

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Traci J. Sunstrum

Case: 1:21-mj-00371

Assigned To : Meriweather, Robin M.

Assign. Date : 4/13/2021

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) Traci J. Sunstrum

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)(Entering and Remaining in a Restricted Building or Grounds);
18 U.S.C. § 1752(a)(2)(Disorderly and Disruptive Conduct in a Restricted Building or Grounds);
40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building);
40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building).

Date: 04/13/2021

Handwritten signature of Robin M. Meriweather

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) April 13, 2021, and the person was arrested on (date) May 19, 2021 at (city and state) AMHERST, NEW YORK

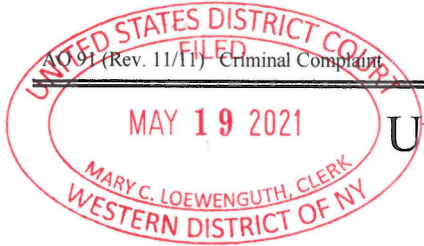
Date: May 19, 2021

Handwritten signature of Matthew M. Wade

Arresting officer's signature

Matthew M. Wade FBI TASK FORCE OFFICER

Printed name and title



21-mj-5109

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
Traci J. Sunstrum
DOB: XXXXXX

)
)
) Case: 1:21-mj-00371
) Assigned To : Meriweather, Robin M.
) Assign. Date : 4/13/2021
) Description: COMPLAINT W/ ARREST WARRANT
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ in the District of Columbia , the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1752(a)(1)(Entering and Remaining in a Restricted Building or Grounds) ,	
18 U.S.C. § 1752(a)(2)(Disorderly and Disruptive Conduct in a Restricted Building or Grounds) ,	
40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building) ,	
40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building).	

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Matthew Wade, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 04/13/2021

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

STATEMENT OF FACTS

1. Your affiant, Matthew Wade, is a Supervisory Customs and Border Protection Officer with U.S. Customs and Border Protection and a Task Force Officer with the Federal Bureau of Investigation (FBI) assigned to the Joint Terrorism Task Force in the Buffalo Field Office. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

2. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

Incursion at the U.S. Capitol on January 6, 2021

3. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

6. Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice

President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

7. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Facts Specific to TRACI SUNSTRUM

8. Following the January 6, 2021 attack on the Capitol, your affiant received and reviewed multiple tips submitted by members of the public. On January 12, 2021, law enforcement received an anonymous tip that TRACI SUNSTRUM was observed on a Facebook Live stream from inside the U.S. Capitol building.

9. According to records obtained through a search warrant, which was served on Google, a mobile device associated with the Google account tjgreenfrog@gmail.com was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources, including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with the Google account tjgreenfrog@gmail.com was within the U.S. Capitol on January 6, 2021 between the hours of 2:26 p.m. through 2:48 p.m. EST. Google records showing the “maps display radius” for this location data, which encompasses a latitude and longitude that are entirely within the U.S. Capitol Building, can be found in Table 1 below:

Device_ID	Latitude	Longitude	Source	Maps Display Radius (m)	DateTime (ET)	Name	Recovery SMS	Email
1713209033	38.8898196	-77.0090007	WIFI	45	1/6/2021 14:26	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8898219	-77.0090256	WIFI	39	1/6/2021 14:28	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8898165	-77.0089608	WIFI	82	1/6/2021 14:30	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8892143	-77.0089535	WIFI	68	1/6/2021 14:34	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8892047	-77.0089617	WIFI	122	1/6/2021 14:36	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8890949	-77.0090385	WIFI	128	1/6/2021 14:40	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8892229	-77.008941	WIFI	28	1/6/2021 14:42	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8889295	-77.0088191	WIFI	36	1/6/2021 14:44	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com
1713209033	38.8889347	-77.0087743	WIFI	34	1/6/2021 14:48	Traci Sunstrum	17162638181	tjgreenfrog@gmail.com

Table 1

10. On February 4, 2021, legal process was served to Google LLC to obtain subscriber information for Google Account ID: 1015952893652 and email tjgreenfrog@gmail.com. On February 4, 2021, returns from Google LLC indicated that the Google Account ID: 1015952893652 and email account tjgreenfrog@gmail.com were created on December 24, 2010 and subscribed to by TRACI SUNSTRUM. The returns also listed a backup email address of tjgreenfrog@hotmail.com and a backup SMS text messaging phone number of +17162638181.

11. Upon receiving this information, FBI compared a known image of SUNSTRUM obtained from the New York State Department of Motor Vehicles on January 27, 2021 to images and surveillance footage obtained by law enforcement at and around the U.S. Capitol on January 6, 2021. By comparing this photograph to the surveillance footage, your affiant reasonably believes that the person is TRACI SUNSTRUM.

12. Your affiant reviewed surveillance footage of an individual resembling SUNSTRUM inside the U.S. Capitol in the interior area of the Upper House Door at 2:45 p.m. EST. This time is consistent with the time when, according to the Google search warrant, the user of the Google account tjgreenfrog@gmail.com was within the U.S. Capitol. The Upper House Door accesses the second floor of the Capitol from the east side of the building. I believe SUNSTRUM to be the individual seen in Photo 1 wearing a green jacket and stars-and-stripes pants.

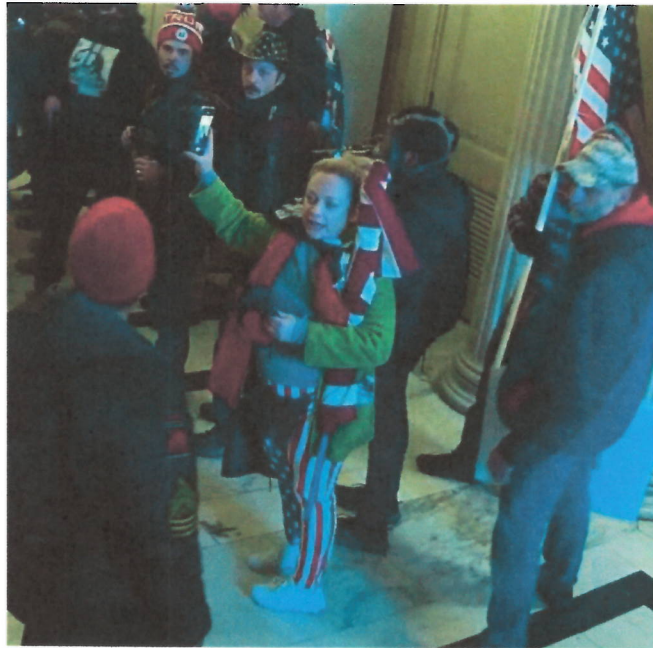


Photo 1

13. Your affiant also reviewed surveillance footage of an individual entering the Capitol in the area of the Senate Wing Door, at approximately 2:16 p.m. EST, who resembles SUNSTRUM. (Photo 2).



Photo 2

14. An individual wearing the same green jacket and stars-and-stripes pants was observed on surveillance footage in Statuary Hall at approximately 2:33 p.m. EST (Photos 3 and 4); in the area of the East Stairs near H208 at approximately 2:44 p.m. EST (photo 5); and in the area of the Main Hall Door near H208 at approximately 2:44 p.m. EST (Photo 6).



Photo 3



Photo 4



Photo 5



Photo 6

15. Finally, your affiant reviewed a photo of a person whom I believe to be SUNSTRUM, which was posted on The National Law Journal (www.law.com) under the heading “Inciting a Riot: Legal Community Erupts in Calls for Trump’s Removal as Mob Storms Capitol.” I believe this photo (Photo 7), which was taken inside the U.S. Capitol on January 6, 2021, shows SUNSTRUM inside the U.S. Capitol:



Photo 7

Statement of Probable Cause

16. Based on the foregoing, your affiant submits that there is probable cause to believe that TRACI SUNTRUM violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

17. Your affiant submits there is also probable cause to believe that TRACI SUNTRUM violated 40 U.S.C. § 5104(e)(2)(D) & (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of

Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



MATTHEW WADE, Task Force Officer
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 13th day of April 2021.



ROBIN M. MERIWAETHER,
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

Traci J. Sunstrum

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)
)
)

Case: 1:21-mj-00371

Assigned To : Meriweather, Robin M.

Assign. Date : 4/13/2021

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) Traci J. Sunstrum,

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)(Entering and Remaining in a Restricted Building or Grounds);
- 18 U.S.C. § 1752(a)(2)(Disorderly and Disruptive Conduct in a Restricted Building or Grounds);
- 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building);
- 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building).

Date: 04/13/2021

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

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

UNITED STATES OF AMERICA

v.

TRACI J. SUNSTRUM,

Defendant.

CASE NO:

VIOLATIONS:

18 U.S.C. § 1752 (a)(1)

(Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority)

18 U.S.C. § 1752(a)(2)

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds)

40 U.S.C. § 5104(e)(2)(D)

(Disorderly Conduct and Parading, Demonstrating, or Picketing in a Capitol Building)

40 U.S.C. § 5104(e)(2)(G)

(Parading, Demonstrating, or Picketing in a Capitol Building)

ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the

public docket of the arrest warrant until it is executed.



Date: April 13, 2021

ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE

cc: JACOB J. STRAIN
Assistant United States Attorney
U.S. Attorney's Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530

MIME-Version:1.0
From:webmaster@nywd.uscourts.gov
To:Courtmail@nywd.uscourts.gov
Bcc:
--Case Participants: Charles Mark Kruly (charles.kruly@usdoj.gov,
jessica.olszewski@usdoj.gov), Hon. Michael J. Roemer (colleen_roberts@nywd.uscourts.gov,
michael_roemer@nywd.uscourts.gov, molly_miranda@nywd.uscourts.gov,
rosalie_zavarella@nywd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:4848379@nywd.uscourts.gov
Subject:Activity in Case 1:21-mj-05109-MJR USA v. Sunstrum Set/Reset Hearings
Content-Type: text/html

U.S. DISTRICT COURT

U.S. District Court, Western District of New York

Notice of Electronic Filing

The following transaction was entered on 5/19/2021 at 9:11 AM EDT and filed on 5/19/2021

Case Name: USA v. Sunstrum
Case Number: 1:21-mj-05109-MJR
Filer:
Document Number: No document attached

Docket Text:

SCHEDULING NOTICE as to Traci J. Sunstrum. Rule 5 Initial Appearance set for 5/19/2021 02:30 PM in Allegany Courtroom – 6th Floor, US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Michael J. Roemer. (RAZ)

1:21-mj-05109-MJR-1 Notice has been electronically mailed to:

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

1:21-mj-05109-MJR-1 Notice has been delivered by other means to:

MIME-Version:1.0

From:webmaster@nywd.uscourts.gov

To:Courtmail@nywd.uscourts.gov

Bcc:

--Case Participants: MaryBeth Covert (kathleen_grabiec@fd.org, marybeth_covert@fd.org), Charles Mark Kruly (charles.kruly@usdoj.gov, jessica.olszewski@usdoj.gov), Hon. Michael J. Roemer (colleen_roberts@nywd.uscourts.gov, michael_roemer@nywd.uscourts.gov, molly_miranda@nywd.uscourts.gov, rosalia_zavarella@nywd.uscourts.gov)

--Non Case Participants:

--No Notice Sent:

Message-Id:4850292@nywd.uscourts.gov

Subject:Activity in Case 1:21-mj-05109-MJR USA v. Sunstrum Initial Appearance - Rule 5(c)(3)

Content-Type: text/html

U.S. DISTRICT COURT

U.S. District Court, Western District of New York

Notice of Electronic Filing

The following transaction was entered on 5/20/2021 at 11:43 AM EDT and filed on 5/19/2021

Case Name: USA v. Sunstrum

Case Number: 1:21-mj-05109-MJR

Filer:

Document Number: 2(No document attached)

Docket Text:

Minute Entry for proceedings held before Hon. Michael J. Roemer. Appearances: AUSA Charles M. Kruly on behalf of government; AFD MaryBeth Covert w/defendant Traci J. Sunstrum; USPO Brian M. Mamizuka.

Initial Appearance in Rule 5(c)(3) Proceedings as to Traci J. Sunstrum held on 5/19/2021. Government summarized charges in the Criminal Complaint and stated possible penalties. Court advised defendant of her rights, including right to counsel. Defendant requested assigned counsel and is sworn, questioned and found eligible. AFD MaryBeth Covert accepted assignment.

Defendant waived an identity hearing. Government had no objection to defendant being released on conditions. The Court reviewed the conditions of release and the defendant stated she understood all conditions imposed. Defendant waived a preliminary hearing. The government advised the defendant that her next appearance is 5/27/2021 at 1:00 PM via ZoomGov before the District Court of Columbia and will supply the defendant and AFD Covert with further details. Time excluded through 5/27/2021 for the purpose of the Speedy Trial Act as stated on the record. Defendant released on conditions. Court advised the government of their Brady obligations.(Court Reporter FTR Gold.)(RAZ)

1:21-mj-05109-MJR-1 Notice has been electronically mailed to:

MaryBeth Covert marybeth_covert@fd.org, kathleen_grabiec@fd.org

Charles Mark Kruly charles.kruly@usdoj.gov, Jessica.Olszewski@usdoj.gov

1:21-mj-05109-MJR-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

21-mj-5109

v.

TRACI J. SUNSTRUM,
Defendant.

This Order is entered, pursuant to Federal Rule of Criminal Procedure 5(f) and the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), to confirm the Government's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligations.

The Government must disclose to the defense all information “favorable to an accused” that is “material either to guilt or to punishment” and that is known to the Government. *Id.* at 87. This obligation applies regardless of whether the defendant requests this information or whether the information would itself constitute admissible evidence. The Government shall disclose such information to the defense promptly after its existence becomes known to the Government so that the defense may make effective use of the information in the preparation of its case.

As part of these obligations, the Government must disclose any information that can be used to impeach the trial testimony of a Government witness within the meaning of *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny. Such information must be disclosed sufficiently in advance of trial in order for the defendant to make effective use of it at trial or at such other time as the Court may order.¹

¹ This Order does not purport to set forth an exhaustive list of the Government's disclosure obligations.

The foregoing obligations are continuing ones and apply to materials that become known to the Government in the future. These obligations also apply to information that is otherwise subject to disclosure regardless of whether the Government credits it.

In the event the Government believes that a disclosure under this Order would compromise witness safety, victim rights, national security, a sensitive law-enforcement technique, or any other substantial government interest, it may apply to the Court for a modification of its obligations, which may include in camera review or withholding or subjecting to a protective order all or part of the information otherwise subject to disclosure.²

For purposes of this Order, the Government has an affirmative obligation to seek all information subject to disclosure under this Order from all current or former federal, state, and local prosecutors, law enforcement officers, and other officers who have participated in the prosecution, or investigation that led to the prosecution, of the offense or offenses with which the defendant is charged.

If the Government fails to comply with this Order, the Court, in addition to ordering production of the information, may:

- (1) specify the terms and conditions of such production;
- (2) grant a continuance;
- (3) impose evidentiary sanctions;
- (4) impose contempt or other sanctions on any lawyer responsible for violations of the Government's disclosure obligations, or refer the matter to disciplinary authorities;
- (5) dismiss charges before trial or vacate a conviction after trial or a guilty plea; or
- (6) enter any other order that is just under the circumstances.

² The Classified Information Procedures Act sets forth separate procedures to be followed in the event that the Government believes matters relating to classified information may arise in connection with the prosecution. *See* 18 U.S.C. app. 3 §§ 1 *et seq.*

IT IS SO ORDERED.

DATED: May 19, 2021
Buffalo, NY

/s/ Michael J. Roemer
MICHAEL J. ROEMER
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Western District of New York



United States of America)

v.)

TRACI J. SUNSTRUM)

Defendant)

Case No. 21-mj-5109

Charging District's Case No. 1:21-mj-00371

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) 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 to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
(5) a hearing on any motion by the government for detention;
(6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- [x] an identity hearing and production of the warrant.
[x] a preliminary hearing.
[] a detention hearing.
[] an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
[] preliminary hearing and/or [] detention hearing 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: 05/19/2021

Traci J. Sunstrum
Defendant's signature

Mary Beth Covert
Signature of defendant's attorney

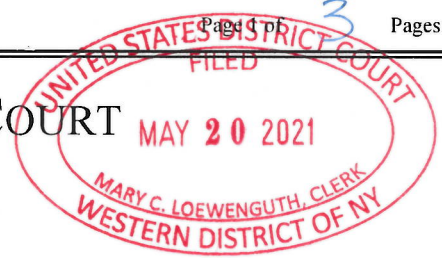
MARY BETH COVERT
Printed name of defendant's attorney

Judge: MJR
AUSA: Kmly
WSPD: MSZ

UNITED STATES DISTRICT COURT

for the

Western District of New York



United States of America)

v.)

Traci Sunstrum

Defendant)

ORDER SETTING CONDITIONS OF RELEASE

Case Number: 1:21-MJ-371 km

5109
1:21-MJ-371 km

IT IS ORDERED that the release of the defendant is subject to these conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (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 shall immediately advise the court, defense counsel, U.S. Attorney and the U.S. Probation and Pretrial Services office in writing before any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified)

U.S. District Court

Place

on As Directed, May 27, 2021 @ 1pm

Date and Time

and as directed thereafter.

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (X) (5) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (6) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

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

(Name of person or organization): _____

(City and state): _____ (Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or is no longer in the custodian's custody.

Signed: _____ Date: _____
Custodian or Proxy

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

Additional Conditions of Release (continued)

(8) The defendant shall:

- (a) Report to the Pretrial Services within 24 hours of release, telephone number (716) 551-4241, and as directed thereafter.
- (b) Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____
- (c) Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described: _____
- (d) Execute a bail bond with solvent securities in the amount of \$ _____
- (e) Maintain or actively seek employment.
- (f) Maintain or commence an educational program.
- (g) Surrender any passport/passport card to: the Clerk of the Court¹. Surrender other international travel documents to appropriate authorities (i.e. Enhanced Driver's License or NEXUS card).
- (h) Not obtain a passport or other international travel document (i.e. Enhanced Driver's License or NEXUS card).
- (i) Restrict travel to: INDY / District of Columbia unless court permission is granted to travel elsewhere.
- (j) Remain at a verifiable address as approved by Pretrial Services.
- (k) Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services.
- (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____
- (m) Submit to a mental health evaluation and/or treatment as approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- (n) Return to custody each (week)day as of _____ after being released each (week)day as of _____ for employment, schooling, or the following limited purpose(s): _____
- (o) Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services.
- (p) Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- (q) Refrain from () any (X) excessive use of alcohol.
- (r) Refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner, and/or any other mind altering substances.
- (s) Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods 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, including co-payment.
- (t) Participate in a program of inpatient or outpatient substance abuse therapy and counseling approved by Pretrial Services. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.
- (u) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
- (v)(1) Participate in one of the following location restriction programs and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
 - (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or as directed by the officer.
 - (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 as pre-approved by the officer.
 - (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- (v)(2) Participate in one of the following location restriction programs and abide by all the requirements of the program which will be monitored by a Global Positioning Satellite system (G.P.S.). You shall pay all or part of the costs of the program based upon your ability to pay as determined by the officer.
 - (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or as directed by the officer.
 - (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 as pre-approved by the officer.
 - (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the officer.
- (w) Report within 72 hours, to Pretrial Services any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- Stay AWAY FROM WASHINGTON D.C. unless for court or Pretrial obligation
- Appear in DISTRICT OF COLUMBIA AS DIRECTED, May 27, 2021 @ 1pm by zoom conference

¹For U.S. Passports, the passport will be returned to the U.S. Office of Passport Policy and Planning upon conviction; For Foreign Passports, the passport will be forwarded to the Bureau of Immigration and Customs Enforcement (ICE); The passport will **only** be returned to defendant if the case is dismissed.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliating and intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of 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 shall 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 shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of 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 to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Arac Sunstra
Signature of Defendant

Buffalo NY
City and State

Directions to 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 judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: May 19, 2021

Michael J. Roemer
Signature of Judicial Officer

Michael J. Roemer, U.S.M.J.
Name and Title of Judicial Officer

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-05109-MJR-1

Case title: USA v. Sunstrum

Date Filed: 05/19/2021

Other court case number: 1:21-mj-00371 District of Columbia

Date Terminated: 05/20/2021

Assigned to: Hon. Michael J. Roemer

Defendant (1)

Traci J. Sunstrum

TERMINATED: 05/20/2021

represented by **MaryBeth Covert**

Federal Public Defender Office

300 Pearl Street

Suite 450

Buffalo, NY 14202

716-551-3341

Fax: 716-551-3346

Email: marybeth_covert@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender

Appointment

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 **Charles Mark Kruly**

U.S. Attorney's Office – Bflo

Federal Centre
 138 Delaware Avenue
 Buffalo, NY 14202
 716-843-5838
 Fax: 716-551-3146
 Email: charles.kruly@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: government attorney

Date Filed	#	Page	Docket Text
05/19/2021	<u>1</u>	3	Rule 5(c)(3) Documents Received as to Traci J. Sunstrum. (RAZ) (Entered: 05/19/2021)
05/19/2021		13	SCHEDULING NOTICE as to Traci J. Sunstrum. Rule 5 Initial Appearance set for 5/19/2021 02:30 PM in Allegany Courtroom – 6th Floor, US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Michael J. Roemer. (RAZ) (Entered: 05/19/2021)
05/19/2021	2	14	<p>Minute Entry for proceedings held before Hon. Michael J. Roemer. Appearances: AUSA Charles M. Kruly on behalf of government; AFPD MaryBeth Covert w/defendant Traci J. Sunstrum; USPO Brian M. Mamizuka.</p> <p>Initial Appearance in Rule 5(c)(3) Proceedings as to Traci J. Sunstrum held on 5/19/2021. Government summarized charges in the Criminal Complaint and stated possible penalties. Court advised defendant of her rights, including right to counsel. Defendant requested assigned counsel and is sworn, questioned and found eligible. AFPD MaryBeth Covert accepted assignment.</p> <p>Defendant waived an identity hearing. Government had no objection to defendant being released on conditions. The Court reviewed the conditions of release and the defendant stated she understood all conditions imposed. Defendant waived a preliminary hearing. The government advised the defendant that her next appearance is 5/27/2021 at 1:00 PM via ZoomGov before the District Court of Columbia and will supply the defendant and AFPD Covert with further details. Time excluded through 5/27/2021 for the purpose of the Speedy Trial Act as stated on the record. Defendant released on conditions. Court advised the government of their Brady obligations.(Court Reporter FTR Gold.)(RAZ) (Entered: 05/20/2021)</p>
05/19/2021	<u>3</u>	16	RULE 5(f) ORDER as to Traci J. Sunstrum. Signed by Hon. Michael J. Roemer on 5/19/2021.(RAZ) (Entered: 05/20/2021)
05/19/2021	<u>4</u>	19	CJA 23 Financial Affidavit by Traci J. Sunstrum. (RAZ) (Entered: 05/20/2021)
05/19/2021	<u>5</u>	20	WAIVER of Rule 5(c)(3) Hearing by Traci J. Sunstrum. (RAZ) (Entered: 05/20/2021)
05/20/2021	<u>6</u>	21	ORDER Setting Conditions of Release as to Traci J. Sunstrum. Signed by Hon. Michael J. Roemer on 5/19/2021.(RAZ) (Entered: 05/20/2021)