

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
STEPHEN MAURY BAKER
AKA: UNKNOWN

)
) Case: 1:21-mj-00170
) Assigned to: Judge G. Michael Harvey
) Assign Date: 1/27/2021
) 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) STEPHEN MAURY BAKER
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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. § 5104(e)(2)(D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/27/2021

 2021.01.27
16:08:31 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

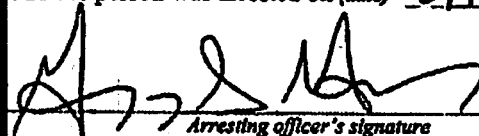
Printed name and title

Return

This warrant was received on (date) 1/29/21
at (city and state) GARNER, NORTH CAROLINA

and the person was arrested on (date) 2/1/21

Date: 2/1/21



Arresting officer's signature

GREGORY S. GAREY, SPECIAL AGENT
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
STEPHEN MAURY BAKER
AKA: UNKNOWN

Date of Birth:

Defendant(s)

Case: 1:21-mj-00170
Assigned to: Judge G. Michael Harvey
Assign Date: 1/27/2021
Description: COMPLAINT W/ ARREST WARRANT

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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. § 5104(e)(2)(D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Scott Thrift

Complainant's signature

SCOTT THRIFT, 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: 01/27/2021

City and state: Washington, D.C.

Handwritten signature of Zia M. Faruqi

Judge's signature

Zia M. Faruqi, U.S. Magistrate Judge

Printed name and title

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

UNITED STATES OF AMERICA	:	Case No:
	:	
v.	:	
	:	VIOLATIONS:
	:	
STEPHEN BAKER,	:	18 U.S.C. § 1752(a)
	:	(Restricted Building or Grounds)
Defendant.	:	
	:	40 U.S.C. § 5104(e)(2)
	:	(Violent Entry or Disorderly Conduct)

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: _____

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
STEPHEN MAURY BAKER
AKA: UNKNOWN

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(name of person to be arrested) STEPHEN MAURY BAKER,
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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. § 5104(e)(2)(D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/27/2021

Issuing officer's signature

Zia M. Faruqui, U.S. Magistrate Judge

City and state: Washington, D.C.

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

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Scott A. Thrift, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a criminal complaint, charging Stephen Maury BAKER (hereinafter "BAKER") with violations of 18 U.S.C. § 1752(a) and 40 U.S.C. § 5104(e)(2)(D) and (G). Specifically, on January 6, 2021, BAKER was present in Washington, D.C., and knowingly, willfully and unlawfully entered and remained inside the U.S. Capitol and impeded, disrupted, and disturbed the orderly conduct of business of the United States House of Representatives and the United States Senate.

BACKGROUND OF AFFIANT

2. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2016. I am currently assigned to FBI's Washington Field Office.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as "on or about" dates.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

4. The U.S. Capitol, which is located at First Street, S.E., in Washington, D.C., 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.

5. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

6. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol. 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. Vice President Mike Pence was presiding in the Senate chamber.

7. With the joint session underway and with Vice President Mike Pence presiding, 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 buildings and the proceedings underway inside.

8. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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. Shortly after 2:00 p.m., however, individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows.

9. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and the 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 session resumed.

10. 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 scores of individuals inside the U.S. Capitol building without authority to be there, in violation of Federal laws.

Tips received from the public regarding “Stephen Ignoramus”

11. Following the above-described events, FBI received multiple tips from the public in which complainants advised that on the day of the incident, they had observed an individual using the name “Stephen Ignoramus” live-streaming video from inside the Capitol building. Complainants observed the video footage by “Stephen Ignoramus” on multiple online streaming platforms, including YouTube, Periscope, and dlive.tv.

Live-stream video footage by “Stephen Ignoramus” picked up by media outlets

12. Video footage from the aforementioned live-stream was embedded by media outlet *MSN* into an online article titled, “Trump supporters storm the U.S. Capitol in a bid to overturn election defeat.” The article attributed credit for the video footage to, “Stephen Ignoramus”:

The screenshot shows a news article on msn.com. The URL is [msn.com/en-us/news/politics/trump-supporters-storm-us-capitol-in-a-bid-to-overturn-election-defeat/vi-BB1cxzHS](https://www.msn.com/en-us/news/politics/trump-supporters-storm-us-capitol-in-a-bid-to-overturn-election-defeat/vi-BB1cxzHS). The page features the msn news logo, a search bar, and navigation tabs for various news categories. A video player is embedded in the article, showing a crowd of people. Below the video, the article title is "Trump supporters storm U.S. Capitol in a bid to overturn election defeat" by Reuters. The duration is 01:23 and it was posted 1 day ago. Social media sharing icons are present. The video credit is "Video credit: Stephen Ignoramus".

13. The above-referenced live-stream was also incorporated into a video embedded in a *Vice.com* article, titled "Trump Loyalists Are Livestreaming While They Storm the Capitol." The embedded video depicted multiple video streams from the Capitol, including one originating from "Stephen Ignoramus – Washington DC":



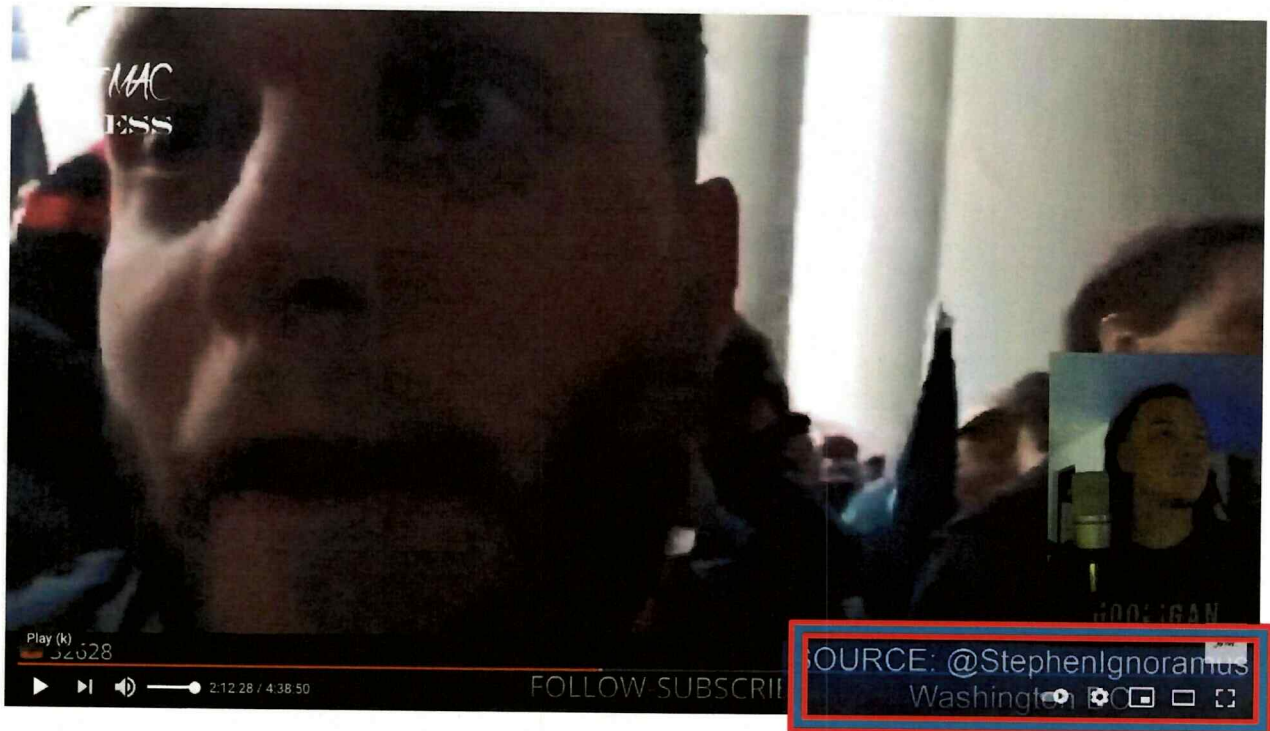
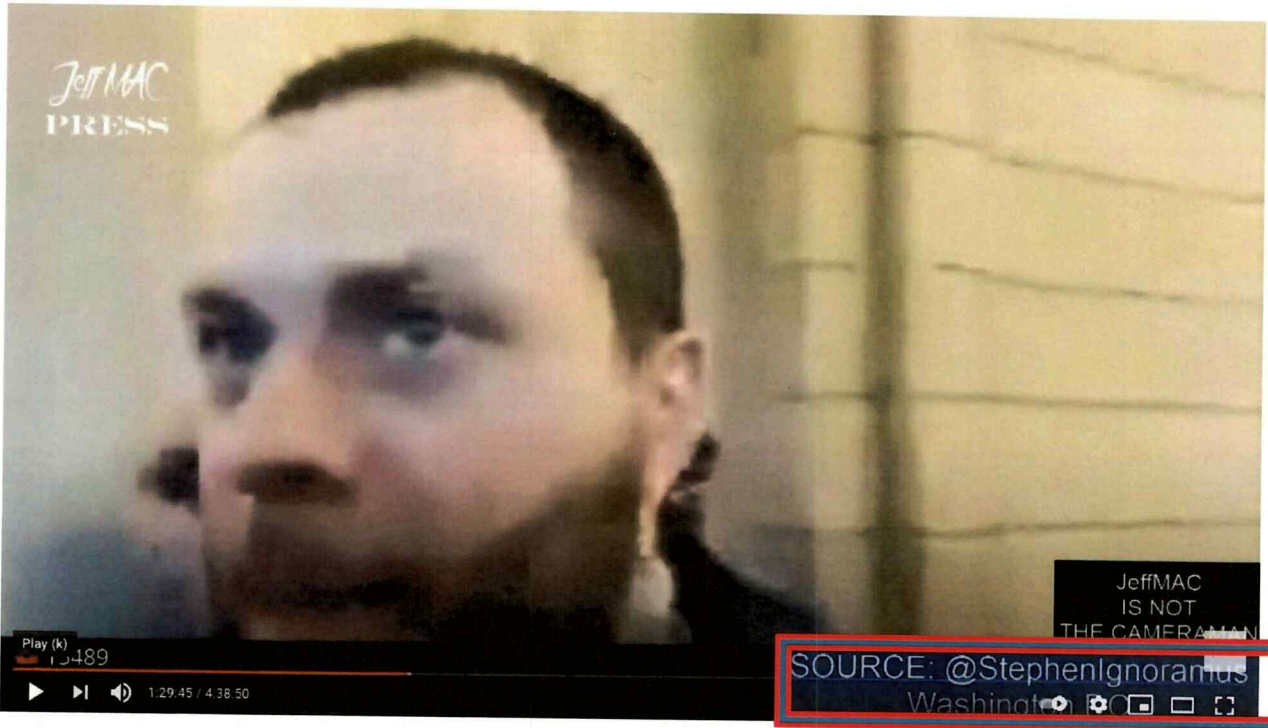
14. Excerpts of the above-referenced live-stream from January 6, 2021, were also broadcast by *CNN* during a broadcast on or about January 13, 2021:



15. Over two hours of the above-referenced live-stream by "Stephen Ignoramus" was included in a broadcast by YouTube channel "JeffMAC," titled, "LIVE: Save America March Part 2 | Freedom Rally | Washington DC | Protest for Freedom | USA."

16. On multiple occasions during the above-referenced live-stream, the person filming and narrating the stream identifies himself to off-camera individuals as "Stephen Ignoramus," stating he is streaming to YouTube and Instagram. Additionally, in response to a question by an off-camera individual asking what his "channel" is, the narrator/cameraman of the live stream states, "Stephen Ignoramus."

17. On at least two occasions in the aforementioned video, "Stephen Ignoramus" appears on camera and addresses viewers:



Comments by “Stephen Ignoramus” noted in the above-referenced video

18. Law enforcement has reviewed the live stream from “Stephen Ignoramus” on January 6, 2021, which includes the following content:

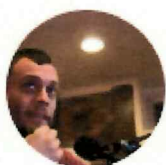
- a. At approximately 00:55 (hours:minutes), the above-referenced video begins broadcasting a live video-stream attributed to “@stephenignoramus,” (hereinafter IGNORAMUS) who is, at that time, in the midst of a crowd of demonstrators gathered outside an unspecified entrance to the Capitol building.
- b. At approximately 00:59, IGNORAMUS states, “Red Elephant is right at the door.” [this may be a possible reference to ‘The Red Elephants’ which, per open source, is a far-right organization].
- c. At approximately 01:14, while addressing viewers of the live-stream who were participating in the online chat, IGNORAMUS states, “I love you, live chat. I’m fine. Thanks for coming, everyone. I will never forget this.”
- d. At approximately 01:18, IGNORAMUS enters the Capitol building along with other individuals.
- e. At approximately 01:20, IGNORAMUS appears to enter the Capitol rotunda, at which point the live-stream feed is disrupted. When the feed is subsequently restored, IGNORAMUS is heard stating, “I can’t go in the chamber, my stream drops.”
- f. At approximately 01:29, IGNORAMUS appears on camera, addressing viewers, stating, “Alright what’s up y’all? How you guys doin’? Super-intense. Welcome, I’m Stephen. I’m a live-streamer and a musician. We’re having fun, huh? Repent and believe in Jesus.”

- g. At approximately 01:37, IGNORAMUS states, “Old men with canes were at the front leading the charge. And Vincent James was like one of the first people in, I’m almost positive.” [this may be a reference to 'Vincent James,' a.k.a. VINCENT JAMES FOXX, leader of the above-referenced Red Elephants group].
- h. At approximately 01:39, apparently referring to a number of individuals dressed in tactical gear, IGNORAMUS remarks, “look at this - Oathkeepers” [an apparent reference to the Oathkeepers, a far-right militia organization].
- i. IGNORAMUS subsequently states, “There’s nowhere to go but out. The cops are forcing us out.”
- j. At approximately 01:40, IGNORAMUS states, “Gotta stay away from the cops, man. Cops are trying to get us out of here.”
- k. At approximately 02:11, IGNORAMUS states, “I’m one of the last people up in here.”
- l. At approximately 02:12, now streaming from outside the Capitol building, IGNORAMUS again appears on camera and addresses viewers stating, “Thank you for coming everyone [addressing associated chat]. That was so epic. Historic day...Stephen is my name. Looks like we got a lot of new people here.”
- m. At approximately 03:23, in response to a question from an unidentified, off-camera individual asking, “what's your channel,” IGNORAMUS states, “Stephen Ignoramus.”
- n. At approximately 03:24, IGNORAMUS addresses an unidentified, off-camera individual stating, “I was inside for about an hour...”

- o. At approximately 03:28, IGNORAMUS addresses an unidentified, off-camera individual stating, “I was on ABC and Reuters and shit. I was inside for like an hour, dude. I was one of like the last 10 people in there... I’m on Instagram and YouTube. I’m Stephen Ignoramus. I don’t matter though, this shit is history.”

“Stephen Ignoramus” – Online presence on multiple platforms

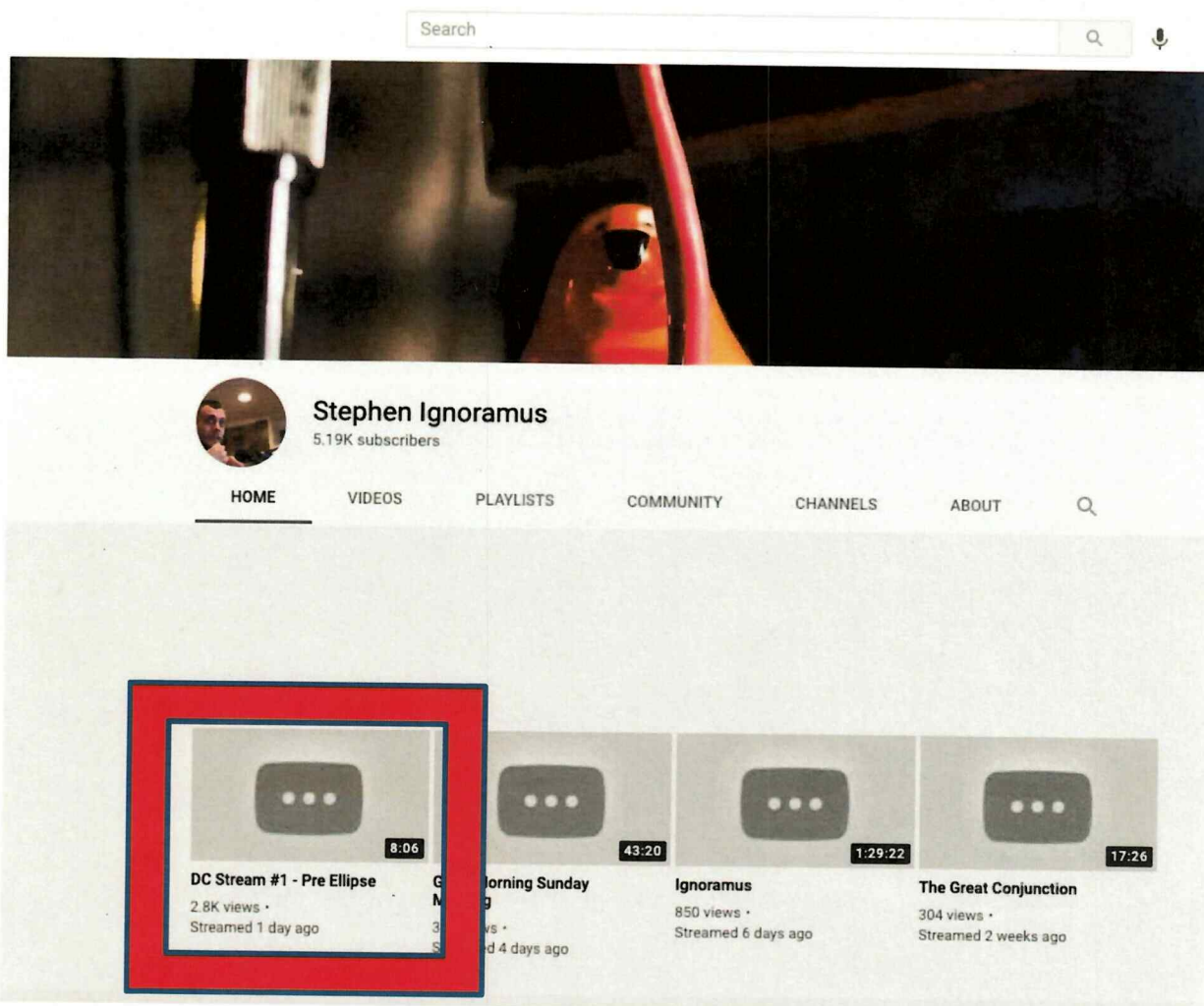
19. Further review of publicly available internet content by the FBI revealed over twenty social media, video streaming, and crowd-funding platform user profiles associated with “Stephen Ignoramus.” FBI further observed that several images of “Stephen Ignoramus” that were posted on some of these platforms appeared similar in likeness to the images of “Stephen Ignoramus” discussed and included above. Among these, FBI reviewed YouTube channel “Stephen Ignoramus,” noting the associated profile photo appeared to depict the same individual as referenced above:



Stephen Ignoramus

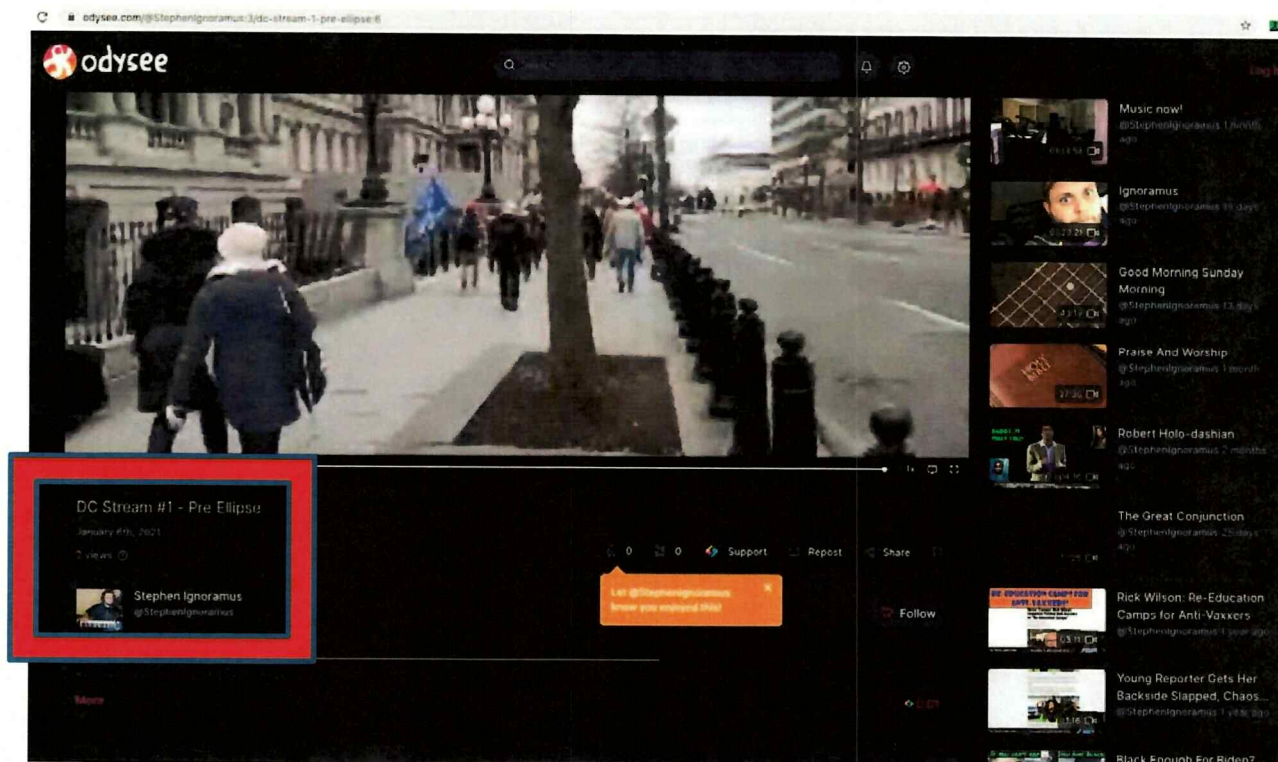
5.19K subscribers

20. At the time your affiant reviewed the above-referenced YouTube channel on January 8, 2021, the channel reflected no publicly viewable video content. However, a cached version of the channel reflected a number of videos that had been previously uploaded to the channel, but were then subsequently removed. Among these videos was one 8 minute and 6 second in length video titled, “DC Stream #1 – Pre Ellipse,” reflected as having been streamed “1 day ago.” [As the content was no longer visible on January 8, 2021, your affiant assesses the aforementioned cached version of the channel was likely captured on or about January 7, 2021. As such, “1 day ago” would have likely corresponded to January 6, 2021] :



21. FBI subsequently located a profile with the name “Stephen Ignoramus” on the video-streaming platform Bittube.tv, which reflected video content linked from the “Stephen Ignoramus” YouTube channel, including a video titled, “DC Stream #1 – Pre Ellipse,” uploaded “2 days ago.” FBI also located what appeared to be the same video, titled “DC Stream #1 – Pre Ellipse,” on a profile under the name “Stephen Ignoramus” at the video-streaming platform Odysee.com. The video, which was also 8 minutes and 6 seconds in length, was accessible on this platform along with info indicating that it had been uploaded to the site on January 6, 2021. In the video, the narrator – whose voice appears to match that of the “Stephen Ignoramus” heard in the above-

referenced video footage – narrates the live stream as he walks through downtown Washington D.C., before ultimately joining up with other demonstrators:



Identification of “Stephen Ignoramus” as Stephen Maury Baker

22. As referenced above, at least four complainants contacted the FBI to report that they had observed “Stephen Ignoramus” live-streaming from inside the Capitol perimeter on January 6, 2021. Law enforcement conducted a follow-up interview with one of the tipsters (Complainant 1). During the interview, Complainant 1 advised that he/she had recognized “Stephen Ignoramus” as STEPHEN BAKER (hereinafter BAKER), and provided a telephone number that Complainant 1 previously knew to have belonged to BAKER. Complainant 1 additionally provided contact information for another acquaintance of BAKER (hereinafter Witness 1), along with the following screenshot of an online professional profile associated with BAKER:

THE STORE FOR RENTALS AND LESSONS!

DC'S ONLY FULL-SERVICE MUSIC STORE

Middle C Music


HOME ABOUT US EVENTS LESSONS MEDIA CAMPS RETAIL RENTALS REPAIRS

Stephen Baker

Guitar, Bass, Piano, & Drums

Available Tuesday, Thursday, Friday, Saturday, & Sunday

Stephen Baker is a multi-instrumentalist, composer, and business owner who studied music at Western Michigan University before moving to the D.C. area. He teaches piano, guitar, bass, drums, and music technology. Appreciating all musical styles, Stephen is well versed in funk, rock, soul, pop, folk and hip-hop. He has performed at venues such as the 9:30 Club, Howard Theatre, Black Cat, Rock and Roll Hotel and many more. Catch Stephen performing with bands such as Newt Junior, Drop Electric, and Picnibus. Stephen recently opened and operates a recording/rehearsal studio in Hyattsville, Maryland. Check it out at SBakermusicservices.com



Middle C Music guitar, piano, bass, and drum instructor Stephen Baker demonstrates his prowess with both the keytar and the looping pedal board for a version of KC & the Sunshine Band's disco hit, "Get Down Tonight." Crazy mad skillz! The recording was part of Make Music Day, June 21, 2019.

Steve's band Newt Junior (formerly Future Proof) performing their original song "Soul".

23. Witness 1 was subsequently interviewed by FBI, during which time Witness 1 advised that he/she had observed BAKER live-streaming video from within the Capitol on January

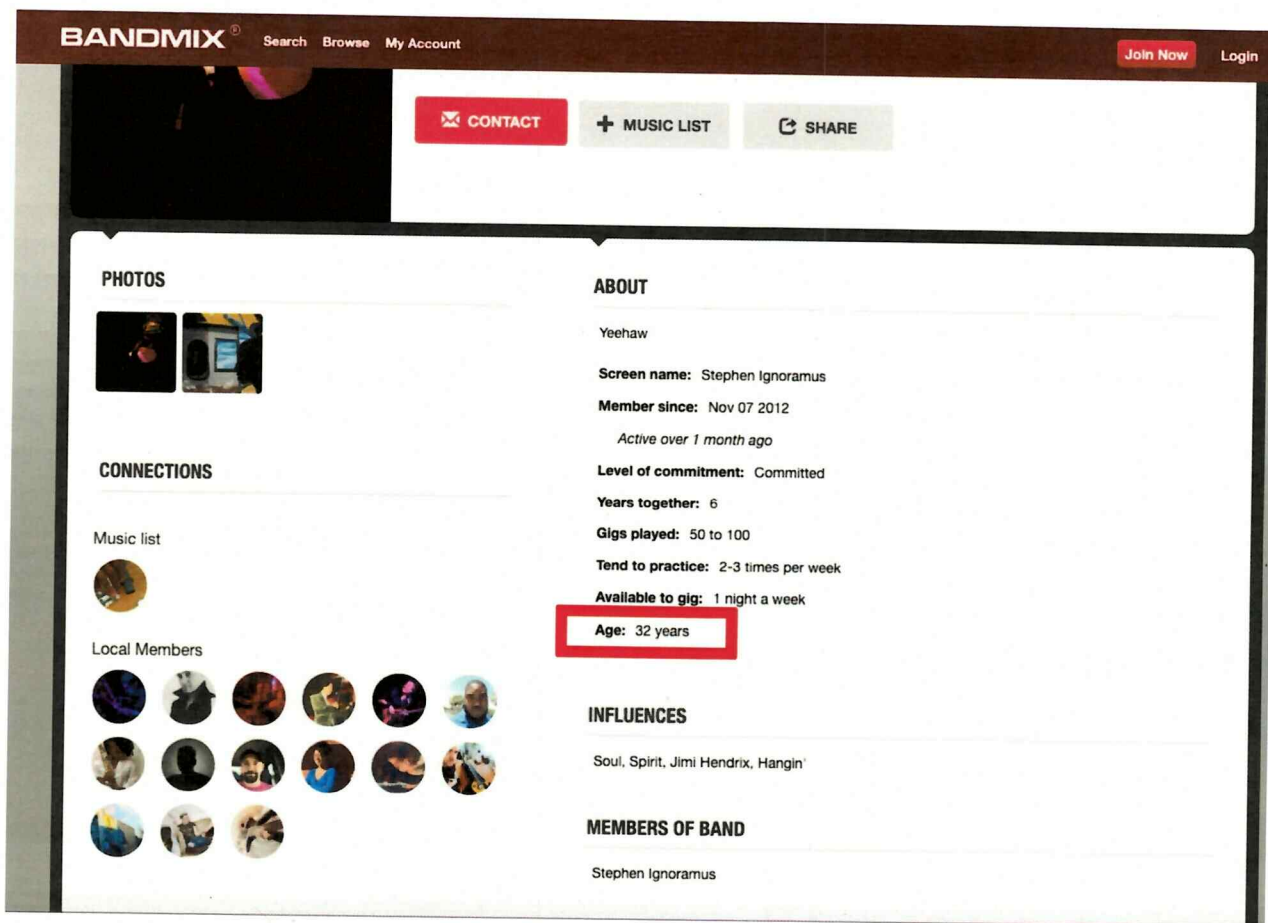
6, 2021, under the name Stephen Ignoramus. Witness 1 additionally provided contact information for another person (Witness 2), who also knew BAKER.

24. Witness 2 was subsequently interviewed by FBI, during which time Witness 2 stated he/she had known BAKER for approximately 10 years. Witness 2 had previously observed BAKER live-streaming video to multiple platforms under the name, "Stephen Ignoramus." These platforms included YouTube, Twitter, Instagram, Bitchute, Brightyon, Dlive.tv, Twitch, and Periscope. Witness 2 had previously observed videos by BAKER and had been alarmed by the content which Witness 2 described as including advancement of conspiracy theories and mockery of minority groups. Witness 2 further advised that one of BAKER's YouTube channels had been banned by YouTube in or about December 2020.

25. On January 6, 2021, Witness 2 had observed BAKER live-streaming to YouTube from within the Capitol building, then subsequently observed what appeared to be the same video stream being re-broadcast by CNN. Witness 2 advised that BAKER had removed the video content from YouTube after it had been picked up by national media.

Query of public records associated with BAKER

26. Searches by FBI of public databases for the name STEPHEN BAKER and an associated phone number, which is the same number provided for BAKER by Complainant 1, as discussed above, produced returns for STEPHEN MAURY BAKER, with a 1988 date of birth. The aforementioned DOB was consistent with another social media profile under the name "Stephen Ignoramus," which reflected the profile user's age as "32":



27. Your affiant reviewed government records for a STEPHEN MAURY BAKER with the same birth date associated with the phone number noted above. Those records include a photograph of a STEPHEN MAURY BAKER that is consistent with the images of IGNORAMUS from the livestream, as well as the images of BAKER from his professional website.

CONCLUSIONS OF AFFIANT

28. Based on the foregoing, your affiant submits that there is probable cause to believe that BAKER, a.k.a. “Stephen Ignoramus,” violated:

- a. 18 U.S.C. § 1752(a), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; (3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstruct or impede ingress or egress to or from any restricted building or grounds; or (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; 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 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; and

a. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals 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; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

29. As such, I respectfully request that the court issue an arrest warrant for BAKER.

The statements above are true and accurate to the best of my knowledge and belief.



SPECIAL AGENT SCOTT A. THRIFT
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 27th day of January, 2021.

U.S. MAGISTRATE JUDGE

AO 468 (Rev. 01/09) Waiver of a Preliminary Hearing

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT

ON 2-1-21 BEA

Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

United States of America

v.

)
)
) Case No. 5:21-MJ-1080-BM
)
)

STEPHEN MAURY BAKER

WAIVER OF A PRELIMINARY HEARING

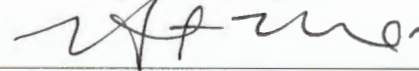
I understand that I have been charged with an offense in a criminal complaint filed in this court, or charged with violating the terms of probation or supervised release in a petition filed in this court. A magistrate judge has informed me of my right to a preliminary hearing under Fed. R. Crim. P. 5, or to a preliminary hearing under Fed. R. Crim. P. 32.1.

I agree to waive my right to a preliminary hearing under Fed. R. Crim. P. 5 or Fed. R. Crim. P. 32.1.

Date 2/1/21



Defendant's signature



Signature of defendant's attorney

Hart Miles 23342

Printed name and bar number of defendant's attorney

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

UNITED STATES DISTRICT COURT

for the Eastern District of North Carolina

FILED IN OPEN COURT

ON 2-1-21 PRA

Peter A. Moore, Jr., Clerk US District Court Eastern District of NC

United States of America)

v.)

Stephen Maury Baker)

Defendant)

Case No. 5:21-MJ-1080-BM

Charging District's Case No. 1:21-MJ-00170

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) 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.

Date: 2/1/21

[Handwritten signature of defendant]

Defendant's signature

[Handwritten signature of attorney]

Signature of defendant's attorney

Har + Miles

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT
ON 2-1-21 BEA
Michael A. Moore, Jr., Clerk
U.S. District Court
Eastern District of NC

United States of America

v.

Stephen Maury Baker

Case No. 5:21-MJ-1080

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: a hearing in the United States District Court for the District of Columbia, to take place via video conference*

on 2/4/2021 1:00 pm

*The details regarding joining the video conference will be provided to counsel for the defendant prior to the hearing. 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 U.S. Probation Office weekly by phone and 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.
 - (X) (f) abide by the following restrictions on personal association, residence, or travel: Eastern District of North Carolina unless pre-approved by his supervising officer and no travel outside of the continental US without Court approval
 - (X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: all elected federal officials.

() (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 residential reentry center, and abide by the conditions of that facility.

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

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

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

(X) (n) submit to testing for a prohibited substance if required by the probation office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, 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.

(X) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the probation 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 approved by the probation 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 probation 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 the following monitoring and comply with all of the program requirements and instructions provided:

() The defendant must pay () all of the cost of the program () a portion of the location monitoring cost as follows:

- () Radio Frequency (RF) monitoring
- () Voice Recognition
- () Global Positioning Satellite (GPS)
- () Remote Alcohol Monitoring

(X) (r) report as soon as possible, to the probation office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(X) (s) submit to warrantless searches of person, residence, property or vehicle by the probation office or supervising officer.

(X) (t) Shall not enter the District of Columbia unless for a court ordered proceeding, meeting with U.S. Probation, or consultation with counsel of record.

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

 Garner, NC

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: 2/1/2021


Judicial Officer's Signature

Brian S. Meyers, U.S. Magistrate Judge

Printed name and title

U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western
Division)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-01080-BM All
Defendants
Internal Use Only

Case title: USA v. Baker

Date Filed: 01/29/2021

Assigned to: Magistrate
Judge Brian S. Meyers

Defendant (1)

Stephen Baker

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Disposition

18 U.S.C. § 1752(a) -

Knowingly Entering or
 Remaining in any Restricted
 Building or Grounds Without
 Lawful Authority 40 U.S.C. §
 5104(e)(2)(D) and (g) -
 Violent Entry and Disorderly
 Conduct on Capital Grounds

Plaintiff

USA

represented by **Barbara D. Kocher**

United States Attorney's
 Office - EDNC

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 2100

Raleigh, NC 27601

919-856-4530

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LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

*Designation: Assistant US
 Attorney*

Date Filed	#	Docket Text
01/29/2021	 1	Arrest (Rule 5) of Stephen Baker. (Brewer, C) (Additional attachment(s) added on 1/29/2021: # 1 Order to Seal, # 2 Arrest Warrant) (Brewer, C). (Additional attachment(s) added on 1/29/2021: # 2 Arrest Warrant) (Brewer, C). (Additional attachment (s) added on 1/29/2021: # 3 Affidavit) (Brewer, C). (Entered: 01/29/2021)

01/29/2021		Set Hearing as to Stephen Baker: Initial Appearance set for 2/1/2021 at 10:00 AM in Raleigh - 6th Floor Courtroom before Magistrate Judge Brian S. Meyers. (Brewer, C) (Entered: 01/29/2021)
02/01/2021		ORAL MOTION to Unseal Case filed by USA as to Stephen Baker. (Horton, B.) (Entered: 02/01/2021)
02/01/2021		ORAL ORDER granting Oral Motion to Unseal Case as to Stephen Baker (1). Entered by Magistrate Judge Brian S. Meyers on 2/1/2021. (Horton, B.) (Entered: 02/01/2021)
02/01/2021		ORAL ORDER REGARDING DUE PROCESS PROTECTIONS ACT. Entered by Magistrate Judge Brian S. Meyers on 2/1/2021. (Horton, B.) (Entered: 02/01/2021)
02/01/2021		TEXT ORDER as to Stephen Baker: As required by Rule 5(f)(1) of the Federal Rules of Criminal Procedure, the court reminds counsel that under Brady v. Maryland and its progeny the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. 373 U.S. 83, 87 (1963). Failure by the government to comply with its disclosure obligation could result in the exclusion of evidence, an adverse jury instruction, dismissal of charges, reversal of a conviction, vacation of a sentence, and imposition of sanctions against the individuals responsible for the violation, among other consequences. Entered by Magistrate Judge Brian S. Meyers on 2/1/2021. (Horton, B.) (Entered: 02/01/2021)
02/01/2021	 2	Minute Entry for proceedings held before Magistrate Judge Brian S. Meyers in Raleigh. Initial Appearance in Rule 5 Proceedings as to Stephen Baker held on

		<p>2/1/2021. Assistant U.S. Attorney present for government. The government moves to unseal this matter in its entirety. The court allows the government's motion to unseal. Defendant present with counsel. Defendant advised of rights, charges, and maximum punishments. Government does not seek detention. Defendant waives his Rule 5 Identity Hearing. The Court finds that the defendant knowingly and voluntarily provides his Waiver of Rule 5 Hearing. The court accepts defendants waiver. The court finds that the defendant is in fact the subject named in the Complaint issued in the District of Columbia. The defendant waives his preliminary hearing. The court finds that the defendant knowingly and voluntarily provides his Waiver of Preliminary Hearing. The court accepts defendants waiver. The court finds that probable cause exists to support the charges against defendant. The court confirmed to counsel for the government and for defendants both orally and in writing the disclosure obligation of the prosecution under Brady and its progeny and possible consequences of violation of the obligation under applicable law. Defendant directed to appear for a video status conference with the District of Columbia on 4 February 2021 at 1:00 p.m. Defendant released on Conditions of Release. (Court Reporter - FTR) (Horton, B.) (Entered: 02/01/2021)</p>
02/01/2021	<u>3</u>	Waiver of Preliminary Hearing by Stephen Baker. (Horton, B.) (Entered: 02/01/2021)
02/01/2021	<u>4</u>	Waiver of Rule 5(c)(3) Hearing by Stephen Baker. (Horton, B.) (Entered: 02/01/2021)
02/01/2021	<u>5</u>	ORDER Setting Conditions of Release. Signed by Magistrate Judge Brian S. Meyers on 2/1/2021. (Horton, B.) (Entered: 02/01/2021)