

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

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.:</b>
	:	
<b>v.</b>	:	<b>UNDER SEAL</b>
	:	
<b>ISAAC WESTBURY,</b>	:	
<b>AARON JAMES, and</b>	:	
<b>ROBERT WESTBURY,</b>	:	
	:	
<b>Defendants.</b>	:	

**MOTION TO SEAL CRIMINAL INDICTMENT,  
ARREST WARRANTS, AND SUPPORTING PAPERWORK**

The United States of America, by its attorney, the United States Attorney for the District of Columbia, hereby moves the Court pursuant to Fed. R. Crim. P. 6(e)(4), to place under seal until further order of the Court the Criminal Indictment (the “Indictment”), and the Arrest Warrants in the above-captioned case, as well as the Government’s Motion to Seal and this Court’s Order sealing the aforesaid documents. In support of its motion, the government states as follows:

1. A charging document may be sealed pursuant to Rule 6(e)(4) for any legitimate prosecutorial reason, including, as recognized by the Rule itself, to take the defendant into custody and bring him or her before the court. See United States v. Michael, 180 F.2d 55, 57 (3d Cir. 1949); see also United States v. Sharpe, 995 F.2d 49 (5th Cir. 1993); United States v. Southland Corp., 760 F.2d 1366, 1379-80 (2d Cir. 1985); United States v. Lyles, 593 F.2d 182 (2d Cir. 1979).

2. Upon information and belief, defendants Isaac Westbury, Aaron James and Robert Westbury live in Minnesota. They have been charged with various crimes related to the insurrection that occurred at the U.S. Capitol on January 6, 2021, when supporters of former President Trump stormed the U.S. Capitol in an effort to prevent the certification of then President-

elect Biden as the winner of the 2020 Presidential election. The defendants participated in the disruption of the election certification, and were captured on videos participating in the criminal activities at the U.S. Capitol during those events. Two of the defendants were also captured on video making recordings of the events on their personal cell phones. In light of these charges, the government is requesting that a bench warrant be issued for the defendants' arrests. The public disclosure of the Indictment and related materials at this time could jeopardize future plans to arrest the defendants because they might flee the Minnesota area to avoid arrest. They might also seek to destroy any evidence of recordings they made at the U.S. Capitol. Concern for the need to apprehend the defendants and to prevent the destruction of potential evidence constitute legitimate prosecutorial reasons, and thus appropriate bases, for an Order sealing the Indictment, the Arrest Warrant, any Order to Seal, and any relevant docket entries.

3. Accordingly, the United States submits that under Washington Post v. Robinson, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991), these facts present an extraordinary situation and a compelling governmental interest which justify the sealing of the Indictment, the Arrest Warrant, this Motion, any Order to Seal, and any relevant docket entries.

4. In addition, we request that the sealing Order permit disclosure of the Indictment, the Arrest Warrant, this Motion, any Order to Seal, and any relevant docket entries to appropriate law enforcement and other personnel, both in the United States and internationally, to the extent that such disclosure is in furtherance of efforts to capture or detain the defendants.

5. Because it is possible that the defendants will be arrested and first presented in another judicial district, it is requested that the Court's order permit unsealing of the Indictment, the Arrest Warrant, this Motion, any Order to Seal, and any relevant docket entries by any United

States District Court Judge or any United States Magistrate Judge, in any district, upon oral motion of the United States.

CONCLUSION

WHEREFORE, for all the foregoing reasons, the United States of America respectfully requests that the Court issue an Order sealing the Indictment, the Arrest Warrants, this Motion, any relevant docket entries, and the Court's sealing Order, until further order of this Court or another Court. A proposed Order is submitted herewith.

Respectfully submitted,

CHANNING D. PHILLIPS  
ACTING UNITED STATES ATTORNEY

/s/ Frederick Yette

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	:	
<b>Defendants.</b>	:	

**ORDER TO SEAL**

Having considered the Government’s Motion to Seal Criminal Indictment, Arrest Warrants, and Supporting Paperwork, in the above-captioned cases, and for good cause stated therein, the Court makes the following:

**FINDINGS OF FACT**

1. Fed. R. Cr. P. 6(e)(4) permits the sealing of an indictment for any legitimate prosecutorial reason.
2. Sealing the Criminal Indictment (the “Indictment”) and the Arrest Warrants, and any relevant docket entries in the above-captioned matter will further the legitimate prosecutorial interest in locating and obtaining custody of defendants Isaac Westbury, Aaron James and Robert Westbury.
3. The public docketing at this time of the Indictment, the Arrest Warrants, and relevant docket entries, the Government’s Motion to Seal, and this Order, could compromise the

government's ability effectively to obtain custody of the defendant and his appearance before the court.

4. Accordingly, under Washington Post v. Robinson, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991), these facts present an extraordinary situation and a compelling governmental interest which justify the sealing of the Indictment, the Arrest Warrants, the relevant docket entries, the Government's Motion to Seal, and this Order to Seal.

Based on the foregoing Findings of Fact, the Motion is hereby

GRANTED, and it is hereby

ORDERED, that the Clerk of the Court seal in this matter, the Indictment, the Arrest Warrants, and any relevant document entries, except that the United States Government may disclose the existence and/or contents of the Indictment, the Arrest Warrants, and any relevant document entries in the above-captioned matter to appropriate law enforcement or other personnel, both in the United States and internationally, to the extent that such disclosure is in furtherance of efforts to obtain custody of or to detain defendants Isaac Westbury, Aaron James and Robert Westbury.

It is FURTHER ORDERED that the Clerk's office shall not make any entry on the public docket in this case of the Indictment, and the Arrest Warrants in this case, the filing of the Government's Motion to Seal, and the Order granting such motion, until further order of the Court.

It is FURTHER ORDERED that the Government's Motion to Seal and this Order be sealed until further order of the Court.

It is FURTHER ORDERED that the Indictment, the Arrest Warrants, any relevant document entries, and this Order shall be unsealed upon oral motion of the Government to this Court or to any Court where the defendant is first presented.

It is FURTHER ORDERED that the Clerk of the Court shall provide to the United States Attorney's Office three (3) certified copies of the Indictment, the Arrest Warrants, any relevant docket entries, and this Order once they are filed.

Date: \_\_\_\_\_

\_\_\_\_\_  
ZIA FARUQUI  
UNITED STATES MAGISTRATE JUDGE

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