

AO 442 (Rev. 01/09) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the  
District of ColumbiaUnited States of America  
v.  
STEVEN CAPPUCCIO

Defendant

) Case No. 1:21-cr-40  
) Assign to: Judge Trevor N. McFadden  
) Date Assigned: 08/04/2021  
) Description: SUPERSEDING INDICTMENT (B)  
) Case Related to 21-cr-40 (TNM)

## 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) Steven Cappuccio  
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. §§ 111(a)(1), 2 (Assaulting, Resisting, or Impeding Certain Officers, Aiding and Abetting), 18 U.S.C. § 111(a)(1) and (b) (Inflicting Bodily Injury on Certain Officers), 18 U.S.C. §§ 2111, 2 (Robbery), 18 U.S.C. § 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon), 18 U.S.C. §§ 1512(c)(2), 2 (Obstruction of an Official Proceeding), 18 U.S.C. § 231(a)(3) (Civil Disorder), 18 U.S.C. § 1752(a)(2) and (b)(1)(A) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon), 18 U.S.C. § 1752(a)(4) and (b)(1)(A) (Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon), 40 U.S.C. § 5104(e)(2)(D), 2 (Disorderly Conduct in a Capitol Building), 40 U.S.C. § 5104(e)(2)(F), 2 (Act of Physical Violence in the Capitol Grounds or Buildings)

Date: 08/04/2021

Robin M. Meriweather  
2021.08.04 23:03:06 -04'00'

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) 8/5/21, and the person was arrested on (date) 8/10/21  
at (city and state) universal city, TX

Date: 8/10/21



Arresting officer's signature

Ronda Clark, Special Agent  
Printed name and title

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on January 8, 2021

UNITED STATES OF AMERICA

v.

PATRICK E. MCCAUGHEY III,  
(Counts 14, 24, 25, 34, 35, 37, 45, 52, 53)

TRISTAN CHANDLER STEVENS,  
(Counts 14, 16, 21, 33, 34, 35, 36, 44, 52,  
53)

DAVID LEE JUDD,  
(Counts 16, 22, 33, 34, 35, 46, 52, 53)

CHRISTOPHER JOSEPH QUAGLIN,  
(Counts 1, 2, 3, 4, 11, 20, 23, 26, 34, 35,  
39, 47, 52, 53)

ROBERT MORSS,  
(Counts 5, 6, 10, 20, 27, 34, 35, 41, 49, 52,  
53)

GEOFFREY WILLIAM SILLS,  
(Counts 7, 8, 13, 15, 18, 34, 35, 40, 48, 52,  
53)

STEVEN CAPPUCCIO,  
(Counts 28, 29, 30, 34, 35, 42, 50, 52, 53),  
and

FEDERICO GUILLERMO KLEIN, also  
known as "Freddie Klein,"  
(Counts 9, 17, 19, 27, 31, 32, 34, 35, 43, 51,  
52, 53)

Defendants.

Case No. 1:21-cr-40

Assign to: Judge Trevor N. McFadden

Date Assigned: 08/04/2021

Description: SUPERSEDING INDICTMENT (B)

Case Related to 21-cr-40 (TNM)

**VIOLATIONS:**

18 U.S.C. §§ 111(a)(1), 2

(Assaulting, Resisting, or Impeding  
Certain Officers, Aiding and Abetting)

18 U.S.C. § 111(a)(1) and (b)

(Inflicting Bodily Injury on Certain  
Officers)

18 U.S.C. §§ 2111, 2

(Robbery)

18 U.S.C. § 111(a)(1) and (b)

(Assaulting, Resisting, or Impeding  
Certain Officers Using a Dangerous  
Weapon)

18 U.S.C. §§ 1512(c)(2), 2

(Obstruction of an Official Proceeding)

18 U.S.C. § 231(a)(3)

(Civil Disorder)

18 U.S.C. § 1752(a)(2) and (b)(1)(A)

(Disorderly and Disruptive Conduct in a  
Restricted Building or Grounds with a  
Deadly or Dangerous Weapon)

18 U.S.C. § 1752(a)(4) and (b)(1)(A)

(Engaging in Physical Violence in a  
Restricted Building or Grounds with a  
Deadly or Dangerous Weapon)

40 U.S.C. § 5104(e)(2)(D), 2

(Disorderly Conduct in  
a Capitol Building)

40 U.S.C. § 5104(e)(2)(F), 2

(Act of Physical Violence in the Capitol  
Grounds or Buildings)

**FOURTH SUPERSEDING INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about January 6, 2021, at or around 1:08 p.m., within the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers**, in violation of Title 18, United States Code, Section 111(a)(1))

**COUNT TWO**

On or about January 6, 2021, at or around 1:11 p.m. to 1:13 p.m., within the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN** did forcibly assault, resist, oppose, impede, intimidate, interfere and inflict bodily injury on, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), while such officer or employee was engaged in or on account of the performance of official duties, that is, T.R., an officer from the United States Capitol Police Department, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Inflicting Bodily Injury on Certain Officers**, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

**COUNT THREE**

On or about January 6, 2021, at or around 1:11 p.m. to 1:13 p.m., within the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(**Assaulting, Resisting, or Impeding Certain Officers**, in violation of Title 18, United States Code, Section 111(a)(1))

**COUNT FOUR**

On or about January 6, 2021, at or around 1:14 to 1:15 p.m., within the special maritime and territorial jurisdiction of the United States, **CHRISTOPHER JOSEPH QUAGLIN** did by force and violence, and by intimidation, take and attempt to take from the person or presence of another, that is, L.L., an officer from the Metropolitan Police Department, a thing of value, that is, a fence.

(**Robbery and Aiding and Abetting**, in violation of Title 18, United States Code, Section 2111 and 2)

**COUNT FIVE**

On or about January 6, 2021, at or around 2:09 p.m., within the special maritime and territorial jurisdiction of the United States, **ROBERT MORSS** did by force and violence, and by intimidation, take and attempt to take from the person or presence of another, that is, B.G., an officer from the Metropolitan Police Department, a thing of value, that is, a baton.

(**Robbery**, in violation of Title 18, United States Code, Section 2111)

**COUNT SIX**

On or about January 6, 2021, at or around 2:14 p.m., within the special maritime and territorial jurisdiction of the United States, **ROBERT MORSS** did by force and violence, and by intimidation, take and attempt to take from the person or presence of another, that is, J.C., an officer from the Metropolitan Police Department, a thing of value, that is, a fence.

(**Robbery and Aiding and Abetting**, in violation of Title 18, United States Code, Section 2111 and 2)

**COUNT SEVEN**

On or about January 6, 2021, at or around 2:25 p.m. to 2:32 p.m., within the District of Columbia, **GEOFFREY WILLIAM SILLS** using a deadly or dangerous weapon, that is, a pole-like object, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(**Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon**, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

**COUNT EIGHT**

On or about January 6, 2021, at or around 2:32 p.m., within the District of Columbia, **GEOFFREY WILLIAM SILLS** using a deadly or dangerous weapon, that is, a pole-like object, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such

officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT NINE**

On or about January 6, 2021, at or around 2:32 to 2:34 p.m., within the District of Columbia, **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, that is L.H., an officer from the Metropolitan Police Department, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT TEN**

On or about January 6, 2021, at or around 2:33 p.m., within the District of Columbia, **ROBERT MORSS** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the



victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT ELEVEN**

On or about January 6, 2021, at or around 2:34 p.m., within the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT TWELVE**

On or about January 6, 2021, between at or around 2:40 p.m. to 3:18 p.m., within the District of Columbia, [REDACTED] did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT THIRTEEN**

On or about January 6, 2021, at or around 2:42 to 2:43 p.m., within the special maritime and territorial jurisdiction of the United States, **GEOFFREY SILLS**, did by force and violence, and by intimidation, take and attempt to take from the person or presence of another, that is, C.W., an officer from the Metropolitan Police Department, a thing of value, that is, a baton.

**(Robbery and Aiding and Abetting**, in violation of Title 18, United States Code, Section 2111 and 2)

**COUNT FOURTEEN**

On or about January 6, 2021, at or around 2:49 p.m. to 2:51 p.m., within the District of Columbia, **PATRICK E. MCCAUGHEY III** and **TRISTAN CHANDLER STEVENS** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting**, in violation of Title 18, United States Code, Section 111(a)(1) and 2)

**COUNT FIFTEEN**

On or about January 6, 2021, at or around 2:52 p.m. to 2:53 p.m., within the District of Columbia, **GEOFFREY WILLIAMSILLS** using a deadly or dangerous weapon, that is, a baton, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such



officer or employee was engaged in or on account of the performance of official duties, that is V.B., an officer from the Metropolitan Police Department and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT SIXTEEN**

On or about January 6, 2021, at or around 2:56 p.m. to 2:58 p.m., within the District of Columbia, **TRISTAN CHANDLER STEVENS** and **DAVID LEE JUDD** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT SEVENTEEN**

On or about January 6, 2021, at or around 2:56 p.m. to 2:58 p.m., within the District of Columbia, **FEDERICO GUILLERMO KLEIN**, also known as "Freddie Klein," did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), that is, A.G., an officer from the United States Capitol Police Department, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT EIGHTEEN**

On or about January 6, 2021, at or around 2:58 p.m. to 3:00 p.m., within the District of Columbia, **GEOFFREY WILLIAMSILLS** using a deadly or dangerous weapon, that is, a baton, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, that is C.W., an officer from the Metropolitan Police Department and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT NINETEEN**

On or about January 6, 2021, at or around 3:00 p.m., within the District of Columbia, **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties, that is C.W., an officer from the Metropolitan Police Department and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT TWENTY**

On or about January 6, 2021, at or around 3:02 p.m. to 3:05 p.m., within the special maritime and territorial jurisdiction of the United States, **ROBERT MORSS** and **CHRISTOPHER JOSEPH QUAGLIN** did by force and violence, and by intimidation, take and attempt to take from the person or presence of another, that is, P.N., an officer from the Metropolitan Police Department, a thing of value, that is, a shield.

(Robbery and Aiding and Abetting, in violation of Title 18, United States Code, Section 2111 and 2)

**COUNT TWENTY-ONE**

On or about January 6, 2021, at or around 3:03 p.m. to 3:11 p.m., within the District of Columbia, **TRISTAN CHANDLER STEVENS** using a deadly or dangerous weapon, that is, a shield, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), that is, A.G., an officer from the United States Capitol Police Department, while such officer or employee was engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

**COUNT TWENTY-TWO**

On or about January 6, 2021, at or around 3:06 p.m. to 3:07 p.m., within the District of Columbia, **DAVID LEE JUDD** using a deadly or dangerous weapon, that is, a firecracker, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of

the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT TWENTY-THREE**

On or about January 6, 2021, at or around 3:06 p.m., within the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN**, using a deadly or dangerous weapon, that is, OC spray, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, O.F., an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT TWENTY-FOUR**

On or about January 6, 2021, at or around 3:06 p.m. to 3:15 p.m., within the District of Columbia, **PATRICK E. MCCAUGHEY III**, using a deadly or dangerous weapon, that is, a shield, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, D.H., an officer from the Metropolitan Police Department, while such officer or employee was

engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT TWENTY-FIVE**

On or about January 6, 2021, at or around 3:06 p.m. to 3:15 p.m., within the District of Columbia, **PATRICK E. MCCAUGHEY III**, using a deadly or dangerous weapon, that is, a shield, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, H.F., an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT TWENTY-SIX**

On or about January 6, 2021, at or around 3:07 p.m. to 3:12 p.m., within the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN**, using a deadly or dangerous weapon, that is, a shield, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT TWENTY-SEVEN**

On or about January 6, 2021, at or around 3:07 p.m. to 3:14 p.m., within the District of Columbia, **ROBERT MORSS**, and **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT TWENTY-EIGHT**

On or about January 6, 2021, at or around 3:08 p.m. to 3:10 p.m., within the District of Columbia, **STEVEN CAPPuccio**, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT TWENTY-NINE**

On or about January 6, 2021, at or around 3:11 p.m. to 3:13 p.m., within the District of

Columbia, **STEVEN CAPPuccio**, using a deadly or dangerous weapon, that is, a baton, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, D.H., an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

### **COUNT THIRTY**

On or about January 6, 2021, at or around 3:11 p.m. to 3:13 p.m., within the special maritime and territorial jurisdiction of the United States, **STEVEN CAPPuccio** did by force and violence, and by intimidation, take and attempt to take from the person or presence of another, that is, D.H., an officer from the Metropolitan Police Department, a thing of value, that is, a baton.

**(Robbery and Aiding and Abetting, in violation of Title 18, United States Code, Section 2111 and 2)**

### **COUNT THIRTY-ONE**

On or about January 6, 2021, at or around 3:15 p.m. to 3:18 p.m., within the District of Columbia, **FEDERICO GUILLERMO KLEIN**, also known as "Freddie Klein," using a deadly or dangerous weapon, that is, a shield, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, H.F., an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties and where



the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT THIRTY-TWO**

On or about January 6, 2021, at or around 3:18 p.m. to 3:19 p.m., within the District of Columbia, **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” using a deadly or dangerous weapon, that is, a shield, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), that is, M.M., an officer from the United States Capitol Police Department, while such officer or employee was engaged in or on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))**

**COUNT THIRTY-THREE**

On or about January 6, 2021, at or around 4:15 p.m. to 4:19 p.m., within the District of Columbia, **TRISTAN CHANDLER STEVENS** and **DAVID LEE JUDD** did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, while such officer or employee was engaged in and on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

**(Assaulting, Resisting, or Impeding Certain Officers and Aiding and Abetting, in violation of Title 18, United States Code, Section 111(a)(1) and 2)**

**COUNT THIRTY-FOUR**

On or about January 6, 2021, within the District of Columbia and elsewhere, **PATRICK E. MCCAUGHEY III, TRISTAN CHANDLER STEVENS, DAVID LEE JUDD, CHRISTOPHER JOSEPH QUAGLIN, ROBERT MORSS, GEOFFREY WILLIAM SILLS** [REDACTED] **STEVEN CAPPuccio**, and **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress’s certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

**(Obstruction of an Official Proceeding and Aiding and Abetting**, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

**COUNT THIRTY-FIVE**

On or about January 6, 2021, within the District of Columbia, **PATRICK E. MCCAUGHEY III, TRISTAN CHANDLER STEVENS, DAVID LEE JUDD, CHRISTOPHER JOSEPH QUAGLIN, ROBERT MORSS, GEOFFREY WILLIAM SILLS** [REDACTED] **STEVEN CAPPuccio**, and **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, lawfully engaged in the lawful performance of his or her official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

**(Civil Disorder**, in violation of Title 18, United States Code, Section 231(a)(3))

**COUNT THIRTY-SIX**

On or about January 6, 2021, in the District of Columbia, **TRISTAN CHANDLER STEVENS** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a shield.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT THIRTY-SEVEN**

On or about January 6, 2021, in the District of Columbia, **PATRICK E. MCCAUGHEY III** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a shield.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT THIRTY-EIGHT**

On or about January 6, 2021, in the District of Columbia, **DAVID LEE JUDD** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a firecracker.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT THIRTY-NINE**

On or about January 6, 2021, in the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, OC spray and a shield.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT FORTY**

On or about January 6, 2021, in the District of Columbia, **GEOFFREY WILLIAM SILLS** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a baton.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT FORTY-ONE**

On or about January 6, 2021, in the District of Columbia, **ROBERT MORSS** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a knife.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT FORTY-TWO**

On or about January 6, 2021, in the District of Columbia, **STEVEN CAPPUCCIO** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a baton.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT FORTY-THREE**

On or about January 6, 2021, in the District of Columbia, **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a shield.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))**

**COUNT FORTY-FOUR**

On or about January 6, 2021, in the District of Columbia, **TRISTAN CHANDLER STEVENS** did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a shield.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FORTY-FIVE**

On or about January 6, 2021, in the District of Columbia, **PATRICK E. MCCAUGHEY III** did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a shield.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FORTY-SIX**

On or about January 6, 2021, in the District of Columbia, **DAVID LEE JUDD** did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were



temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a firecracker.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FORTY-SEVEN**

On or about January 6, 2021, in the District of Columbia, **CHRISTOPHER JOSEPH QUAGLIN** did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, OC spray and a shield.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FORTY-EIGHT**

On or about January 6, 2021, in the District of Columbia, **GEOFFREY WILLIAM SILLS** did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a baton.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FORTY-NINE**

On or about January 6, 2021, in the District of Columbia, **ROBERT MORSS** did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a knife.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FIFTY**

On or about January 6, 2021, in the District of Columbia, **STEVEN CAPPuccio** did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a baton.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FIFTY-ONE**

On or about January 6, 2021, in the District of Columbia, **FEDERICO GUILLERMO KLEIN**, also known as "Freddie Klein," did knowingly engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice

President and Vice President-elect were temporarily visiting and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a shield.

**(Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon**, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A))

**COUNT FIFTY-TWO**

On or about January 6, 2021, in the District of Columbia, **PATRICK E. MCCAUGHEY III, TRISTAN CHANDLER STEVENS, DAVID LEE JUDD, CHRISTOPHER JOSEPH QUAGLIN, ROBERT MORSS, GEOFFREY WILLIAM SILLS,** [REDACTED] **STEVEN CAPPuccio,** and **FEDERICO GUILLERMO KLEIN**, also known as “Freddie Klein,” willfully and knowingly engaged in disorderly and disruptive conduct in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

**(Disorderly Conduct in a Capitol Building**, in violation of Title 40, United States Code, Section 5104(e)(2)(D) and Title 18, United States Code, Section 2)

**COUNT FIFTY-THREE**

On or about January 6, 2021, in the District of Columbia, **PATRICK E. MCCAUGHEY III, TRISTAN CHANDLER STEVENS, DAVID LEE JUDD, CHRISTOPHER JOSEPH QUAGLIN, ROBERT MORSS, GEOFFREY WILLIAM SILLS,** [REDACTED] **STEVEN CAPPuccio,** and **FEDERICO GUILLERMO KLEIN,** also known as “Freddie Klein,” willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings.

(**Act of Physical Violence in the Capitol Grounds or Buildings**, in violation of Title 40, United States Code, Section 5104(e)(2)(F) and Title 18, United States Code, Section 2)

A TRUE BILL:

FOREPERSON.

*Channing D. Phillips/jph*  
Attorney of the United States in  
and for the District of Columbia.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

AUG 11 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

USA

*Plaintiff*

vs.

(1) Steven Cappuccio

*Defendant*

§  
§  
§  
§  
§  
§

Case Number: SA:21-M -00895(1)

**ORDER SETTING IDENTITY HEARING - VIDEO**

IT IS HEREBY ORDERED that the above entitled and numbered case is set for **August 16, 2021 at 11: 30 AM, in Courtroom C, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, TX.**

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this August 11, 2021.

  
HENRY J. BEMPORAD  
UNITED STATES MAGISTRATE JUDGE

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**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF TEXAS**  
**SAN ANTONIO DIVISION**

USA	§	<b>WAIVER OF RULE 5 &amp; 5.1 HEARINGS</b>
	§	<b>(Excluding Probation Cases)</b>
vs.	§	
	§	Case Number: SA:21-M -00895(1)
(1) Steven Cappuccio	§	
<i>Defendant</i>	§	REF: 1:21cr40

I, (1) Steven Cappuccio understand that in the  
District of Columbia charges are pending  
alleging violation of 18:111(1)(1)

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right 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 charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

( ) Identity Hearing.

( ) Preliminary Hearing.

( ) Identity Hearing and I have been informed I have no right to a preliminary examination.

( ) Identity Hearing but request a preliminary hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

\_\_\_\_\_  
(1) Steven Cappuccio, *Defendant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Counsel for Defendant*



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

August 11, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASBY: Breanna Coldewey  
DEPUTY

USA

vs.

(1) Steven Cappuccio  
Defendant§  
§  
§  
§  
§

Case Number: SA:21-M -00895(1)

**APPEARANCE BOND****Defendant's Agreement**

I (1) Steven Cappuccio (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ☒ to appear for court proceedings;  
☒ if convicted, to surrender to serve a sentence that the court may impose; or;  
☒ to comply with all conditions set forth in the Order Setting Conditions of Release.

**Type of Bond**

- ☐ (1) This is a personal recognizance bond.
- ☒ (2) This is an unsecured bond of \$ ~~10,000~~ 50,000.
- ☐ (3) This is a secured bond of \$ \_\_\_\_\_, secured by:
- ☐ (a) \$ \_\_\_\_\_, in cash deposited with the court.
- ☐ (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

\_\_\_\_\_  
 \_\_\_\_\_  
 If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ☐ (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):
- \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Forfeiture or Release of the Bond**

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.



*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

### Declarations

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: August 11, 2021

  
Defendant's signature

\_\_\_\_\_  
Surety/property owner – printed name

\_\_\_\_\_  
Surety/property owner – signature and date

\_\_\_\_\_  
Surety/property owner – printed name

\_\_\_\_\_  
Surety/property owner – signature and date

\_\_\_\_\_  
Surety/property owner – printed name

\_\_\_\_\_  
Surety/property owner – signature and date

CLERK OF COURT

Date: August 11, 2021

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Approved.

Date: August 11, 2021

  
Judge's signature

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
v.	§	Cause No. 5:21-mj-00895-HJB-1
STEVEN CAPPUCCIO,	§	
Defendant.	§	

**DEFENDANT'S WAIVER OF IDENTITY HEARING**

I, Steven Cappuccio, understand that I have been charged in another district, The District of Columbia under Cause 1:21-CR-40. I have been informed of the charges against me and of my right to an Identity Hearing to determine whether I am the person named in the charges. I agree to waive my right to an Identity Hearing and ask to be excused from the August 16, 2021 Identity Hearing court setting.

  
Steven P Cappuccio (Aug 13, 2021 12:20 CDT)

Steven Cappuccio, Defendant  
August 13, 2021

Respectfully Submitted,

/s/ Tim Molina  
Richard Timothy (Tim) Molina  
State Bar No. 24011732  
2200 Warner Avenue  
San Antonio, Texas 78201  
210-737-6676  
800-406-7901 (Fax)  
tmolina@duartemolinalaw.com  
Attorney for Cappuccio

Certificate of Service

I certify that on the 13<sup>th</sup> day of AUGUST, 2021, a true and correct copy of the foregoing Defendant's Waiver of Identity Hearing was filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant: Assistant U.S. Attorney Mark T. Roomberg, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78215-5397.

/s/ Tim Molina  
SBOT 24011732

August 11, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

AO 199A (Rev. 06/19) Order Setting Conditions of Release

BY: Breanna Coldewey  
DEPUTY**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

USA

vs.

(1) Steven Cappuccio

§  
§  
§  
§  
§

NO: SA:21-M -00895(1)

**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 34 U.S.C. § 40702.
- (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: \_\_\_\_\_

*Place*on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez  
Boulevard, San Antonio, TX*Place*

on \_\_\_\_\_

*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 Jennifer Cappuccia  
 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 Jennifer A. Cappuccia 8.12.2021  
 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: \_\_\_\_\_
  - ☐ (e) not obtain a passport or other international travel document.
  - ☒ (f) abide by the following restrictions on personal association, residence, or travel: state  
 Travel restricted to the Western District of Texas.  
 Travel permitted to Washington, DC for Court and U.S. Pretrial Services Supervision matters only. No foreign travel.
  - ☒ (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: Alleged victims/witnesses/co-defendants.
  - ☒ (h) get medical or psychiatric treatment: Continue Mental Health Treatment as directed by Pretrial Services
  - ☐ (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.

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**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.




Defendant's Signature

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: 08/11/2021



Judicial Officer's Signature

HENRY J. BEMPORAD, UNITED STATES MAGISTRATE JUDGE

Printed name and title

U.S. District Court [LIVE]  
Western District of Texas (San Antonio)  
CRIMINAL DOCKET FOR CASE #: 5:21-mj-00895-HJB-1

Case title: USA v. Cappuccio

Date Filed: 08/11/2021

Assigned to: Judge Henry J. Bemporad

**Defendant (1)****Steven Cappuccio**

represented by **Richard Timothy Molina**  
Duarte & Molina, P.C.  
2200 Warner Avenue  
San Antonio, TX 78201  
210-737-6676  
Fax: 800-406-7901  
Email: tim.molina@att.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**

18:111.F - Assaulting/Resisting/Impeding  
Officers/Employees

**Disposition****Plaintiff****USA**

represented by **Mark T. Roomberg**  
Assistant U.S. Attorney  
U.S. Department of Justice  
601 NW Loop 410  
Suite 600  
San Antonio, TX 78216  
(210) 384-7025  
Fax: 210/384-7105



Email: mark.roomberg@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/11/2021	<u>1</u>	Arrest (Rule 5/Rule 32.1) of Steven Cappuccio (aej) (Entered: 08/11/2021)
08/11/2021	<u>2</u>	Minute Entry for proceedings held before Judge Henry J. Bemporad:Initial Appearance in Rule 5(c)(3)/ Rule 32.1 Proceedings as to Steven Cappuccio held on 8/11/2021 (Minute entry documents are not available electronically.) (Court Reporter FTR-Gold.) (bc) (Entered: 08/11/2021)
08/11/2021	<u>3</u>	ORDER APPOINTING COUNSEL- Richard Timothy Molina as to Steven Cappuccio. Signed by Judge Henry J. Bemporad. (bc) (Entered: 08/11/2021)
08/11/2021	<u>4</u>	ORDER SETTING IDENTITY HEARING-VIDEO as to Steven Cappuccio, ( Identity Hearing set for 8/16/2021 11:30 AM before Judge Henry J. Bemporad). Signed by Judge Henry J. Bemporad. (bc) (Entered: 08/11/2021)
08/11/2021	<u>5</u>	ORDER Setting Conditions of Release as to Steven Cappuccio (1) Unsecured \$50,000.00. Signed by Judge Henry J. Bemporad. (bc) (Entered: 08/12/2021)
08/11/2021	<u>6</u>	Unsecured Bond Filed as to Steven Cappuccio in amount of \$50,000.00. (bc) (Entered: 08/12/2021)
08/13/2021	<u>7</u>	Waiver of Identity Hearing by Steven Cappuccio (Molina, Richard) (Entered: 08/13/2021)

PACER Service Center			
Transaction Receipt			
08/17/2021 08:57:14			
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**PACER fee: Exempt**