

Date↓↑	Description	#
02/13/2021	COMPLAINT as to CLAYTON RAY MULLINS (1). [1:21-mj-00233-RMM]	1
	<a href="#">1 Attachment</a> ▼	
01/14/2021	Arrest of PETER FRANCIS STAGER in Arkansas. (Text entry; no document attached.)	3
02/13/2021	MOTION to Seal Case by USA as to CLAYTON RAY MULLINS. [1:21-mj-00233-RMM]	3
	<a href="#">1 Attachment</a> ▼	
02/13/2021	ORDER granting 3 Motion to Seal Case as to CLAYTON RAY MULLINS (1). Signed by Magistrate Judge Robin M. Meriweather on 02/13/2021. (zstd) [1:21-mj-00233-RMM]	4
02/17/2021	MINUTE ORDER granting 13 Motion to Unseal Case as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR.(03).Signed by Judge Emmet G. Sullivan on 2/17/21. (zmac) (Text entry; no document attached.)	4
02/17/2021	Case unsealed as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR (Text entry; no document attached.)	4
02/26/2021	NOTICE OF ATTORNEY APPEARANCE: Pat Munroe Woodward, Jr appearing for CLAYTON RAY MULLINS [1:21-mj-00233-RMM]	5
	<a href="#">1 Attachment</a> ▼	
03/01/2021	Emergency MOTION to Stay and for Review and Appeal of Release Order by USA as to CLAYTON RAY MULLINS. [1:21-mj-00233-RMM]	6
01/27/2021	Case unsealed as to JEFFREY P. SABOL (zltf) [1:21-mj-00077-RMM] (Text entry; no document attached.)	6
03/01/2021	MOTION to Transport by USA as to CLAYTON RAY MULLINS. [1:21-mj-00233-RMM]	7
	<a href="#">1 Attachment</a> ▼	
03/01/2021	RESPONSE by CLAYTON RAY MULLINS re 7 MOTION to Transport, 6 Emergency MOTION to Stay and for Review and Appeal of Release Order [1:21-mj-00233-RMM]	8
03/01/2021	ORDER, as to CLAYTON RAY MULLINS, GRANTING the government's 6 Motion for Emergency Stay. Signed by Chief Judge Beryl A. Howell on March 1, 2021. (lcbah3) [1:21-mj-00233-RMM]	9
03/01/2021	MINUTE ORDER (paperless), as to CLAYTON RAY MULLINS, DENYING the government's 7 Motion for Transport Order. The parties are DIRECTED to appear for a hearing on the government's 6 Motion for Review and Appeal of Release Order on March 2, 2021 at 1:00 p.m. before Chief Judge Beryl A. Howell via videoconference. Video connection details will be provided by the deputy clerk. Signed by Chief Judge Beryl A. Howell on March 1, 2021. (lcbah3) [1:21-mj-00233-RMM] (Text entry; no document attached.)	9
03/01/2021	Set/Reset Hearings as to CLAYTON RAY MULLINS: Motion and Appeal Hearing scheduled for 3/2/2021, at 1:00 PM before Chief Judge Beryl A. Howell. (ztg) [1:21-mj-00233-RMM] (Text entry; no document attached.)	9
03/02/2021	SUPPLEMENTAL MEMORANDUM in Support of Pretrial Detention by USA as to CLAYTON RAY MULLINS Modified event title on 3/9/2021 (znmw). [1:21-mj-00233-RMM]	10
	<a href="#">1 Attachment</a> ▼	

03/02/2021	Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to CLAYTON RAY MULLINS held via videoconference on 3/2/2021. The Defendant agreed to participate via videoconference after consultation with counsel. Government's motion for Review and Appeal of Release Order, heard and DENIED. Magistrate's Release Order AFFIRMED. Defendant released on personal recognizance bond with a condition of home detention, he will be supervised by Western District of Kentucky/Paducah. The \$100,000.00 bond imposed by the Court in Kentucky will not be imposed by this Court. Bond Status of Defendant: personal recognizance with home detention condition/release issued. Present via videoconference: Defense Attorney: Pat M. Woodward Jr.; US Attorney: Colleen D. Kukowski; Pretrial Officer: Andre Sidbury. Court Reporter: Elizabeth Saint-Loth. (ztg) Modified on 3/2/2021 (ztg). [1:21-mj-00233-RMM] (Text entry; no document attached.)	11
03/02/2021	ORDER Setting Conditions of Release with Global Positioning System Monitoring. Signed by Chief Judge Beryl A. Howell on 3/2/2021. [1:21-mj-00233-RMM]	1 Attachment ▼
03/01/2021	MOTION to Review and Appeal of Release Order by USA as to CLAYTON RAY MULLINS. (See Docket entry 6 to view document). (zstd) [1:21-mj-00233-RMM]	12
02/03/2021	Case unsealed as to MICHAEL JOHN LOPATIC, SR (Text entry; no document attached.)	13
02/23/2021	Arrest Warrant Returned Executed on 02/23/2021 in Mayfield, KY as to CLAYTON RAY MULLINS. (zstd) [1:21-mj-00233-RMM]	1 Attachment ▼
02/18/2021	MOTION for Bond by JEFFREY P. SABOL.	14
02/18/2021	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR	1 Attachment ▼
02/19/2021	MINUTE ORDER as to JEFFREY P. SABOL (1) denying 14 Motion for Bond for failure to comply with LCrR 49(f)(6)(i) ("Absent statutory authority, no case or document may be sealed without an order from the Court. A document filed with the intention of it being sealed in an otherwise public case must be filed by electronic means in a manner authorized by the Clerk and shall be accompanied by a motion to seal."). FURTHER, the Court's Courtroom Deputy received an email communication from defense counsel indicating that he would like to submit a video exhibit to Mr. Sabol's Motion for Bond. To the extent Counsel seeks to submit such evidence, Counsel is directed to file a Notice of Filing of the video exhibit and provide copies of the video to opposing counsel and the Court. The Court's copy should be mailed to the courthouse. Signed by Judge Emmet G. Sullivan on 2/19/2021. (lcegs2) (Text entry; no document attached.)	15
02/23/2021	MOTION for Bond by JEFFREY P. SABOL.	2 Attachments ▼
02/23/2021	Case unsealed as to CLAYTON RAY MULLINS (bb) [1:21-mj-00233-RMM] (Text entry; no document attached.)	17
03/08/2021	Unopposed MOTION for Protective Order by USA as to JEFFREY P. SABOL.	19
03/09/2021	Memorandum in Opposition by USA as to JEFFREY P. SABOL re 17 MOTION for Bond	1 Attachment ▼
03/10/2021	NOTICE OF ATTORNEY APPEARANCE: Richard Steven Stern appearing for PETER FRANCIS STAGER	20
03/10/2021		21

MINUTE ORDER as to JEFFREY P. SABOL (1) granting 19 Unopposed Motion for Protective Order. The terms presented in [19-1] the Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 3/10/2021. (lcegs2) (Text entry; no document attached.)

03/10/2021

ORAL MOTION to Appoint Counsel by USA as to PETER FRANCIS STAGER. (Text entry; no document attached.)

03/10/2021

ORAL MOTION for Speedy Trial by USA as to PETER FRANCIS STAGER. (Text entry; no document attached.)

03/10/2021

Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to PETER FRANCIS STAGER held on 3/10/2021. Defendant present by telephone. Oral Motion to Appoint Counsel by PETER FRANCIS STAGER (2); heard and granted; for the purpose of this hearing. Defendant seeking to retain counsel. Oral Motion by the Government for Speedy Trial as to PETER FRANCIS STAGER (2); heard and granted. Speedy Trial Excluded from 3/10/2021 to 3/24/2021 in the Interest of Justice (XT). Arraignment/Status Hearing set for 3/24/2021 at 2:00 PM by Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: Defendant Remain Committed; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [12:00:35-12:06:35]; Defense Attorney: Richard Stern; US Attorney: Jacob Steiner for Colleen Kukowski; Pretrial Officer: John Copes. (Text entry; no document attached.)

22

03/12/2021

NOTICE OF ATTORNEY APPEARANCE: David Barry Benowitz appearing for PETER FRANCIS STAGER

23

03/12/2021

Superseding Indictment filed by USA as to JEFFREY P. SABOL (1) count(s) 2s, 5s, 7s-8s, 10s, 11s, 12s, 16s, PETER FRANCIS STAGER (2) count(s) 1s, 2s, 8s, 10s, 11s, 12s, 16s, MICHAEL JOHN LOPATIC, SR (3) count(s) 6s, 8s-9s, 13s, 14s, 15s, 16s, CLAYTON RAY MULLINS (4) count(s) 3, 4, 7-8, 13, 14, 15, 16, JACK WADE WHITTON (5) count(s) 2, 5, 7-8, 10, 11, 12, 16.(zstd) Modified counts on 4/5/2021 (zstd). Modified Text on 5/5/2021 (zhsj).

03/12/2021

Counts added: JACK WADE WHITTON (5) count(s) 2, 5, 7-8, 10, 11, 12, 16 (zstd) (Text entry; no document attached.)

03/12/2021

Counts added: CLAYTON RAY MULLINS (4) count(s) 3, 4, 7-8, 10, 13, 14, 15, 16 (zstd) (Text entry; no document attached.)

03/12/2021

Counts added: MICHAEL JOHN LOPATIC, SR (3) count(s) 6s, 8s-9s, 13s, 14s, 15s, 16s (zstd) (Text entry; no document attached.)

03/12/2021

Counts added: PETER FRANCIS STAGER (2) count(s) 1s, 2s, 8s, 10s, 11s, 12s, 16s (zstd) (Text entry; no document attached.)

03/12/2021

Counts added: JEFFREY P. SABOL (1) count(s) 2s, 5s, 7s-8s, 10s, 11s, 12s, 16s (zstd) (Text entry; no document attached.)

03/16/2021

MINUTE ORDER as to JEFFREY P. SABOL (01). In view of 17 defendants Motion for Bond, the Court hereby schedules a hearing on the motion for March 23, 2021 at 10:30 AM via VIDEO TELECONFERENCE. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 03/16/21. (zmac) (Text entry; no document attached.)

27

03/23/2021

NOTICE OF ATTORNEY APPEARANCE: Rammy George Barbari appearing for PETER FRANCIS STAGER

03/23/2021

MINUTE ORDER as to JEFFREY SABOL (01). Due to unforeseen circumstances, it is necessary to continue the motion hearing currently scheduled for March 23, 2021 at 1:00 PM. The parties are directed to confer and file a joint status report by no later than March 24, 2021 at noon recommending three proposed dates and times for the motion hearing. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on 03/23/21. (Text entry; no document attached.)

28

03/23/2021

Joint STATUS REPORT by JEFFREY P. SABOL

03/24/2021

MINUTE ORDER as to JEFFREY P. SABOL (01). In view of 28 Joint Status Report, the hearing on 17 Mr. Sabols Motion for Bond shall now take place on April 8, 2021 at 11:00 AM via video teleconference. The parties shall contact

Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 03/24/21. (Text entry; no document attached.)

03/24/2021

Minute Entry for proceedings held via VTYC before Judge Emmet G. Sullivan: Arraignment/Status Conference held on 3/24/2021 as to PETER FRANCIS STAGER (2). Plea Of NOT GUILTY Entered as to Count 1,2,6,8,9,10,14. Status Conference set for 5/5/2021 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Speedy Trial Tolloed 3/24/21 - 5/05/21 In The Interest Of Justice (XT). Bond Status of Defendant: APPEARED VIA VTC; REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: DAVID BENOWITZ/RAMMY BARBERI; US Attorney: COLLEEN KUKOWSKI; (Text entry; no document attached.)

03/24/2021

Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference as to CLAYTON RAY MULLINS (04) held on 3/24/2021. Status Conference set for 5/5/2021 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Speedy Trial Tolloed 3/24/21 - 5/5/21 In The Interest Of Justice (XT) Bond Status of Defendant: APPEARED VIA VTC; REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: PAT WOODWARD; US Attorney: COLLEEN KUKOWSKI; (Text entry; no document attached.)

01/19/2021

Arrest Warrant Returned Executed on 1/19/2021 as to PETER FRANCIS STAGER. (ztl) (zstd).

03/29/2021

NOTICE OF ATTORNEY APPEARANCE: Dennis E. Boyle appearing for MICHAEL JOHN LOPATIC, SR (Main Document 30 replaced on 4/6/2021) (zstd).

03/29/2021

NOTICE OF ATTORNEY APPEARANCE: Blerina Jasari appearing for MICHAEL JOHN LOPATIC, SR (Main Document 31 replaced on 4/6/2021) (zstd).

03/29/2021

MINUTE ORDER as to MICHAEL JOHN LOPATIC, SR (03). The Court hereby schedules a status conference for April 15, 2021 at 4:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 03/29/21. (Text entry; no document attached.)

03/29/2021

ORAL MOTION to Appoint Counsel by MICHAEL JOHN LOPATIC, SR. (Text entry; no document attached.)

03/29/2021

ORAL MOTION for Speedy Trial by USA as to MICHAEL JOHN LOPATIC, SR. (Text entry; no document attached.)

03/29/2021

Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance as to MICHAEL JOHN LOPATIC, SR (03) held on 3/29/2021. Defendant present by video. Due process order given to the Government. Oral Motion to Appoint Counsel by MICHAEL JOHN LOPATIC SR. (3); heard and granted. Oral Motion by the Government for Speedy Trial as to MICHAEL JOHN LOPATIC SR. (3); heard and granted. Defense did not object. Arraignment/Status Hearing set for 4/15/2021 at 4:00 PM by Telephonic/VTC before Judge Emmet G. Sullivan. Detention Hearing set for 4/5/2021 at 4:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: Nancy Meyer; Defense Attorney: Liz Mulin; US Attorney: Jacob Steiner for Colleen Kukowski; Pretrial Officer: Andre Sidbury. (Text entry; no document attached.)

03/16/2021

Rule 5(c)(3) Documents Received as to CLAYTON RAY MULLINS from US District Court Western District of Kentucky Paducah Division Case Number 5:21-mj-15-LLK

03/19/2021

MINUTE ORDER as to JEFFREY P. SABOL (01). it is necessary to reschedule the hearing currently scheduled for March 23, 2021 at 10:30 AM. The hearing shall now take place on March 23, 2021 at 4:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 03/19/21. (zmac) (Text entry; no document attached.)

03/22/2021

MINUTE ORDER as to PETER FRANCIS STAGER (2) and CLAYTON RAY MULLINS (4). The Court hereby schedules an initial status conference for March 24, 2021 at 2:00 PM via VIDEO TELECONFERENCE. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 3/22/21. (Text entry; no document attached.)

03/22/2021

MINUTE ORDER as to JEFFREY SABOL (01). It is necessary to reschedule the hearing currently scheduled for March 23, 2021 at 4:00 PM. The hearing shall now take place on March 23, 2021 at 1:00 PM via video

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teleconference. The parties shall contact Mr. Mark Coates, the Courtroom deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 03/22/21. (Text entry; no document attached.)	<b>33</b>
04/01/2021 Arrest Warrant Returned Executed on 4/1/2021 in Locust Grove, GA as to JACK WADE WHITTON.	
04/01/2021 Case unsealed as to JACK WADE WHITTON (Text entry; no document attached.)	
04/01/2021 Arrest of JACK WADE WHITTON in US District Court for the Northern District of Georgia Atlanta Division. (Text entry; no document attached.)	<b>34</b>
04/02/2021 MOTION for Pretrial Detention by USA as to MICHAEL JOHN LOPATIC, SR Modified Text and Event on 4/5/2021 to Reflect Document as a "Motion" (zhsj).	<b>35</b>
04/05/2021 Emergency MOTION to Stay and for Review and Revocation of Release Order by USA as to JACK WADE WHITTON.	<b>1 Attachment ▼</b>
04/05/2021 RESPONSE by MICHAEL JOHN LOPATIC, SR re 34 MOTION FOR PRETRIAL DETENTION	<b>36</b>
04/05/2021 ORAL MOTION for Release from Custody by MICHAEL JOHN LOPATIC, SR (3). (Text entry; no document attached.)	
04/05/2021 Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Detention Hearing as to MICHAEL JOHN LOPATIC, SR (3) held on 4/5/2021. Matter was held but did not conclude. Continued Detention Hearing set for 4/6/2021 at 03:30 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold FTR Time Frame: CTRM 6 [4:14:56-5:12:20]; Defense Attorney: Dennis Boyle and Blerina Jasari; US Attorney: Colleen Kukowski; Pretrial Officer: Andre Sidbury; (Text entry; no document attached.)	<b>37</b>
04/05/2021 ORDER granting 35 Motion to Stay as to JACK WADE WHITTON (5). Signed by Judge Emmet G. Sullivan on 4/5/2021. (lcegs1)	
04/05/2021 MINUTE ORDER as to JACK WADE WHITTON (05). In view of 35 the government's Emergency Motion to Stay and for Review and Revocation of Release Order, the parties shall adhere to the following schedule: Defendant shall file his response to the emergency motion by no later than April 8, 2021; and the government shall file any reply by no later than April 10, 2021. Signed by Judge Emmet G. Sullivan on 4/5/2021. (lcegs2) (Text entry; no document attached.)	<b>38</b>
04/05/2021 Rule 5(c)(3) Documents Received as to JACK WADE WHITTON from US District Court for the Northern District of Georgia Atlanta Division Case Number 1:21-mj-348	<b>39</b>
04/05/2021 MOTION to Review by USA as to JACK WADE WHITTON. (See docket entry 35 to view document). (zstd)	
04/06/2021 MINUTE ORDER as to MICHAEL JOHN LOPATIC, SR (3). On April 2, 2021, the government filed a motion in U.S. v. Lopatic (1:21-cr-00035-EGS-3) that Defendant be detained pending trial, "because there are no conditions or combination of conditions which will reasonably. ensure the safety of any other person and the community." However, during Defendant's detention hearing in Lopatic, begun on April 5, 2021 and continued until today at 3:30 p.m., government counsel asserted that the government was not contending that an assault in violation of 18 U.S.C. § 111(a)(1) constituted a crime of violence under the Bail Reform Act, 18 U.S.C. § 3156(a)(4), nor was it requesting that Defendant be held based on his potential dangerousness. Instead, counsel for the government noted that the government sought Defendant's detention only on the grounds that there is a "serious risk" that Defendant "will flee" or "attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." See 18 U.S.C. § 3142(f)(2)(A), (B). Further, at a March 2, 2021 detention hearing before Chief Judge Howell in U.S. v. Clayton Ray Mullins (1:21-mj-233), counsel for the government suggested that the Department of Justice may not be taking the position that a violation of 18 U.S.C. § 111(a)(1) constituted a crime of	

violence under section 3156(a)(4) of the Bail Reform Act. As this position appears contrary to the position taken by the government in its detention memorandum filed in a different, substantially similar matter scheduled for a detention hearing before this Court today at 2:00 p.m., see U.S. v. Fitzsimons (1:21-cr-00158-KBJ, ECF No. 7), it is hereby ORDERED that the government file a written supplement to its detention motion in both cases by 1:00 p.m. today, April 6, 2021, addressing this apparent discrepancy and clarifying the legal basis under the Bail Reform Act on which the government relies for its detention request in both matters. To the extent the government is asserting that a violation of 18 U.S.C. § 111(a)(1) does constitute a crime of violence in these matters under section 3156(a)(4) of the Bail Reform Act, the government should provide legal authority for that proposition and address the Supreme Courts decisions in United States v. Davis, \_\_\_ U.S. \_\_\_, 139 S. Ct. 2319 (2019), Mathis v. United States, \_\_\_ U.S. \_\_\_, 136 S. Ct. 2243 (2016), Sessions v. Dimaya, \_\_\_ U.S. \_\_\_, 138 S. Ct. 1204 (2018), and Beckles v. United States, \_\_\_ U.S. \_\_\_, 137 S. Ct. 886 (2017). Signed by Magistrate Judge G. Michael Harvey on 4/6/2021. (Text entry; no document attached.)

04/06/2021

ENTERED IN ERROR.MINUTE ORDER: On April 2, 2021, the government filed a motion in U.S. v. Lopatic (1:21-cr-00035-EGS-3) that Defendant be detained pending trial, "because there are no conditions or combination of conditions which will reasonably ensure the safety of any other person and the community." However, during Defendant's detention hearing in Lopatic, begun on April 5, 2021 and continued until today at 3:30 p.m., government counsel asserted that the government was not contending that an assault in violation of 18 U.S.C. § 111(a)(1) constituted a crime of violence under the Bail Reform Act, 18 U.S.C. § 3156(a)(4), nor was it requesting that Defendant be held based on his potential dangerousness. Instead, counsel for the government noted that the government sought Defendant's detention only on the grounds that there is a "serious risk" that Defendant "will flee" or "attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." See 18 U.S.C. § 3142(f)(2)(A), (B). Further, at a March 2, 2021 detention hearing before Chief Judge Howell in U.S. v. Clayton Ray Mullins (1:21-mj-233), counsel for the government suggested that the Department of Justice may not be taking the position that a violation of 18 U.S.C. § 111(a)(1) constituted a crime of violence under section 3156(a)(4) of the Bail Reform Act. As this position appears contrary to the position taken by the government in its detention memorandum filed in a different, substantially similar matter scheduled for a detention hearing before this Court today at 2:00 p.m., see U.S. v. Fitzsimons (1:21-cr-00158-KBJ, ECF No. 7), it is hereby ORDERED that the government file a written supplement to its detention motion in both cases by 1:00 p.m. today, April 6, 2021, addressing this apparent discrepancy and clarifying the legal basis under the Bail Reform Act on which the government relies for its detention request in both matters. To the extent the government is asserting that a violation of 18 U.S.C. § 111(a)(1) does constitute a crime of violence in these matters under section 3156(a)(4) of the Bail Reform Act, the government should provide legal authority for that proposition and address the Supreme Courts decisions in United States v. Davis, \_\_\_ U.S. \_\_\_, 139 S. Ct. 2319 (2019), Mathis v. United States, \_\_\_ U.S. \_\_\_, 136 S. Ct. 2243 (2016), Sessions v. Dimaya, \_\_\_ U.S. \_\_\_, 138 S. Ct. 1204 (2018), and Beckles v. United States, \_\_\_ U.S. \_\_\_, 137 S. Ct. 886 (2017). Signed by Magistrate Judge G. Michael Harvey on 4/6/2021. (Text entry; no document attached.)

04/06/2021

Set/Reset Hearings as to JACK WADE WHITTON (05):Detention Hearing set for 4/12/2020 at 01:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

04/06/2021

Set/Reset Deadlines as to JACK WADE WHITTON (05):Defendant Response To The Emergency Motion due by 4/8/2021. Government Reply due by 4/10/2021. (Text entry; no document attached.)

40

04/06/2021

MEMORANDUM in Support of Pretrial Detention by USA as to MICHAEL JOHN LOPATIC, SR

04/06/2021

Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Continued Detention Hearing as to MICHAEL JOHN LOPATIC, SR (3) held on 4/6/2021. Court finds that the Defendant has had a Detention Hearing in the arresting jurisdiction where the Defendant was ruled to be held pending trial. If the Defense wishes to appeal the arresting jurisdiction's ruling, they may file an appeal with Chief Judge Beryl A. Howell. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold; FTR Time Frame: CTRM 6 [3:47:38-4:19:44]; Defense Attorney: Dennis Boyle and Blerina Jasari; US Attorney: Colleen Kukowski; Pretrial Officer: Dashanta ValentineLewis; (Text entry; no document attached.)

04/07/2021

MINUTE ORDER as to JACK WADE WHITTON. The Court has been informed that Mr. Whitton, who is currently detained, is in transit to this district, and it is unknown whether he will reach this district by April 12, 2021, the date set for the motion hearing on 35 the government's Emergency Motion for Review and Revocation of Release Order. Accordingly, the Court is inclined to cancel the motion hearing. The parties are directed to file, by no later than 5:00 PM on April 8, 2021, a Joint Status Report with three recommended dates and times for a rescheduled motion hearing. Signed by Judge Emmet G. Sullivan on 4/7/2021. (lcegs2) (Text entry; no document attached.)

41

04/07/2021	MOTION for Leave to Appear Pro Hac Vice Robert Owen Filing fee \$ 100, receipt number ADCDC-8358357. Fee Status: Fee Paid. by JACK WADE WHITTON.	
04/08/2021	Set/Reset Deadlines as to JACK WADE WHITTON (05):Joint Status Report due by no later than 5:00PM on 4/8/2021 (Text entry; no document attached.)	
04/08/2021	MINUTE ORDER as to JACK WADE WHITTON granting 41 Motion for Leave to Appear Pro Hac Vice. Benjamin Black Apler is hereby admitted pro hac vice in this action. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for Instructions.Signed by Judge Emmet G. Sullivan on 4/8/2021. (lcegs2) (Text entry; no document attached.)	42
04/08/2021	Unopposed MOTION TO DELAY DEFENDANTS TRANSPORT TO THE DISTRICT OF COLUMBIA PENDING A RULING ON THE GOVERNMENTS MOTION FOR REVIEW AND REVOCATION OF JUDGE CANONS RELEASE ORDER by JACK WADE WHITTON.	1 Attachment ▼
04/08/2021	ORDER granting 42 Unopposed Motion to Delay Defendant's Transport to the District of Columbia as to JACK WADE WHITTON (5). Signed by Judge Emmet G. Sullivan on 4/8/2021. (lcegs2)	43
04/08/2021	Joint STATUS REPORT by JACK WADE WHITTON	44
04/08/2021	RESPONSE by JACK WADE WHITTON re 35 Emergency MOTION to Stay and for Review and Revocation of Release Order	45
04/08/2021	MINUTE ORDER as to JACK WADE WHITTON. In view of 43 the Court's Order granting the unopposed motion to delay Mr. Whitton's transfer to the District of Columbia, and 44 the parties' joint status report indicating the parties are prepared to proceed with the hearing scheduled for April 12, 2021, the hearing on the government's motion for review and revocation of the magistrate's release order shall take place as currently scheduled, on April 12, 2021 at 1:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 4/8/2021. (lcegs2) (Text entry; no document attached.)	1 Attachment ▼
04/08/2021	Minute Entry for proceedings held via VTC before Judge Emmet G. Sullivan:Bond Hearing as to JEFFREY P. SABOL (01) held on 4/8/2021. The Court Will Keep The Defendant Detained At This Time. Bond Motion Is Currently Tolling Speedy Trial.Government Motion To Exclude Time due by 4/13/2021. Defendant Response due by 4/15/2021. Government Reply due no later than 4:00PM on 4/16/2021. Status Conference set for 5/5/2021 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: APPEARED VIA VTC/REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: JON NORRIS; US Attorney: COLLEEN KUKOWSKI; Pretrial Officer: DASHANTA VALENTINE-LEWIS; (Text entry; no document attached.)	46
04/08/2021	DEFENDANT EXHIBIT LIST In Regards To Bond Hearing Held on 4/8/201 as to JEFFREY P. SABOL (01)	47
04/08/2021	GOVERNMENT EXHIBIT LIST by USA In Regards To Bond Hearing Held On 4/8/2021 as to JEFFREY P. SABOL (01).	
04/09/2021	Set/Reset Hearings as to JACK WADE WHITTON (05):Motion Hearing set for 4/12/2021 at 01:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)	48
04/10/2021	REPLY by USA as to JACK WADE WHITTON re 45 Response to motion for Review and Revocation of Release Order	
04/12/2021	Minute Entry for proceedings held via VTC before Judge Emmet G. Sullivan:Motion Hearing as to JACK WADE WHITTON (05) held on 4/12/2021 re 35 Emergency Motion to Stay and for Review and Revocation of Release Order filed by USA. The Court Will Issue A Written Opinion Forthcoming. Bond Status of Defendant: APPEARED VIA VTC;	

REMAINS COMMITTED; Court Reporter: BRYAN WAYNE; Defense Attorney: BEN ALPER; US Attorney: COLLEEN KUKOWSKI; Pretrial Officer: JOHN COPES; (Text entry; no document attached.)

04/12/2021

GOVERNMENT EXHIBIT LIST In Regards To Motion Hearing Held on 4/12/201 as to JACK WADE WHITTON (05)

04/12/2021

APPEAL OF MAGISTRATE JUDGE DECISION to District Court by MICHAEL JOHN LOPATIC, SR

4 Attachments ▼

04/13/2021

MOTION to Continue and Exclude Time Under the Speedy Trial Act by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON.

04/13/2021

TRANSCRIPT OF 4/12/21 DETENTION HEARING in case as to JACK WADE WHITTON before Judge Emmet G. Sullivan held on April 12, 2021; Page Numbers: 1-33. Date of Issuance: 4/13/2021. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 5/4/2021. Redacted Transcript Deadline set for 5/14/2021. Release of Transcript Restriction set for 7/12/2021.

04/13/2021

TRANSCRIPT OF PROCEEDINGS in case as to JEFFREY P. SABOL before Judge Emmet G. Sullivan held on 04/08/2021; Page Numbers: 73. Date of Issuance: 04/13/2021. Court Reporter/Transcriber L. Bankins, Telephone number 202-354-3243, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 5/4/2021. Redacted Transcript Deadline set for 5/14/2021. Release of Transcript Restriction set for 7/12/2021.

04/13/2021

MOTION to Exclude Time Under the Speedy Trail Act by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON. (See docket entry 51 to view document). (zstd)

04/14/2021

ORDER as to JEFFREY P. SABOL (1) denying 17 Motion for Bond. Signed by Judge Emmet G. Sullivan on 4/14/2021. (lcegs2)

04/14/2021

MEMORANDUM OPINION as to JEFFREY P. SABOL (01). Signed by Judge Emmet G. Sullivan on 4/14/2021. (lcegs2)

04/14/2021

MINUTE ORDER as to MICHAEL JOHN LOPATIC, SR (03). In view of 50 defendants Appeal of Detention Order, the parties are directed to adhere to the following briefing schedule: the government shall file its response by no later than April 19, 2021; defendant shall file any reply by no later than April 21, 2021. FURTHER, the status conference scheduled for April 15, 2021 is CANCELLED. It is FURTHER ORDERED that a hearing on defendant's appeal is set for April 22, 2021 at 3:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 4/14/2021. (lcegs2) (Text entry; no document attached.)

04/15/2021

Set/Reset Deadlines/Hearings as to MICHAEL JOHN LOPATIC, SR (03): Government Response due by 4/19/2021. Defendant Reply due by 4/21/2021. Detention Hearing set for 4/22/2021 at 3:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

57

04/15/2021

RESPONSE by JEFFREY P. SABOL re 51 MOTION to Continue and Exclude Time Under the Speedy Trial Act

58

04/19/2021

RESPONSE by USA as to MICHAEL JOHN LOPATIC, SR re 50 Appeal of Detention Order Modified text on 4/20/2021 (zstd). (Additional attachment(s) added on 4/20/2021: # 1 Curizo Transcript) (zstd).

59

04/20/2021

ORDER as to JACK WADE WHITTON (05) granting 35 the government's motion for review and revocation of release order. Signed by Judge Emmet G. Sullivan on 4/20/2021. (lcegs2)

60

04/20/2021

MEMORANDUM OPINION as to JACK WADE WHITTON (05). Signed by Judge Emmet G. Sullivan on 4/20/2021. (lcegs2)

04/21/2021

Set/Reset Hearings as to JACK WADE WHITTON (05):Status Conference set for 5/5/2021 at 02:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

61

04/21/2021

REPLY by MICHAEL JOHN LOPATIC, SR re 50 Appeal of Magistrate Judge Decision to District Court

04/22/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Motion Hearing as to MICHAEL JOHN LOPATIC, SR (03) held on 4/22/2021 RE 50 APPEAL OF MAGISTRATE JUDGE DECISION to District Court. The Court Will Take Parties Argument Under Advisement. Bond Status of Defendant: APPEARED VIA VTC; REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: DENNIS BOYLE/ BIERINA JASARI; US Attorney: COLLEEN KUKOWSKII; Pretrial Officer: CHRISTINE SCHUCK; (Text entry; no document attached.)

62

04/23/2021

SUPPLEMENT by MICHAEL JOHN LOPATIC, SR re 50 Appeal of Magistrate Judge Decision to District Court

2 Attachments ▾

63

04/26/2021

STANDING ORDER as to ALL DEFENDANTS requiring the government to produce any evidence in its possession that is favorable to the defendant and material to either the defendant's guilt or punishment. Signed by Judge Emmet G. Sullivan on 04/26/21.

64

04/26/2021

ENTERED IN ERROR.ORDER Setting Conditions of Release as to MICHAEL JOHN LOPATIC, SR. Signed by Judge Emmet G. Sullivan on 4/26/2021. (lcegs2)

04/26/2021

MINUTE ORDER as to MICHAEL JOHN LOPATIC, SR granting 50 defendant's Appeal of Magistrate Judge Decision. On January 29, 2021, Mr. Lopatic was arrested in the Commonwealth of Pennsylvania on charges arising from his participation in the events at the U.S. Capitol on January 6, 2021. A magistrate judge on the United States District Court for the Eastern District of Pennsylvania held a detention hearing and ordered Mr. Lopatic detained pending trial. In this appeal, Mr. Lopatic asks the Court to review the magistrate judge's detention order and to order his release. Mr. Lopatic is entitled to move for review and revocation of a magistrate judge's detention order pursuant to 18 U.S.C. § 3145(b). This Court reviews the magistrate judge's detention order de novo. See United States v. Hunt, 240 F. Supp. 3d 128, 132-33 (D.D.C. 2017). For the reasons set forth below, and upon careful consideration of the motion, opposition, and reply thereto, Mr. Lopatic's supplemental brief, the arguments set forth at the April 22, 2021 hearing before this Court, the applicable law, and the entire record herein, Mr. Lopatic's request for review and revocation of the detention order is GRANTED, and the Court hereby ORDERS that Mr. Lopatic be released pending trial. Under the Bail Reform Act, 18 U.S.C. § 3141 et seq., a person awaiting trial on a federal offense shall be detained pending trial if: (1) they have committed one of an enumerated list of the "most serious" offenses (e.g., a crime of violence) or there is a "serious risk" the person will flee or obstruct justice; and (2) the Court finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community. See 18 U.S.C. §§ 3142(f)(1), (f)(2), and (e); see also United States v. Singleton, 182 F.3d 7, 13 (D.C. Cir. 1999). The first step in this two-step analysis is to determine whether a defendant's offenses or circumstances trigger a detention hearing pursuant to 18 U.S.C. § 3142(f). Because the Bail Reform Act "authorizes the detention of

defendants awaiting trial on a federal offense only under certain, limited circumstances," unless a defendant is charged with one of the enumerated "most serious" crimes under Section 3142(f)(1), or there is a "serious risk" the defendant will flee or obstruct justice under Section 3142(f)(2), "detention is not an option." See Singleton, 182 F.3d 7 at 9. Here, the government is taking the position that Mr. Lopatic, unlike certain of his co-defendants, has not committed a crime of violence--despite the fact that he has been charged with Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1)--and no other circumstances exist that would trigger a detention hearing under Section 3142(f)(1). See Gov't's Opp'n, ECF No. 58 at 3-4. Consequently, unless there is a "serious risk" Mr. Lopatic will flee or obstruct justice, triggering a detention hearing under Section 3142(f)(2), detention is not an option. See Singleton, 182 F.3d 7 at 9. The government concedes Mr. Lopatic is not a flight risk, but it argues there is a serious risk he will obstruct justice if released. See Gov't's Opp'n, ECF No. 58 at 4-13. The Court disagrees. To be sure, the Court is alarmed by the shocking acts of violence Mr. Lopatic committed against a District of Columbia Metropolitan Police Department ("MPD") officer at the U.S. Capitol on January 6, 2021. The Court is also very troubled by two obstructive acts Mr. Lopatic undertook--stealing and then discarding an MPD officer's body worn camera. These actions resulted in the permanent loss of evidence that could have been incriminating and/or exculpatory evidence relevant to the defendants in this case and in other Capitol Riot cases. However, in consideration of all information available, the Court is not persuaded that the government has met its burden of showing that he poses a "serious risk" of obstructing or attempting to obstruct justice in the future such that detention is an option in this case. Mr. Lopatic's violent acts during the January 6 Capitol Riots are not indicators for obstruction of justice, and while his stealing and discarding of the MPD body worn camera is relevant to the present inquiry and very troubling to the Court, the government proffered no evidence indicating that he destroyed or concealed other evidence in this case. He did not, for example, delete text messages or social media posts; destroy or conceal his cell phone or other electronic devices; change his appearance in any way to avoid detection; or destroy or conceal any identifying items that he wore or carried on January 6, 2021. Indeed, the government has recovered items of clothing that it proffers are consistent with the clothing Mr. Lopatic wore on January 6, 2021. Accordingly, because the government has taken the position that Mr. Lopatic is not charged with a crime of violence, and the Court finds that the government has not met its burden of showing that there is a serious risk Mr. Lopatic will obstruct or attempt to obstruct justice, detention is not an option here. Moreover, even if Mr. Lopatic were eligible for detention, the conditions of release accompanying this Minute Order are sufficient to ensure Mr. Lopatic's appearance as required and the safety of any other person and the community. See 18 U.S.C. § 3142(e) and (g). The government relies heavily on Mr. Lopatic's violent and obstructive conduct on January 6 and speculates that because of the poor judgment he exhibited in those acts, he will be unable to comply with the conditions of supervision that are meant to ensure his appearance as required and the safety of the community. To be sure, the nature and circumstances of Mr. Lopatic's offenses are extremely troubling, and the Court is concerned, as it has been with respect to Mr. Lopatic's co-defendants, that the shocking acts of violence against MPD officers during the Capitol Riots reflect an alarming disregard for the rule of law and for the lives of law enforcement. That his actions were apparently prompted by his willingness to believe, and act upon, falsehoods that have been spread, and continue to spread, about the legitimacy of the 2020 Presidential Election results is also unsettling. These factors weigh on the Court when considering whether Mr. Lopatic presents a danger to his community. However, the Court notes that Mr. Lopatic does not appear to have engaged in significant prior planning or coordination with other rioters; he did not take on a leadership role during the riots; he did not use or carry any weapons; and he has expressed remorse for his actions. In addition, the government has only speculated that Mr. Lopatic will be unable to comply with his conditions of release based on his actions on January 6, 2021, but the Court notes that Mr. Lopatic has no substantial criminal history, has strong community ties, is nearly 60 years old, has been married for 34 years, has lived in his current residence for 30 years, and suffers from a number of physical and mental health issues. Finally, Mr. Lopatic served in the U.S. Marine Corps and received an Honorable Discharge. Thus, the Court is persuaded that he is capable of following directions and complying with his conditions of release. After considering all relevant factors, the Court finds that the government has not shown by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community, nor has it shown by a preponderance of the evidence that no condition or combination of conditions will reasonably assure Mr. Lopatic's appearance as required. See 18 U.S.C. § 3142(e), (f), (g). Accordingly, because Mr. Lopatic is not eligible for detention, and even if he were eligible, detention would not be necessary to ensure the safety of the community and his appearance as required, he will be released pending trial. It is hereby ORDERED that Mr. Lopatic's request for review and revocation of the detention order is GRANTED. It is FURTHER ORDERED that Mr. Lopatic be released pending trial. It is FURTHER ORDERED that the conditions of Mr. Lopatic's release that are set forth in the accompanying 64 Order Setting Conditions of Release are incorporated by reference into this Minute Order. It is FURTHER ORDERED that Mr. Lopatic shall file a notice by no later than May 3, 2021, stating his acknowledgment of the conditions of release set forth in the accompanying Order Setting Conditions of Release. It is FURTHER ORDERED that the status conference scheduled for April 29, 2021 is hereby CANCELLED. Signed by Judge Emmet G. Sullivan on 4/26/2021. (lcegs2) (Text entry; no document attached.)

ORDER Setting Conditions for High Intensity Supervision Program as to MICHAEL JOHN LOPATIC SR. (3) INTO HIGH INTENSITY SUPERVISION PROGRAM Signed by Judge Emmet G. Sullivan on 04/26/21.

66

04/27/2021

Consent MOTION to Modify Conditions of Release by CLAYTON RAY MULLINS as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON.

1 Attachment ▼

67

04/27/2021

Unopposed MOTION for Protective Order by USA as to CLAYTON RAY MULLINS.

1 Attachment ▼

68

04/27/2021

Unopposed MOTION for Protective Order by USA as to JACK WADE WHITTON.

1 Attachment ▼

04/27/2021

Set/Reset Hearings as to MICHAEL JOHN LOPATIC, SR (03):Status Conference set for 5/5/2021 at 02:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

04/27/2021

MINUTE ORDER as to JACK WADE WHITTON (5) granting 68 Unopposed Motion for Protective Order. The terms of [68-1] Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 4/27/2021. (lcegs2) (Text entry; no document attached.)

04/27/2021

MINUTE ORDER as to CLAYTON RAY MULLINS (4) granting 67 Unopposed Motion for Protective Order. The terms of [67-1] Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 4/27/2021. (lcegs2) (Text entry; no document attached.)

04/27/2021

MINUTE ORDER as to CLAYTON RAY MULLINS (4) granting 66 Consent Motion to Modify Conditions of Release. It is hereby ORDERED that Mr. Mullins is permitted to travel beyond the Western District of Kentucky for employment purposes as approved by the Pretrial Services Office Paducah Division. All other conditions of release unmodified by this Order shall remain in full force and effect. Signed by Judge Emmet G. Sullivan on 4/27/2021. (lcegs2) (Text entry; no document attached.)

04/27/2021

NOTICE OF CORRECTED DOCKET ENTRY: as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON re 66 Consent MOTION to Modify Conditions of Release was entered in error and counsel was instructed to refile said pleading. The motion was linked to the wrong defendants, only needs to be linked to the defendant the motion pertains (zstd) (Text entry; no document attached.)

69

05/03/2021

NOTICE by MICHAEL JOHN LOPATIC, SR

05/04/2021

NOTICE OF CORRECTED DOCKET ENTRY: as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON re 70 Pretrial Compliance Report, was entered in error and counsel refiled said pleading. The correct document is filed at DE # 71 (zstd) Modified on 5/4/2021 (zstd). (Text entry; no document attached.)

72

05/05/2021

NOTICE OF ATTORNEY APPEARANCE Benet Kearney appearing for USA.

05/05/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), and JACK WADE WHITTON (05) held on 5/5/2021. Oral Request For Control Date To Issuing Subpoenas by JEFFREY P. SABOL (01) Heard. The Court Will Issue An Order In Regards To 54 Motion to Exclude Time Under the Speedy Trial Act by USA. Status Conference set for 7/7/2021 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC; #1, #2, #5 - REMAINS COMMITTED; #3, #4 - REMAINS IN HIGH INTENSITY SUPERVISION PROGRAM; Court Reporter: LISA BANKINS; Defense Attorney: #1 - JON NORRIS; #2 - DAVID BENOWITZ; #3 - DENNIS BOYLE; #4 - PAT WOODWARD; #5 - BENJAMIN ALPER; US Attorney: COLLEEN KUKOWSKI/BENET KEARNEY; (Text entry; no document attached.)

05/05/2021

Minute Entry for proceedings held before Judge Emmet G. Sullivan:Arraignment as to CLAYTON RAY MULLINS (4) on Count 3,4,7-8,13,14,15,16 held on 5/5/2021. Plea Of Not Guilty entered by CLAYTON RAY MULLINS (4) as to Count 3,4,7-8,10,13,14,15,16. Bond Status of Defendant: APPEARED VIA VTC; REMAINS IN HIGH INTENSITY SUPERVISION PROGRAM; Court Reporter: LISA BANKINS; Defense Attorney: PAT WOODWARD; US Attorney: COLLEEN KUKOWSKI/BENET KEARNEY; (Text entry; no document attached.)

05/06/2021

MINUTE ORDER as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON. Due to the Court's calendar, it is necessary to reschedule the status conference currently scheduled for July 7, 2021. The Court hereby reschedules the status conference for July 21, 2021 at 1:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 5/6/2021. (lcegs2) (Text entry; no document attached.)

05/06/2021

MINUTE ORDER as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5) granting 51 Motion to Continue and Exclude Time Under the Speedy Trial Act and 54 Motion to Exclude Time from Speedy Trial Calculation. The time period from May 5, 2021 through July 21, 2021 shall be excluded in this case for purposes of any computation under the Speedy Trial Act, 18 U.S.C. § 3161. For the reasons set forth by the government in its motion and at the May 5, 2021 status conference, the Court finds that the exclusion of time under the Speedy Trial Act best serves the interests and ends of justice; and outweighs the interests of the public in a speedy trial. Signed by Judge Emmet G. Sullivan on 5/6/2021. (lcegs2) (Text entry; no document attached.)

73

05/11/2021

Unopposed MOTION for Protective Order by USA as to PETER FRANCIS STAGER.

1 Attachment ▼

74

05/11/2021

Unopposed MOTION for Protective Order by USA as to MICHAEL JOHN LOPATIC, SR.

1 Attachment ▼

05/11/2021

MINUTE ORDER as to PETER FRANCIS STAGER (02) granting 73 Unopposed Motion for Protective Order. The terms presented in [73-1] the Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 5/11/2021. (lcegs2) (Text entry; no document attached.)

05/11/2021

MINUTE ORDER as to MICHAEL JOHN LOPATIC SR.(03) granting 74 Unopposed Motion for Protective Order. The terms presented in [74-1] the Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 5/11/2021. (lcegs2) (Text entry; no document attached.)

75

05/13/2021

NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON

1 Attachment ▼

76

05/31/2021

NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON

1 Attachment ▼

77

06/07/2021

MOTION to Modify Conditions of Release by CLAYTON RAY MULLINS.

5 Attachments ▼

78

06/22/2021

Application for Access to Video Exhibits by THE PRESS COALITION as to JEFFREY P. SABOL. (zstd)

06/23/2021

MINUTE ORDER as to CLAYTON RAY MULLINS (04). In view of 77 Mr. Mullins's Motion to Modify Conditions of Release, the government shall file a response by no later than June 28, 2021. Signed by Judge Emmet G. Sullivan on 6/23/2021. (lcegs2) (Text entry; no document attached.)

06/24/2021

Set/Reset Deadlines as to CLAYTON RAY MULLINS (04): Government Response due by 6/28/2021. (Text entry; no document attached.)

06/28/2021	Memorandum in Opposition by USA as to CLAYTON RAY MULLINS re 77 MOTION to Modify Conditions of Release	79
06/29/2021	REPLY TO OPPOSITION to Motion by CLAYTON RAY MULLINS re 77 MOTION to Modify Conditions of Release	80
		<b>4 Attachments</b> ▼
07/02/2021	MINUTE ORDER as to JACK WADE WHITTON (05). Pursuant to the Court's Minute Order of July 2, 2021 in In Re: Press Coalitions Motion for Access to Video Exhibits, 21-mc-84, counsel for the Government and Defendant are instructed to indicate whether they oppose the Petitioner's Motion for Access to Video Exhibits in that matter by July 7, 2021. If either party opposes, any brief in opposition is due by July 14, 2021. Filings should be made on the docket in 21-mc-84. Signed by Judge Emmet G. Sullivan on 7/2/2021. (lcegs2) (Text entry; no document attached.)	
07/02/2021	MINUTE ORDER as to JEFFREY P. SABOL (01). Counsel for the Government and the Defendant are instructed to indicate whether they oppose 78 the Press Coalitions Application for Access to Video Exhibits by no later than July 7, 2021. If either party opposes, any brief in opposition is due by July 14, 2021. Signed by Judge Emmet G. Sullivan on 7/2/2021. (lcegs2) (Text entry; no document attached.)	
07/02/2021	Set/Reset Deadlines as to JEFFREY P. SABOL (01): Government And Defendant Responses To 78 the Press Coalitions Application for Access to Video Exhibits due by 7/7/2021. Any Brief In Opposition due by 7/1/2021. (Text entry; no document attached.)	
07/06/2021	NOTICE OF SUBSTITUTION OF COUNSEL Attorney Cirocco, Alex added. Substituting for attorney Jon Norris	81
07/07/2021	RESPONSE by USA as to JEFFREY P. SABOL re 78 MOTION Application for Access to Video Exhibits	83
07/08/2021	NOTICE of Discovery by USA as to MICHAEL JOHN LOPATIC, SR	84
		<b>1 Attachment</b> ▼
07/08/2021	MINUTE ORDER denying 77 Motion to Modify Conditions of Release as to CLAYTON RAY MULLINS (4). Mr. Mullins is charged with the following offenses arising from his participation in the January 6, 2021 events at the U.S. Capitol: (1) Assaulting, Resisting, or Impeding Certain Officers and Inflicting Bodily Injury and Aiding and Abetting, in violation of 18 U.S.C. 111(a)(1) and (b) and 2; (2) Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. 111(a)(1); (3) two counts of Civil Disorder, in violation of 18 U.S.C. 231(a)(3); (4) Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(1); (5) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(2); (6) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(4); and (7) Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. 5104(e)(2)(F). See Superseding Indictment, ECF No. 23. Mr. Mullins is alleged to have participated in the assault of a Washington, D.C. Metropolitan Police Department ("MPD") officer in the area of the U.S. Capitol lower western terrace on January 6. See United States v. Mullins, 21-mj-233-RMM, Statement of Offense, ECF No. 1-1 at 2-5. The government has proffered video footage and photographs to show that Mr. Mullins grabbed the officer, who had been forced into a prone position on the ground at the lower western terrace tunnel entrance, and forcefully pulled him down the U.S. Capitol stairs into a mob of rioters. Id. at 3-5. The government alleges that after Mr. Mullins successfully dragged the officer into the crowd, the officer was stripped of his helmet, baton, and gas mask, and he was kicked, struck with poles, and stomped on. Id. at 2. The officer was bleeding from the head and later taken to the hospital and treated for a laceration that required staples to close. Id. On March 2, 2021, after holding a hearing on the government's motion for review and revocation of a Western District of Kentucky Magistrate Judge's order releasing Mr. Mullins pending trial, Chief Judge Howell ordered the pretrial release of Mr. Mullins subject to the combination of conditions that the Chief Judge determined will reasonably assure the appearance of Mr. Mullins as required and the safety of any other person and the community. See United States v. Mullins, 21-mj-233-RMM, Order Setting Conditions of Release, ECF No. 11; see also 18 U.S.C. § 3142(c). Those conditions include, among other standard conditions, that Mr. Mullins be subject to home detention (which permits him to leave his residence 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) and electronic location monitoring. See United States v. Mullins, 21-mj-233-RMM, Order Setting Conditions of Release, ECF No. 11 at 2. As the government correctly points out, these conditions "allow him to care for himself and support his family through his employment," see Gov't's Opp'n, ECF No. 79 at 3; and indeed, this Court recently granted Mr. Mullins's unopposed request for permission to travel beyond the	

Western District of Kentucky for employment purposes, see ECF No. 66. Now, Mr. Mullins asks the Court to remove him from home detention (and not require him to participate in the lesser location restriction, the curfew program) and to remove him from electronic location monitoring. See Def.'s Mot., ECF No. 77 at 1. The government opposes this request. Gov't's Opp'n, ECF No. 79. The Court is permitted to amend the order setting Mr. Mullins's conditions of release to impose additional or different conditions, but the Court must ensure that the conditions imposed are the least restrictive conditions that will reasonably assure his appearance as required and the safety of any other person and the community. 18 U.S.C. § 3142(c)(1)(B), (c)(3). The Court acknowledges that Mr. Mullins has thus far been compliant with his conditions of release. See Def.'s Mot., ECF No. 77 at 1. The Court also acknowledges that 72 friends and family members have submitted letters to the Court reflecting their support for Mr. Mullins and their belief that he is honest and reliable. See Attachs. to Def.'s Mot., ECF Nos. 77-2 to 77-4; Attachs. to Def.'s Reply, ECF Nos. 80-2 to 80-4. "But compliance--even model compliance--with the Court's requirements is not enough to warrant adjustment of [Mr. Mullins's] pretrial release conditions." *United States v. Henry*, 314 F. Supp. 3d 130, 133. Compliance is expected. "Only if there has been a development in [Mr. Mullins's] situation that would affect the Court's assessment of the 'least restrictive' conditions of release that 'will reasonably assure [his appearance and] the safety of any other person and the community,' 18 U.S.C. § 3142(c), could [he] be entitled to the adjustment that [he] requests." *Id.* Neither Mr. Mullins's compliance with his current pretrial release conditions nor the attestations of good character offered by his friends and family constitutes a development in his situation that affects the Court's agreement with the Chief Judge's previous assessment of the appropriate conditions of release for Mr. Mullins. As was true when the Chief Judge ordered Mr. Mullins released pretrial, home detention and electronic location monitoring are, in combination with other standard release conditions, the least restrictive conditions required to reasonably assure his appearance and the safety of others and the community. Mr. Mullins is charged with serious felony and misdemeanor offenses, including assaulting and inflicting bodily harm on a federal officer tasked with protecting the U.S. Capitol, the Vice President of the United States, the U.S. Congress, and their staffs while the U.S. Congress "was convened at the seat of our nations democracy" to carry out the "solemn process of certifying a presidential election." See *United States v. Cua*, No. 21-107-RDM, 2021 WL 918255, at \*3 (D.D.C. Mar. 10, 2021). The government has presented compelling evidence that Mr. Mullins enabled a chilling attack on an MPD officer, which the government has contended is among "the most violent assaults on law enforcement that occurred" that day. See *United States v. Whitton*, -- F. Supp. 3d --, 2021 WL 1546931, at \*4 (Apr. 20, 2021). Such conduct reflects a clear disregard for the lives of law enforcement officers, the rule of law, and the essential functions of our government. Indeed, "[i]t cannot be gainsaid that the violent breach of the [U.S.] Capitol on January 6 was a grave danger to our democracy, and that those who participated could rightly be subject to detention to safeguard the community." *United States v. Munchel*, 991 F.3d 1273, 1284-85 (D.C. Cir. 2021). Although the Chief Judge did not order that Mr. Mullins be detained, pretrial release conditions remain appropriate to address concerns regarding the potential danger Mr. Mullins continues to pose to the community as he awaits trial. Cf. *United States v. Hale-Cusanelli*, No. 21-3029, Mem. Op. at 12 (D.C. Cir. July 7, 2021) (explaining that persons who participated in the violence on January 6 may be deemed a danger to the community by posing a threat of committing violence in the future or by posing a threat of corrupting a union). The Court finds that there have been no developments in Mr. Mullins's situation that alleviate the Court's concerns such that removing him from location restrictions and electronic location monitoring would be warranted. This conclusion is consistent with the Court's pretrial detention decisions as to Mr. Mullins's codefendants: three codefendants are currently detained pending trial, see Mem. Op., ECF No. 56 (Jeffrey P. Sabol); Mem. Op., ECF No. 60 (Jack Wade Whitton), Order of Detention, 4:21-mj-12-JTK, ECF No. 9 (E.D. Ark. Jan. 22, 2021) (Peter Francis Stager); and the fourth is, like Mr. Mullins, on pretrial release subject to home detention and electronic location monitoring, see Order Setting Conditions of Release, ECF No. 65 (Michael John Lopatic, Sr.). Accordingly, upon consideration of Mr. Mullins's motion, the government's opposition, and Mr. Mullins's reply thereto, the applicable law, and the entire record herein, Mr. Mullins's request to modify his conditions of release is DENIED. Signed by Judge Emmet G. Sullivan on 7/8/2021. (lcegs2) (Text entry; no document attached.)

07/08/2021

MINUTE ORDER granting 78 the Press Coalition's Application for Access to Video Exhibits as to JEFFREY P. SABOL (1). Petitioners request access to the four video exhibits the government submitted to the Court and the two video exhibits the defendant submitted to the Court in advance of the April 8, 2021 detention hearing in *United States v. Sabol*, 21-cr-35-01-EGS. The video exhibits were displayed in open court, used in this Court's decision on detention, were not subject to a sealing order, and both the government and the defendant have indicated their consent to the release in response to an inquiry from the Court. While the government has requested that the Press Coalition be prohibited from further publishing the footage, it has not offered any explanation for that position, which appears contrary to the position the government has taken in other January 6th cases. See *In re: Application for Access to Certain Sealed Video Exhibits*, 21-mc-85-CRC, Min. Order (June 24, 2021) (collecting cases). The Court therefore ORDERS the government promptly to make the video exhibits available without restrictions, including by providing access using the "drop box" technical solutions described in Standing Order 21-28 (BAH). Signed by Judge Emmet G. Sullivan on 7/8/2021. (lcegs2) (Text entry; no document attached.)

07/12/2021

NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON

1 Attachment ▼

86

07/19/2021

NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON

1 Attachment ▼

88

07/20/2021

NOTICE OF ATTORNEY APPEARANCE: Matthew Peter Wilson appearing for PETER FRANCIS STAGER

89

07/20/2021

NOTICE of Memorandum Regarding Status of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON

1 Attachment ▼

07/21/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05) held on 7/21/2021. No Objections From All Parties For This Proceeding To Be Held Via VTC. Parties Updated The Court On The Status Of This Matter. The Court Will Grant Defendant JEFFREY P. SABOL (01) Oral Request To File Bond Motion. Status Conference set for 9/23/2021 at 1:30 PM in Telephonic/VTC before Judge Emmet G. Sullivan. With No Objections From All Parties, Speedy Trial Tolled 7/21/21 - 09/23/21 In The Interest Of Justice (XT) As To All Defendants. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC; #1, #2, #5 - REMAINS COMMITTED; #3, #4 - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - MATTHEW WILSON, #3 - DENNIS BOYLE, #4 - PAT WOODWARD, #5 - BENJAMIN ALPER; US Attorney: COLLEEN KUKOWSKI/ BENET KEARNEY; (Text entry; no document attached.)

91

07/27/2021

MOTION for Order to Disclose Items Protected by Rule 6(e) and Sealed Materials by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON.

1 Attachment ▼

07/29/2021

MINUTE ORDER as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5) granting 91 Motion for Order to Disclose Items Protected by Rule 6(e) and Sealed Materials. It is hereby ORDERED that the United States may provide in discovery materials protected by Federal Rule of Criminal Procedure 6(e). It is FURTHER ORDERED that the United States may provide in discovery sealed materials, pursuant to the previously entered protective order governing discovery. It is FURTHER ORDERED that this Order also applies to the disclosure of materials described above to any co-defendants who may later be joined. Signed by Judge Emmet G. Sullivan on 7/29/2021. (lcegs2) (Text entry; no document attached.)

92

08/04/2021

SEALED SUPERSEDING INDICTMENT as to JEFFREY P. SABOL (1) count(s) 1ss, 2ss, 5ss, 6ss, 8ss-9ss, 13ss-14ss, 15ss, 16ss, 17ss, 18ss, 22ss, PETER FRANCIS STAGER (2) count(s) 1ss, 2ss, 9ss, 16ss, 17ss, 18ss, 22ss, MICHAEL JOHN LOPATIC, SR (3) count(s) 1ss, 7ss, 9ss-10ss, 11ss, 19ss, 20ss, 21ss, 22ss, CLAYTON RAY MULLINS (4) count(s) 3s, 4s, 8s-9s, 19s, 20s, 21s, 22s, JACK WADE WHITTON (5) count(s) 2s, 5s, 8s-9s, 12s, 16s, 17s, 18s, 22s, LOGAN JAMES BARNHART (6) count(s) 2, 9, 19, 20, 21, 22, RONALD COLTON MCABEE (7) count(s) 3, 7, 8, 10, 16, 17, 18, 22. (zstd)

94

08/04/2021

MOTION to Seal Case by USA as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC, SR (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7).

1 Attachment ▼

08/04/2021

95

ORDER granting 94 Motion to Seal Case as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7). Signed by Magistrate Judge Robin M. Meriweather on 8/4/2021. (zstd)

96

02/19/2021

Rule 5(c)(3) Documents Received as to PETER FRANCIS STAGER from US District Court Eastern District of Arkansas Case Number 4:21-mj-12 JTK

02/22/2021

MINUTE ORDER as to JEFFREY P. SABOL (1) granting 16 Sealed Motion for Leave to File Document Under Seal. Pursuant to Local Criminal Rule 49(f)(6), Mr. Sabol may file the exhibit under seal. However, given the strong presumption in favor of public access to judicial records, see, e.g., Nixon v. Warner Commcns, Inc., 435 U.S. 589, 597 (1978), and the ease with which confidential and proprietary information may be redacted from documents before they are filed publicly, Mr. Sabol is directed to file a redacted version of his sealed exhibit on the public docket within three business days of this Minute Order. Mr. Sabol is cautioned that redactions shall be made solely to the extent necessary to preserve the confidential or proprietary nature of the relevant information. The Court notes that there is no pending bond motion in this case at this time. Signed by Judge Emmet G. Sullivan on 2/22/2021. (lcegs2) (Text entry; no document attached.)

02/23/2021

Set/Reset Deadlines as to JEFFREY P. SABOL (01):Redacted Version Of Sealed Exhibit On The Public Docket due by 2/25/2021. (Text entry; no document attached.)

97

08/11/2021

NOTICE of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON

1 Attachment ▼

98

08/17/2021

Arrest Warrant Returned Executed on 8/17/2021 in Lansing, MI as to LOGAN JAMES BARNHART.

08/17/2021

Arrest of LOGAN JAMES BARNHART in Michigan. (Text entry; no document attached.)

99

08/17/2021

Arrest Warrant Returned Executed on 8/17/2021 in Nashville, Tennessee as to RONALD COLTON MCABEE.

08/17/2021

Arrest of RONALD COLTON MCABEE in Tennessee. (Text entry; no document attached.)

08/17/2021

Case unsealed as to LOGAN JAMES BARNHART, RONALD COLTON MCABEE (Text entry; no document attached.)

100

08/17/2021

Rule 5(c)(3) Documents Received as to LOGAN JAMES BARNHART from Western District of Michigan Case Number 21-mj-447 (zstd)

102

08/23/2021

MOTION for Bond Reconsideration/Re-Opening by JEFFREY P. SABOL as to JEFFREY P. SABOL.

24 Attachments ▼

103

08/24/2021

MOTION to Access Video Exhibits by PRESS COALITION as to JEFFREY P. SABOL. Modified to identify correct defendant on 8/24/2021 (zstd).

08/25/2021

ORAL MOTION by Defendant LOGAN JAMES BARNHART to Appoint Counsel. (Text entry; no document attached.)

08/25/2021

ORAL MOTION by USA to Exclude Time Under the Speedy Trial Act from 8/25/2021 to 9/23/2021 as to Defendant LOGAN JAMES BARNHART. (Text entry; no document attached.)

08/25/2021

Minute Entry for Initial Appearance and Arraignment as to LOGAN JAMES BARNHART (6) held by video before Magistrate Judge Robin M. Meriweather on 8/25/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agrees to appear by Zoom video. Oral Motion by Defendant to Appoint Counsel, heard and granted. Assistant Federal Public Defender Cara Kurtz Halverson appointed to represent LOGAN JAMES BARNHART. Plea of Not Guilty entered by LOGAN JAMES BARNHART to Counts 2, 9, 19, 20, 21 and 22. Status Hearing set before Judge Emmet G. Sullivan on 9/23/2021 at 1:30 PM by telephonic/VTC. Oral Motion by USA

to Exclude Time Under the Speedy Trial Act from 8/25/2021 to 9/23/2021, with no objection by the defense, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond, including Home Detention with GPS Monitoring. Court Reporter: FTR Gold - Ctrm. 7; FTR Time Frames: 1:52:02 - 2:05:02 and 2:19:29 - 2:41:40. Defense Attorney: Cara Halverson; U.S. Attorney: Kelly Smith for Colleen Kukowski and Benet Kearney; Pretrial Officer: John Copes. (Text entry; no document attached.)

106

08/25/2021

ORDER Setting Conditions of Bond : Defendant LOGAN JAMES BARNHART placed on Personal Recognizance Bond, including Home Detention with Global Positioning System Monitoring; signed by Magistrate Judge Robin M. Meriweather on 8/30/2021, nunc pro tunc to 8/25/2021. (Attachment: # 1 Appearance Bond)

107

09/03/2021

NOTICE of Status of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE

108

09/08/2021

Emergency MOTION to Stay and for Review and Appeal of Release Order by USA as to RONALD COLTON MCABEE.

1 Attachment ▾

109

09/08/2021

MOTION for Review and Appeal of Release Order by USA as to RONALD COLTON MCABEE. (See docket entry 108 to view document.) (zstd)

110

09/08/2021

ORDER granting 108 Emergency Motion to Stay as to RONALD COLTON MCABEE (7). Signed by Judge Emmet G. Sullivan on 9/8/2021. (lcegs2)

09/08/2021

MINUTE ORDER as to RONALD COLTON MCABEE (07). In view of 109 the Government's Emergency Motion for Review and Appeal of Release Order, it is hereby ORDERED that the parties shall adhere to the following expedited briefing schedule: Defendant shall file a response by no later than September 13, 2021; and the government shall file any reply by no later than September 16, 2021. A hearing on the Government's Motion will be set for the following week. It is FURTHER ORDERED that the Government shall file on this docket the written opinion and release order issued by U.S. Magistrate Judge Jeffrey S. Frensey, U.S. District Court for the Middle District of Tennessee, as to Mr. McAbee, or, if no such written opinion and release order was issued, the Government shall file transcripts of the August 26, 2021 and September 8, 2021 detention hearings before Magistrate Judge Frensey. Signed by Judge Emmet G. Sullivan on 9/8/2021. (lcegs2) (Text entry; no document attached.)

09/09/2021

Set/Reset Deadlines as to RONALD COLTON MCABEE (07):Defendant Response due by 9/13/2021. Government Reply due by 9/16/2021. (Text entry; no document attached.)

09/09/2021

MINUTE ORDER as to JEFFREY P. SABOL (01). In view of 102 Mr. Sabol's Motion for Bond Reconsideration/Re-Opening and the government's failure to file any opposition within the time prescribed by Local Criminal Rule 47, the government is HEREBY ORDERED to file a notice to the Court by no later than 5:00 p.m. tomorrow, September 10, 2021, stating whether the government opposes the motion. It is FURTHER ORDERED that if the government opposes the motion, the government shall file a memorandum of points and authorities in opposition by no later than September 17, 2021, and Mr. Sabol shall file any reply to the government's opposition by no later than September 24, 2021. Signed by Judge Emmet G. Sullivan on 9/9/2021. (lcegs2) (Text entry; no document attached.)

09/10/2021

Set/Reset Deadlines as to JEFFREY P. SABOL (01):Notice To The Court due no later than 5:00pm on 9/10/2021. Government Memorandum Of Points And Authorities In Opposition due by 9/17/2021. Defendant Reply To The Government's Opposition due by 9/24/2021. (Text entry; no document attached.)

111

09/10/2021

NOTICE of Government's Opposition to Defendant's Motion for Bond Reconsideration / Re-Opening by USA as to JEFFREY P. SABOL re Order, 102 Proposed MOTION for Bond Reconsideration/Re-Opening Modified text on 9/10/2021 (zstd).

09/10/2021

MINUTE ORDER as to RONALD COLTON MCABEE (07). A hearing on 109 the Government's Emergency Motion for Review and Appeal of Release Order will be held on September 22, 2021 at 1:00 p.m. via video teleconference. The

parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 9/10/2021. (lcegs2) (Text entry; no document attached.)

09/12/2021

Set/Reset Hearings as to RONALD COLTON MCABEE (07):Motion Hearing set for 9/22/2021 at 1:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

112

09/13/2021

MOTION for Extension of Time to File Response to Govt Motion to Stay by RONALD COLTON MCABEE.

113

09/14/2021

RESPONSE by RONALD COLTON MCABEE re 109 MOTION to Review, 108 Emergency MOTION to Stay and for Review and Appeal of Release Order

1 Attachment ▼

09/14/2021

MINUTE ORDER as to RONALD COLTON MCABEE (7) granting, nunc pro tunc, 112 Motion to Extend Deadline to File Response. Signed by Judge Emmet G. Sullivan on 9/14/2021. (lcegs2) (Text entry; no document attached.)

114

09/15/2021

MOTION to Modify Conditions of Release by MICHAEL JOHN LOPATIC, SR.

1 Attachment ▼

115

09/16/2021

MOTION to Access Video Exhibits by PRESS COALITION as to RONALD COLTON MCABEE.

116

09/16/2021

REPLY by USA as to RONALD COLTON MCABEE re 113 Response to motion

1 Attachment ▼

117

09/16/2021

NOTICE of Filing Exhibits Pursuant to Local Criminal Rule 49 by USA as to RONALD COLTON MCABEE re 116 Reply to document

09/17/2021

MINUTE ORDER as to JEFFREY P. SABOL (01). A hearing on 102 Mr. Sabol's Motion for Bond Reconsideration shall take place on October 7, 2021 at 10:00 a.m. via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. FURTHER, in view of Mr. Sabol's pending motion and the upcoming hearing on the motion, the status conference currently scheduled for September 23, 2021 is hereby VACATED as to MR. SABOL ONLY. The codefendants in this matter shall appear for the September 23, 2021 status conference as scheduled. Signed by Judge Emmet G. Sullivan on 9/17/2021. (lcegs2) (Text entry; no document attached.)

09/17/2021

MINUTE ORDER as to JEFFREY P. SABOL (01). Counsel for the Government and Mr. Sabol shall file responses to 103 Motion for Access to Video Exhibits by the Press Coalition by no later than September 20, 2021. Signed by Judge Emmet G. Sullivan on 9/17/2021. (lcegs2) (Text entry; no document attached.)

09/17/2021

MINUTE ORDER as to RONALD COLTON MCABEE (07). Counsel for the Government and Mr. McAbee shall file responses to 115 Motion for Access to Video Exhibits by the Press Coalition by no later than September 20, 2021. Signed by Judge Emmet G. Sullivan on 9/17/2021. (lcegs2) (Text entry; no document attached.)

09/17/2021

MINUTE ORDER as to MICHAEL JOHN LOPATIC SR. (3)granting 114 Motion to Modify Conditions of Release. It is hereby ORDERED that Mr. Lopatic may remove his ankle monitor on September 29, 2021, so that he may undergo his scheduled MRI scan. It is FURTHER ORDERED that Mr. Lopatic shall notify his Pretrial Services Officer when the MRI is complete, and the Pretrial Services Officer shall reattach the ankle monitor within 48 hours. All other conditions of release unmodified by this Order remain in effect. Signed by Judge Emmet G. Sullivan on 9/17/2021. (lcegs2) (Text entry; no document attached.)

119

09/17/2021

REPLY TO OPPOSITION to Motion by USA as to JEFFREY P. SABOL re 102 Proposed MOTION for Bond Reconsideration/Re-Opening

1 Attachment ▼

120

09/18/2021

NOTICE of Status of Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE

121

09/18/2021

NOTICE of Filing Exhibits Pursuant to Local Criminal Rule 49 by USA as to JEFFREY P. SABOL re 119 Reply to opposition to Motion

09/18/2021

Set/Reset Deadlines as to RONALD COLTON MCABEE (07): Government and Defendant Responses To 115 Motion For Access To Video Exhibits By The Press Coalition due by 9/20/2021 (Text entry; no document attached.)

09/18/2021

Set/Reset Deadlines as to JEFFREY P. SABOL (01):Government and Defendant Responses To 103 Motion For Access To Video Exhibits By The Press Coalition due by 9/20/2021. (Text entry; no document attached.)

09/18/2021

Set/Reset Hearings as to JEFFREY P. SABOL (01): Motion Hearing set for 10/7/2021 at 10:00 AM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

09/20/2021

MINUTE ORDER as to RONALD COLTON MCABEE (7) granting 118 Sealed Motion for Leave to File Document Under Seal. The government may file the exhibits subject to this motion under seal. The government shall also file redacted versions of the exhibits on the public docket as soon as possible and by no later than 5:00 p.m. today. The government is cautioned that redactions shall be made solely to the extent necessary to preserve the confidential nature of the relevant information.Signed by Judge Emmet G. Sullivan on 9/20/2021. (lcegs2) (Text entry; no document attached.)

123

09/20/2021

RESPONSE by USA as to RONALD COLTON MCABEE re 115 MOTION to Access Video Exhibits

124

09/20/2021

NOTICE of Filing of Transcript by USA as to RONALD COLTON MCABEE

1 Attachment ▼

125

09/20/2021

NOTICE of Filing of Redacted Exhibits by USA as to RONALD COLTON MCABEE

6 Attachments ▼

126

09/20/2021

RESPONSE TO ORDER OF THE COURT by JEFFREY P. SABOL as to JEFFREY P. SABOL, JOINT RESPONSE TO COURT'S MINUTE ORDER REGARDING RELEASE OF VIDEO EXHIBITS IN DEFENDANT'S UPCOMING BOND HEARING Modified event title and defendants on 9/21/2021 (znmw).

09/22/2021

MINUTE ORDER as to RONALD COLTON MCABEE (7) granting 115 Motion for Access to Video Exhibits by Press Coalition. After consultation with and consent of the parties, the government is hereby directed to promptly make the video exhibits from the detention hearing held in this matter in the Middle District of Tennessee on August 26, 2021 and September 8, 2021, as well as the video exhibits from the detention hearing held in this matter before this Court today, publicly available without restrictions by providing access using the "drop box" technical solutions described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases.Signed by Judge Emmet G. Sullivan on 9/22/2021. (lcegs2) (Text entry; no document attached.)

09/22/2021

MINUTE ORDER as to JEFFREY P. SABOL (1) granting 103 Motion for Access to Video Exhibits by Press Coalition. After consultation with and consent of the parties, the government is hereby directed to promptly make the parties' video exhibits for the upcoming October 7, 2021 hearing publicly available without restrictions by providing access using the "drop box" technical solutions described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases.Signed by Judge Emmet G. Sullivan on 9/22/2021. (lcegs2) (Text entry; no document attached.)

09/22/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Motion Hearing as to RONALD COLTON MCABEE (07) held on 9/22/2021 re 108 Emergency Motion to Stay and for Review and Appeal of Release Order filed by USA. The Court Heard Oral Arguments From Both Parties And The Government Also Admitted Exhibits. Motion Hearing is set for 10/6/2021 at 01:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: CATHRYN JONES; Defense Attorney: SKIP GANT; US Attorney: BENET KEARNEY; Pretrial Officer: CHRISTINE SCHUCK; (Text entry; no document attached.)

09/15/2021	128
Rule 5(c)(3) Documents Received as to RONALD COLTON MCABEE from United States District Court Middle District of Tennessee Case Number 21-mj-2956 (zstd)	
09/22/2021	129
GOVERNMENT EXHIBIT LIST as to RONALD COLTON MCABEE (07) As To Hearing Held On 9/22/21	
09/23/2021	130
MOTION to Hold Order in Abeyance re Order on Motion to Access, by USA as to JEFFREY P. SABOL. Modified text on 9/27/2021 (zstd).	
09/23/2021	
Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), and RONALD COLTON MCABEE (07) held on 9/23/2021. Government Discussed The Current Posture Of The Case. Over Objection Of Defendant PETER STAGER (02) And With The Consent OF The Other Defendants, The Court Will Toll Speedy Trial Time 9/23/21 - 11/22/21 In The Interest Of Justice. Status Conference set for 11/22/2021 at 11:00 AM in Telephonic/VTC before Judge Emmet G. Sullivan as to PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), and RONALD COLTON MCABEE (07).Bond Status of Defendant: #2, #5, #7 - APPEARED VIA VTC - REMAINS COMMITTED; #3, #4, #6 - APPEARED VIA VTC - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: JANICE DICKMAN; Defense Attorney: #2 - DAVID BENOWITZ/ RAMMY BARBERI/MATTHEW WILSON; #3 -DENNIS BOYLE; #4 - PAT WOODWARD; #5 - BENJAMIN ALPERT; #6 - CARA HALVERSON; #7 - SKIP GANT; US Attorney: BENET KEARNEY; (Text entry; no document attached.)	
09/24/2021	132
REPLY in Support by JEFFREY P. SABOL as to JEFFREY P. SABOL re 102 Proposed MOTION for Bond Reconsideration/Re-Opening REPLY MEMORANDUM Modified defendants on 9/26/2021 (zstd).	
09/27/2021	
MINUTE ORDER as to JEFFREY P. SABOL (1)granting 130 the Government's Motion to Hold Order in Abeyance. The government shall make video exhibits available to the Press Coalition in accordance with the Court's September 22, 2021 Minute Order after the October 7, 2021 motion hearing. Signed by Judge Emmet G. Sullivan on 9/27/2021. (lcegs2) (Text entry; no document attached.)	
10/01/2021	133
MOTION for Protective Order by USA as to JEFFREY P. SABOL, LOGAN JAMES BARNHART.	
	1 Attachment ▼
10/02/2021	
MINUTE ORDER as to JEFFREY P. SABOL (1), LOGAN JAMES BARNHART (6)granting 133 Unopposed Motion for Protective Order. The terms presented in [133-1] Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 10/2/2021. (lcegs2) (Text entry; no document attached.)	
10/04/2021	134
MOTION for Protective Order by USA as to RONALD COLTON MCABEE.	
	1 Attachment ▼
10/05/2021	
MINUTE ORDER as to RONALD COLTON MCABEE. The Court has learned that Mr. McAbee was recently transported from the detention facility in Kentucky to the D.C. Jail. Due to the unavailability of video teleconference time slots at the D.C. Jail, it is necessary to reschedule the hearing currently scheduled for October 6, 2021. The hearing shall now take place on October 13, 2021 at 4:00 p.m. via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 10/5/2021. (lcegs2) (Text entry; no document attached.)	
10/05/2021	
MINUTE ORDER as to RONALD COLTON MCABEE (7) granting 134 Unopposed Motion for Protective Order. The terms presented in [134-1] Protective Order Governing Discovery are incorporated by reference in to this Order. Signed by Judge Emmet G. Sullivan on 10/5/2021. (lcegs2) (Text entry; no document attached.)	
10/06/2021	
Set/Reset Hearings as to JEFFREY P. SABOL (01):Motion Hearing set for 10/13/2021 at 4:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)	
10/07/2021	

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Motion Hearing as to JEFFREY P. SABOL (01) held on 10/7/2021 re 102 Motion for Bond Reconsideration/Re-Opening filed by JEFFREY P. SABOL. Parties Consent To This Hearing Being Held Via VTC. The Court Heard Oral Arguments From Defense And Government Counsel. Motion Hearing Will Resume On 10/27/2021 at 3:45 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: ALEX CIROCCO; US Attorney: COLLEEN KUKOWSKI/ BENET KEARNEY; (Text entry; no document attached.)

10/13/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Motion Hearing as to RONALD COLTON MCABEE (07) held on 10/13/2021 re 109 MOTION to Review filed by USA. The Court Will Grant The Government's Motion. The Court Will Issue A Written Memorandum Opinion On The Docket. Oral Motion By Defense Counsel To Withdraw As Counsel Heard And Is Under Advisement. The Court Asks That Current Counsel Remain In This Matter Until New Counsel Is Appointed. Current Motions Are Currently Tolling Speedy Trial Time. Status Conference set for 10/21/2021 at 1:45 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: SKIP GANT; US Attorney: COLLEEN KUKOWSKI/ BENET KEARNEY; (Text entry; no document attached.)

135

10/13/2021

MOTION to Substitute Attorney by JACK WADE WHITTON.

1 Attachment ▼

136

10/13/2021

ENTERED IN ERROR.ERRATA by JACK WADE WHITTON re 135 MOTION to Substitute Attorney filed by JACK WADE WHITTON.

1 Attachment ▼

10/13/2021

NOTICE OF CORRECTED DOCKET ENTRY: as to JACK WADE WHITTON re 136 Errata was entered in error and counsel was instructed to refile said pleading. The document is not an Errata but a duplicate of docket entry 135 (zstd) (Text entry; no document attached.)

137

10/18/2021

Unopposed MOTION to Modify Conditions of Release by LOGAN JAMES BARNHART.

1 Attachment ▼

10/19/2021

MINUTE ORDER as to LOGAN JAMES BARNHART (6) granting 137 Unopposed Motion to Modify Conditions of Release. It is hereby ORDERED that condition 7(t) of 106 the Order Setting Conditions of Release as to Mr. Barnhart is modified to allow for his travel from the Western District of Michigan to the Eastern District of Michigan for medical appointments. All other conditions of release unmodified by this Order shall remain in effect. Signed by Judge Emmet G. Sullivan on 10/19/2021. (lcegs2) (Text entry; no document attached.)

10/19/2021

MINUTE ORDER as to JACK WADE WHITTON (5)granting 135 Motion to Substitute Attorney. Benjamin B. Alper and Robert D. Owen are substituted by John C. Kiyonaga as counsel for Mr. Whitton. Signed by Judge Emmet G. Sullivan on 10/19/2021. (lcegs2) (Text entry; no document attached.)

10/20/2021

MINUTE ORDER as to RONALD COLTON MCABEE (07). In view of Mr. Gant's continuation of his representation of Mr. McAbee, the status conference currently scheduled for October 21, 2021, is no longer necessary and is hereby VACATED. The next status conference in this matter for all codefendants is scheduled for November 22, 2021. Signed by Judge Emmet G. Sullivan on 10/20/2021. (lcegs2) (Text entry; no document attached.)

10/20/2021

Terminate Deadlines and Hearings as to RONALD COLTON MCABEE (07): (Text entry; no document attached.)

10/20/2021

Set/Reset Hearings as to RONALD COLTON MCABEE (07):Status Conference set for 11/22/2021 at 11:00 AM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

138

10/21/2021

MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF OCTOBER 21, 2021 by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE Modified text on 10/22/2021 (zstd).

139

10/25/2021

NOTICE OF ATTORNEY APPEARANCE: John M. Pierce appearing for RONALD COLTON MCABEE

140

10/26/2021

NOTICE OF ATTORNEY APPEARANCE Matthew Moeder appearing for USA.

10/27/2021

Minute Entry for proceedings held before Judge Emmet G. Sullivan: Motion Hearing as to JEFFREY P. SABOL held on 10/27/2021 re 102 Motion for Bond Reconsideration/Re-Opening filed by JEFFREY P. SABOL. The Court Denies 102 Motion For Bond. The Court Will Issue A Written Order. Status Conference set for 11/22/2021 at 11:00 AM in Telephonic/VTC before Judge Emmet G. Sullivan. Defendant Consents To Speedy Trial Being Tolled 10/27/2021 - 11/22/2021 In The Interest Of Justice (XT). Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: TIM MILLER; Defense Attorney: ALEX CIROCCO; US Attorney: BENET KEARNEY/MATTHEW MOEDER; (Text entry; no document attached.)

141

11/08/2021

STATUS REPORT Regarding Discovery by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE

142

11/10/2021

TRANSCRIPT OF PROCEEDINGS in case as to JEFFREY P. SABOL before Judge Emmet G. Sullivan held on 10/07/2021; Page Numbers: 72. Date of Issuance: 11/10/2021. Court Reporter/Transcriber L. Bankins, Telephone number 202-354-3243, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022. Modified defendant on 11/10/2021 (znmw).

144

11/17/2021

MOTION to ADOPT, CONFORM AND SUPPLEMENT Motion to Compel Discovery in Support of David Lee Judd's Claim of Selective Prosecution by JACK WADE WHITTON.

1 Attachment ▼

145

11/17/2021

THIRD SUPERSEDING INDICTMENT as to JEFFREY P. SABOL (1) count(s) 1sss, 2sss, 3sss, 4sss, 5sss-6sss, 8sss, 9sss, 10sss, 14sss, 18sss, 19sss, 20sss, 24sss, PETER FRANCIS STAGER (2) count(s) 1sss, 10sss, 14sss, 18sss, 19sss, 20sss, 24sss, MICHAEL JOHN LOPATIC, SR (3) count(s) 1sss, 12sss, 14sss, 15sss, 21sss, 22sss, 23sss, 24sss, CLAYTON RAY MULLINS (4) count(s) 9ss, 11ss, 14ss, 21ss, 22ss, 23ss, 24ss, JACK WADE WHITTON (5) count(s) 9ss, 10ss, 14ss, 16ss, 17ss, 18ss, 19ss, 20ss, 24ss, LOGAN JAMES BARNHART (6) count(s) 10s, 14s, 21s, 22s, 23s, 24s, RONALD COLTON MCABEE (7) count(s) 9s, 12s, 14s, 18s, 19s, 20s, 24s, MASON JOEL COURSON (8) count(s) 7, 10, 11, 14, 18, 19, 20, 24, JUSTIN JERSEY (9) count(s) 9, 13, 14, 18, 19, 20, 24. (zstd)

147

11/17/2021

MOTION to Seal Case by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, MASON JOEL COURSON, JUSTIN JERSEY.

1 Attachment ▼

148

11/17/2021

ORDER granting 147 Motion to Seal Case as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7), MASON JOEL COURSON (8), JUSTIN JERSEY (9). Signed by Magistrate Judge Robin M. Meriweather on 11/17/2021. (zstd)

149

11/18/2021

Amended MOTION Motion to Adopt - Corrected by JACK WADE WHITTON.

1 Attachment ▼

11/22/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06) and RONALD COLTON MCABEE (07) held on 11/22/2021. Government Discussed Discovery As It Related To The Defendants. Over The Objection Of Defendants PETER FRANCIS STAGER (02) and JACK WADE WHITTON, The Court Tolls Speedy Trial From 11/22/21 - 02/07/2022 In the Interest Of Justice (XT) as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), RONALD COLTON MCABEE (07). Status Conference set for 2/7/2022 at 1:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), RONALD COLTON MCABEE (07). Bond Status of Defendant: #1, #2, #5, #7 - APPEARED VIA VTC/REMAINS COMMITTED; #3, #4, #6 - APPEARED VIA VTC/REMAINS ON PERSONAL RECONGIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - DAVID BENOWITZ/RAMMY BARBERI/MATTHEW WILSON; #3 - DENNIS BOYLE; #4 - PAT WOODWARD; #5 - JOHN KIYONAGA; #6 - CARA HALVERSON; #7 - JOHN PIERCE; US Attorney: BENET KEARNEY/COLLEEN KUKOWSKI/MATTHEW MOEDER; (Text entry; no document attached.)

152

12/02/2021

MOTION to Docket Redacted Third Superseding Indictment by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, MASON JOEL COURSON, JUSTIN JERSEY.

2 Attachments ▼

153

12/02/2021

ORDER granting 152 Motion to Docket Redacted Indictment as to JEFFREY P. SABOL (1), PETER FRANCIS STAGER (2), MICHAEL JOHN LOPATIC SR. (3), CLAYTON RAY MULLINS (4), JACK WADE WHITTON (5), LOGAN JAMES BARNHART (6), RONALD COLTON MCABEE (7), MASON JOEL COURSON (8), JUSTIN JERSEY (9). Signed by Magistrate Judge Zia M. Faruqui on 12/2/2021. (zstd)

154

12/02/2021

REDACTED INDICTMENT as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, JUSTIN JERSEY. (zstd) Modified text on 12/7/2021

155

12/02/2021

Arrest Warrant, dated 11/17/2021, Returned Executed on 12/2/2021 as to JUSTIN JERSEY.

12/02/2021

Arrest of JUSTIN JERSEY in Michigan. (Text entry; no document attached.)

156

12/02/2021

Rule 5(c)(3) Documents Received as to JUSTIN JERSEY from United States District Court Eastern District of Michigan (Bay City) (Case Number 1:21-mj-30569 (zstd)

12/03/2021

Set/Reset Hearings as to JUSTIN JERSEY (9): Detention Hearing set for 12/15/2021 at 2:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. (Text entry; no document attached.)

157

12/13/2021

MEMORANDUM in Support of Pretrial Detention by USA as to JUSTIN JERSEY (zstd)

158

12/13/2021

NOTICE of Filing of Exhibits by USA as to JUSTIN JERSEY (zstd)

159

12/14/2021

Arrest Warrant, dated 11/17/2021, Returned Executed on 12/14/2021 as to MASON JOEL COURSON.

12/14/2021

Arrest of MASON JOEL COURSON in Florida. (Text entry; no document attached.)

12/14/2021

Case unsealed as to MASON JOEL COURSON, JUSTIN JERSEY (Text entry; no document attached.)

160

12/14/2021

NOTICE OF ATTORNEY APPEARANCE: Alfred Guillaume, III appearing for JUSTIN JERSEY

12/14/2021  
MOTION for Protective Order by USA as to JUSTIN JERSEY.

1 Attachment ▼

12/15/2021  
ORAL MOTION to Appoint Counsel by JUSTIN JERSEY (9). (Text entry; no document attached.)

12/15/2021  
ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to JUSTIN JERSEY (9). (Text entry; no document attached.)

12/15/2021  
ORAL MOTION for Release from Custody by JUSTIN JERSEY (9). (Text entry; no document attached.)

12/15/2021  
Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi:Initial Appearance/Detention Hearing as to JUSTIN JERSEY (9) held on 12/15/2021. Case called for an Arraignment but not held. Defendant present by video. Oral Motion to appoint counsel by JUSTIN JERSEY (9); heard and granted. The Court advised the Government of its due process obligations under Rule 5(f). Detention Hearing continued to 12/20/2021 at 11:30 AM by Telephonic/VTC before Magistrate Judge Zia M. Faruqi. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [2;15:07-3;14:35];Defense Attorney: Alfred Guillaume, III; US Attorney: Benet Kearney and Matthew Moeder; Pretrial Officer: John Copes. (Text entry; no document attached.)

163

12/19/2021  
MOTION for Pretrial Release by JUSTIN JERSEY. Modified event title on 12/20/2021 (zstd).

12/20/2021  
Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Continued Detention Hearing as to JUSTIN JERSEY held on 12/20/2021. Defendant present by video. Detention Hearing Continued to 12/21/2021 at 10:00 AM by Telephonic/VTC before Magistrate Judge Zia M. Faruqi. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [11:46-12:16 (SEALED: 12:16-12:20)-12:20-12:27]; Defense Attorney: Alfred Guillaume, III; US Attorney: Benet Kearney; Pretrial Officer: John Copes. (Text entry; no document attached.)

12/20/2021  
Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi:Status Hearing as to JUSTIN JERSEY held on 12/20/2021. Case called for a Detention Hearing but not held. Defendant present by video. Detention Hearing continued to 12/21/2021 at 2:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqi. Bond Status of Defendant: Defendant Present by Video; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [11:46-12:16(SEALED 12:16-12:20)-12:20-12:27];Defense Attorney: Alfred Guillaume; US Attorney: Benet Kearney; Pretrial Officer: John Copes. (Text entry; no document attached.)

165

12/21/2021  
ORDER as to RONALD COLTON MCABEE granting 108 109 the government's motion for review and appeal of release order.Signed by Judge Emmet G. Sullivan on 12/21/2021. (lcegs2)

166

12/21/2021  
MEMORANDUM OPINION as to RONALD COLTON MCABEE. Signed by Judge Emmet G. Sullivan on 12/21/2021. (lcegs2)

12/21/2021  
ORAL MOTION for Speedy Trial by USA as to JUSTIN JERSEY (9). (Text entry; no document attached.)

12/21/2021  
Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Detention Hearing as to JUSTIN JERSEY (9) held on 12/21/2021. Defendant present by video. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to JUSTIN JERSEY (9); heard and granted. Oral Motion for Release from Custody by JUSTIN JERSEY (9); heard and denied. Oral Motion by the Government for Speedy Trial as to JUSTIN JERSEY (9); heard and granted. No objection from defense. Speedy Trial Excluded from 12/21/2021 to 2/7/2022 in the Interest of Justice (XT). Arraignment/Status Hearing set for 2/7/2022 at 1:00 PM by Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: Defendant Committed/Commitment Issued; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [10:23:08-10:44:36];Defense Attorney: Alfred Guillaume; US Attorney: Benet Kearney; Pretrial Officer: Masharia Holman. (Text entry; no document attached.)

12/22/2021  
ENTERED IN ERROR.MINUTE ORDER as to JUSTIN JERSEY (09). In view of the number of defendants in this matter who are in custody in the D.C. Jail and the limited number of video conference rooms at that facility to accommodate all defendants for the next status conference in this matter, it is hereby ORDERED that the Marshal Service shall not transport Mr. Jersey to Washington, D.C. at this time. Mr. Jersey shall remain in pretrial detention at the Midland County Sheriffs Office-Jail in Midland, Michigan until further order of the Court. It is FURTHER

ORDERED that the government and counsel for Mr. Jersey shall file a joint status report by no later than 12:00 p.m. tomorrow, December 23, 2021, advising the Court of any objections to Mr. Jersey remaining in Michigan until further order of the Court. Signed by Judge Emmet G. Sullivan on 12/22/21. (mac) Modified on 12/22/2021 (zmac). (Text entry; no document attached.)

12/22/2021

MINUTE ORDER as to JUSTIN JERSEY (09). In view of the number of defendants in this matter who are in custody in the D.C. Jail and the limited number of video conference rooms at that facility to accommodate all defendants for the next status conference in this matter, the Court hereby requests that the U.S. Marshal Service ensure that Mr. Jersey remains at the Midland County Sheriffs Office-Jail in Midland, Michigan until further order of the Court, or that he is transferred to a facility other than the D.C. Jail until further order of the Court, to facilitate the virtual status conference scheduled for all codefendants on February 7, 2022. It is FURTHER ORDERED that the government and counsel for Mr. Jersey shall file a joint status report by no later than 12:00 p.m. tomorrow, December 23, 2021, advising the Court of any objections to this request. Signed by Judge Emmet G. Sullivan on 12/22/21. (Text entry; no document attached.)

12/22/2021

MINUTE ORDER as to Defendant JUSTIN JERSEY (9) : At the conclusion of Defendant JUSTIN JERSEY'S (9) detention hearing on December 21, 2021, the Court ordered Defendant JUSTIN JERSEY (9) held without bond pending trial. As part of its ruling, the Court outlined the four Bail Reform Act factors, 18 U.S.C. § 3142(g)(1)-(4), explaining in detail their applicability to the Court's finding that no condition or combination of conditions could reasonably assure the safety of any person or the community. The transcript of the December 21, 2021 hearing shall serve as this Court's written findings of fact and a written statement of the reasons for the detention. 18 U.S.C. § 3142(i)(1); see also United States v. Peralta, 849 F.2d 625, 626 (D.C. Cir. 1988) (holding that the transcription of a detention hearing, if it evinces a clear and legally sufficient basis for the court's determination, will satisfy the requirements of [18 U.S.C. § 3142(i)]); So Ordered by Magistrate Judge Zia M. Faruqui on December 21, 2021. (Text entry; no document attached.)

167

12/23/2021

Joint STATUS REPORT by USA as to JUSTIN JERSEY

168

12/23/2021

Rule 5(c)(3) Documents Received as to MASON JOEL COURSON from U.S. District Court Southern District of Florida (Ft. Lauderdale) Case Number 0:21-mj-06681 (zstd)

12/30/2021

MINUTE ORDER as to JUSTIN JERSEY (9) granting 161 Unopposed Motion for Protective Order. The terms presented in [161-1] are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 12/30/2021. (lcegs2) (Text entry; no document attached.)

12/30/2021

MINUTE ORDER as to JACK WADE WHITTON (05). In view of 149 Mr. Whitton's Motion to Adopt, Conform and Supplement Motion to Compel Discovery Pertinent to Selective Prosecution, the government is directed to file a response by no later than January 13, 2022. Signed by Judge Emmet G. Sullivan on 12/30/2021. (lcegs2) (Text entry; no document attached.)

01/03/2022

Set/Reset Deadlines as to JACK WADE WHITTON (05): Government Response due by 1/13/2022 (Text entry; no document attached.)

169

01/13/2022

Memorandum in Opposition by USA as to JACK WADE WHITTON re 149 Amended MOTION Motion to Adopt - Corrected

1 Attachment ▼

01/27/2022

MINUTE ORDER as to MICHAEL JOHN LOPATIC SR. (3) granting [170] Motion to Modify Conditions of Release. It is hereby ORDERED that Mr. Lopatic may remove his ankle monitor today, January 27, 2022, to undergo an MRI. It is further ORDERED that Mr. Lopatic shall notify Pre-Trial Services at the completion of the MRI, and Pre-Trial Services shall thereafter re-attach the ankle monitor. All conditions of release unmodified by this Order shall remain in effect. Signed by Judge Emmet G. Sullivan on 1/27/2022. (lcegs2) (Text entry; no document attached.)

171

02/02/2022

NOTICE OF ATTORNEY APPEARANCE: Nicholas D. Smith appearing for MASON JOEL COURSON

172

02/03/2022

Third MOTION to Modify Conditions of Release by MICHAEL JOHN LOPATIC, SR.

1 Attachment ▼

02/04/2022

MINUTE ORDER granting [172] Motion to Modify Conditions of Release as to MICHAEL JOHN LOPATIC SR. (3). It is hereby ORDERED that Mr. Lopatic may remove his ankle monitor on February 10, 2022, to undergo an MRI. It is further ORDERED that Mr. Lopatic shall notify Pre-Trial Services at the completion of the MRI, and Pre-Trial Services shall thereafter re-attach the ankle monitor. All conditions of release unmodified by this Order shall remain in effect. Signed by Judge Emmet G. Sullivan on 2/4/2022. (lcegs1) (Text entry; no document attached.)

02/04/2022

MINUTE ORDER as to MASON JOEL COURSON. Pursuant to Mr. Courson's arrest on December 14, 2021, a preliminary status conference shall be held on February 7, 2022 at 3:30 pm. In light of the public health emergency, the hearing will take place via VIDEO TELECONFERENCE (VTC). The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 2/4/2022. (lcegs1) (Text entry; no document attached.)

02/07/2022

Set/Reset Hearings as to MASON JOEL COURSON (08):Status Conference set for 2/7/2022 at 03:30 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

02/07/2022

Minute Entry for proceedings held before Judge Emmet G. Sullivan:Arraignment/Status Conference as to JEFFREY P. SABOL (1) PETER FRANCIS STAGER (2) MICHAEL JOHN LOPATIC SR. (3) CLAYTON RAY MULLINS (4) JACK WADE WHITTON (5) LOGAN JAMES BARNHART (6) RONALD COLTON MCABEE (7) and JUSTIN JERSEY (9). All Defendants Consent To This Hearing Being Held Via VTC. Government Updated The Court On Discovery And Request Sixty (60) Day Continuance. Parties Discussed With The Court The Scheduling Of Next Status Conference and Jury Selection. The Court Sets Next Status Conference for 4/5/2022 at 12:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Over Objection Of Defendant (s) PETER STAGER (02), and JACK WHITTON (05), The Court Will Toll Speedy Trial Time From 2/7/22 - 4/5/22 In The Interest Of Justice (XT) As To All Defendants. Jury Selection tentatively set for 11/30/2022 at 9:00 AM in Ceremonial Courtroom before Judge Emmet G. Sullivan. All Defendants Plead Not Guilty To the [145] Third Superseding Indictment. The Court Will Grant Defendant MICHAEL LOPATIC (03) Of Curfew From 10:00pm - 6:00am. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC ; #1, #2, #5, #7, #9 - REMAIN COMMITTED; #3, #4, #6 - REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - DAVID BENOWITZ/RAMMY BARBERI, #3 - DENNIS BOYLE, #4 - PAT WOODWARD, #5 - JOHN KIYONAGA, #6 - CARA HALVERSON, #7 - JOHN PIERCE, #9 - ALFRED GUILLAUME; US Attorney: MATTHEW MOEDER; Pretrial Officer: MASHARIA HOLMAN; (Text entry; no document attached.)

02/07/2022

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Arraignment/Status Conference as to MASON JOEL COURSON (08) held on 2/7/2022. Defendant Consents To This Hearing Being Held Via VTC. Government Updated The Court In Regards To Discovery. Plea Of Not Guilty Entered by MASON JOEL COURSON (8) as to [145] Third Superseding Indictment. Defendant Consents To Speedy Trial Time Being Tolled 2/7/22 - 4/5/22 In The Interest Of Justice (XT). Status Conference set for 4/5/2022 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Jury Selection is tentatively set for 11/30/2022 at 9:00 AM in Ceremonial Courtroom before Judge Emmet G. Sullivan. Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: NICHOLAS SMITH; US Attorney: MATTHEW MOEDER; (Text entry; no document attached.)

02/07/2022

Minute Entry for proceedings held Via before Judge Emmet G. Sullivan:Motion Hearing as to JEFFREY P. SABOL (01) held on 2/7/2022 re [102] Motion for Bond Reconsideration/Re-Opening filed by JEFFREY P. SABOL. Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: ALEX CIROCCO; US Attorney: MATTHEW MOEDER; (Text entry; no document attached.)

02/09/2022

MINUTE ORDER as to JACK WADE WHITTON finding as moot [149] Defendant's Motion to Adopt, Conform, and Supplement Motion to Compel Selective-Prosecution Discovery. Through his motion, Mr. Whitton seeks discovery in support of a selective prosecution claim filed by a defendant in a different case, United States v. David Lee Judd, 21-cr-40-TNM (D.D.C.), and seeks to "enjoy the benefits" of any ruling in that case. See ECF No. 49. However, Judge McFadden recently denied the motion for discovery. See United States v. David Lee Judd, 21-cr-40-TNM, ECF No. 203 (D.D.C. Dec. 28, 2021). Mr. Whitton's request to incorporate the Judd motion and "enjoy the benefits" of any subsequent discovery ordered by Judge McFadden is therefore moot. Signed by Judge Emmet G. Sullivan on 2/9/2022. (lcegs1) (Text entry; no document attached.)

02/07/2022

Set/Reset Hearings as to MASON JOEL COURSON (08):Status Conference set for 2/7/2022 at 03:30 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

02/07/2022

Minute Entry for proceedings held before Judge Emmet G. Sullivan:Arraignment/Status Conference as to JEFFREY P. SABOL (1) PETER FRANCIS STAGER (2) MICHAEL JOHN LOPATIC SR. (3) CLAYTON RAY MULLINS (4)

JACK WADE WHITTON (5) LOGAN JAMES BARNHART (6) RONALD COLTON MCABEE (7) and JUSTIN JERSEY (9). All Defendants Consent To This Hearing Being Held Via VTC. Government Updated The Court On Discovery And Request Sixty (60) Day Continuance. Parties Discussed With The Court The Scheduling Of Next Status Conference and Jury Selection. The Court Sets Next Status Conference for 4/5/2022 at 12:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Over Objection Of Defendant (s) PETER STAGER (02), and JACK WHITTON (05), The Court Will Toll Speedy Trial Time From 2/7/22 - 4/5/22 In The Interest Of Justice (XT) As To All Defendants. Jury Selection tentatively set for 11/30/2022 at 9:00 AM in Ceremonial Courtroom before Judge Emmet G. Sullivan. All Defendants Plead Not Guilty To the 145 Third Superseding Indictment. The Court Will Grant Defendant MICHAEL LOPATIC (03) Of Curfew From 10:00pm - 6:00am. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC ; #1, #2, #5, #7, #9 - REMAIN COMMITTED; #3, #4, #6 - REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - DAVID BENOWITZ/RAMMY BARBERI, #3 - DENNIS BOYLE, #4 - PAT WOODWARD, #5 - JOHN KIYONAGA, #6 - CARA HALVERSON, #7 - JOHN PIERCE, #9 - ALFRED GUILLAUME; US Attorney: MATTHEW MOEDER; Pretrial Officer: MASHARIA HOLMAN; (Text entry; no document attached.)

02/07/2022

Minute Entry for proceedings held Via before Judge Emmet G. Sullivan:Motion Hearing as to JEFFREY P. SABOL (01) held on 2/7/2022 re 102 Motion for Bond Reconsideration/Re-Opening filed by JEFFREY P. SABOL. Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: ALEX CIROCCO; US Attorney: MATTHEW MOEDER; (Text entry; no document attached.)

02/07/2022

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Arraignment/Status Conference as to MASON JOEL COURSON (08) held on 2/7/2022. Defendant Consents To This Hearing Being Held Via VTC. Government Updated The Court In Regards To Discovery. Plea Of Not Guilty Entered by MASON JOEL COURSON (8) as to 145 Third Superseding Indictment. Defendant Consents To Speedy Trial Time Being Told 2/7/22 - 4/5/22 In The Interest Of Justice (XT). Status Conference set for 4/5/2022 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Jury Selection is tentatively set for 11/30/2022 at 9:00 AM in Ceremonial Courtroom before Judge Emmet G. Sullivan. Bond Status of Defendant: APPEARED VIA VTC - REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: NICHOLAS SMITH; US Attorney: MATTHEW MOEDER; (Text entry; no document attached.)

177

02/11/2022

Unopposed MOTION for Protective Order Governing Discovery by USA as to MASON JOEL COURSON.

1 Attachment ▼

178

02/11/2022

NOTICE of United States' Memorandum Regarding Status of Discovery as of February 9, 2022 by USA as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, MASON JOEL COURSON, JUSTIN JERSEY

02/15/2022

MINUTE ORDER as to MASON JOEL COURSON (08). Due to scheduling constraints at Northern Neck, the status conference currently scheduled for April 5, 2022 is hereby RESCHEDULED to April 7, 2022 at 2:00 pm. Signed by Judge Emmet G. Sullivan on 2/15/2022. (lcegs1) (Text entry; no document attached.)

02/15/2022

Set/Reset Hearings as to MASON JOEL COURSON:Status Conference set for 4/7/2022 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

179

02/14/2022

NOTICE of Mason Courson's Desire to be Transferred to the D.C. Department of Corrections by MASON JOEL COURSON

02/15/2022

MINUTE ORDER as to MASON JOEL COURSON (08). Due to scheduling constraints at Northern Neck, the status conference currently scheduled for April 5, 2022 is hereby RESCHEDULED to April 7, 2022 at 2:00 pm. Signed by Judge Emmet G. Sullivan on 2/15/2022. (lcegs1) (Text entry; no document attached.)

180

02/15/2022

Consent MOTION to Travel by CLAYTON RAY MULLINS.

1 Attachment ▼

02/18/2022

MINUTE ORDER as to CLAYTON RAY MULLINS granting [180] Consent Motion to Approve Travel. Mr. Mullins is hereby authorized to travel to the Middle District of Florida for employment purposes from February 19 to February

27, 2022. All other conditions of release remain in full force and effect. Signed by Judge Emmet G. Sullivan on 2/18/2022. (lcegs1) (Text entry; no document attached.)

03/03/2022

MINUTE ORDER granting [177] Unopposed Motion for Protective Order as to MASON JOEL COURSON (8). The terms agreed to by the parties in [177-1] Protective Order Governing Discovery are hereby incorporated by reference into this Court's Order. Signed by Judge Emmet G. Sullivan on 3/3/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to JEFFREY P. SABOL. Pursuant to the discussion about CTF telephone availability at the status conference on February 7, 2022, the Court has reached out to the General Counsel of the Department of Corrections and has been assured that any telephone problems at CTF will be addressed and resolved. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to JEFFREY P. SABOL. Pursuant to the discussion about CTF telephone availability at the status conference on February 7, 2022, the Court has reached out to the General Counsel of the Department of Corrections and has been assured that any telephone problems at CTF will be addressed and resolved. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/03/2022

MINUTE ORDER granting [177] Unopposed Motion for Protective Order as to MASON JOEL COURSON (8). The terms agreed to by the parties in [177-1] Protective Order Governing Discovery are hereby incorporated by reference into this Court's Order. Signed by Judge Emmet G. Sullivan on 3/3/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to JEFFREY P. SABOL. Pursuant to the discussion about CTF telephone availability at the status conference on February 7, 2022, the Court has reached out to the General Counsel of the Department of Corrections and has been assured that any telephone problems at CTF will be addressed and resolved. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to JEFFREY P. SABOL. Pursuant to the discussion about CTF telephone availability at the status conference on February 7, 2022, the Court has reached out to the General Counsel of the Department of Corrections and has been assured that any telephone problems at CTF will be addressed and resolved. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to JEFFREY P. SABOL. Pursuant to the discussion about CTF telephone availability at the status conference on February 7, 2022, the Court has reached out to the General Counsel of the Department of Corrections and has been assured that any telephone problems at CTF will be addressed and resolved. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to JEFFREY P. SABOL. Pursuant to the discussion about CTF telephone availability at the status conference on February 7, 2022, the Court has reached out to the General Counsel of the Department of Corrections and has been assured that any telephone problems at CTF will be addressed and resolved. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

ORDER as to MICHAEL JOHN LOPATIC, SR. Pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022, Mr. Lopatic is directed to file a motion for the requested modification. The Defendant shall indicate whether or not the motion is unopposed. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/04/2022

MINUTE ORDER as to JEFFREY P. SABOL. Pursuant to the discussion about CTF telephone availability at the status conference on February 7, 2022, the Court has reached out to the General Counsel of the Department of Corrections and has been assured that any telephone problems at CTF will be addressed and resolved. Signed by Judge Emmet G. Sullivan on 3/4/2022. (lcegs1) (Text entry; no document attached.)

03/03/2022

MINUTE ORDER granting [177] Unopposed Motion for Protective Order as to MASON JOEL COURSON (8). The terms agreed to by the parties in [177-1] Protective Order Governing Discovery are hereby incorporated by reference into this Court's Order. Signed by Judge Emmet G. Sullivan on 3/3/2022. (lcegs1) (Text entry; no document attached.)

02/18/2022

MINUTE ORDER as to CLAYTON RAY MULLINS (04) granting 180 Consent Motion to Approve Travel. Mr. Mullins is hereby authorized to travel to the Middle District of Florida for employment purposes from February 19 to February 27, 2022. All other conditions of release remain in full force and effect. Signed by Judge Emmet G. Sullivan on 2/18/2022. (lcegs1) (Text entry; no document attached.)

181

03/04/2022

MOTION for Leave to Appear Pro Hac Vice William L. Shipley Filing fee \$ 100, receipt number DCDC-9082902. Fee Status: Fee Paid. by RONALD COLTON MCABEE as to JEFFREY P. SABOL, PETER FRANCIS STAGER, MICHAEL JOHN LOPATIC, SR, CLAYTON RAY MULLINS, JACK WADE WHITTON, LOGAN JAMES BARNHART, RONALD COLTON MCABEE, MASON JOEL COURSON, JUSTIN JERSEY.

2 Attachments ▼

182

03/04/2022

MOTION for Leave to Appear Pro Hac Vice William L. Shipley. Filing Fee \$100, receipt DCDC-9082902. Fee Status: Fee Paid. by RONALD COLTON MCABEE.

2 Attachments ▼

03/08/2022

MINUTE ORDER granting [181] Motion for Leave to Appear Pro Hac Vice as to RONALD COLTON MCABEE (7). William L. Shipley is hereby admitted pro hac vice in this action. Signed by Judge Emmet G. Sullivan on 3/8/2022. (lcegs1) (Text entry; no document attached.)

03/08/2022

MINUTE ORDER as to MICHAEL JOHN LOPATIC, Sr. granting [182] Motion to Modify Conditions of Release. The Order Setting Conditions of Release [ECF 65] is hereby modified to allow a curfew from 10:00 P.M. until 6:00 A.M. All other conditions of release remain in full force and effect. Signed by Judge Emmet G. Sullivan on 3/8/2022. (lcegs1) (Text entry; no document attached.)

03/08/2022

MINUTE ORDER granting [181] Motion for Leave to Appear Pro Hac Vice as to RONALD COLTON MCABEE (7). William L. Shipley is hereby admitted pro hac vice in this action. Signed by Judge Emmet G. Sullivan on 3/8/2022. (lcegs1) (Text entry; no document attached.)  
03/08/2022

MINUTE ORDER granting 181 Motion for Leave to Appear Pro Hac Vice as to RONALD COLTON MCABEE (7). William L. Shipley is hereby admitted pro hac vice in this action. Signed by Judge Emmet G. Sullivan on 3/8/2022. (lcegs1) (Text entry; no document attached.)  
03/08/2022

MINUTE ORDER as to MICHAEL JOHN LOPATIC, Sr (03). granting 182 Motion to Modify Conditions of Release. The Order Setting Conditions of Release [ECF 65] is hereby modified to allow a curfew from 10:00 P.M. until 6:00 A.M. All other conditions of release remain in full force and effect. Signed by Judge Emmet G. Sullivan on 3/8/2022. (lcegs1) (Text entry; no document attached.)

183

03/11/2022

NOTICE OF ATTORNEY APPEARANCE: William Lee Shipley, Jr appearing for RONALD COLTON MCABEE

185

04/03/2022

Unopposed MOTION to Modify Conditions of Release by CLAYTON RAY MULLINS.

1 Attachment ▼

187

04/04/2022

NOTICE OF ATTORNEY APPEARANCE: Michelle M. Peterson appearing for LOGAN JAMES BARNHART

04/08/2022

MINUTE ORDER as to MASON JOEL COURSON. Due to constraints in the Court's calendar, the status conference scheduled for April 7, 2022 is hereby RESCHEDULED to May 26, 2022. The parties shall file a notice by no later than April 11 at 5:00 pm indicating whether they consent to tolling speedy trial until that time. As before, the hearing shall take place via VIDEO TELECONFERENCE. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 4/8/2022. (lcegs1) (Text entry; no document attached.)

04/05/2022

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Status Conference as to JEFFREY P. SABOL (01), PETER FRANCIS STAGER (02), MICHAEL JOHN LOPATIC, SR (03), CLAYTON RAY MULLINS (04), JACK WADE WHITTON (05), LOGAN JAMES BARNHART (06), RONALD COLTON MCABEE (07) and JUSTIN JERSEY (09) held on 4/5/2022. Government Discussed Current Posture Of This Matter. Without the Consent Of Defendant Jack Whitton, The Court Will Toll Speedy Trial From 4/5/22 - 11/30/22 In The Interest Of Justice (XT) as to ALL DEFENDANTS. Motion Hearing set for 10/19/2022 at 12:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan as to ALL DEFENDANTS. The Court Will Issue A Minute Order In Regards Filings Of Motions. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC; #1,#2, #5, #7, #9 - REMAIN COMMITTED; #3,#4,#6 - REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 - ALEX CIROCCO, #2 - MATTHEW WILSON, #3 - DENNIS BOYLE/BLERINA JASARI, #4 - PAT WOODWARD; #5 - JOHN KIYONAGA, #6 - MICHELLE PETERSON; #7 - WILLIAM SHIPLEY; #9 - ALFRED GUILLAUME; US Attorney: MATTHEW MOEDER/ BENET KEARNEY; (Text entry; no document attached.)

04/08/2022

MINUTE ORDER as to MASON JOEL COURSON. Due to constraints in the Court's calendar, the status conference scheduled for April 7, 2022 is hereby RESCHEDULED to May 26, 2022. The parties shall file a notice by no later than April 11 at 5:00 pm indicating whether they consent to tolling speedy trial until that time. As before, the hearing shall take place via VIDEO TELECONFERENCE. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 4/8/2022. (lcegs1) (Text entry; no document attached.)

04/10/2022

Set/Reset Deadlines/Hearings as to MASON JOEL COURSON (08): Notice due no later than 5:00PM on 4/11/2022. Status Conference set for 5/26/2022 at 3:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (Text entry; no document attached.)

04/14/2022

MINUTE ORDER as to MASON JOEL COURSON. The status conference scheduled for May 26, 2022 shall take place at 3:00 pm. As before, the hearing shall take place via VIDEO TELECONFERENCE. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. In addition, the parties are ORDERED to comply with the Court's April 8, 2022 minute order and file a notice as to speedy trial time. Signed by Judge Emmet G. Sullivan on 4/14/2022. (lcegs1) (Text entry; no document attached.)

189

04/15/2022

Joint MOTION to Exclude Time Under the Speedy Trial Act by USA as to MASON JOEL COURSON.

04/19/2022

MINUTE ORDER granting 189 Joint Motion to Exclude Time Under the Speedy Trial Act as to MASON JOEL COURSON (8). With the consent of the parties, speedy trial time shall be tolled between April 5, 2022 through and including May 26, 2022, the date of the next status conference. Signed by Judge Emmet G. Sullivan on 4/19/2022. (lcegs1) (Text entry; no document attached.)

190

04/28/2022

MOTION to Withdraw as Attorney by John Pierce. by RONALD COLTON MCABEE.