

APPEAL,CAP,CAT B

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00119-CJN-1**

Case title: USA v. MILLER

Magistrate judge case number: 1:21-mj-00117-ZMF *SEALED*

Date Filed: 02/12/2021

Assigned to: Judge Carl J. Nichols

Defendant (1)

GARRET MILLER

represented by **Camille Wagner**
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Designation: Retained

Pending Counts

18 U.S.C. 231(a)(3); CIVIL DISORDER;
Civil Disorder
(1-2)

18:231(a)(3); CIVIL DISORDER; Civil
Disorder
(1s-2s)

18:231(a)(3); CIVIL DISORDER; Civil
Disorder
(1ss-2ss)

Disposition

18 U.S.C. 1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(3)

18:1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(3s)

18 U.S.C. 111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(4)

18:111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(4s)

18:111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(4ss)

18 U.S.C. 875(c); INTERSTATE COMMUNICATIONS – THREATS; Interstate Threats to Injure or Kidnap
(5–6)

18:875(c); INTERSTATE COMMUNICATIONS – THREATS; Interstate Threats to Injure or Kidnap
(5s–6s)

18:875(c); INTERSTATE COMMUNICATIONS – THREATS; Interstate Threats to Injure or Kidnap
(5ss–6ss)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds
(7)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds
(7s)

18:1752(a)(1); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted
Building or Grounds
(7ss)

18 U.S.C. 1752(a)(2); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Disorderly and Disruptive Conduct in a
Restricted Building or Grounds
(8)

18:1752(a)(2); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Disorderly and Disruptive Conduct in a
Restricted Building or Grounds
(8s)

18:1752(a)(2); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Disorderly and Disruptive Conduct in a
Restricted Building or Grounds
(8ss)

18 U.S.C. 1752(a)(3); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Impeding Ingress and Egress in a
Restricted Building or Grounds
(9)

18:1752(a)(3); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Impeding Ingress and Egress in a
Restricted Building or Grounds
(9s)

18:1752(a)(3); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Impeding Ingress and Egress in a
Restricted Building or Grounds
(9ss)

40 U.S.C. 5104(e)(2)(D); FEDERAL
STATUTES, OTHER; Disorderly Conduct
in a Capitol Building
(10)

40:5104(e)(2)(D); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Disorderly
Conduct in a Capitol Building
(10s)

40:5104(e)(2)(D); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Disorderly
Conduct in a Capitol Building

(10ss)

40 U.S.C. 5104(e)(2)(E); FEDERAL STATUTES, OTHER; Impeding Passage Through the Capitol Grounds or Buildings (11)

40:5104(e)(2)(E); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Impeding Passage Through the Capitol Grounds or Buildings (11s)

40:5104(e)(2)(E); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Impeding Passage Through the Capitol Grounds or Buildings (11ss)

40 U.S.C. 5104(e)(2)(G); FEDERAL STATUTES, OTHER; Parading, Demonstrating, or Picketing in a Capitol Building (12)

40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (12s)

40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (12ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting (3ss)

Disposition

DISMISSED WITHOUT PREJUDICE.

Highest Offense Level (Terminated)

Felony

Complaints

COMPLAINT in Violation of
18:1752(a)(1), (2), 40:5104(e)(2)(G),
18:1512(c)(2), 18:231(a)(3) and 18:875(c)

Disposition

Plaintiff

USA

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Date Filed	#	Page	Docket Text
01/19/2021	<u>1</u>		SEALED COMPLAINT as to GARRET MILLER (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00117-ZMF *SEALED*] (Entered: 01/19/2021)
01/19/2021	<u>3</u>		MOTION to Seal Case by USA as to GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00117-ZMF *SEALED*] (Entered: 01/19/2021)
01/19/2021	<u>4</u>		ORDER granting <u>3</u> Motion to Seal Case as to GARRET MILLER (1). Signed by Magistrate Judge Zia M. Faruqui on 1/19/2021. (zstd) [1:21-mj-00117-ZMF *SEALED*] (Entered: 01/19/2021)
01/19/2021	<u>5</u>		Amended Complaint by USA as to GARRET MILLER re <u>1</u> Complaint (Sealed) (Attachments: # <u>1</u> Amended Statement of Facts)(zstd) [1:21-mj-00117-ZMF *SEALED*] (Entered: 01/25/2021)
01/19/2021	<u>7</u>		

		Amended MOTION to Seal Case by USA as to GARRET MILLER. (zstd) (Additional attachment(s) added on 1/25/2021: # <u>1</u> Text of Proposed Order) (zstd). [1:21-mj-00117-ZMF *SEALED*] (Entered: 01/25/2021)
01/19/2021	<u>8</u>	ORDER granting <u>7</u> Motion to Seal Case as to GARRET MILLER (1). Signed by Magistrate Judge Zia M. Faruqui on 1/19/2021. (zstd) [1:21-mj-00117-ZMF *SEALED*] (Entered: 01/25/2021)
01/20/2021		Arrest of GARRET MILLER in US DISTRICT COURT OF THE NORTHERN DISTRICT OF TEXAS. (zltpt) [1:21-mj-00117-ZMF *SEALED*] (Entered: 02/16/2021)
01/29/2021	<u>9</u>	Rule 5(c)(3) Documents Received as to GARRET MILLER from US DISTRICT COURT OF THE NORTHERN DISTRICT OF TEXAS Case Number 3:21-MJ-00052-BN (zltpt) [1:21-mj-00117-ZMF *SEALED*] (Entered: 02/16/2021)
02/12/2021	<u>10</u>	INDICTMENT as to GARRET MILLER (1) count(s) 1-2, 3, 4, 5-6, 7, 8, 9, 10, 11, 12. (zltpt) (Entered: 02/16/2021)
02/16/2021		Case unsealed as to GARRET MILLER (bb) (Entered: 03/01/2021)
03/02/2021	<u>12</u>	NOTICE OF ATTORNEY APPEARANCE Elizabeth C. Kelley appearing for USA. (Kelley, Elizabeth) (Entered: 03/02/2021)
03/18/2021	<u>13</u>	MOTION for Leave to Appear Pro Hac Vice Camille Wagner <i>F. Clinton Broden F. Clinton Broden</i> Filing fee \$ 100, receipt number ADCDC-8311751. Fee Status: Fee Paid. by GARRET MILLER. (Attachments: # <u>1</u> Declaration declaration of out-of-state attorney, # <u>2</u> Exhibit certificate of good standing)(Wagner, Camille) (Entered: 03/18/2021)
03/19/2021	<u>14</u>	MOTION to Revoke <i>Detention Order</i> by GARRET MILLER. (Attachments: # <u>1</u> Exhibit motion to revoke detention order attachments, # <u>2</u> Text of Proposed Order proposed order)(Wagner, Camille) (Entered: 03/19/2021)
03/23/2021		MINUTE ORDER as to GARRET MILLER. Upon review of Defendant's <u>14</u> Motion to Revoke Detention Order, it is hereby ORDERED that the Government shall file any response by March 26, 2021 . The Government's response should clarify how and whether it plans to transport Defendant to the District of Columbia. It is further ORDERED that the Parties shall appear for oral argument via teleconference at 4 P.M. on April 1, 2021 . Speedy Trial as GARRET MILLER is excluded from March 21, 2021 to April 1, 2021, in the interests of justice. Signed by Judge Carl J. Nichols on March 23, 2021. (lccjn3) (Entered: 03/23/2021)
03/23/2021		Set/Reset Deadlines/Hearings as to GARRET MILLER: Government Response due by 3/26/2021. Status Conference set for 4/1/2021 at 04:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 03/24/2021)
03/25/2021	<u>15</u>	MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Revoke <i>Detention Order</i> by USA as to GARRET MILLER. (Kelley, Elizabeth) (Entered: 03/25/2021)
03/25/2021		MINUTE ORDER. Upon review of the government's <u>15</u> Motion for Extension of Time, it is hereby ORDERED that the Motion is GRANTED. The government shall file its response to Defendant's <u>14</u> Motion to Revoke

		Detention Order by March 29, 2021 . Signed by Judge Carl J. Nichols on March 25, 2021. (lccjn3) (Entered: 03/25/2021)
03/25/2021		Set/Reset Deadlines as to GARRET MILLER: Government Response due by 3/29/2021. (zcal) (Entered: 03/26/2021)
03/29/2021	<u>16</u>	Memorandum in Opposition by USA as to GARRET MILLER re <u>14</u> MOTION to Revoke <i>Detention Order</i> (Kelley, Elizabeth) (Entered: 03/29/2021)
03/30/2021	<u>17</u>	MOTION to Continue , MOTION to Exclude <i>Time</i> by USA as to GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Kelley, Elizabeth) (Entered: 03/30/2021)
03/30/2021		MINUTE ORDER. The Court having considered Defendant's <u>13</u> Motion For Admission Pro Hac Vice of F. Clinton Broden, and it appearing to the Court that the attorney referenced therein meets the requirements for <i>pro hac vice</i> admission under Local Civil Rule 83.2(d), it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that F. Clinton Broden is ADMITTED to practice before the Court <i>pro hac vice</i> . Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Judge Carl J. Nichols on March 30, 2021. (lccjn3) (Entered: 03/30/2021)
03/31/2021	<u>18</u>	REPLY to Opposition to re <u>14</u> MOTION to Revoke <i>Detention Order (Reply)</i> by GARRET MILLER. (Attachments: # <u>1</u> Exhibit Attachment to Reply Motion)(Wagner, Camille) Modified event title on 4/5/2021 (znmw). (Entered: 03/31/2021)
03/31/2021	<u>19</u>	NOTICE OF ATTORNEY APPEARANCE: Clinton Broden appearing for GARRET MILLER (Broden, Clinton) (Entered: 03/31/2021)
03/31/2021	<u>20</u>	RESPONSE by GARRET MILLER re <u>17</u> MOTION to Continue MOTION to Exclude <i>Time</i> (Broden, Clinton) (Entered: 03/31/2021)
03/31/2021	<u>21</u>	SUPPLEMENT by GARRET MILLER re <u>14</u> MOTION to Revoke <i>Detention Order</i> (Attachments: # <u>1</u> Attachment A)(Broden, Clinton) (Entered: 03/31/2021)
04/01/2021		Minute Entry and Order for proceedings held before Judge Carl J. Nichols: Telephone Motion Hearing as to GARRET MILLER held on 4/1/2021 re <u>17</u> and <u>18</u> / Arraignment as to GARRET MILLER (1): Count 1-2,3,4,5-6,7,8,9,10,11,12 held on 4/1/2021. Not Guilty Plea as to all counts. Government's Motion <u>17</u> ; Granted in Part and Denied in Part. Defendant's Motion <u>18</u> ; Denied for reasons set forth on the record. Further Order to be issued by the Court. Speedy Trial as to GARRET MILLER is Excluded from 4/1/2021 to 5/3/2021, in the Interest of Justice, XT. Status Conference set for 5/3/2021 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Clint Broden and Camille Wagner; US Attorney: Elizabeth Kelley. (zcal) (Entered: 04/01/2021)
04/01/2021	<u>22</u>	ORDER. Signed by Judge Carl J. Nichols on April 1, 2021. (lccjn3) (Entered: 04/01/2021)
04/05/2021	<u>23</u>	Unopposed MOTION for Protective Order by USA as to GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Kelley, Elizabeth) (Entered: 04/05/2021)

		04/05/2021)
04/05/2021	<u>24</u>	Unopposed MOTION for Disclosure of <i>6(e) and Sealed Materials</i> by USA as to GARRET MILLER. (Kelley, Elizabeth) (Entered: 04/05/2021)
04/06/2021		MINUTE ORDER. Upon review of the government's <u>23</u> Motion for Protective Order, it is hereby ORDERED that the Motion is DENIED without prejudice. While the Court is otherwise prepared to approve the proposed Protective Order, paragraph 4.d, for the filing of documents under seal, appears to be inconsistent with Local Rule of Criminal Procedure 49(f)(6)(i), which requires an accompanying motion for leave to file under seal. Signed by Judge Carl J. Nichols on April 6, 2021. (lccjn3) (Entered: 04/06/2021)
04/07/2021	<u>25</u>	Unopposed MOTION for Protective Order by USA as to GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Kelley, Elizabeth) (Entered: 04/07/2021)
04/15/2021	<u>26</u>	ORDER granting <u>25</u> Motion for Protective Order as to GARRET MILLER. Signed by Judge Carl J. Nichols on April 15, 2021. (lccjn3) (Entered: 04/15/2021)
04/21/2021		MINUTE ORDER. Upon review of the government's <u>24</u> Motion to Disclose, it is hereby ORDERED that the Motion is GRANTED. The government may provide Defendant with discovery materials protected by Federal Rule of Criminal Procedure 6(e) and sealed materials covered by the <u>26</u> Protective Order governing discovery. Signed by Judge Carl J. Nichols on April 21, 2021. (lccjn3) (Entered: 04/21/2021)
04/22/2021	<u>27</u>	ENTERED IN ERROR.....RESPONSE by GARRET MILLER re <u>25</u> Unopposed MOTION for Protective Order <i>Attachment A</i> (Brodén, Clinton) Modified on 4/28/2021 (zstd). (Entered: 04/22/2021)
04/22/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to GARRET MILLER re <u>27</u> Response to motion was entered in error and counsel was instructed to refile said pleading. The document should be a notice of filing (zstd) (Entered: 04/28/2021)
04/28/2021		Set/Reset Hearings as to GARRET MILLER: Status Conference RESET for 5/3/2021 at 09:30 AM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 04/28/2021)
04/28/2021	<u>28</u>	ENTERED IN ERROR.....NOTICE of <i>Attachment A</i> by GARRET MILLER re <u>25</u> Unopposed MOTION for Protective Order (Brodén, Clinton) Modified on 5/8/2021 (zstd). (Entered: 04/28/2021)
04/28/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to GARRET MILLER re <u>28</u> Notice (Other) was entered in error and counsel was instructed to refile said pleading. The document cannot be file alone, a notice of filings needs to be the main document and defendant's acceptance of the Protective Order will be the attachment (zstd) (Entered: 05/08/2021)
04/29/2021		MINUTE ORDER as to GARRET MILLER (1). The Court was advised on April 29, 2021 that GARRET MILLER, who is currently detained, has been transported to the local jurisdiction. Upon review of the docket in this jurisdiction, the docket in the jurisdiction of arrest, and after consultation with counsel where necessary, the Court has confirmed that GARRET MILLER: has

		had a full Rule 5 initial appearance in the jurisdiction of arrest; has retained counsel; has been ordered held without bond pending trial; has been charged by Indictment; and has been arraigned. As such, there are no pending matters necessitating action by a magistrate judge. The parties are directed to contact the assigned District Judge to schedule a status hearing, if one has not yet been set. The parties are instructed to address any requests to toll the Speedy Trial Act to the assigned District Judge. Signed by Magistrate Judge G. Michael Harvey on 4/29/2021. (zpt) (Entered: 04/29/2021)
05/03/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to GARRET MILLER held on 5/3/2021. Speedy Trial as to GARRET MILLER is Excluded from 5/3/2021 to 5/26/2021, in the Interest of Justice, XT. Status Conference set for 5/26/2021 at 04:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Clinton Broden and Camille Wagner; US Attorney: Elizabeth Kelley. (zcal) (Entered: 05/03/2021)
05/10/2021	<u>29</u>	NOTICE of Defendant's Acceptance of the Protective Order by GARRET MILLER re <u>25</u> Unopposed MOTION for Protective Order (Attachments: # <u>1</u> Attachment A)(Broden, Clinton) (Entered: 05/10/2021)
05/12/2021	<u>30</u>	SUPERSEDING INDICTMENT as to GARRET MILLER (1) count(s) 1s-2s, 3s, 4s, 5s-6s, 7s, 8s, 9s, 10s, 11s, 12s. (zstd) (Entered: 05/14/2021)
05/26/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference/Arraignment as to GARRET MILLER (1): Counts 1s-2s,3s,4s,5s-6s,7s,8s,9s,10s,11s,12s held on 5/26/2021. Not Guilty Plea as to all counts. Speedy Trial as to GARRET MILLER (1) is Excluded from 5/26/2021 to 6/9/2021, in the Interest of Justice, XT. Status Conference set for 6/9/2021 at 04:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Nancy Meyer; Defense Attorney: Clinton Broden; US Attorney: Elizabeth Kelley. (zcal) (Entered: 05/26/2021)
06/09/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to GARRET MILLER held on 6/9/2021. Speedy Trial as to GARRET MILLER is Excluded from 6/9/2021 to 6/29/2021, in the Interest of Justice, XT. Status Conference set for 6/29/2021 at 10:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Bryan Wayne; Defense Attorney: Clinton Broden and Camille Wagner; US Attorney: Elizabeth Kelley. (zcal) (Entered: 06/09/2021)
06/24/2021	<u>32</u>	MOTION for Discovery and for an Evidentiary Hearing in Support of Defendant's Claim of Selective Prosecution as It Relates to Counts One, Two and Four of the Superseding Indictment by GARRET MILLER. (Attachments: # <u>1</u> Attachments 1-31)(Broden, Clinton) (Entered: 06/24/2021)
06/24/2021	33	MOTION for an Evidentiary Hearing by GARRET MILLER. (See docket entry <u>32</u> to view document). (zstd) (Entered: 06/25/2021)
06/28/2021	<u>34</u>	MOTION to Dismiss Count Three of the Superseding Indictment for Failure to State an Offense and Memorandum of Law in Support Thereof by GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Broden, Clinton)

		(Entered: 06/28/2021)
06/29/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to GARRET MILLER held on 6/29/2021. Government Response to Motion <u>34</u> due by 7/12/2021. Defense Reply due by 7/19/2021. Government Response Motion <u>32</u> / 33 due by 7/22/2021. Defense Reply due upon notification to the Court. Speedy Trial as to GARRET MILLER is Excluded from 6/29/2021 to after motions have been briefed. Status Conference set for 8/30/2021 at 10:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Clinton Broden and Camille Wagner; US Attorney: Elizabeth Kelley. (zcal) (Entered: 06/29/2021)
07/09/2021	<u>35</u>	Memorandum in Opposition by USA as to GARRET MILLER re <u>34</u> MOTION to Dismiss Count <i>Three of the Superseding Indictment for Failure to State an Offense and Memorandum of Law in Support Thereof</i> (Kelley, Elizabeth) (Entered: 07/09/2021)
07/12/2021	<u>36</u>	NOTICE OF ATTORNEY APPEARANCE Amanda Jawad appearing for USA. (Jawad, Amanda) (Entered: 07/12/2021)
07/14/2021	<u>37</u>	NOTICE of Memorandum Regarding Status of Discovery by USA as to GARRET MILLER (Jawad, Amanda) (Entered: 07/14/2021)
07/16/2021	<u>38</u>	REPLY by GARRET MILLER re <u>35</u> Memorandum in Opposition (Broden, Clinton) (Entered: 07/16/2021)
07/22/2021	<u>39</u>	Memorandum in Opposition by USA as to GARRET MILLER re <u>32</u> MOTION for Discovery and for an Evidentiary Hearing in Support of Defendant's Claim of Selective Prosecution as It Relates to Counts One, Two and Four of the Superseding Indictment (Kelley, Elizabeth) (Entered: 07/22/2021)
08/04/2021	<u>40</u>	NOTICE of Filing Discovery Letter by USA as to GARRET MILLER (Attachments: # <u>1</u> Discovery Letter)(Kelley, Elizabeth) (Entered: 08/04/2021)
08/06/2021	<u>41</u>	Unopposed MOTION to Exclude Time under the Speedy Trial Act by USA as to GARRET MILLER. (Kelley, Elizabeth) (Entered: 08/06/2021)
08/09/2021	<u>42</u>	NOTICE of Filing Discovery Letter by USA as to GARRET MILLER (Attachments: # <u>1</u> Discovery Letter)(Kelley, Elizabeth) (Entered: 08/09/2021)
08/10/2021		MINUTE ORDER. Upon review of Defendant's <u>32</u> <u>33</u> <u>34</u> pretrial motions, the Parties are hereby ORDERED to appear via teleconference for an oral argument on the Motions at 2 pm ET on August 24, 2021 . It is further ORDERED that the government's <u>41</u> Unopposed Motion to Exclude Time is hereby GRANTED, as Defendant's substantive pretrial motions have tolled the Speedy Trial Act as a matter of law. See 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Carl J. Nichols on August 10, 2021. (lccjn3) (Entered: 08/10/2021)
08/11/2021	<u>43</u>	Consent MOTION to Continue <i>Oral Argument</i> by USA as to GARRET MILLER. (Kelley, Elizabeth) (Entered: 08/11/2021)
08/12/2021		MINUTE ORDER. Upon review of the Parties' <u>43</u> Consent Motion to Continue Oral Argument, it is hereby ORDERED that the Motion is GRANTED. Accordingly, the oral argument on Defendant's pretrial <u>32</u> <u>33</u> <u>34</u> motions is continued until September 16, 2021 , at 11:00 am ET , and the status hearing

		scheduled for August 30, 2021, is VACATED. It is further ORDERED that the time between June 24, 2021, (the date Defendant filed his first pretrial <u>32</u> motion) and September 16, 2021, is excluded from calculations under the Speedy Trial Act. <i>See</i> 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Carl J. Nichols on August 12, 2021. (lccjn3) (Entered: 08/12/2021)
08/20/2021	<u>44</u>	NOTICE OF ATTORNEY APPEARANCE David Lieberman appearing for USA. (Lieberman, David) (Entered: 08/20/2021)
09/03/2021	<u>45</u>	NOTICE OF ATTORNEY APPEARANCE James Pearce appearing for USA. (Pearce, James) (Entered: 09/03/2021)
09/09/2021	<u>46</u>	ENTERED IN ERROR.....Unopposed MOTION to Continue <i>Evidentiary Hearing</i> by GARRET MILLER. (Broden, Clinton) Modified on 9/10/2021 (zstd). (Entered: 09/09/2021)
09/09/2021	<u>47</u>	SUPPLEMENT by GARRET MILLER re <u>34</u> MOTION to Dismiss Count <i>Three of the Superseding Indictment for Failure to State an Offense and Memorandum of Law in Support Thereof</i> (Broden, Clinton) (Entered: 09/09/2021)
09/09/2021	<u>48</u>	Amended Unopposed MOTION to Continue <i>Evidentiary Hearing</i> by GARRET MILLER. (Broden, Clinton) Modified text on 9/10/2021 (zstd). (Entered: 09/09/2021)
09/09/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to GARRET MILLER re <u>46</u> Unopposed MOTION to Continue <i>Evidentiary Hearing</i> was entered in error and counsel refiled said pleading. The correct document is filed at DE # 48. (zstd) (Entered: 09/10/2021)
09/10/2021	<u>49</u>	NOTICE of <i>Filing Discovery Letter</i> by USA as to GARRET MILLER (Attachments: # <u>1</u> Discovery Letter)(Kelley, Elizabeth) (Entered: 09/10/2021)
09/13/2021	<u>50</u>	NOTICE of <i>Filing Discovery Letter</i> by USA as to GARRET MILLER (Attachments: # <u>1</u> Discovery Letter)(Kelley, Elizabeth) (Entered: 09/13/2021)
09/13/2021		MINUTE ORDER. Upon consideration of Defendant's <u>48</u> Unopposed Motion to Continue Evidentiary Hearing, it is hereby ORDERED that the Motion is GRANTED. The oral argument on Defendant's pretrial <u>32</u> <u>33</u> <u>34</u> motions is continued until November 10, 2021, at 10:00 am ET. The status hearing scheduled for September 16, 2021, is VACATED. It is further ORDERED that the time between September 16, 2021 and November 10, 2021, is excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Carl J. Nichols on September 13, 2021. (lccjn3) (Entered: 09/13/2021)
09/27/2021	<u>51</u>	NOTICE of <i>Filing Discovery Letter</i> by USA as to GARRET MILLER (Attachments: # <u>1</u> Discovery Letter)(Kelley, Elizabeth) (Entered: 09/27/2021)
10/25/2021	<u>52</u>	NOTICE of <i>Status of Discovery as of October 21, 2021</i> by USA as to GARRET MILLER (Kelley, Elizabeth) (Entered: 10/25/2021)
10/25/2021	<u>53</u>	NOTICE of <i>Filing</i> by USA as to GARRET MILLER (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1A, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Kelley, Elizabeth) Modified text on 10/26/2021 (zstd). (Entered: 10/25/2021)

10/26/2021	<u>55</u>	MOTION to Determine Whether to Seal Defendant's Motion to Reopen Detention Hearing by GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Broden, Clinton) (Entered: 10/26/2021)
10/27/2021		MINUTE ORDER as to GARRET MILLER. Upon review of Defendant's <u>54</u> Sealed Motion to Reopen Detention Hearing, it is hereby ORDERED that the Government shall file any response by November 5, 2021. The Government should also address if the Motion should remain sealed. Defendant's reply, if any, is due November 10, 2021. Argument will be conducted on November 12, 2021, at 10:00 am. The argument will be conducted telephonically unless any party files a request for in-person or video argument by November 5. Signed by Judge Carl J. Nichols on October 27, 2021. (lccjn3) (Entered: 10/27/2021)
10/27/2021		Set/Reset Deadlines/Hearings as to GARRET MILLER: Response due by 11/5/2021. Reply due by 11/10/2021. Motion Hearing RESET for 11/12/2021 at 10:00 AM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 10/28/2021)
10/28/2021		Set/Reset Hearings as to GARRET MILLER: Motion Hearing RESET for 11/22/2021 at 12:30 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 10/28/2021)
11/05/2021	<u>57</u>	Unopposed MOTION to Exclude <i>Time under the Speedy Trial Act</i> by USA as to GARRET MILLER. (Kelley, Elizabeth) (Entered: 11/05/2021)
11/09/2021		MINUTE ORDER. Upon consideration of the United States' <u>57</u> Unopposed Motion to Exclude Time Under the Speedy Trial Act, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that the time between November 10, 2021 and November 22, 2021, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Carl J. Nichols on November 9, 2021. (lccjn3) (Entered: 11/09/2021)
11/10/2021	<u>61</u>	SECOND SUPERSEDING INDICTMENT as to GARRET MILLER (1) count(s) 1ss-2ss, 3ss, 4ss, 5ss-6ss, 7ss, 8ss, 9ss, 10ss, 11ss, 12ss. (bb) (Entered: 11/17/2021)
11/15/2021	<u>59</u>	SECOND SUPPLEMENT by GARRET MILLER re <u>34</u> MOTION to Dismiss Count <i>Three of the Superseding Indictment for Failure to State an Offense and Memorandum of Law in Support Thereof</i> (Attachments: # <u>1</u> Attachment A)(Broden, Clinton) Modified text on 11/15/2021 (zstd). (Entered: 11/15/2021)
11/15/2021	<u>60</u>	MOTION for Leave to File <i>Supplemental Authority</i> by USA as to GARRET MILLER. (Attachments: # <u>1</u> Proposed Supplemental Authority)(Jawad, Amanda) (Entered: 11/15/2021)
11/17/2021	<u>63</u>	MOTION for Leave to File <i>Supplemental Brief in Response to Defendant's Second Supplement to Motion to Dismiss Count Three</i> by USA as to GARRET MILLER. (Attachments: # <u>1</u> Exhibit A)(Jawad, Amanda) (Entered: 11/17/2021)
11/22/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Motion Hearing/Arraignment as to GARRET MILLER (1): Counts 1ss-2ss,3ss,4ss,5ss-6ss,7ss,8ss,9ss,10ss,11ss, and 12ss held on 11/22/2021. NOT GUILTY Plea as to all counts. Motions 32-34, 54-55; taken under advisement. Speedy Trial as to GARRET MILLER is Excluded from 11/22/2021 to 12/21/2021, in the Interest of Justice, XT. status Conference set

		for 12/21/2021 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Clinton Broden and Camille Wagner; US Attorney: Elizabeth Kelley, Amanda Jawad, David Lieberman, and James Pearce. (zcal) (Entered: 11/22/2021)
11/30/2021	<u>64</u>	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to GARRET MILLER (Kelley, Elizabeth) (Entered: 11/30/2021)
12/17/2021	<u>66</u>	NOTICE OF ATTORNEY APPEARANCE Benjamin Edward Kringer appearing for USA. (Kringer, Benjamin) (Entered: 12/17/2021)
12/21/2021	<u>67</u>	ORDER as to <u>32</u> Motion for Discovery and for an Evidentiary Hearing. Signed by Judge Carl J. Nichols on December 21, 2021. (lccjn3) (Entered: 12/21/2021)
12/21/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to GARRET MILLER held on 12/21/2021. Speedy Trial as to GARRET MILLER is Excluded from 12/21/2021 to 1/27/2022, in the Interest of Justice, XT. Status Conference set for 1/27/2022 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Clinton Broden and Camille Wagner; US Attorney: Amanda Jawad and Ben Kringer. (zcal) (Entered: 12/21/2021)
12/22/2021	<u>68</u>	REDACTED ORDER. Signed by Judge Carl J. Nichols on December 22, 2021. (lccjn3) Modified on 12/22/2021 to correct order title (zcal). (Entered: 12/22/2021)
12/30/2021	<u>69</u>	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to GARRET MILLER (Lieberman, David) (Entered: 12/30/2021)
01/26/2022	<u>70</u>	NOTICE of Memorandum Regarding Status of Discovery by USA as to GARRET MILLER (Jawad, Amanda) (Entered: 01/26/2022)
01/27/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to GARRET MILLER held on 1/27/2022. Speedy Trial as to GARRET MILLER is Excluded from 1/27/2022 to 3/8/2022, in the Interest of Justice, XT. Status Conference set for 3/8/2022 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Clinton Broden; US Attorney: Amanda Jawad and Ben Kringer. (zcal) (Entered: 01/27/2022)
02/15/2022	<u>71</u>	NOTICE of Memorandum Regarding Status of Discovery by USA as to GARRET MILLER (Kringer, Benjamin) (Entered: 02/15/2022)
03/07/2022	<u>72</u>	MEMORANDUM OPINION as to <u>34</u> Motion to Dismiss Count Three. Signed by Judge Carl J. Nichols on March 7, 2022. (lccjn3) Modified on 3/15/2022 to correct document type (zcal). (Entered: 03/07/2022)
03/07/2022	<u>73</u>	ORDER as to <u>34</u> Motion to Dismiss Count Three and <u>63</u> Motion for Leave to File a Supplemental Brief. Signed by Judge Carl J. Nichols on March 7, 2022. (lccjn3) (Entered: 03/07/2022)
03/07/2022	<u>74</u>	Supplemental Brief by USA as to GARRET MILLER re <u>59</u> Second Supplement (zstd) (Entered: 03/10/2022)

03/08/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to GARRET MILLER held on 3/8/2022. Speedy Trial as to GARRET MILLER is Excluded from 3/8/2022 to 10/11/2022, in the Interest of Justice, XT. Proposed Pretrial Order due by 4/7/2022. Jury Selection / Jury Trial set for 10/11/2022 at 09:00 AM in Courtroom 19– In Person before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains Committed; Court Reporter: Lorraine Herman; Defense Attorney: Clinton Broden; US Attorney: Benjamin Kringer. (zcal) (Entered: 03/08/2022)
04/01/2022	<u>75</u>	MOTION for Reconsideration re <u>73</u> Order, <u>72</u> Order by USA as to GARRET MILLER. (Attachments: # <u>1</u> Exhibit Ex. A (Reffitt trial transcript), # <u>2</u> Exhibit Ex. B (Reffitt trial transcript), # <u>3</u> Exhibit Ex. C (Miller hearing transcript))(Pearce, James) (Entered: 04/01/2022)
04/07/2022	<u>76</u>	Consent MOTION for Order Governing Pretrial Deadlines by USA as to GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Jawad, Amanda) (Entered: 04/07/2022)
04/11/2022	<u>77</u>	MOTION for Extension of Time to File Response/Reply as to <u>75</u> MOTION for Reconsideration re <u>73</u> Order, <u>72</u> Order by GARRET MILLER. (Broden, Clinton) (Entered: 04/11/2022)
04/14/2022		MINUTE ORDER as to GARRET MILLER. Upon consideration of MILLER's <u>77</u> Motion to Extend Time, it is hereby ORDERED that the Motion is GRANTED. The United States has not opposed MILLER's request for an extension. It is thus ORDERED that MILLER shall file a Response to the United States' <u>75</u> Motion no later than April 28, 2022. Signed by Judge Carl J. Nichols on April 14, 2022. (lccjn3) (Entered: 04/14/2022)
04/14/2022		Set/Reset Deadlines as to GARRET MILLER: Response due by 4/28/2022 (zcal) (Entered: 04/15/2022)
04/21/2022	<u>78</u>	SCHEDULING ORDER. Signed by Judge Carl J. Nichols on April 21, 2022. (lccjn3) (Entered: 04/21/2022)
04/21/2022		Set/Reset Deadlines/Hearings as to GARRET MILLER: Exhibit List due by 9/15/2022. Motions due by 8/12/2022. Proposed Voir Dire due by 9/15/2022. Proposed Jury Instructions due by 9/15/2022. Pretrial Statement due by 9/15/2022. Responses due by 8/26/2022 Replies due by 9/2/2022. Witness List due by 9/15/2022. Pretrial Conference set for 9/9/2022 at 10:00 AM in Courtroom 19– In Person before Judge Carl J. Nichols. Pretrial Conference set for 9/29/2022 at 10:00 AM in Courtroom 19– In Person before Judge Carl J. Nichols. (zcal) (Entered: 04/21/2022)
04/28/2022	<u>79</u>	NOTICE OF ATTORNEY APPEARANCE Stephen James Rancourt appearing for USA. (Rancourt, Stephen) (Entered: 04/28/2022)
04/28/2022	<u>80</u>	RESPONSE by GARRET MILLER re <u>75</u> MOTION for Reconsideration re <u>73</u> Order, <u>72</u> Order (Broden, Clinton) (Entered: 04/28/2022)
05/02/2022	<u>81</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>75</u> MOTION for Reconsideration re <u>73</u> Order, <u>72</u> Order <i>Dismissing Count Three of the Indictment</i> by USA as to GARRET MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Rancourt, Stephen) (Entered: 05/02/2022)
05/02/2022	<u>82</u>	

		MOTION for Leave to File <i>Supplemental Authority to its Motion For Reconsideration of the Court's Ruling Dismissing Count Three of the Indictment</i> by USA as to GARRET MILLER. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Rancourt, Stephen) (Entered: 05/02/2022)
05/03/2022		MINUTE ORDER as to GARRET MILLER. Upon consideration of the United States' <u>81</u> Unopposed Motion for Extension of Time, it is hereby ORDERED that the Motion is GRANTED. The United States shall file its reply in support of its Motion for Reconsideration on or before May 12, 2022. Signed by Judge Carl J. Nichols on May 3, 2022. (lccjn3) (Entered: 05/03/2022)
05/03/2022		Set/Reset Deadlines as to GARRET MILLER: Reply due by 5/12/2022. (zcal) (Entered: 05/04/2022)
05/04/2022	<u>83</u>	MOTION for Leave to File <i>Supplemental Authority to its Motion for reconsideration of the Court's Ruling Dismissing Count Three of the Indictment</i> by USA as to GARRET MILLER. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Rancourt, Stephen) (Entered: 05/04/2022)
05/12/2022	<u>84</u>	REPLY TO OPPOSITION to Motion by USA as to GARRET MILLER re <u>75</u> MOTION for Reconsideration re <u>73</u> Order, <u>72</u> Order (Attachments: # <u>1</u> Exhibit D (Hale-Cusanelli MTD hrg. transcript))(Pearce, James) (Entered: 05/12/2022)
05/25/2022	<u>85</u>	MOTION for Leave to File <i>Supplemental Authority</i> by USA as to GARRET MILLER. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Rancourt, Stephen) (Entered: 05/25/2022)
05/27/2022	<u>86</u>	MEMORANDUM OPINION. Signed by Judge Carl J. Nichols on May 27, 2022. (lccjn3) (Entered: 05/27/2022)
05/27/2022	<u>87</u>	ORDER. Signed by Judge Carl J. Nichols on May 27, 2022. (lccjn3) (Entered: 05/27/2022)
06/22/2022	<u>88</u>	NOTICE OF APPEAL (Interlocutory) by USA as to GARRET MILLER re <u>73</u> Order. Fee Status: No Fee Paid. Parties have been notified. (Danello, Elizabeth) (Entered: 06/22/2022)
06/22/2022	<u>89</u>	NOTICE OF ATTORNEY APPEARANCE Elizabeth Harper Danello appearing for USA. (Danello, Elizabeth) (Entered: 06/22/2022)
06/22/2022	<u>90</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the appeal was filed by the government as to GARRET MILLER re <u>88</u> Notice of Appeal – Interlocutory. (zstd) (Entered: 06/22/2022)