

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

John A. Schubert, Jr.

)
) Case: 1:21-mj-00495
) Assigned To : Harvey, G. Michael
) Assign. Date : 06/24/2021
) Description: Complaint w/ Arrest Warrant
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) John A. Schubert, Jr.,
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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

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

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

Date: 06/25/2021


Digitally signed by G. Michael Harvey
Date: 2021.06.25 11:03:17 -04'00'

Issuing officer's signature

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 06/25/2021, and the person was arrested on (date) 07/26/2021
at (city and state) Crest Hill, IL.

Date: 07/27/2021


Arresting officer's signature

FBI SA Thad A. Boentje

Printed name and title

GABRIEL A. FUENTES
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
for the
Northern District of Illinois

United States of America

v.
JOHN SCHUBERT

Defendant)))))
Case No. 21 CR 466-1**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: the next court date as scheduled by the Court

Place

on

Date and Time

If blank, defendant will be notified of next appearance.

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

\$ 10,000.00 Unsecured
Appearance Bond

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

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

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

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

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

Signed: _____

Custodian

Date

- ☒ (7) The defendant must:

- ☒ (a) submit to supervision by and report for supervision to the Pretrial Services Office, telephone number _____, no later than 7/26/2021.

- ☒ (b) continue or actively seek employment.

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

- ☒ (d) surrender any passport to: Pretrial Services, if you are in possession of one.

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

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

Defendant not to leave Illinois without permission from pretrial services. Defendant prohibited from entering Washington DC unless for trial.

- ☐ (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; or

- ☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- ☐ (q) submit to the following location monitoring technology and comply with its requirements as directed:
- ☐ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - ☐ (ii) Voice Recognition; or
 - ☐ (iii) Radio Frequency; or
 - ☐ (iv) GPS.
- ☐ (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- ☒ (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☒ (t) Defendant must remove firearms from residence and provide verification to Pretrial Services within five (5) business days. Defendant to surrender CCL and FOID to Pretrial Services.
-

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.

[Signature] BB
 Defendant's Signature

Chicago, Illinois
 City and State

Directions to the United States Marshal

- (X) 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:

4-26-2021

Judicial Officer's Signature

Gabriel A. Fuent
 Printed name and title
U.S. Magistrate Judge

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

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America)

v.)

JOHN SCHUBERT)

Case No. 21 CR 466-1)

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, JOHN SCHUBERT (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:

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

Type of Bond

- () (1) This is a personal recognizance bond.
- (☒) (2) This is an unsecured bond of \$ 10,000.00.
- () (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.

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

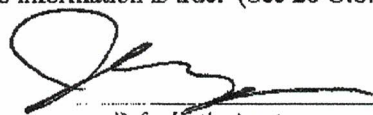
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (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. (Sec 28 U.S.C. § 1746.)

Date: 07/26/2021

 BB
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: 7/26/21


Signature of Clerk or Deputy Clerk

Approved.

Date: July 26, 2021


Judge's signature

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

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America

v.

John A. Schubert, Jr.

Defendant

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Case No. 21 CR 466-1

Charging District: District of Columbia

Charging District's Case No. 1-21-mj-00495

**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: United States District Court, District of Columbia 333 Constitution Ave. NW, Washington DC 20001	Courtroom No.: N/A
	Date and Time: TBD

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: July 28, 2021


Judge's signature

Gabriel A. Fuentes, U.S. Magistrate Judge

Printed name and title

TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.3.3 (Chicago)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00466-1
Internal Use Only

Case title: USA v. Schubert

Date Filed: 07/26/2021

Other court case number: 21mj495 USDC District of Columbia

Date Terminated: 07/28/2021

Assigned to: Honorable Gabriel A. Fuentes**Defendant (1)****John A. Schubert, Jr.***TERMINATED: 07/28/2021*represented by **Brandon Brown**

The Brown Law Ltd.

4455 S. King Drive

Suite 100A

Chicago, IL 60653

(773) 624-8366

Email: bbrown@thebrownlaw.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

Complaints18:1752.F TEMPORARY RESIDENCE
OF THE PRSIDENT**Disposition**

Plaintiff

USArepresented by **Ann Marie E. Ursini**

United States Attorney's Office

Northern District of Illinois

Eastern Division

219 S. Dearborn St., 5th Floor

Chicago, IL 60604

(312) 353-5300

Email: annmarie.ursini@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney***AUSA - Chicago**

United States Attorney's Office (NDIL - Chicago)

219 South Dearborn Street

Chicago, IL 60604

Email: USAILN.ECFAUSA@usdoj.gov

ATTORNEY TO BE NOTICED*Designation: Assistant US Attorney***Pretrial Services**


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(312) 435-5793

Email:

ilnptdb_Court_Action_Notice@ilnpt.uscourts.gov

ATTORNEY TO BE NOTICED*Designation: Pretrial Services*

Date Filed	#	Docket Text
07/26/2021	<u>1</u>	RULE 5(c)(3) Affidavit in Removal Proceedings signed by Judge Honorable Gabriel A. Fuentes as to John A Schubert (1) (gw,) (Entered: 07/27/2021)
07/26/2021		ARREST of defendant John A Schubert (gw,) (Entered: 07/27/2021)
07/26/2021	 <u>2</u>	ORDER Initial appearance and removal proceedings held. By agreement and consent of all parties and pursuant to the CARES Act, all parties appear by telephone conference. Defendant John A. Schubert, Jr. appears in response to an arrest in this district on 7/26/21 under a complaint and an arrest warrant issued in the District of Columbia. Defendant advised of charges and informed of his rights and of prosecutorial obligations per Rule 5(d) and (f), including the provisions of Rule 20, to the extent applicable. No financial affidavit was tendered at the time of the hearing, and the Court appointed Brandon Brown as counsel for defendant under the Criminal Justice Act for initial appearance and removal proceedings in this district only, based on counsel's initial representations concerning CJA eligibility. Defendant waives identity hearing. The Court enters a finding of identity. Defendant is further advised of his right to a Rule 5.1 preliminary hearing and may elect to have any preliminary hearing held in the District of the District of Columbia per Rule 5.1(b); Defense Counsel is directed to notify the Courtroom Deputy, Jenny Jauregui, in writing by sending an email and filing a status report on the court docket by the close of business on 7/27/21 whether or not Defendant

		seeks a preliminary examination hearing in the Northern District of Illinois, and if he does not, the Order of Removal to the District of Columbia will be entered. In addition, on review of Defendant's Financial Affidavit tendered after the hearing, the Court notes that the Affidavit raises questions about Defendant's eligibility for Court-Appointed Counsel. The Court will revisit that issue again if Defendant appears again in this District; otherwise, those questions are deferred to the District of the District of Columbia on removal. The Government and Defendant agree on conditions of release, which the Court accepts. Defendant is released on \$10,000.00 appearance bond with conditions. Enter Order Setting Conditions of Release. Defendant is ordered released after processing. Signed by the Honorable Gabriel A. Fuentes on 7/26/2021. Mailed notice (gw,) (Entered: 07/27/2021)
07/26/2021	<u>3</u>	FINANCIAL Affidavit filed by John A Schubert Jr. (SEALED) (gw,) (Entered: 07/27/2021)
07/26/2021	<u>4</u>	CJA ORDER Appointing Counsel Brandon Brown Under the Criminal Justice Act for defendant John A. Schubert. Signed by the Honorable Gabriel A. Fuentes on 7/26/2021. Mailed notice (gw,) Modified on 7/28/2021 (gw,). (Entered: 07/27/2021)
07/26/2021	<u>5</u>	ATTORNEY Appearance for defendant John A Schubert Jr. by Brandon Brown (gw,) (Entered: 07/27/2021)
07/26/2021	 <u>7</u>	APPEARANCE Bond as to John A. Schubert, Jr in the amount of \$ 10,000, unsecured (gw,) (Entered: 07/27/2021)
07/26/2021	<u>8</u>	ORDER PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 5(f) Signed by the Honorable Gabriel A. Fuentes on 7/26/2021. Mailed notice (gw,) (Entered: 07/27/2021)
07/26/2021	<u>9</u>	SEALED ARREST WARRANT as to John A. Schubert, Jr (gw,) (gw,). (Main Document 9 replaced on 7/28/2021) (sxb,). (Entered: 07/27/2021)
07/27/2021	 <u>6</u>	ORDER Setting Conditions of Release as to John A. Schubert, Jr in amount of \$ 10,000, unsecured Signed by the Honorable Gabriel A. Fuentes on 7/16/2021. Mailed notice (gw,) (Entered: 07/27/2021)
07/27/2021	<u>10</u>	STATUS REPORT by John A. Schubert, Jr (Brown, Brandon) (Entered: 07/27/2021)
07/28/2021	<u>11</u>	ORDER: The Court has received a written status report by defense counsel (doc. #10) stating that defendant John A. Schubert Jr. has decided to waive his right to a preliminary examination hearing in the Northern District of Illinois and reserves his right to hold the hearing in the District of Columbia. Terminated defendant John A. Schubert Jr. As stated on the record on 7/26/21, the Court orders the defendant to appear in the District of Columbia where the charges are pending to answer those charges. Enter order (attached). As further stated on the record on 7/26/21, the Court orders the defendant to appear for a hearing before the designated judge at a date, time, and format that is to be determined at the U.S. District Court, District of Columbia, 333 Constitution Ave. NW, Washington, DC 20001. Signed by the Honorable Gabriel A. Fuentes on 7/28/2021. Mailed notice (gw,) (Entered: 07/28/2021)
07/28/2021	<u>12</u>	ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to

		Defendant John A. Schubert, Jr committed to District of Columbia. Signed by the Honorable Gabriel A. Fuentes on 7/28/2021. Mailed notice (gw,) (Entered: 07/28/2021)
07/28/2021	13	CERTIFIED and Transmitted to District of Columbia the record consisting of the transmittal letter as to John A. Schubert, Jr. (gw,) (Entered: 07/28/2021)