

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

UNITED STATES OF AMERICA)	
)	Criminal No. 21-mj-36
v.)	
)	<u>FILED UNDER SEAL</u>
THOMAS ROBERSTON AND JACOB FRACKER,)	
)	
Defendant.)	

MOTION TO UNSEAL WARRANT AND RELATED DOCUMENTS

The United States of America, by and through its undersigned counsel, respectfully submits this *ex parte*, under seal motion to unseal the above-captioned matter, including but not limited to the above-captioned arrest warrant, complaint, and affidavit in support thereof, and all attachments thereto and other related materials (collectively, the “Warrant”).

JURISDICTION

1. This Court has jurisdiction to issue the requested order because it is a “court of competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, the Court is a “district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). As discussed more fully below, acts or omissions in furtherance of the offenses under investigation occurred within Washington., D.C.

FACTUAL BACKGROUND

1. When the Court issued the Warrant, it also granted the government’s motion to seal the Warrant, finding reasonable grounds to believe that disclosure of the Warrant would result in flight from prosecution and/or destruction of or tampering with evidence, and thus also finding

that the United States had established that a compelling governmental interest existed to justify the requested sealing.

2. On January 13, 2021, shortly after the Warrant was issued by this Court, the Warrant was executed, and Defendants Thomas Robertson and Jacob Fracker were arrested in Virginia. They are expected to have a Rule 5 hearing before the U.S. District Court for the Western District of Virginia on January 13, 2021.

3. Now that the defendants have been arrested, there is no longer a compelling governmental interest to justify sealing the Warrant.

ACCORDINGLY, it is respectfully requested that the above-captioned matter, to include the Warrant, be unsealed.

Respectfully submitted,

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ORDER

This matter having come before the Court pursuant to the motion of the United States to unseal the above-captioned matter, including the above-captioned warrant and related documents, such as the complaint, the affidavit in support thereof, and all attachments thereto and other related materials (collectively the “Warrant”), the Court finds that, as the Defendants Thomas Robertson and Jacob Fracker have been arrested and the Warrant executed, there is no longer a compelling governmental interest to justify the sealing.

1. IT IS THEREFORE ORDERED that the government’s motion to unseal is hereby GRANTED, and the above-captioned matter and all documents filed in this matter to date, including but not limited to the Warrant, the prior application to seal and sealing Order, and the instant motion to unseal, shall be unsealed.

2. IT IS FURTHER ORDERED that the Clerk’s office may now make entry on the public docket of the Warrant and of this matter.

Date:

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE

cc: Elizabeth Aloi
Assistant United States Attorney
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555 Fourth Street, N.W.
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