

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Esther Schwemmer

Defendant

)
) Case: 1:21-mj-00377
) Assigned To : Meriweather, Robin M.
) Assign. Date : 4/15/2021
) Description: COMPLAINT W/ ARREST WARRANT
)

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) Esther Schwemmer,

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;

18 U.S.C. § 1752(a)(2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

40 U.S.C. §§ 5104(e)(2)(D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

Date: 04/15/2021



Issuing officer's signature

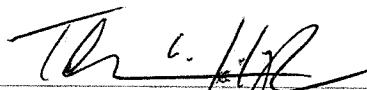
City and state: Washington, D.C.

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

Return

This warrant was received on (date) 04/15/2021, and the person was arrested on (date) 04/23/2021
at (city and state) Kansas City, Kansas.

Date: 04/23/2021



Arresting officer's signature

Thomas L. Hoegler

Printed name and title

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Esther Schwemmer)

DOB: XXXXXX)

Case: 1:21-mj-00377

Assigned To : Meriweather, Robin M.

Assign. Date : 4/15/2021

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:

Code Section

Offense Description

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

40 U.S.C. §§ 5104(e)(2)(D) and (G) - Violent Entry and Disorderly Conduct on Capitol Grounds.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Megan Kline, 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: 04/15/2021

Judge's signature

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

City and state: Washington, D.C.

CLERK'S COURTROOM MINUTE SHEET – CRIMINAL

PRETRIAL PROCEEDINGS

UNITED STATES OF AMERICA,

Scott Rask, AUSA

Plaintiff,

v.

Case No: 21-mj-8080-TJJ

Charging District No: 21-mj-00377

(District of Columbia)

ESTHER SCHWEMMER,

Mark Thomason, CJA

Defendant.

JUDGE:	Judge James	DATE:	4/23/2021
CLERK:	Teddy Van Ness	TAPE/REPORTER:	ZOOM
INTERPRETER:	N/A	PROBATION:	Amanda Hudson
TIME IN COURT:	23 minutes	START TIME:	2:03 PM

PROCEEDINGS Initial Rule 5/Rule 5(c)(3) Out of District Detention Hearing Arraignment Discovery Conference Initial Revocation Hearing Preliminary Hearing Bond Hearing Bond Revocation Hearing Charges and penalties explained to defendant Defendant sworn/examined re: financial status Counsel appointed Constitutional Rights Explained Felony Misdemeanor Declines to Waive Indictment Signed Waiver of Indictment Advised of Rights Under Rule _____ Signed Consent to Transfer _____ Will be presented to next Grand Jury Information filed [Click here to enter text.](#) Waived: Identity Hearing Preliminary Hearing Detention Hearing Identity hearing, production of the warrant, and any preliminary or detention hearing to which entitled in this district. (Preliminary or detention hearing to be held in prosecuting district, at a time set by that court). Waived Reading of: Read to Defendant: Indictment Information Number of Counts: Guilty Not Guilty Bail Revoked Bail Fixed at: \$ _____ Release Order executed Remanded to Custody Due Process Protections Act (Brady v. Maryland) Defendant's next appearance: May 6, 2021 at 1:30 p.m. or 2:00 p.m. by video conference in the charging district.

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

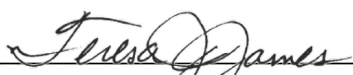
Case No. **21-8080-TJJ**

ESTHER SCHWEMMER,
Defendant.

ORDER APPOINTING COUNSEL

NOW on this 23rd day of April, 2021, the Court upon a showing that the defendant is financially unable to employ counsel and does not wish to waive counsel, appoints Mark Thomason as counsel for Esther Schwemmer pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A.

This appointment is effective April 23, 2021.



The Honorable Teresa J. James
United States Magistrate Judge

UNITED STATES DISTRICT COURT
for the
District of Kansas

United States of America

v.

ESTHER SCHWEMMER,

Defendant

)
)
)
)
)

Case No. 21-mj-8080-TJJ

ORDER SETTING CONDITIONS OF RELEASE

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

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: United States District Court for the District of Columbia

Place

Hearing by Zoom (the court will provide a zoom invite)

on 5/6/2021 1:30 pm or 2:00 p.m.

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

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

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

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

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

Signed: _____

Custodian

Date

(7) The defendant must:

(a) submit to supervision by and report for supervision to the _____, telephone number _____, no later than _____.

(b) continue or actively seek employment.

(c) continue or start an education program.

(d) surrender any passport to: _____ the Clerk of the District court

(e) not obtain a passport or other international travel document.

(f) abide by the following restrictions on personal association, residence, or travel: _____ Travel is restricted to the District of Kansas; the Kansas City metropolitan area, Washington, DC (for court purposes only); Mt. Home, Harrison and Eureka Springs AR from April 30-May 10, 2021 only.

(g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____ Jennifer Parks

(h) get medical or psychiatric treatment: _____

(i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

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

(k) not possess a firearm, destructive device, or other weapon.

(l) not use alcohol () at all () excessively.

(m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may 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 not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(p) participate in one of the following location restriction programs and comply with its requirements as directed.

(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 approved in advance by the pretrial services office or supervising officer; or

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

(iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- (q) submit to the following location monitoring technology and comply with its requirements as directed:
 - (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (ii) Voice Recognition; or
 - (iii) Radio Frequency; or
 - (iv) GPS.
- (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (t) _____

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.

Esther Schwemmer by Attorney Mark Thomaosn

Defendant's Signature

Kansas City, KS

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: April 23, 2021

Teresa J. James
Judicial Officer's Signature

U.S. Magistrate Judge Teresa J. James

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Kansas

United States of America)

v.)

Esther Schwemmer)

Defendant)

Case No. 21-mj-8080-TJJ

Charging District's Case No. 21-mj-00377

**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:

- 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 any preliminary 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: 4/23/2021

/Esther Schwemmer

Defendant's signature

/ Mark Thomason

Signature of defendant's attorney

Mark Thomason

Printed name of defendant's attorney

**U.S. District Court
DISTRICT OF KANSAS (Kansas City)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-08080-TJJ-1**

Case title: USA v. Schwemmer

Date Filed: 04/23/2021

Other court case number: 21-mj-00377 District of Columbia

Assigned to: Magistrate Judge
Teresa J. James

Defendant (1)

Esther Schwemmer

represented by **Mark A. Thomason**
Law Office of Mark Thomason, LLC
929 Walnut Street, Suite 101
Kansas City, MO 64106
816-229-8686
Fax: 816-229-9494
Alternative Phone:
Cell Phone: 816-225-4321
Email: mthomasonlaw@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment
Bar Number: 22227
Bar Status: Active

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Removal of arrested defendant to
the District of Columbia.

Disposition

Plaintiff

USA

represented by **Scott C. Rask**

Office of United States Attorney – KCKS

500 State Avenue, Suite 360

Kansas City, KS 66101

913-551-6730

Fax: 913-551-6541

Alternative Phone:

Cell Phone: 913-433-4074

Email: Scott.Rask@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Retained**Bar Number: 15643**Bar Status: Active*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
04/23/2021			ARREST (Rule 5(c)(3) Out) of Esther Schwemmer. (hw) (Entered: 04/23/2021)
04/23/2021			NOTICE TO COUNSEL as to Esther Schwemmer – Pursuant to the Due Process Protections Act, the government is reminded of its obligations pursuant to Brady v. Maryland and its progeny to disclose material that is favorable to the defendant and material to defendants guilt or punishment. The failure to do so in a timely manner may include dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, or any other remedy that is just under the circumstances. (tvn) (Entered: 04/26/2021)
04/23/2021	<u>1</u>		MINUTE ENTRY for proceedings held before Magistrate Judge Teresa J. James: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Esther Schwemmer held on 4/23/2021. Counsel appointed – CJA. Release order executed. Defendant's next appearance: May 6, 2021 at 1:30 p.m. or 2:00 p.m. by video conference in the charging district. (Tape #ZOOM Recording) (hw) (Entered: 04/26/2021)
04/26/2021	<u>2</u>		ORDER APPOINTING CJA ATTORNEY: Mark Thomason appointed as to Esther Schwemmer. Signed by Magistrate Judge Teresa J. James on 4/23/2021. (hw) (Entered: 04/26/2021)
04/26/2021	<u>3</u>		ORDER SETTING CONDITIONS OF RELEASE as to Esther Schwemmer (1). Signed by Magistrate Judge Teresa J. James on 4/23/2021. (hw) (Entered: 04/26/2021)
04/26/2021	<u>4</u>		WAIVER of Rule 5 & 5.1 Hearings by Esther Schwemmer. (hw) (Entered: 04/26/2021)
04/26/2021	5		RULE 5(c)(3) REMOVAL HEARING PAPERS SENT TO District of Columbia as to Esther Schwemmer. (hw) (Entered: 04/26/2021)