

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Cindy Fitchett

Defendant

Case: 1:21-MJ-00012

Assigned to: Judge G. Michael Harvey

Assigned Date: 1/7/2021

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) Cindy Fitchett

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; or Knowingly, With Intent to Impede Government Business or Official Functions, Engaging in Disorderly Conduct on Capitol Grounds

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

Date: 01/07/2021


G. Michael Harvey
 2021.01.07 20:08:56
 -05'00'

*Issuing officer's signature*City and state: Washington, DCG. MICHAEL HARVEY, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) 01/11/2021, and the person was arrested on (date) 01/12/2021
 at (city and state) Chesapeake, Virginia

Date: 01/12/2021

Arresting officer's signature

FBI Special Agent Jen Hartney
Printed name and title

INITIAL APPEARANCE MINUTES:

Time set: 02:30 p.m.
 Start Time: 2:27 pm
 End Time: 2:37 pm
 Split Time ()

Date: January 13, 2021
 Presiding Judge: Douglas E. Miller, USMJ
 Courtroom Deputy: C. Dodge
 Reporter: FTR / Zoom
 U.S. Attorney: Brittany Fisher
 Defense Counsel: Kirstin Kmet present for
 () Retained () Court appointed () AFD 1.d.
 Interpreter: _____

Case Number: 2:21mj20USA v. Cindy Fitchett

- (x) Deft. Present (x) custody () not in custody
 (x) Initial Appearance () Indictment () Probation Violation Petition () Supervised Release Petition
 () Criminal Information (x) Rule 5 arrest () Rule 32 arrest () Criminal Complaint
 (x) Defendant consented to video proceedings. Order entered and filed
 (x) Deft. advised of rights, charges and right to counsel
 () Counsel desired (x) Defendant to retain: _____
 () Oral admonition as required by DPPA given to the prosecutor
 () Defendant's motion to substitute counsel
 () Order to substitute counsel executed and filed in open court
 () Financial Affidavit filed in open Court
 () Court () Directed () Denied appointment of counsel
 () _____, AFD present. FPD appointed in open court
 () Court directed defendant to reimburse govt. at rate of \$ _____ per month. Payments to begin and continue each month thereafter until paid in full.
 () Defendant waived () Removal () Preliminary hearing (In this District only)
 () Defendant executed Waiver of Removal Hearing () Waiver of Identity Hearing (In this District only)
 () Waiver of Detention Hearing (In this District only)
 () Commitment to Another District entered and filed in open court
 () () Preliminary () Removal Hearing set for _____ at _____ before _____ U.S. Magistrate Judge in _____
 () Preliminary Hearing () Held () Waived. () Defendant stipulated to probable cause
 () Court finds probable cause () Defendant held for Grand Jury () Defendant remanded to custody of U.S. Marshal for removal to charging district
 () Government motion for Detention () Government not seeking detention
 () Government motion to withdraw motion for detention and set bond () Granted () Denied
 () Detention Hearing scheduled for _____ at _____ before _____
 () Detention Hearing () Held () Waived in _____
 () Temporary Detention Order entered and filed () Detention Ordered Pending Trial
 (x) Bond set at \$ PLR * Supervision
 (x) Special Conditions of Release: (See Page 2) - to stay out of DC during pendency of charges except as necessary for court proceedings
 (x) Deft. remanded to custody of U. S. Marshal
 () Warrant returned executed and filed in open court
 (x) Defendant is directed to appear on 1/19/21 at 1:00 pm for initial appearance
 () Arraignment () SRVH () PVH () Bench Trial
 () Norfolk () Newport News DC District Court
 (x) Gov't. motion to unseal complaint - Granted.
 * to appear @ virtual hearing
to execute bond in Norfolk w/in 2 days.
to be released today

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

Criminal No.

2:21mj20-1

CINDY FITCHETT,

Defendant.

Video or Telephone Conferencing Order for Criminal Proceedings

In accordance with Case No. 2:20mc7, Gen. Order 2020-09, this Court finds that the Defendant, after consultation with counsel, has consented to the use of video or telephone conferencing to conduct the preliminary criminal proceeding(s) to be held today, as authorized by § 15002(b)(1) of the CARES Act. See CARES Act, H.R. 748, 116th Congress (2020). As previously found in Case No. 2:20mc7, such preliminary criminal proceeding(s) fall(s) within the class of proceedings that should not be materially delayed in light of the ongoing COVID-19 pandemic. The Chief Judge authorized the use of video conferencing and telephone for such proceedings by General Order entered March 30, 2020. See Case No. 2:20mc7; Gen. Order 2020-09. The criminal proceeding(s) to be held on this date may be conducted by:

☒ Video Teleconferencing


☐ Teleconferencing, because video teleconferencing is not reasonably available for the following reason(s):

☐ The Defendant is detained at a facility lacking video teleconferencing capability.

☐ Other:

It is so ORDERED.

Norfolk, Virginia
January 13, 2021


/s/ _____
DOUGLAS E. MILLER,
UNITED STATES MAGISTRATE JUDGE

Douglas E. Miller
2021.01.13 14:59:12
-05'00'

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

United States of America

v.

Cindy Fitchett*Defendant*Case No. 2:21mj20

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 42 U.S.C. § 14135a.
- (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: **U.S. District Court for the District of Columbia via Zoom 333 Constitution Ave. NW Washington, DC 20001**

on January 19, 2021 at 1:00 p.m.
Date and Time

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (✓) (5) The defendant promises to appear in court as required and surrender to serve sentence imposed.
- (✓) (6) The defendant executes a (\$ PERSONAL RECOGNIZANCE) Unsecured Bond binding the defendant to pay to the United States for failure to appear as required or surrender to serve any sentence imposed.

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

☒ (7) The defendant must:☒ (a) submit to supervision by and report for supervision to the **United States Probation Office**, telephone number **757-222-7400**, no later than (date of release) _____.☐ (b) continue or actively seek employment.☐ (c) surrender any passport to: _____☐ (d) not obtain a passport or other international travel document.☐ (e) abide by the following restrictions on personal association, residence, or travel: **restricted to the EDVA and EDNC unless prior approval received from Probation** _____.☐ (f) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____☐ (g) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.☐ (h) not possess a firearm, destructive device, or other weapon.☐ (i) not use alcohol ☐ at all ☐ excessively.☐ (j) 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.☐ (k) 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.☐ (l) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.☐ (m) 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.☐ (n) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.☐ 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.☐ (o) 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.☒ (p) The defendant shall appear for a virtual hearing on January 19, 2021 at 1:00 pm with the DC District Court as directed.☒ (q) The defendant shall stay away from Washington DC unless necessary for court proceedings.☒ (r) The defendant shall appear at the Norfolk Federal Courthouse to execute her bond within the next two days.☐ (s) _____☐ (t) _____☐ (u) _____☐ (v) _____☐ (w) _____☐ (x) _____☐ (y) _____☐ (z) _____

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.

Cindy Sue Fitchett

Defendant's Signature

Cobbs Creek, Va. 23035

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:

Judicial Officer's Signature

UNITED STATES MAGISTRATE JUDGE

Title

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

**U.S. District Court
Eastern District of Virginia - (Norfolk)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-00020-DEM-1**

Case title: USA v. SEALED

Date Filed: 01/12/2021

Other court case number: Unknown U. S. District Court for the
District of Columbia

Date Terminated: 01/14/2021

Assigned to: Magistrate Judge Douglas E.
Miller

Defendant (1)

Cindy Fitchett

TERMINATED: 01/14/2021

represented by **Cindy Fitchett**
PRO SE

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Brittany M. Fisher**
United States Attorney Office (Newport
News-NA)
721 Lakefront Commons
Suite 300
Newport News, VA 23606
NA
757-591-4000
Email: brittany.fisher@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Designation: US Attorney

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Email: Kevin.Comstock@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: US Attorney

Date Filed	#	Docket Text
01/12/2021		Case sealed as to Cindy Fitchett (jjon) (Entered: 01/12/2021)
01/12/2021	1	Arrest of Cindy Fitchett in Eastern District of Virginia - Norfolk Division on warrant out of U.S. District Court for the District of Columbia. (jjon) (Entered: 01/12/2021)
01/12/2021	2	Rule 5(c)(3) Documents Received as to Cindy Fitchett. (jjon) (Entered: 01/12/2021)
01/12/2021		Set/Reset Hearings as to Cindy Fitchett: Initial Appearance - Rule 5(c)(3)set for 1/13/2021 at 02:30 PM in Norfolk Remote before Magistrate Judge Douglas E. Miller. (jjon) (Entered: 01/12/2021)
01/13/2021		Case unsealed as to Cindy Fitchett, Douglas Sweet (jjon) (Entered: 01/14/2021)
01/13/2021	9	Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller:Initial Appearance in Rule 5(c)(3) Proceedings as to Cindy Fitchett held on 1/13/2021. Appearances: AUSA Brittany Fisher for the Government. Defendant is present in custody via zoom. Defendant consented to remote proceedings. Court to enter order. Defendant advised of rights and charges. Kirsten Kmet, AFD present for the initial appearance. Defendant advised that she has retained counsel. Defendant waived all proceedings in this district and wishes to have any further proceedings in the charging district. Government is not seeking detention. Defendant to be released on a personal recognizance bond with supervision and direction to appear for a virtual hearing in the District Court for the District of Columbia on 1/19/2021 at 1:00 pm. The defendant is also ordered to stay away from DC unless necessary for court proceedings and to appear at the Norfolk Federal Courthouse to execute the bond within two days. The defendant shall be released from custody today. (Tape #FTR/Zoom.)(cdod,) (Entered: 01/14/2021)
01/13/2021	10	VTC ORDER. Signed by Magistrate Judge Douglas E. Miller on 1/13/2021. (cdod,) (Entered: 01/14/2021)
01/14/2021	11	ORDER Setting Conditions of Release as to Cindy Fitchett (1) P/R. Signed by Magistrate Judge Douglas E. Miller on 1/14/2021. (cdod,) (Entered: 01/14/2021)

PACER Service Center

Transaction Receipt

02/03/2021 12:07:10

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BrittanyBryant:6635828:0

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Billable Pages:	2	Cost:	0.20
Exempt flag:	Exempt	Exempt reason:	Always

PACER fee: Exempt