn Bradley Witzemann: Initial Appearance - Rule 5 set for 4/7/2021 at 09:30 AM in Albuquerque - 440 Hondo Courtroom - Remote before Magistrate Judge Steven C. Yarbrough. (eh)</p> <p>NOTE:</p> <p>1. This proceeding will be held via Zoom Video/Web Conferencing with all participants appearing remotely; the Zoom ID and Passcode will be provided separately to the participants email address of record.</p> <p>2. Participants should connect to the proceeding 15 minutes prior its scheduled start time to allow time for trouble-shooting of any connectivity issues.</p> <p>3. To ensure the record is of the best quality participants are encouraged to utilize a headset to reduce static and background noise; if not using a headset participants must ensure the audio feed at their location is muted when not speaking.</p> <p>*** REMINDER: Recording or broadcasting of this hearing is prohibited. ***</p> <p>This hearing will be available for remote viewing by video stream. Please visit the Court's website at www.nmd.uscourts.gov for information and instructions to connect.</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/06/2021)</p> |
| 04/07/2021 | <u>3</u> | ORDER Setting Conditions of Release as to Shawn Bradley Witzemann by Magistrate Judge Steven C. Yarbrough (nm) (Entered: 04/07/2021) |
| 04/07/2021 | <u>4</u> | WAIVER of Personal Presence at Hearing by Shawn Bradley Witzemann (nm) (Entered: 04/07/2021) |
| 04/07/2021 | <u>5</u> | Clerk's Minutes before Magistrate Judge Steven C. Yarbrough: Initial Appearance in Rule 5 Proceedings as to Shawn Bradley Witzemann held (Recording Info: Liberty-Hondo) (kd) (Entered: 04/07/2021) |

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| 04/07/2021 | 6 | <p>NOTICE OF HEARING WITH VIDEO STREAMING as to Shawn Bradley Witzemann: Identity Hearing for Rule 5 set for 4/9/2021 at 09:30 AM in Albuquerque - 460 Vermejo Courtroom - Remote before Magistrate Judge Steven C. Yarbrough. (kd)</p> <p>NOTE:</p> <ol style="list-style-type: none"> 1. This proceeding will be held via Zoom Video/Web Conferencing with all participants appearing remotely; the Zoom ID and Passcode will be provided separately to the participants email address of record. 2. Participants should connect to the proceeding 15 minutes prior its scheduled start time to allow time for trouble-shooting of any connectivity issues. 3. To ensure the record is of the best quality participants are encouraged to utilize a headset to reduce static and background noise; if not using a headset participants must ensure the audio feed at their location is muted when not speaking. <p>*** REMINDER: Recording or broadcasting of this hearing is prohibited. ***</p> <p>This hearing will be available for remote viewing by video stream. Please visit the Court's website at www.nmd.uscourts.gov for information and instructions to connect.</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/07/2021)</p> |
| 04/07/2021 | 7 | <p>Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by Magistrate Judge Steven C. Yarbrough (kd)</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/07/2021)</p> |
| 04/07/2021 | 8 | <p>CJA Appointment of Attorney Todd J. Bullion for Shawn Bradley Witzemann by Magistrate Judge Steven C. Yarbrough. (eh)</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/07/2021)</p> |
| 04/08/2021 | | <p>U.S. Probation and Pretrial Services added as interested party.(Day, Sandra) (Entered: 04/08/2021)</p> |
| 04/08/2021 | 14 | <p>WAIVER of Rule 5 & 5.1 Hearings by Shawn Bradley Witzemann (khs) (Entered: 04/09/2021)</p> |
| 04/09/2021 | 11 | <p>First MOTION Oppose Recommended Conditions Of Relief by Shawn Bradley Witzemann. (Attachments: # 1 Exhibit Letter, # 2 Exhibit Letter)(Bullion, Todd) (Entered: 04/09/2021)</p> |
| 04/09/2021 | 12 | <p>WAIVER of Personal Presence at Hearing by Shawn Bradley Witzemann. (eh) (Entered: 04/09/2021)</p> |
| 04/09/2021 | 13 | <p>Clerk's Minutes before Magistrate Judge Steven C. Yarbrough: Identity Hearing for Rule 5 as to Shawn Bradley Witzemann held(Recording Info: Liberty-Hondo) (kd) (Entered: 04/09/2021)</p> |

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| | | 04/09/2021) |
| 04/09/2021 | 15 | ORDER by Magistrate Judge Steven C. Yarbrough Amending Conditions of Release as to Shawn Bradley Witzemann (kd) (Entered: 04/09/2021) |
| 04/09/2021 | 16 | ORDER TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING as to Shawn Bradley Witzemann by Magistrate Judge Steven C. Yarbrough (nm) (Entered: 04/12/2021) |
| 04/14/2021 | 17 | COMMITMENT LETTER as to Shawn Bradley Witzemann (nm) (Entered: 04/14/2021) |