

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00034-CRC-2**

Case title: USA v. ROBERTSON et al

Date Filed: 01/29/2021

Magistrate judge case number: 1:21-mj-00036-RMM

Assigned to: Judge Christopher R. Cooper

Defendant (2)

JACOB FRACKER

represented by **Bernard F. Crane**
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Pending Counts

18 U.S.C. 1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting (1)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (2)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (3)

40 U.S.C. 5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a Capitol Building (4)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:1752(a) and 40:5104(e)(2)

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
01/12/2021	1	SEALED COMPLAINT as to THOMAS ROBERTSON (1), JACOB FRACKER (2). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00036-RMM] (Entered: 01/12/2021)
01/12/2021	3	MOTION to Seal Case by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00036-RMM] (Entered: 01/12/2021)
01/12/2021	4	ORDER granting 3 Motion to Seal Case as to THOMAS ROBERTSON (1), JACOB FRACKER (2). Signed by Magistrate Judge Robin M. Meriweather on 1/12/2021. (zstd) [1:21-mj-00036-RMM] (Entered: 01/12/2021)
01/13/2021	5	MOTION to Unseal Case by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order)(zltf) [1:21-mj-00036-RMM] (Entered: 01/14/2021)
01/13/2021		Arrest of JACOB FRACKER in US District Court Western District of Virginia Roanoke Division. (bb) [1:21-mj-00036-RMM] (Entered: 01/20/2021)
01/14/2021	7	Rule 5(c)(3) Documents Received as to JACOB FRACKER from US District Court Western District of Virginia Roanoke Division Case Number 7:21-mj-5 (bb) [1:21-mj-00036-RMM] (Entered: 01/20/2021)
01/18/2021		MINUTE ORDER Granting 5 MOTION to Unseal Case by USA as to THOMAS ROBERTSON, JACOB FRACKER. Signed by Magistrate Judge G. Michael Harvey on 1/18/2021. (zot)

		Modified on 1/22/2021 to add "minute"(ztrn) [1:21-mj-00036-RMM] (Entered: 01/18/2021)
01/18/2021		Case unsealed as to THOMAS ROBERTSON, JACOB FRACKER (zltf) [1:21-mj-00036-RMM] (Entered: 01/19/2021)
01/19/2021		ORAL MOTION for Speedy Trial Waiver by THOMAS ROBERTSON (1) and JACOB FRACKER (2). (zpt) [1:21-mj-00036-RMM] (Entered: 01/26/2021)
01/19/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing as to THOMAS ROBERTSON (1), JACOB FRACKER (2) held on 1/19/2021. Oral Motion for Speedy Trial Waiver by THOMAS ROBERTSON (1) and JACOB FRACKER (2) Heard and Granted. Time between 1/19/2021 and 2/2/2021 (14 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Government does not request the Defendants' pretrial detention. Status Hearing for Ascertainment of Counsel set for 2/2/2020 at 03:00 PM in Telephonic VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendants Placed on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Shelli Peterson; US Attorney: Elizabeth Aloï; Pretrial Officer: Christine Schuck; (zpt) [1:21-mj-00036-RMM] (Entered: 01/26/2021)
01/19/2021		MINUTE ORDER as to THOMAS ROBERTSON (1), JACOB FRACKER(2). MINUTE ORDER: As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge G. Michael Harvey on 1/19/2021. (zpt) [1:21-mj-00036-RMM] (Entered: 01/26/2021)
01/19/2021	13	ORDER Setting Conditions of Release as to JACOB FRACKER (2) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 1/19/2021. (Attachments: # 1 Appearance Bond) (zpt) (Entered: 02/08/2021)
01/29/2021	8	INDICTMENT as to THOMAS ROBERTSON (1) count(s) 1, 2, 3, 4, JACOB FRACKER (2) count(s) 1, 2, 3, 4. (zltf) (Entered: 02/01/2021)
02/01/2021	10	ENTERED IN ERROR.....NOTICE OF ATTORNEY APPEARANCE: Mark M Rollins appearing for THOMAS ROBERTSON, JACOB FRACKER (Rollins, Mark) Modified on 2/2/2021 (znmw). (Entered: 02/01/2021)
02/02/2021		ORAL MOTION by USA to Toll Time Under the Speedy Trial Act as to Defendants THOMAS ROBERTSON (1) and JACOB FRACKER (2). (kk) (Entered: 03/08/2021)
02/02/2021		Minute Entry for Status Hearing regarding Ascertainment of Counsel and Arraignment as to THOMAS ROBERTSON (1) and JACOB FRACKER (2) held by video before Magistrate Judge Robin M. Meriweather on 2/2/2021 : Defendant Robertson (1) has retained counsel. Defendant Fracker (2) is still seeking counsel. Pleas of Not Guilty entered by each of Defendants THOMAS ROBERTSON (1) and JACOB FRACKER (2) to Counts 1, 2, 3 and 4. Oral Motion by USA to Toll Time Under the Speedy Trial Act, heard and granted. The Court will exclude time for 7 days under the Speedy Trial Act from 2/2/2021 to 2/9/2021, in the interest of justice. Bond Status of Defendants: Defendants continued on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 16; FTR Time Frame: 3:25:23 - 3:34:31. Defense Attorneys: (1): Mark Rollins, (2): Michelle Peterson, standing in only; U.S. Attorney: Kelly Smith for Elizabeth Aloï; Pretrial Officer: Da'Shanta' Valentine-Lewis. (kk) Modified on 6/25/2021 (kk). (Entered: 03/08/2021)
02/12/2021	15	NOTICE OF ATTORNEY APPEARANCE: Bernard F. Crane appearing for JACOB FRACKER (Crane, Bernard) (Entered: 02/12/2021)
02/12/2021	16	MOTION for Discovery by JACOB FRACKER. (Crane, Bernard) (Entered: 02/12/2021)
02/17/2021	17	NOTICE OF ATTORNEY APPEARANCE Risa Berkower appearing for USA. (Berkower, Risa) (Main Document 17 replaced on 2/17/2021) (znmw). (Entered: 02/17/2021)
02/19/2021		MINUTE ORDER as to THOMAS ROBERTSON (1) and JACOB FRACKER (2): The parties are to appear for an Arraignment set for 2/25/2021 at 1:30 PM by VTC before Judge Christopher R. Cooper. The hearing will proceed by videoconferencing for the parties and by telephone for members of the public. Pursuant to Standing Order 20-20 (BAH), the Court will provide public access to the hearing. It is hereby ORDERED that the participants using the public access telephone line shall adhere to the rules set forth in Standing Order 20-20 (BAH), available on the Court's website. Toll Free Number: 888-204-5984; Access Code: 8981531. SO ORDERED by Judge Christopher R. Cooper on 2/19/2021.(lsj) (Entered: 02/19/2021)
02/25/2021		Minute Entry for video Arraignment held before Judge Christopher R. Cooper as to THOMAS ROBERTSON (1) and JACOB FRACKER (2) on 2/25/2021. Defendants consent to appear by video and sworn. Defendants arraigned and waive the formal reading of the Indictment and enter of Plea of Not Guilty as to all counts (1-4). Status Conference set for 4/27/2021 at 10:00 AM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 2/25/21 through 4/27/21. Defendants' oral motion to amend the conditions of release is RESERVED. The parties are directed to file the appropriate motions and reply. Defendants are to adhere to the conditions of release previously set forth. Bond Status of Defendants: remains on supervised release. Court Reporter: Lisa Moreira. Defense Attorneys: Mark M. Rollins (1) and Bernard F. Crane (2); US Attorneys: Elizabeth Ann Aloï and Risa Berkower. (lsj) (Entered: 02/25/2021)
02/25/2021	18	WITHDRAWN PURSUANT TO MINUTE ORDER OF 3/2/2021.....MOTION for Protective Order by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order)(Berkower, Risa) Modified on 3/10/2021 (zhsj). (Entered: 02/25/2021)
03/01/2021	19	MOTION to Withdraw Document 18 MOTION for Protective Order by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Aloï, Elizabeth) (Entered: 03/01/2021)
03/02/2021		MINUTE ORDER as to THOMAS ROBERTSON (1), JACOB FRACKER (2): The Government's 19 Motion to Withdraw its 18 Motion for Protective Order is hereby granted. Signed by Judge Christopher R. Cooper on 03/02/2021. (lccrc3) (Entered: 03/02/2021)
03/29/2021	20	Consent MOTION for Protective Order by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order)(Aloï, Elizabeth) (Entered: 03/29/2021)
03/30/2021	21	STIPULATED PROTECTIVE ORDER as to THOMAS ROBERTSON (1), JACOB FRACKER (2). Signed by Judge Christopher R. Cooper on 03/30/2021. (lccrc3) (Entered: 03/30/2021)
04/01/2021	22	Unopposed MOTION for Disclosure of Grand Jury Material by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order)(Aloï, Elizabeth) (Entered: 04/01/2021)
04/02/2021		MINUTE ORDER as to THOMAS ROBERTSON (1), JACOB FRACKER (2): Pursuant to Federal Rule of Criminal Procedure 6(e)(3), the Court authorizes the government to disclose transcripts and other materials relating to the testimony of witnesses before the grand jury that returned the indictment in the instant case. Signed by Judge Christopher R. Cooper on 04/02/2021. (lccrc3) (Entered: 04/02/2021)
04/21/2021	23	Unopposed MOTION to Continue and Exclude Time by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order)(Aloï, Elizabeth) (Entered: 04/21/2021)
04/21/2021	24	MOTION to Exclude Time Under the Speedy Trial Act by USA as to THOMAS ROBERTSON, JACOB FRACKER. See docket entry 23 to view document). (zstd) (Entered: 04/22/2021)
04/22/2021		MINUTE ORDER as to THOMAS ROBERTSON (1), JACOB FRACKER (2): The government's 23 Motion to Continue and Exclude Time is hereby granted. The status conference previously scheduled for April 27, 2021 is hereby vacated and reset to July 1, 2021 at 11:00 AM by videoconference. Video connection information will be provided to the parties separately. It is further ordered that the time between April 27, 2021 and July 1, 2021 shall be excluded from the otherwise applicable Speedy Trial Act calculations in the interest of justice to allow the government to produce, and the defense to review, voluminous forthcoming discovery. So Ordered. Signed by Judge Christopher R. Cooper on 04/22/2021. (lccrc3) (Entered: 04/22/2021)
04/22/2021		Set/Reset Hearings as to JACOB FRACKER(2):Status Conference set for 7/1/2021 at 11:00 AM in Telephonic/VTC before Judge Christopher R. Cooper. (nbn) (Entered: 04/22/2021)
06/24/2021	25	MOTION for Order Permitting Production of Sealed Materials by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Berkower, Risa) (Entered: 06/24/2021)
06/25/2021		MINUTE ORDER as to THOMAS ROBERTSON (1), JACOB FRACKER (2): The United States may provide in discovery sealed materials, pursuant to the previously entered protective order governing discovery. Signed by Judge Christopher R. Cooper on 06/25/2021. (lccrc3) (Entered: 06/25/2021)
06/28/2021	26	TRANSCRIPT OF ARRAIGNMENT HEARING in case as to THOMAS ROBERTSON, JACOB FRACKER before Judge Christopher R. Cooper held on February 25, 2021; Page Numbers: 1-17. Date of Issuance: June 28, 2021. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 7/19/2021. Redacted Transcript Deadline set for 7/29/2021. Release of Transcript Restriction set for 9/26/2021.(Moreira, Lisa) (Entered: 06/28/2021)
06/28/2021	27	Unopposed MOTION to Continue and Exclude Time Under the Speedy Trial Act by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order) (Berkower, Risa) (Entered: 06/28/2021)
06/28/2021	29	MOTION to Exclude Time Under the Speedy Trial Act by USA as to THOMAS ROBERTSON, JACOB FRACKER. (See docket entry 27 to view document). (zstd) (Entered: 06/29/2021)
06/29/2021	28	TRANSCRIPT OF PROCEEDINGS in case as to THOMAS ROBERTSON, JACOB FRACKER before Magistrate Judge Robin M. Meriweather held on 02/2/2021. Page Numbers: 1-9. Date of Issuance: 06/27/2021. Transcribing Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.

NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.

Redaction Request due 7/20/2021. Redacted Transcript Deadline set for 7/30/2021. Release of Transcript Restriction set for 9/27/2021.(Meyer, Nancy) Modified text on 6/30/2021 (zltf). (Entered: 06/29/2021)

06/30/2021		MINUTE ORDER granting 27 28 Motions to Continue and Exclude Time as to THOMAS ROBERTSON (1), JACOB FRACKER (2). The status conference previously scheduled for July 1, 2021 is hereby vacated and reset to August 3, 2021, at 10:00 AM by video. It is further ordered, in the interest of justice, that the time between July 1, 2021 and August 3, 2021 shall be excluded from the otherwise applicable Speedy Trial calculations to allow the government to produce, and the defense to review, voluminous forthcoming discovery. Signed by Judge Christopher R. Cooper on 06/30/2021. (lccrc3) (Entered: 06/30/2021)
07/12/2021	32	REPLY in Support by USA as to THOMAS ROBERTSON, JACOB FRACKER re 30 MOTION to Revoke <i>Release Order</i> (Attachments: # 1 Exhibit)(Aloi, Elizabeth) (Entered: 07/12/2021)
07/12/2021	33	NOTICE <i>Regarding Discovery Status</i> by USA as to THOMAS ROBERTSON, JACOB FRACKER (Attachments: # 1 Exhibit)(Aloi, Elizabeth) (Entered: 07/12/2021)
07/30/2021	39	Consent MOTION to Continue <i>Status Hearing</i> , MOTION to Exclude <i>Time Under Speedy Trial Act</i> by USA as to THOMAS ROBERTSON, JACOB FRACKER. (Attachments: # 1 Text of Proposed Order)(Aloi, Elizabeth) (Entered: 07/30/2021)
08/02/2021		MINUTE ORDER granting 39 Motion to Continue Status Conference and Exclude Time as to THOMAS ROBERTSON (1), JACOB FRACKER (2). The status conference previously scheduled for August 3, 2021 is hereby vacated and will be rescheduled to a date after August 11, 2021. It is further ordered that, in the interest of justice, the time between August 3 and August 11, 2021, shall be excluded from the otherwise applicable Speedy Trial Act calculations to enable the parties to continue their discussions of a potential disposition of this matter short of trial. Signed by Judge Christopher R. Cooper on 08/02/2021. (lccrc3) (Entered: 08/02/2021)
08/03/2021		MINUTE ORDER as to THOMAS ROBERTSON, JACOB FRACKER: The Court hereby sets a status conference by video on August 17, 2021, at 11:30 AM. Video connection information will be provided to the parties separately. In the interest of justice, the time between August 11 and August 17, 2021, shall be excluded from the otherwise applicable Speedy Trial Act calculations to enable the parties to continue their discussions of a potential disposition of this matter short of trial. Signed by Judge Christopher R. Cooper on 08/03/2021. (lccrc3) (Entered: 08/03/2021)
08/17/2021		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to THOMAS ROBERTSON (1) and JACOB FRACKER (2) on 8/17/2021. Further Status Conference set for 9/23/2021 at 3:00 PM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 8/17/2021 through 9/23/2021, over the objection of Defendant Robertson (1). Bond Status of Defendants: remains committed (1) and remains on personal recognizance (2). Court Reporter: Bryan Wayne. Defense Attorneys: Mark M. Rollins (1) and Bernard F. Crane (2); US Attorneys: Elizabeth Ann Aloi and Risa Berkower. (lsj) (Entered: 08/17/2021)
08/20/2021		NOTICE OF AMENDED HEARING as to THOMAS ROBERTSON (1) and JACOB FRACKER (2): To accommodate the jail's availability, the Status Conference is reset for 9/23/2021 at 3:30 PM by VTC before Judge Christopher R. Cooper. (lsj) (Entered: 08/20/2021)
09/16/2021	41	NOTICE <i>Regarding Status of Discovery as of August 23, 2021</i> , by USA as to THOMAS ROBERTSON, JACOB FRACKER (Aloi, Elizabeth) (Entered: 09/16/2021)
09/17/2021	42	NOTICE <i>Regarding Status of Discovery as of September 14, 2021</i> by USA as to THOMAS ROBERTSON, JACOB FRACKER (Aloi, Elizabeth) (Entered: 09/17/2021)
09/23/2021		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to THOMAS ROBERTSON (1) and JACOB FRACKER (2) on 9/23/2021. Defendants consent to proceed by video. Further Status Conference set for 11/10/2021 at 2:00 PM by VTC before Judge Christopher R. Cooper. Over the objection of Defendant Robertson, the Court finds it in the interest of justice to toll the speedy trial clock from 9/23/2021 through 11/10/2021. Bond Status of Defendants: remains committed as to DEF 1; remains on PR as to DEF 2; Court Reporter: Lisa Moreira; Defense Attorneys: Mark M. Rollins (1) and Bernard F. Crane (2); US Attorney: Elizabeth Ann Aloi. (lsj) (Entered: 09/23/2021)
09/27/2021		NOTICE OF AMENDED HEARING as to THOMAS ROBERTSON (1) and JACOB FRACKER (2): To accommodate the jail, the Status Conference is reset for 11/1/2021 at 3:00 PM by VTC before Judge Christopher R. Cooper. (lsj) (Entered: 09/27/2021)
10/22/2021	45	NOTICE <i>of Discovery Status</i> by USA as to THOMAS ROBERTSON, JACOB FRACKER (Aloi, Elizabeth) (Entered: 10/22/2021)
10/29/2021		NOTICE OF CORRECTED HEARING as to THOMAS ROBERTSON (1) and JACOB FRACKER (2): An entry was entered in error setting the hearing on 11/1/2021. The Status Conference is set for 11/10/2021 at 3:00 PM by VTC before Judge Christopher R. Cooper. (lsj) (Entered: 10/29/2021)
11/05/2021	47	NOTICE <i>Regarding Status of Discovery as of November 5, 2021</i> , by USA as to THOMAS ROBERTSON, JACOB FRACKER (Aloi, Elizabeth) (Entered: 11/05/2021)
11/08/2021	49	TRANSCRIPT OF VTC INITIAL APPEARANCE ON RULE 5 in case as to JACOB FRACKER before Magistrate Judge G. Michael Harvey held on 1-19-21; Page Numbers: 1-23; Date of Issuance: 11-8-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 11/29/2021. Redacted Transcript Deadline set for 12/9/2021. Release of Transcript Restriction set for 2/6/2022.(Miller, Timothy) (Entered: 11/08/2021)
11/10/2021		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to THOMAS ROBERTSON (1) and JACOB FRACKER (2) on 11/10/2021. Defendants consent to appear by video. Further Status Conference set for 1/20/2022 at 3:00 PM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 11/10/2021 through 1/20/2022. Forthcoming Pretrial Order. Bond Status of Defendants: remains committed (1) and personal recognizance (2); Court Reporter: Lisa Moreira; Defense Attorneys: Camille Wagner (stand-in for Mark Rollins (1)) and Bernard Crane (2); US Attorneys: Elizabeth Ann Aloi and Risa Berkower. (lsj) (Entered: 11/10/2021)

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