

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
THOMAS ROBERTSON

Case: 1:21-mj-00036
Assigned to: Judge Robin M. Meriweather
Assign Date: 1/12/2021
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) Thomas Robertson
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
40 U.S.C. 5104(e)(2)- Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/12/2021

Robin M. Meriweather
Digitally signed by Robin M. Meriweather
Date: 2021.01.12 12:37:00 -05'00'

Issuing officer's signature

City and state: Washington, DC

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 1/12/2021, and the person was arrested on (date) 1/13/2021
at (city and state) Rocky Mount, VA

Date: 1/13/2021

Lynne A. Witt
Arresting officer's signature

Lynne A. Witt
Printed name and title

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CRIMINAL MINUTES - INITIAL APPEARANCE - RULE 5
(Complaint/Indictment/Other District)**

Case No.: 7:21-MJ-5

Date: 1/13/2021

Defendant(s):
1-Thomas Robertson, custody
2-Jacob Fracker, custody

Counsel:
not represented
Randy Cargill FPD

PRESENT:	Presiding Judge:	Robert S. Ballou	TIME IN COURT: 33 min
	Deputy Clerk:	K. Brown	
	Court Reporter:	K. Brown/ZOOMGOV	
	AUSA:	Dan Bubar	
	USPO:	Lollie Burns/Andrew Ridgway	
	Case Agent:	Charles Jarboe, FBI	

Defendant arrested on warrant from United States District Court for the District of Columbia.

RIGHTS:

- Defendant advised of charges and nature of proceedings and provision of Rule 20.
- Defendant advised of right to retain counsel or to request that counsel be appointed.
- Defendant advised of right to preliminary exam.
- Defendant advised of right to identity hearing.
- Defendant advised of right to a bond/detention hearing.

COUNSEL:

- Defendant Fracker present with counsel. FPD appointed for today’s purposes, however defendant will see to retain for further proceedings.
- Defendant Robertson present without counsel and in process of retaining counsel.

IDENTITY:

- Identity hearing waived.*

PRELIMINARY HEARING:

- Defendant requests preliminary hearing in prosecuting district.*

RELEASE/DETENTION:

- Government does not oppose bond. Bond set at \$15K Unsecured. See conditions below.
- Conditions of Release/Bond to enter for reasons as follows:

In addition to the standard conditions of release, the following special conditions of release are imposed:

- The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case.
- The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.

- The defendant shall abstain from the excessive use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer. But may travel to the District of DC for all court matters and attorney appointments.
- The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release.
- The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport.

Additional Information:

4:49

Parties present. Mr. Robertson is not represented today. Mr. Fracker is present with FPD. All parties present on screen. Court explains to defendants their right to an in person hearing. Both defendants waive that right and consent to proceed by video conference.

Defendants both advise that they will retain counsel going forward with their cases in DC.

Government does not seek detention.

Deft Fracker would like to have all hearings heard in DC court. No issues with identity. Court shares Rule 5 Waiver on screen and explains content. Deft and his attorney give permission for the Court to sign this waiver on their behalf.

Deft Robertson would like to have all hearings heard in DC Court as well. Court shares Rule 5 waiver, and deft gives Court permission to sign on his behalf.

USA reports that their next appearance will be by video as well, 3 business days out at 1pm. Set for Tuesday, January 19, 2021 at 1:00pm. Court leaves Mr. Cargill as Mr. Fracker's attorney for now.

Government requests GPS monitoring, stay away order from DC, and any other standard terms. Response from defendant Fracker's counsel. Deft. Robertson response.

Court addresses defendants. Unsecured bonds. \$15,000. Reside at homes. No firearms. Relocate firearms in homes by COB on Friday. Travel restricted to WDVA. May travel to DoDC only for court and meeting with attys. Deft not allowed to engage in any public assembly until this matter concludes. That includes anything like this in any state. Turn in passport- Robertson, by end of this week. Cooperate with USPO. Report contact with LEO's. NO excessive alcohol. Warrantless search and seizure.

Mr. Robertson to provide his contact information to clerk. Probation will be in contact with each defendant tomorrow.

Defendants released on bond.

Adjourned.

5:22

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

Case No. 7:21-MJ-00005-001

Thomas Robertson)

Defendant)

Charging District's Case No. 1:21-MJ-00036

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) USDC of the 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:

- an identity hearing and production of the warrant.
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: 01/13/2021

Thomas Robertson by Robert S. Ballou with permission

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

Thomas Robertson)

Case No. 7:21-MJ-00005-001

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, Thomas Robertson (*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 \$ 15,000.00.

() (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.

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.

Recording of Agreement: We agree, at our cost, to record this agreement in the land records of jurisdiction where this property is located, as a lien against the property, and to have this agreement indexed in the name(s) of all owners of the subject property.

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

Date: 01/13/2021



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

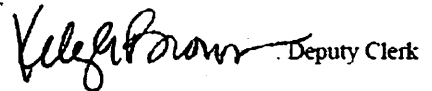
Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

 Deputy Clerk

Date: 01/13/2021

Signature of Clerk or Deputy Clerk

Approved.

Date: 1/14/2021



Judge's signature

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

Thomas Robertson)

Defendant)

Case No. 7:21-MJ-00005-001

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these 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 in address or telephone number.
(4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified)

Place

on

Date and Time

Release on Personal Recognizance or Unsecured Bond

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

- m (✓) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
n (✓) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of Fifteen thousand and no cents dollars (\$ 15,000.00) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (7) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. (only if above is an organization) _____

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

Signed: _____

Custodian or Proxy

Date

(8) The defendant must:

(a) report to the USPO Sidney Edwards

telephone number (434-792-6397, x8473, no later

1/14/2021 by 10:00am

(b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

\$15K unsecured

() (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

() (d) maintain or actively seek employment.

() (e) maintain or commence an education program.

(f) surrender any passport to: USPO

(g) abide by the following restrictions on personal association, place of abode, or travel:
remain in WDVA & not travel outside the WDVA without permission of the supervising officer. See condition (w).

(h) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: co-defendants.

() (i) undergo medical or psychiatric treatment:

() (j) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s): _____

() (k) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(l) refrain from possessing a firearm, destructive device, or other dangerous weapons.

(m) refrain from () any excessive use of alcohol.

() (n) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (o) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and 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 refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

() (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

() (q) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.

(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 pre-approved by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

() (r) submit to location monitoring and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

() The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

(s) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

(t) follow the directions and instructions of the supervising officer

(u) submit to warrantless search and seizure of person and property as directed by supervising officer.

() (v) not frequent places where controlled substances are illegally sold, used, distributed, or administered, and shall not associate with any persons engaged in criminal activity or associate with any person convicted of a felony, unless under the supervision of law enforcement

(w) In addition to condition (g), defendant may travel to the District of the District of Columbia for all court appearances and meetings with his attorney. Defendant is to travel there by the most direct route.

(x) Defendant may not participate in or join any public assembly, demonstration, or protest.

(x) (y) All firearms located in defendant's home must be relocated by COB on Friday, 1/15/2021.

() (z)

() (aa)

() (bb)

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

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.

 Deputy Clerk

Deputy Clerk



Defendant's Signature

Roanoke Va.

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: January 14, 2021



Judicial Officer's Signature

Robert S. Ballou, United States Magistrate Judge

Printed name and title

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CLOSED, VIDEO

U.S. District Court
Western District of Virginia (Roanoke)
CRIMINAL DOCKET FOR CASE #: 7:21-mj-00005-RSB All Defendants

Case title: USA v Robertson et al

Date Filed: 01/13/2021

Other court case number: 1:21-MJ-00036 USDC for the District of Columbia
Date Terminated: 01/14/2021

Assigned to: Magistrate Judge Robert S.
Ballou

Defendant (1)**Thomas Robertson***TERMINATED: 01/14/2021***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition

Assigned to: Magistrate Judge Robert S.
Ballou

Defendant (2)**Jacob Fracker***TERMINATED: 01/14/2021***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 **Christopher Robert Kavanaugh**
 United States Attorneys Office -
 Charlottesville
 Western District of Virginia
 255 West Main Street, Room 130
 Charlottesville, VA 22902
 434-293-3981
 Email: christopher.kavanaugh@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney
Bar Status: DOJ

Date Filed	#	Docket Text
01/13/2021	1	Charging Documents from United States District Court for the District of Columbia - Rule 5(c)(3) as to Thomas Robertson, Jacob Fracker (Attachments: # 1 Statement of Facts, # 2 Sealing Order, # 3 Robertson Warrant Issued, # 4 Fracker Warrant Issued)(kab) (Attachment 4 replaced on 1/13/2021) (kab). (Attachment 3 replaced on 1/13/2021) (kab). (Main Document 1 replaced on 1/13/2021) (kab). (Attachment 1 replaced on 1/13/2021) (kab). (Attachment 2 replaced on 1/13/2021) (kab).
01/13/2021	2	RESCINDED :Oral CJA 20 as to Jacob Fracker: Appointment of Attorney Paul Graham Beers for Jacob Fracker. Entered by Magistrate Judge Robert S. Ballou on 1/13/2021. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (kab) Modified on 1/14/2021 Court was informed that defendant will retain counsel. CJA appointment is rescinded and counsel is removed from the docket. (kab).
01/13/2021	3	Oral ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Thomas Robertson. Entered by Magistrate Judge Robert S. Ballou on 1/13/2021. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (kab)
01/13/2021		Arrest - 5(c)(3) of Thomas Robertson, Jacob Fracker (kab)

01/13/2021	4	NOTICE OF VIDEO CONFERENCED HEARING as to Thomas Robertson, Jacob Fracker (CUSTODY) (FTR) (Click on this link for guidance for participation via Zoom and Click on this link for instructions on how to listen to public hearings) Initial Appearance - Rule 5c3 set for 1/13/2021 04:00 PM in via Zoom before Magistrate Judge Robert S. Ballou.(kab)
01/13/2021	5	SEALED Pretrial Bail Report as to Thomas Robertson. (jp)
01/13/2021	6	SEALED Pretrial Bail Report as to Jacob Fracker. (jp)
01/13/2021	7	CJA 23 Financial Affidavit as to Jacob Fracker (kab) (Entered: 01/14/2021)
01/13/2021	8	Minute Entry for video conferenced proceedings held before Magistrate Judge Robert S. Ballou:Initial Appearance Rule 5(c)(3) Complaint/Indictment - Other District as to Thomas Robertson, Jacob Fracker held on 1/13/2021, Bond Hearing as to Thomas Robertson, Jacob Fracker held on 1/13/2021. Defendants released on Bond. (Operator: K.Brown/ZOOMGOV)(kab) (Entered: 01/14/2021)
01/13/2021	9	Log Notes as to Thomas Robertson, Jacob Fracker for video conferenced Initial Appearance in the Roanoke Division held before Judge Robert S. Ballou on 1/13/2021. In accordance with 28 USC 753(b), I certify that I monitored the digital recording of this proceeding and that it is a true and correct record, that it is sufficiently intelligible when replayed, and that it can be transcribed without undue difficulty. Operator: K. Brown/ZOOMGOV (kab) (Entered: 01/14/2021)
01/13/2021	10	Oral Waivers of in person appearance rights and consents to appear by Video Conference for initial appearance and bond hearings as to Thomas Robertson, Jacob Fracker (kab) (Entered: 01/14/2021)
01/13/2021	11	WAIVER of Rule 5(c)(3) Hearing by Thomas Robertson (kab) (Entered: 01/14/2021)
01/13/2021	12	WAIVER of Rule 5(c)(3) Hearing by Jacob Fracker (kab) Modified on 1/14/2021 to correct date filed (kab). (Entered: 01/14/2021)
01/14/2021	13	Unsecured Bond Entered as to Thomas Robertson in amount of \$ \$15,000.00 (kab)
01/14/2021	14	Unsecured Bond Entered as to Jacob Fracker in amount of \$ \$15,000.00 (kab)
01/14/2021	15	ORDER Setting Conditions of Release as to Thomas Robertson (1) \$15,000.00 Unsecured. Signed by Magistrate Judge Robert S. Ballou on 1/14/2021.(kab)
01/14/2021	16	ORDER Setting Conditions of Release as to Jacob Fracker (2) \$15,000.00. Signed by Magistrate Judge Robert S. Ballou on 1/14/2021.(kab)