

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

UNITED STATES OF AMERICA

v.

**STEPHEN MICHAEL AYRES
Defendant**

:
:
:
:
:
:
:

Case No. 21-mj-

UNDER SEAL

**GOVERNMENT’S MOTION TO SEAL THE ARREST WARRANT, CRIMINAL
COMPLAINT AND RELATED DOCUMENTS AND TO DELAY ENTRY ON THE
PUBLIC DOCKET OF THE FILING OF THIS MOTION TO SEAL**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves this Court to place under seal the Arrest Warrant, the Criminal Complaint with its supporting Affidavit, any ancillary documents, this Motion to Seal, any Order granting this Motion to Seal and to delay entry on the public docket of the filing of this Motion to Seal and Order of the Court. In support of this motion, government submits as follows:

On January 22, 2021, the government applied for an Arrest Warrant based on a Criminal Complaint and its supporting Affidavit charging the above captioned defendant with one count of Obstruction of Justice/Congress, in violation of Title 18, United States Code, Section 1512(c)(2); one count of Unlawful Entry into Restricted Buildings or Grounds, in violation of Title 18, United States Code, Section 1752(a); and one count of Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of Title 40, United States Code, Section 5104(e)(2). Public disclosure of the existence of the Arrest Warrant and other materials at this time might alert the defendant that he is wanted for criminal charges, and this presents the risk that the defendant might attempt to destroy potentially incriminating evidence. In addition, upon learning of the warrant, the defendant might flee. At this time law enforcement is continuing to investigate not only AYRES but other


individuals who might have participated with him in the charged conduct. These are compelling reasons for the sealing of these documents.¹ Accordingly, the United States requests that this Court grant the accompanying proposed order.

WHEREFORE, for the foregoing reasons and for any other such reasons as may appear to the Court, the government respectfully requests that the Court grant this motion and enter the attached proposed order.

Respectfully submitted,

MICHAEL R. SHERWIN
Acting United States Attorney
New York Bar Number 4444188

By:



JEFFREY NESTLER
Assistant United States Attorney
D.C. Bar. Bar 978296
555 4th Street, N.W.
Washington, D.C. 20530
(202) 815-8672
Jeffrey.Nestler@usdoj.gov

Dated: January 22, 2021

¹ See *Washington Post v. Robinson*, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991) (noting situations when compelling reasons exist for sealing documents filed with the Court and postponing entry of filings on public docket).