

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
SCOTT KEVIN FAIRLAMB

Defendant

Case: 1:21-mj-00140
Assigned to: Judge Robin M. Meriweather
Assign Date: 1/21/2021
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) Scott Kevin Fairlamb
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. 231(a)(3) (Certain Acts During Civil Disorder)
18 U.S.C. 111(a)(1) (Assaulting a Federal Officer)
18 U.S.C. 1752(a)(1)-(4) (Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority)
18 U.S.C. 1752(b)(1)(A) (Carrying a Dangerous Weapon)
40 U.S.C. 5104(e)(2) (Violent Entry and Disorderly Conduct on Capitol Grounds)

Date: 01/21/2021

Handwritten signature of Robin M. Meriweather

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) 1/22/2021, and the person was arrested on (date) 1/22/21
at (city and state) Stockholm, NJ

Date: 1/22/21

Handwritten signature of SA Brandon Durkot

Arresting officer's signature

SA Brandon Durkot

Printed name and title

# UNITED STATES DISTRICT COURT

for the  
District of New Jersey

## MAGISTRATE'S COURTROOM MINUTES

UNITED STATES OF AMERICA  
*Plaintiff*

v.

SCOTT KEVIN FAIRLAMB  
*Defendant*

MAGISTRATE JUDGE: JAMES B. CLARK, III

CASE NO. 21-mj-12058-JBC

1/22/2021

DATE OF PROCEEDINGS: \_\_\_\_\_

DATE OF ARREST: 1/22/2021

**PROCEEDINGS:** Rule 5 - Initial Appearance

- COMPLAINT
- ADVISED OF RIGHTS
- WAIVER OF COUNSEL
- APPT. OF COUNSEL:  AFPD  CJA
- WAIVER OF HRG:  PRELIM  REMOVAL
- CONSENT TO MAGISTRATE'S JURISDICTION
- PLEA ENTERED:  GUILTY  NOT GUILTY
- PLEA AGREEMENT
- RULE 11 FORM
- FINANCIAL AFFIDAVIT EXECUTED
- OTHER: \_\_\_\_\_

- TEMPORARY COMMITMENT
- CONSENT TO DETENTION WITH RIGHT TO MAKE A BAIL APPLICATION AT A LATER TIME
- BAIL DENIED - DEFENDANT REMANDED TO CUSTODY
- BAIL SET: \$150,000
- UNSECURED BOND
- SURETY BOND SECURED BY CASH/PROPERTY
- TRAVEL RESTRICTED DC, NJ
- REPORT TO PRETRIAL SERVICES
- DRUG TESTING AND/OR TREATMENT
- MENTAL HEALTH TESTING AND/OR TREATMENT
- SURRENDER AND/OR OBTAIN NO PASSPORT
- SEE ORDER SETTING CONDITIONS OF RELEASE FOR ADDITIONAL CONDITIONS

**HEARING SET FOR:**

- PRELIMINARY/REMOVAL HRG.
- DETENTION/BAIL HRG.
- TRIAL:  COURT  JURY
- SENTENCING
- OTHER: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**APPEARANCES:**

AUSA: Catherine Murphy

DEFT. COUNSEL: Harley Breite, Retained

PROBATION: \_\_\_\_\_

INTERPRETER: \_\_\_\_\_  
Language: \_\_\_\_\_

TIME COMMENCED: 4:34 p.m.

TIME TERMINATED: 4:57 p.m.

CD NO: Zoom

Stephen Bond

DEPUTY CLERK

UNITED STATES DISTRICT COURT  
for the District of New Jersey

United States of America

v.

SCOTT KEVIN FAIRLAMB

Defendant

**ORDER SETTING  
CONDITIONS OF RELEASE**

Case Number: 21-mj-12058-JBC

IT IS ORDERED on this 22nd day of January, 2021 that the release of the defendant is subject to the following conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change of address and/or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed.

**Release on Bond**

Bail be fixed at \$ 50,000 and the defendant shall be released upon:

- Executing an unsecured appearance bond ( ) with co-signor(s) \_\_\_\_\_;
- ( ) Executing a secured appearance bond ( ) with co-signor(s) \_\_\_\_\_, and ( ) depositing in cash in the registry of the Court \_\_\_\_\_% of the bail fixed; and/or ( ) execute an agreement to forfeit designated property located at \_\_\_\_\_ . Local Criminal Rule 46.1(d)(3) waived/not waived by the Court.
- ( ) Executing an appearance bond with approved sureties, or the deposit of cash in the full amount of the bail in lieu thereof;

**Additional Conditions of Release**

Upon finding that release by the above methods will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, it is further ordered that the release of the defendant is subject to the condition(s) listed below:

IT IS FURTHER ORDERED that, in addition to the above, the following conditions are imposed:

- Report to Pretrial Services ("PTS") as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to, any arrest, questioning or traffic stop.
- ( ) The defendant shall not attempt to influence, intimidate, or injure any juror or judicial officer; not tamper with any witness, victim, or informant; not retaliate against any witness, victim or informant in this case.
- ( ) The defendant shall be released into the third party custody of \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Custodian Signature: \_\_\_\_\_ Date: 1/22/2021

- The defendant's travel is restricted to  New Jersey  Other District of Columbia for court purposes only  unless approved by Pretrial Services (PTS).
- Surrender all passports and travel documents to PTS. Do not apply for new travel documents.
- Substance abuse testing and/or treatment as directed by PTS. Refrain from obstructing or tampering with substance abuse testing procedures/equipment.
- Refrain from possessing a firearm, destructive device, or other dangerous weapons. All firearms in any home in which the defendant resides shall be removed ~~to~~ w/in 24 hours and verification provided to PTS. This includes Purchasers ID & permits.
- Mental health testing/treatment as directed by PTS.
- Abstain from the use of alcohol.
- Maintain current residence or a residence approved by PTS.
- Maintain or actively seek employment ~~and/or commence an education program~~ that is stationary and verifiable.
- No contact with minors unless in the presence of a parent or guardian who is aware of the present offense.
- Have no contact with the following individuals: victims or witnesses
- Defendant is to participate in one of the following home confinement program components and abide by all the requirements of the program which  will or  will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. The defendant shall install a land line telephone W/I 10 days if one is not at the residence.
  - (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 the following: education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer. Additionally, employment  is permitted  is not permitted.
  - (iii) Home Incarceration. You are restricted to your residence under 24 hour lock-down except for medical necessities and court appearances, or other activities specifically approved by the court.
- Defendant is subject to the following computer/internet restrictions which may include manual inspection and/or the installation of computer monitoring software, as deemed appropriate by Pretrial Services. The defendant shall pay all or part of the cost of the monitoring software based upon their ability to pay, as determined by the pretrial services office or supervising officer.
  - (i) No Computers - defendant is prohibited from possession and/or use of computers or connected devices.
  - (ii) Computer - No Internet Access: defendant is permitted use of computers or connected devices, but is not permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc);
  - (iii) Computer With Internet Access: defendant is permitted use of computers or connected devices, and is permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc.) for legitimate and necessary purposes pre-approved by Pretrial Services at  home  for employment purposes.
  - (iv) Consent of Other Residents -by consent of other residents in the home, any computers in the home utilized by other residents shall be approved by Pretrial Services, password protected by a third party custodian approved by Pretrial Services, and subject to inspection for compliance by Pretrial Services.
- Other: Defendant shall report to the USMS in Newark, NJ for processing at a date to be determined.
- Other: Defendant shall not enter any government buildings unless required by the government agency.
- Other: Appear at all future court appearances in the District of Columbia.

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.

s/Scott Kevin Fairlamb

Defendant's Signature

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: 1/22/2021

Judicial Officer's Signature

JAMES B. CLARK, III, U.S.M.J.

Printed Name and Title

Detention is stayed pending the appeal of the bail order to the District of Columbia

JBC

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America )
v. )
SCOTT KEVIN FAIRLAMB )
Defendant )

Case No. 21-mj-12058-JBC

APPEARANCE BOND

Defendant's Agreement

I, SCOTT KEVIN FAIRLAMB (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( X ) to appear for court proceedings;
( X ) if convicted, to surrender to serve a sentence that the court may impose; or
( X ) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- ( ) (1) This is a personal recognizance bond.
( X ) (2) This is an unsecured bond of \$ 50,000 .
( ) (3) This is a secured bond of \$ , secured by:
(a) \$ , in cash deposited with the court.
(b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ( ) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

**Declarations**

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/22/2021

s/Scott Kevin Fairlamb

*Defendant's signature*

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 1/22/2021

Stephen Bond

*Signature of Clerk or Deputy Clerk*



Approved.

Date: 1/22/2021



*Judge's signature*

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America )

v. )

SCOTT KEVIN FAIRLAMB )

Defendant )

Case No. 21-mj-12058-JBC

Charging District's Case No. 1:21-mj-00140

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) 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:

- [checked] an identity hearing and production of the warrant.
[checked] 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: 01/22/2021

s/Scott Kevin Fairlamb

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney



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CLOSED

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CRIMINAL DOCKET FOR CASE #: 2:21-mj-12058-JBC-1**

Case title: USA v. FAIRLAMB

Date Filed: 01/22/2021

Other court case number: 1:21-mj-00140 District of Columbia

Date Terminated: 01/25/2021

Assigned to: Magistrate Judge James B.  
Clark

**Defendant (1)**

**SCOTT KEVIN FAIRLAMB**  
*TERMINATED: 01/25/2021*

represented by **HARLEY D. BREITE**  
562 BLACK OAK RIDGE ROAD  
WAYNE, NJ 07470  
(973) 72-0604  
Email: harleydbreite@aol.com  
*TERMINATED: 01/25/2021*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:231.F CERTAIN ACTS DURING  
CIVIL DISORDER; 18:111.F  
ASSAULTING A FEDERAL OFFICER;  
18:1752.P KNOWINGLY ENTERING OR  
REMAINING IN ANY RESTRICTED  
BUILDING OR GROUNDS WITHOUT  
LAWFUL AUTHORITY; 18:1752.P  
CARRYING A DANGEROUS WEAPON;

**Disposition**

40:5104(e)(2) VIOLENT ENTRY AND  
DISORDERLY CONDUCT ON CAPITOL  
GROUNDS

**Plaintiff**

USA

represented by **CATHERINE RISDON MURPHY**  
OFFICE OF THE U.S. ATTORNEY  
DISTRICT OF NEW JERSEY  
970 BROAD STREET  
NEWARK, NJ 07102  
973-297-2098  
Email: catherine.murphy2@usdoj.gov  
*TERMINATED: 01/25/2021*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
01/22/2021		Arrest (Rule 5) of SCOTT KEVIN FAIRLAMB (seb) (Entered: 01/24/2021)
01/22/2021	<a href="#">1</a>	Minute Entry for proceedings held before Magistrate Judge James B. Clark:Initial Appearance in Rule 5 Proceedings as to SCOTT KEVIN FAIRLAMB held on 1/22/2021. Defendant advised of rights. Bail set \$50,000 (unsecured). Defendant detention stayed pending appeal of bail order to the District of Columbia. (Court Reporter/Recorder Zoom.) (seb) (Entered: 01/24/2021)
01/22/2021	<a href="#">2</a>	ORDER Setting Conditions of Release as to SCOTT KEVIN FAIRLAMB (1) \$50,000 (unsecured) (Finance notified). Signed by Magistrate Judge James B. Clark on 1/22/2021. (seb) (Entered: 01/24/2021)
01/22/2021	<a href="#">3</a>	Appearance Bond Entered as to SCOTT KEVIN FAIRLAMB in amount of \$ 50,000 (unsecured). (seb) (Entered: 01/24/2021)
01/22/2021	<a href="#">4</a>	WAIVER of Rule 5 Hearings by SCOTT KEVIN FAIRLAMB (seb) (Entered: 01/24/2021)
01/22/2021	<a href="#">5</a>	BRADY ORDER as to SCOTT KEVIN FAIRLAMB. Signed by Magistrate Judge James B. Clark on 1/22/2021. (seb) (Entered: 01/24/2021)
01/22/2021	<a href="#">6</a>	Notice to Columbia of a Rule 5 Initial Appearance as to SCOTT KEVIN FAIRLAMB. Your case number is: 1:21-mj-00140. Docket sheet and documents attached. <i>(If you require certified copies of any documents, please send a request to InterdistrictTransfer_NJD@nj.uscourts.gov.)</i> (Attachments: # <a href="#">1</a> Order Setting Conditions of Release, # <a href="#">2</a> Appearance Bond, # <a href="#">3</a> Waiver of Rule 5 Hearings) (seb) (Entered: 01/24/2021)