

APPEAL,CAP,CAT B,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00158-RC-1**

Case title: USA v. FITZSIMONS

Magistrate judge case number: 1:21-mj-00190-ZMF *SEALED*

Date Filed: 02/26/2021

Non-Party Petitioner

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Pending Counts

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

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

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

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

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

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

18:111(a)(1) and (b); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Using a Dangerous or Deadly Weapon on Certain Officers.
(3ss)

Disposition

Dismissed on the Government's Motion.

Dismissed on the Government's Motion.

9/27/2022 – Court Verdict of GUILTY;
7/13/23 – Sentencing: 60 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 2ss, 3ss,4ss,5ss, 6ss,7ss,8ss,9ss, 10ss, and 11ss. Supervised Release : 3 Years to run concurrently with the term of supervised release imposed on counts 2ss,3ss,4ss,5ss, 6ss,7ss,8ss,9ss,10ss,11ss. Restitution: \$2000.00; Special Assessment: \$100.00

9/27/2022 – Court Verdict of GUILTY;
7/13/23 – Sentencing: 87 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 1ss, 3ss,4ss,5ss, 6ss,7ss,8ss,9ss, 10ss, and 11ss. Supervised Release : 3 Years to run concurrently with the term of supervised release imposed on counts 1ss,3ss,4ss,5ss, 6ss,7ss,8ss,9ss,10ss,11ss. Restitution: \$2000.00; Special Assessment: \$100.00

Dismissed on the Government's Motion.

Dismissed on the Government's Motion.

9/27/2022 – Court Verdict of GUILTY;
7/13/23 – Sentencing: 87 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 1ss, 2ss,4ss,5ss, 6ss,7ss,8ss,9ss, 10ss, and 11ss. Supervised Release : 3 Years to run

concurrently with the term of supervised release imposed on counts 1ss,2ss, 4ss,5ss, 6ss,7ss,8ss,9ss,10ss,11ss. Restitution: \$2000.00; Special Assessment: \$100.00

18:111(a)(1) and (b);
ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Inflicting
Bodily Injury on Certain Officers
(4-5)

Dismissed on the Government's Motion.

18:111(a)(1) and (b);
ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Inflicting
Bodily Injury on Certain Officers.
(4s-5s)

Dismissed on the Government's Motion.

18:111(a)(1) and (b);
ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Inflicting
Bodily Injury on Certain Officers.
(4ss)

9/27/2022 – Court Verdict of GUILTY;
7/13/23 – Sentencing: 87 Months of
Incarceration to run concurrently with the
term of imprisonment imposed in counts 1ss,
2ss,3ss,5ss, 6ss,7ss,8ss,9ss, 10ss, and 11ss.
Supervised Release : 3 Years to run
concurrently with the term of supervised
release imposed on counts 1ss,2ss,3ss,5ss,
6ss,7ss,8ss,9ss,10ss,11ss. Restitution:
\$2000.00; Special Assessment: \$100.00

18:111(a)(1) and (b);
ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Inflicting
Bodily Injury on Certain Officers.
(5ss)

9/27/2022 – Court Verdict of GUILTY;
7/13/23 – Sentencing: 87 Months of
Incarceration to run concurrently with the
term of imprisonment imposed in counts 1ss,
2ss,3ss,4ss, 6ss,7ss,8ss,9ss, 10ss, and 11ss.
Supervised Release : 3 Years to run
concurrently with the term of supervised
release imposed on counts 1ss,2ss,3ss,4ss,
6ss,7ss,8ss,9ss,10ss,11ss. Restitution:
\$2000.00; Special Assessment: \$100.00

18:1752(a)(1); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted
Building or Grounds
(6)

Dismissed on the Government's Motion.

18:1752(a)(1); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted
Building or Grounds.
(6s)

Dismissed on the Government's Motion.

ASSAULTING/RESISTING/IMPEDING
18:111(a)(1); OFFICERS/EMPLOYEES;
Assaulting, Resisting, or Impeding Certain
Officers.
(6ss)

9/27/2022 – Court Verdict of GUILTY;
7/13/23 – Sentencing: 87 Months of
Incarceration to run concurrently with the
term of imprisonment imposed in counts 1ss,
2ss, 3ss,4ss,5ss, 7ss,8ss,9ss, 10ss, and 11ss.

Supervised Release : 3 Years to run concurrently with the term of supervised release imposed on counts 1ss,2ss,3ss,4ss,5ss, 7ss,8ss,9ss,10ss,11ss. Restitution: \$2000.00; Special Assessment: \$100.00

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (7)

Dismissed on the Government's Motion.

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds. (7s)

Dismissed on the Government's Motion.

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

9/27/2022 – Court Verdict of GUILTY; 7/13/23 – Sentencing: 12 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 1ss,2ss, 3ss,4ss,5ss, 6ss,8ss,9ss, 10ss, and 11ss. Supervised Release : 1 Year to run concurrently with the term of supervised release imposed on counts 1ss,2ss,3ss,4ss,5ss, 6ss,8ss,9ss,10ss,11ss. Restitution: \$2000.00; Special Assessment: \$25.00

18:1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds (8)

Dismissed on the Government's Motion.

18:1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds. (8s)

Dismissed on the Government's Motion.

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

9/27/2022 – Court Verdict of GUILTY; 7/13/23 – Sentencing: 12 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 1ss, 2ss, 3ss,4ss,5ss, 6ss,7ss,9ss, 10ss, and 11ss. Supervised Release : 1 Year to run concurrently with the term of supervised release imposed on counts 1ss,2ss,3ss,4ss,5ss, 6ss,7ss,9ss,10ss,11ss. Restitution: \$2000.00; Special Assessment: \$25.00

Dismissed on the Government's Motion.

40:5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a Capitol Building (9)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building. (9s)

18:1752(a)(4) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds. (9ss)

40:5104(e)(2)(F); FEDERAL STATUTES, OTHER; Act of Physical Violence in the Capitol Grounds or Buildings (10)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or Buildings. (10s)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in the Capitol Grounds or Building. (10ss)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or Buildings. (11ss)

Dismissed on the Government's Motion.

9/27/2022 – Court Verdict of GUILTY – 7/13/23 – Sentencing: 87 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 1ss, 2ss, 3ss,4ss,5ss, 6ss,7ss,8ss 10ss, and 11ss. Supervised Release : 3 Years to run concurrently with the term of supervised release imposed on counts 1ss,2ss,3ss,4ss,5ss, 6ss,7ss,8ss,10ss,11ss. Restitution: \$2000.00; Special Assessment: \$100.00

Dismissed on the Government's Motion.

Dismissed on the Government's Motion.

9/27/2022 – Court Verdict of GUILTY ; 7/13/23 – Sentencing: 6 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 1ss, 2ss, 3ss,4ss,5ss, 6ss,7ss,8ss,9ss, and 11ss. Restitution: \$2000.00; Special Assessment: \$10.00

9/27/2022 – Court Verdict of GUILTY; 7/13/23 – Sentencing: 6 Months of Incarceration to run concurrently with the term of imprisonment imposed in counts 1ss, 2ss, 3ss,4ss,5ss, 6ss,7ss,8ss,9ss, and 10ss. Restitution: \$2000.00; Special Assessment: \$10.00

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of
18:1752(a)(4), 40:5104(e)(2)(F),
18:111(a)(1) and 18:231(a)(3)

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
02/01/2021	<u>1</u>	SEALED COMPLAINT as to KYLE FITZSIMONS (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00190-ZMF *SEALED*] (Entered: 02/02/2021)
02/01/2021	<u>3</u>	MOTION to Seal Case by USA as to KYLE FITZSIMONS. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00190-ZMF *SEALED*] (Entered: 02/02/2021)
02/01/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to KYLE FITZSIMONS (1). Signed by Magistrate Judge Zia M. Faruqui on 2/1/2021. (zstd) [1:21-mj-00190-ZMF *SEALED*] (Entered: 02/02/2021)
02/04/2021		Arrest of KYLE FITZSIMONS in the District of Maine. (ztl) (Entered: 03/29/2021)
02/04/2021	<u>8</u>	Arrest Warrant Returned Executed on 2/4/2021 in Lebanon, Maine as to KYLE FITZSIMONS. (bb) (Entered: 03/29/2021)
02/26/2021	<u>5</u>	INDICTMENT as to KYLE FITZSIMONS (1) count(s) 1-2, 3, 4-5, 6, 7, 8, 9, 10. (zstd) (Entered: 03/01/2021)
03/18/2021	<u>7</u>	MEMORANDUM in Support of Pretrial Detention by USA as to KYLE FITZSIMONS (bb) (Entered: 03/18/2021)
03/29/2021		Case unsealed as to KYLE FITZSIMONS. (ztl) (Entered: 03/29/2021)
03/29/2021		Case unsealed as to KYLE FITZSIMONS (bb) (Entered: 03/29/2021)
03/29/2021		ORAL MOTION for Speedy Trial by USA as to KYLE FITZSIMONS. (ztl) (Entered: 04/05/2021)
03/29/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to KYLE FITZSIMONS held on 3/29/2021. Defendant present by video. Defendant retained counsel. Oral Motion by the Government for Speedy Trial as to KYLE FITZSIMONS (1); heard and granted. Detention Hearing set for 4/6/2021 at 2:00 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: Eugene Ohm for Gregory Hunter; US Attorney: Jacob Steiner for Brandon Regan; Pretrial Officer: Andre Sidbury. (ztl) (Entered: 04/05/2021)
03/30/2021	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE Puja Bhatia appearing for USA. (Bhatia, Puja) (Entered: 03/30/2021)
04/02/2021	<u>10</u>	NOTICE OF ATTORNEY APPEARANCE: Greg Hunter appearing for KYLE FITZSIMONS (Hunter, Greg) (Entered: 04/02/2021)
04/05/2021	<u>11</u>	Unopposed MOTION for Protective Order by USA as to KYLE FITZSIMONS. (Bhatia, Puja) (Entered: 04/05/2021)
04/05/2021	<u>12</u>	MOTION to Continue <i>and Exclude Time Under the Speedy Trial Act</i> by USA as to KYLE FITZSIMONS. (Bhatia, Puja) (Entered: 04/05/2021)
04/05/2021	<u>13</u>	Memorandum in Opposition by KYLE FITZSIMONS re <u>12</u> MOTION for Speedy Trial <i>and Detention Pending Trial</i> (Hunter, Greg) Modified on 4/21/2021 (bb). (Entered: 04/05/2021)
04/05/2021	21	MOTION to Exclude Time Under the Speedy Trial Act by USA as to KYLE FITZSIMONS. (See DE <u>12</u> to view document). (bb) (Entered: 04/21/2021)
04/06/2021		MINUTE ORDER as to KYLE FITZSIMONS (1). 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. (zpt) (Entered: 04/06/2021)
04/06/2021	<u>14</u>	SUPPLEMENT by USA as to KYLE FITZSIMONS <u>7</u> GOVERNMENT'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PRETRIAL DETENTION (Bhatia, Puja) Modified on 4/21/2021 (bb). (Entered: 04/06/2021)
04/06/2021	<u>15</u>	ORDER granting <u>11</u> Motion for Protective Order as to KYLE FITZSIMONS (1). The parties' attention is directed to the edits that the Court has made to paragraph 4(d) of the Proposed Order. Signed by Judge Ketanji Brown Jackson on 4/6/2021. (jag) (Entered: 04/06/2021)
04/06/2021		ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to KYLE FITZSIMONS. (zpt) (Entered: 04/06/2021)
04/06/2021		ORAL MOTION for Release from Custody by KYLE FITZSIMONS. (zpt) (Entered: 04/06/2021)
04/06/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Detention Hearing as to KYLE FITZSIMONS (1) held on 4/6/2021. Detention Hearing was held but did not conclude. Continued Detention Hearing set for 4/7/2021 at 02:30 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 [2:18:41-3:26:54]; Defense Attorney: Greg Hunter and Joel Anders; US Attorney: Brandon Regan and Puja Bhatia; Pretrial Officer: Dashanta ValentineLewis; (zpt) (Entered: 04/06/2021)
04/07/2021	<u>16</u>	NOTICE OF ATTORNEY APPEARANCE: Joel William Anders appearing for KYLE FITZSIMONS <i>Joel W. Anders</i> (Anders, Joel) (Entered: 04/07/2021)
04/07/2021		ORAL MOTION for Speedy Trial Waiver by USA as to KYLE FITZSIMONS (1). (zpt) (Entered: 04/07/2021)
04/07/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Continued Detention Hearing as to KYLE FITZSIMONS (1) held on 4/7/2021. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to KYLE FITZSIMONS (1) Heard and Granted. Oral Motion for Release from Custody by KYLE FITZSIMONS (1) Heard and Denied. Oral Motion by the Government for Speedy Trial Waiver Nunc Pro Tunc as to KYLE FITZSIMONS (1) Heard and Granted. Defense objects to Speedy Trial Waiver. Time between 3/31/2021 and 4/22/2021 (23 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Status Hearing set for 4/22/2021 at 11:00 AM in Telephonic/VTC before Judge Ketanji Brown Jackson. Bond Status of Defendant: Defendant Committed/Commitment Issued; Court Reporter: FTR-Gold FTR Time Frame: CTRM 6 [3:25:57-4:15:55]; Defense Attorney: Greg Hunter and Joel Ayers; US Attorney: Brandon Regan and Puja Phatia; Pretrial Officer: John Copes; (zpt) (Entered: 04/07/2021)
04/12/2021		MINUTE ORDER as to KYLE FITZSIMONS. It is hereby ORDERED that this case shall be handled by Judge Reggie B. Walton under further Order. Signed by Judge Ketanji Brown Jackson on 4/12/2021. (jag) (Entered: 04/12/2021)
04/17/2021	<u>17</u>	NOTICE OF DISCOVERY by USA as to KYLE FITZSIMONS (Bhatia, Puja) (Entered: 04/17/2021)
04/19/2021	<u>18</u>	

		MOTION for Disclosure <i>OF GRAND JURY MATERIALS</i> by USA as to KYLE FITZSIMONS. (Bhatia, Puja) (Entered: 04/19/2021)
04/20/2021	<u>19</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Magistrate Judge G. Michael Harvey held on 04/06/2021. Page Numbers: 1–43. Date of Issuance: 04/16/2021. Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 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.</p> <p>Redaction Request due 5/11/2021. Redacted Transcript Deadline set for 5/21/2021. Release of Transcript Restriction set for 7/19/2021.(Meyer, Nancy) (Entered: 04/20/2021)</p>
04/20/2021	<u>20</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Magistrate Judge G. Michael Harvey held on 04/07/2021. Page Numbers: 1–34. Date of Issuance: 04/16/2021. Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 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.</p> <p>Redaction Request due 5/11/2021. Redacted Transcript Deadline set for 5/21/2021. Release of Transcript Restriction set for 7/19/2021.(Meyer, Nancy) (Entered: 04/20/2021)</p>
04/22/2021		<p>Minute Entry for proceedings held before Judge Reggie B. Walton for Judge Ketanji Brown Jackson. Arraignment as to KYLE FITZSIMONS (1) held on 4/22/2021. A Not Guilty Plea is entered as to Counts 1–10 of the Indictment. Speedy Trial Time Excluded 4/22/2021 – 5/7/2021(XT). Status Conference continued for 5/7/2021 at 03:00 PM by Telephonic/VTC before Judge Reggie B. Walton for Judge Ketanji Brown Jackson. Bond Status of Defendant: Committed/Defendant present via video; Court Reporter: Cathryn Jones; Defense Attorney: Greg Hunter/Joel Anders; US Attorney: Puja Bhatia; (hs) (Entered: 04/22/2021)</p>

04/23/2021	<u>22</u>	ORDER, granting <u>18</u> Motion for Disclosure and denying <u>12</u> Motion to Continue as to KYLE FITZSIMONS (1). Signed by Judge Reggie B. Walton on 4/22/2021. (hs) (Entered: 04/23/2021)
04/25/2021	<u>36</u>	ORDER OF DETENTION PENDING TRIAL – Defendant Held Without Bond as to KYLE FITZSIMONS (1). Signed by Magistrate Judge G. Michael Harvey on 4/25/2021. (zpt) (zpt). Modified Document Number on 9/14/2021 (zpt). (Entered: 04/27/2021)
05/03/2021	<u>23</u>	MOTION to Withdraw as Attorney by Gregory T. Hunter and Joel Anders., MOTION to Appoint Counsel by KYLE FITZSIMONS. (Attachments: # <u>1</u> Proposed Order)(Hunter, Greg) (Entered: 05/03/2021)
05/06/2021	<u>24</u>	NOTICE of Discovery by USA as to KYLE FITZSIMONS (Regan, Brandon) (Entered: 05/06/2021)
05/07/2021		Minute Entry for proceedings held before Judge Reggie B. Walton for Judge Ketanji Brown Jackson: Status Conference as to KYLE FITZSIMONS held on 5/7/2021. Defendant's <u>23</u> MOTION to Withdraw as Attorney by Gregory T. Hunter and Joel Anders: heard and granted. Speedy Trial Time Excluded 5/7/2021–5/21/2021(XT). Status Conference continued for 5/21/2021 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton for Judge Ketanji Brown Jackson Bond Status of Defendant: Committed/Defendant present via telephone; Court Reporter: Nancy Meyer; Defense Attorney: Greg Hunter/Joel Anders; US Attorney: Puja Bhatia;Brandon Regan (Entered: 05/07/2021)
05/10/2021	<u>25</u>	ORDER as to KYLE FITZSIMONS. Signed by Judge Reggie B. Walton on 5/10/2021. (hs) (Entered: 05/10/2021)
05/12/2021	<u>26</u>	NOTICE OF ATTORNEY APPEARANCE: Natasha Taylor–Smith appearing for KYLE FITZSIMONS (Taylor–Smith, Natasha) (Entered: 05/12/2021)
05/21/2021		Minute Entry for proceedings held before Judge Reggie B. Walton for Judge Ketanji Brown Jackson: Status Conference as to KYLE FITZSIMONS held on 5/21/2021. Defendant's oral motion for a continuance; heard and granted. Speedy Trial Time Excluded 5/21/2021 – 6/8/2021(XT). Status Conference set for 6/8/2021 at 09:30 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Committed/Defendant present by phone; Court Reporter: Cathryn Jones; Defense Attorney: Natasha Taylor–Smith; US Attorney: Brandon Regan; (hs) (Entered: 05/21/2021)
05/24/2021	<u>27</u>	ORDER as to KYLE FITZSIMONS. Signed by Judge Reggie B. Walton on 5/24/2021. (hs) (Entered: 05/24/2021)
06/08/2021		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to KYLE FITZSIMONS held on 6/8/2021. Case continued to determine if the defendant will agree to the toll speedy trial time. Status Conference set for 6/15/2021 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Committed/Defendant present by telephone; Court Reporter: Cathryn Jones; Defense Attorney: Natasha Taylor–Smith; US Attorney: Brandon Regan; (hs) (Entered: 06/08/2021)
06/15/2021		Minute Entry for telephone proceedings held before Judge Reggie B. Walton: Status Conference as to KYLE FITZSIMONS held on 6/15/2021. Speedy Trial Excludable (XT) started 6/15/21 until 7/19/21, in the interest of justice. Status Conference set for

		7/19/2021 at 10:30 AM in Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Remains Incarcerated/Presented via telephone; Court Reporter: Cathryn Jones; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon Regan. (zgdg) (Entered: 06/15/2021)
06/15/2021		Case as to KYLE FITZSIMONS randomly reassigned to Judge Rudolph Contreras. Judge Ketanji Brown Jackson has been elevated to the USCA and is no longer assigned to the case. (ztnr) (Entered: 06/15/2021)
06/22/2021	<u>28</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Reggie B. Walton held on May 21, 2021; Page Numbers: 1 – 5. Court Reporter/Transcriber Cathryn Jones, Telephone number 202 354-3246, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 7/13/2021. Redacted Transcript Deadline set for 7/23/2021. Release of Transcript Restriction set for 9/20/2021.(Jones, Cathryn) (Entered: 06/22/2021)</p>
06/22/2021	<u>29</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Reggie B. Walton held on June 8, 2021; Page Numbers: 1 – 7. Court Reporter/Transcriber Cathryn Jones, Telephone number 202 354-3246, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 7/13/2021. Redacted Transcript Deadline set for 7/23/2021. Release of Transcript Restriction set for 9/20/2021.(Jones, Cathryn) (Entered: 06/22/2021)</p>
06/22/2021	<u>30</u>	TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Reggie B. Walton held on June 15, 2021; Page Numbers: 1 – 5. Court

		<p>Reporter/Transcriber Cathryn Jones, Telephone number 202 354-3246, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 7/13/2021. Redacted Transcript Deadline set for 7/23/2021. Release of Transcript Restriction set for 9/20/2021.(Jones, Cathryn) (Entered: 06/22/2021)</p>
06/25/2021	31	Response to Application for Access to Video Exhibits by USA as to KYLE FITZSIMONS. (Regan, Brandon) Modified Text on 6/26/2021 (zhsj). (Entered: 06/25/2021)
06/29/2021	32	Response to Application Regarding Video Exhibit Release by KYLE FITZSIMONS. (Taylor-Smith, Natasha) Modified Text on 7/1/2021 (zhsj). (Entered: 06/29/2021)
07/12/2021	33	Memorandum Regarding Status of Discovery by USA as to KYLE FITZSIMONS. (Regan, Brandon) Modified Text on 7/12/2021 (zhsj). (Entered: 07/12/2021)
07/16/2021		NOTICE OF HEARING as to KYLE FITZSIMONS: Status Conference currently set for 7/19/2021 at 10:30 AM will now be held before Judge Rudolph Contreras via Zoom Video. (tj) (Entered: 07/16/2021)
07/19/2021		Minute Entry for proceedings held Via VTC before Judge Rudolph Contreras:Status Conference as to KYLE FITZSIMONS held on 7/19/2021. Parties Discussed On The Record Posture Of The Case. Defendant Will File A Bond Motion. Parties Request Continuance Of Thirty (30) Days.Status Conference set for 8/19/2021 at 10:30 AM in Telephonic/VTC before Judge Rudolph Contreras. With No Objections From The Parties, Speedy Trial Is Tolerated 7/19/21 - 8/19/21 In The Interest Of Justice (XT).Bond Status of Defendant: APPEARED VIA VTC; REMAINS COMMITTED; Court Reporter: LISA EDWARDS; Defense Attorney: NATASHA TAYLOR-SMITH; US Attorney: BRANDON REGAN; (mac) (Entered: 07/19/2021)
08/19/2021		Minute Entry for proceedings held before Judge Rudolph Contreras:Status Conference as to KYLE FITZSIMONS held on 8/19/2021. Parties inform the court of the status of this action. Defendant's motion for bond review shall be filed by 8/27/2021, and the government's response shall be filed by 9/9/2021. Speedy trial is excluded (XT) from 8/19/2021 to 9/16/2021 in the interest of justice. Motion Hearing is set for 9/16/2021 at 11:00 AM before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon K. Regan; (tj) (Entered: 08/19/2021)
08/27/2021	34	

		MOTION to Revoke <i>Detention Order</i> , MOTION for Release from Custody , <i>Pretrial</i> by KYLE FITZSIMONS. (Taylor-Smith, Natasha) (Entered: 08/27/2021)
09/09/2021	<u>35</u>	Memorandum in Opposition by USA as to KYLE FITZSIMONS re <u>34</u> MOTION to Revoke <i>Detention Order</i> MOTION for Release from Custody , <i>Pretrial</i> (Regan, Brandon) (Entered: 09/09/2021)
09/15/2021		NOTICE OF COURTROOM CHANGE in case as to KYLE FITZSIMONS: Status conference currently scheduled for 9/16/2021 @ 11:00am will be held in Courtroom 14 – 4th Floor (Prettyman Building) before Judge Rudolph Contreras. (tj) (Entered: 09/15/2021)
09/16/2021		Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing as to KYLE FITZSIMONS held (In Person) on 9/16/2021 re <u>34</u> MOTION to Revoke <i>Detention Order</i> MOTION for Release from Custody , <i>Pretrial</i> filed by KYLE FITZSIMONS. Oral argument heard, and motion taken under advisement. Next Status Conference set for 10/20/2021 at 12:30 PM before Judge Rudolph Contreras via Zoom Video. Bond Status of Defendant: Committed/Commitmen Issued; Court Reporter: Sara Wick; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon K. Regan; Pretrial Officer: Shay Holman; (zj) (Entered: 09/16/2021)
09/24/2021	<u>37</u>	ORDER denying <u>34</u> Defendant's Motion to Revoke Detention Order and for Pretrial Release. See document for details. Signed by Judge Rudolph Contreras on 09/24/2021. (lcrc2) (Entered: 09/24/2021)
09/24/2021	<u>38</u>	MEMORANDUM OPINION denying <u>34</u> Defendant's Motion to Revoke Detention Order and for Pretrial Release. See document for details. Signed by Judge Rudolph Contreras on 09/24/2021. (lcrc2) (Entered: 09/24/2021)
09/27/2021		MINUTE ORDER: The parties are hereby ORDERED to respond on or before October 11, 2021, to the Supplemental Memorandum re Motion to Produce Video and Audio Exhibits filed by AMERICAN BROADCASTING COMPANIES, INC., et al, in the related case In re Application for Access to Video Exhibits, 21-mc-00090, ECF No. 6. Responses should be filed on the dockets for both 21-mc-00090 and 21-cr-00158. SO ORDERED. Signed by Judge Rudolph Contreras on 09/27/2021. (lcrc2) (Entered: 09/27/2021)
09/27/2021	<u>39</u>	NOTICE <i>Regarding Status of Discovery as of September 14, 2021</i> by USA as to KYLE FITZSIMONS (Regan, Brandon) (Entered: 09/27/2021)
10/07/2021	<u>40</u>	NOTICE OF APPEAL (Interlocutory) by KYLE FITZSIMONS re <u>37</u> Order on Motion to Revoke, Order on Motion for Release from Custody. Fee Status: No Fee Paid. Parties have been notified. (Taylor-Smith, Natasha) (Entered: 10/07/2021)
10/11/2021	<u>41</u>	REPLY in Support by USA as to KYLE FITZSIMONS re <u>31</u> MOTION for Disclosure MOTION Government Response to Application for Access to Video Exhibits (Regan, Brandon) (Entered: 10/11/2021)
10/11/2021	<u>42</u>	RESPONSE by KYLE FITZSIMONS re <u>32</u> MOTION for Disclosure <i>Defendant Response to Application Regarding Video Exhibit Release</i> (Attachments: # <u>1</u> Exhibit A)(Taylor-Smith, Natasha) (Entered: 10/11/2021)
10/12/2021	<u>43</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by FPD as to KYLE FITZSIMONS re <u>40</u> Notice of Appeal – Interlocutory. (zhsj) (Entered: 10/12/2021)

10/20/2021		Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference as to KYLE FITZSIMONS held on 10/20/2021. Parties inform the court of the status of this action. Defendant intends to file a motion for change of venue, and the court sets the following schedule: Motions due by 10/29/2021; Responses due by 11/19/2021; Replies due by 11/29/2021. Motion Hearing set for 12/10/2021 at 1:00 PM before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor Smith; US Attorney: Brandon Regan; (tj) (Entered: 10/20/2021)
10/20/2021		USCA Case Number as to KYLE FITZSIMONS 21-3069 for <u>40</u> Notice of Appeal – Interlocutory filed by KYLE FITZSIMONS. (zhsj) (Entered: 10/21/2021)
10/25/2021	<u>44</u>	NOTICE OF ATTORNEY APPEARANCE Robert Craig Juman appearing for USA. (Juman, Robert) (Entered: 10/25/2021)
10/25/2021	<u>45</u>	<p>TRANSCRIPT OF MOTION HEARING in case as to KYLE FITZSIMONS before Judge Rudolph Contreras held on 09/16/2021. Page Numbers: 1–53. Date of Issuance: 10/25/2021. Court Reporter: Sara Wick, telephone number 202–354–3284. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 11/15/2021. Redacted Transcript Deadline set for 11/25/2021. Release of Transcript Restriction set for 1/23/2022. (Wick, Sara) (Entered: 10/25/2021)</p>
10/25/2021	<u>46</u>	NOTICE of United States' Memorandum Regarding Status of Discovery as of October 21, 2021 by USA as to KYLE FITZSIMONS (Juman, Robert) (Entered: 10/25/2021)
10/29/2021	<u>47</u>	MOTION to Change Venue by KYLE FITZSIMONS. (Taylor–Smith, Natasha) (Main Document 47 replaced on 11/2/2021) (zhsj). (Additional attachment(s) added on 11/2/2021: # <u>1</u> Text of Proposed Order) (zhsj). (Entered: 10/29/2021)
11/08/2021	<u>48</u>	NOTICE of United States' Memorandum Regarding Status of Discovery as of November 5, 2021 by USA as to KYLE FITZSIMONS (Juman, Robert) (Entered: 11/08/2021)
11/08/2021	<u>49</u>	NOTICE of United States' Memorandum Regarding Status of Discovery as of August 23, 2021 by USA as to KYLE FITZSIMONS (Juman, Robert) (Entered: 11/08/2021)
11/10/2021	<u>50</u>	SUPERSEDING INDICTMENT as to KYLE FITZSIMONS (1) count(s) 1s–2s, 3s, 4s–5s, 6s, 7s, 8s, 9s, 10s. (zhsj) (Entered: 11/15/2021)
11/18/2021	<u>52</u>	

		Memorandum in Opposition by USA as to KYLE FITZSIMONS re <u>47</u> MOTION to Change Venue (Juman, Robert) (Entered: 11/18/2021)
12/06/2021	<u>53</u>	ORDER granting Petitioner's Application for Video Exhibits in related case 21-mc-90. See document for details. Signed by Judge Rudolph Contreras on 12/6/2021. (lcrc2) (Entered: 12/06/2021)
12/06/2021	<u>54</u>	MEMORANDUM OPINION granting Petitioner's Application for Video Exhibits in related case 21-mc-90. See document for details. Signed by Judge Rudolph Contreras on 12/6/2021. (lcrc2) (Entered: 12/06/2021)
12/10/2021		MINUTE ORDER as to KYLE FITZSIMONS: The Motion Hearing set for 12/10/2021 is hereby reset for 12/14/2021 at 12:30 PM by VTC before Judge Rudolph Contreras. SO ORDERED by Judge Rudolph Contreras on 12/10/2021. (lsj) (Entered: 12/10/2021)
12/14/2021		MINUTE ORDER denying without prejudice <u>47</u> Defendant's Motion to Change Venue: For the reasons stated on the record in the December 14, 2021 hearing, it is hereby ORDERED that Defendant's <u>47</u> Motion to Change Venue is DENIED without prejudice as premature. It is "this circuit's well established procedure" to deny pre-voir dire requests for a change of venue. See <i>United States v. Haldeman</i> , 559 F.2d 31, 63-64 (D.C. Cir. 1976). This has been the accepted procedure in numerous politically charged cases before this District over the years, including in other recent cases involving January 6th, 2021. See <i>USA v. Reffitt</i> , 21-cr-32-DLF, Minute Order of 10/15/2021; <i>USA v. Caldwell</i> , 21-cr-28-1-APM, ECF No. 415 at 10-11. "[I]f an impartial jury actually cannot be selected, that fact should become evident at the voir dire. The defendant will then be entitled to any actions necessary to assure that he receives a fair trial." <i>Haldeman</i> , 559 F.2d at 63. SO ORDERED. Signed by Judge Rudolph Contreras on 12/14/2021. (lcrc2) (Entered: 12/14/2021)
12/14/2021		Minute Entry for proceedings held before Judge Rudolph Contreras:Arraignment as to KYLE FITZSIMONS held on 12/14/2021. Defendant enters a plea of NOT GUILTY to counts 1s-2s, 3s, 4s-5s, 6s, 7s, 8s, 9s, 10s of the superseding indictment filed on 11/10/2021. Motion Hearing on <u>47</u> defendant's MOTION to Change Venue heard and DENIED WITHOUT PREJUDICE for reasons state on the record. The court sets the following schedule: Pretrial Motions due by 1/6/2022; Responses due by 1/20/2022; Replies due by 1/27/2022. Motion Hearing set for 2/7/2022 at 3:00 PM. Jury Selection/ Trial set for 4/4/2022 at 10:00 AM before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Robert Juman for Brandon K. Regan; (tj) (Entered: 12/14/2021)
12/14/2021	<u>55</u>	PRETRIAL SCHEDULING ORDER as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 12/14/2021. (lcrc2) (Entered: 12/14/2021)
01/04/2022	<u>56</u>	Unopposed MOTION to Continue <i>Trial</i> by USA as to KYLE FITZSIMONS. (Regan, Brandon) (Entered: 01/04/2022)
01/06/2022	<u>57</u>	ENTERED IN ERROR.....MOTION to Dismiss Count <i>Three</i> by KYLE FITZSIMONS. (Taylor-Smith, Natasha) Modified on 1/10/2022 (zhsj). (Entered: 01/06/2022)
01/06/2022		NOTICE OF CORRECTED DOCKET ENTRY: as to KYLE FITZSIMONS re <u>57</u> MOTION to Dismiss Count Three was entered in error and counsel was instructed to

		refile said pleading. Document is to be filed as a motion. (zhsj) (Entered: 01/10/2022)
01/20/2022	<u>58</u>	Memorandum in Opposition by USA as to KYLE FITZSIMONS re <u>57</u> MOTION to Dismiss Count <i>Three</i> (Regan, Brandon) (Entered: 01/20/2022)
01/25/2022		MINUTE ORDER granting <u>56</u> the government's motion to continue the trial currently scheduled for April 4,2022 as to defendant KYLE FITZSIMONS. Jury Selection/Trial is hereby RESCHEDULED for June 13, 2022 at 10:00 AM before Judge Rudolph Contreras. It is further ordered that speedy trial is excluded (XT) from April 13, 2022 to June 13, 2022 in the interest of justice. (So Ordered Judge Rudolph Contreras on 1/25/22). (tj) (Entered: 01/25/2022)
02/07/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing as to KYLE FITZSIMONS held on 2/7/2022 re <u>57</u> MOTION to Dismiss Count <i>Three</i> filed by KYLE FITZSIMONS. Oral argument heard and motion taken under advisement. Motions related to trial shall be filed by 3/7/2022. Government's response due by 3/21/2022. The court will issue an order addressing scheduling. Bond Status of Defendant: Committed/ with consent to appear virtually; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: James Pearce, Brandon Regan and Robert Juman; (tj) (Entered: 02/07/2022)
02/09/2022	<u>59</u>	MANDATE of USCA as to KYLE FITZSIMONS re <u>40</u> Notice of Appeal – Interlocutory. In Accordance with the Judgment of 12/17/2021, the District Court's September 24, 2021 Order be Affirmed. USCA Case Number 21–3069. (Attachments: # <u>1</u> USCA Judgment of 12/17/2021) (zhsj) (Entered: 02/09/2022)
02/11/2022	<u>60</u>	NOTICE of <i>United States' Memorandum Regarding Status of Discovery as of February 9, 2022</i> by USA as to KYLE FITZSIMONS (Juman, Robert) (Entered: 02/11/2022)
03/07/2022	<u>61</u>	MOTION in Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b) by USA as to KYLE FITZSIMONS. (Regan, Brandon) (Entered: 03/07/2022)
03/21/2022	<u>62</u>	ENTERED IN ERROR.....RESPONSE by KYLE FITZSIMONS re <u>61</u> MOTION in Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b) (Taylor-Smith, Natasha) Modified on 3/22/2022 (zhsj). (Entered: 03/21/2022)
03/21/2022		NOTICE OF CORRECTED DOCKET ENTRY: as to KYLE FITZSIMONS re <u>62</u> Response to motion was entered in error and counsel was instructed to refile said pleading. Refile document as a response and not an order. (zhsj) (Entered: 03/22/2022)
03/22/2022	<u>63</u>	AMENDED PRETRIAL SCHEDULING ORDER as to KYLE FITZSIMONS: See Document for Details. Signed by Judge Rudolph Contreras on 3/22/2022. (lrcr2) (Entered: 03/22/2022)
03/22/2022	<u>64</u>	NOTICE OF ATTORNEY APPEARANCE Douglas Burton Brasher appearing for USA. (Brasher, Douglas) (Entered: 03/22/2022)
03/22/2022		Set/Reset Hearings as to KYLE FITZSIMONS: Replies due by 3/28/2022; Pretrial Statement due by 5/13/2022. Pretrial Conference/Motion Hearing set for 6/3/2022 at 10:00 AM in Courtroom 23A– In Person before Judge Rudolph Contreras. (tj) (Entered: 03/22/2022)

03/22/2022	<u>65</u>	ENTERED IN ERROR.....RESPONSE by KYLE FITZSIMONS re <u>61</u> MOTION in <i>Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b)</i> (Taylor-Smith, Natasha) Modified on 3/25/2022 (zhsj). (Entered: 03/22/2022)
03/22/2022		NOTICE OF CORRECTED DOCKET ENTRY: as to KYLE FITZSIMONS re <u>65</u> Response to motion was entered in error and counsel was instructed to refile said pleading. Do not refile an order. Please refile your document as a "Response to <u>61</u> Motion in Limine". (zhsj) (Entered: 03/25/2022)
03/25/2022	<u>66</u>	RESPONSE by KYLE FITZSIMONS re <u>61</u> MOTION in <i>Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b)</i> (Taylor-Smith, Natasha) (Entered: 03/25/2022)
04/13/2022	<u>67</u>	NOTICE OF ATTORNEY APPEARANCE Michael Matthew Gordon appearing for USA. (Attachments: # <u>1</u> Certificate of Service)(Gordon, Michael) (Entered: 04/13/2022)
05/07/2022	<u>68</u>	Unopposed MOTION to Continue <i>Deadline for Submission of Joint Pretrial Statement</i> by USA as to KYLE FITZSIMONS. (Brasher, Douglas) (Entered: 05/07/2022)
05/07/2022		MINUTE ORDER granting <u>68</u> Unopposed Motion to Continue Deadline for Submission of Joint Pretrial Statement as to KYLE FITZSIMONS (1): It is hereby ORDERED that the motion is granted, and the parties' joint pretrial statement is now due on or before May 20, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 5/7/2022. (lcrc2) (Entered: 05/07/2022)
05/18/2022	<u>69</u>	SECOND SUPERSEDING INDICTMENT as to KYLE FITZSIMONS (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss. (zhsj) (Entered: 05/19/2022)
05/20/2022	<u>71</u>	MOTION to Waive a Trial by Jury by KYLE FITZSIMONS. (Taylor-Smith, Natasha) Modified Event on 5/23/2022 (zhsj). (Entered: 05/20/2022)
05/20/2022		MINUTE ORDER as to KYLE FITZSIMONS: Status Conference on Motion to waive jury trial <u>71</u> set for 5/27/2022 at 10:00 AM before Judge Rudolph Contreras via zoom video. (So Ordered Judge Rudolph Contreras on 5/20/2022). (tj) (Entered: 05/20/2022)
05/20/2022	<u>72</u>	JOINT Pretrial Statement by USA as to KYLE FITZSIMONS. (Attachments: # <u>1</u> Exhibit 1-3)(Brasher, Douglas) Modified Text on 5/23/2022 (zhsj). (Entered: 05/20/2022)
05/20/2022	<u>73</u>	EXHIBIT LIST by USA as to KYLE FITZSIMONS (Brasher, Douglas) (Entered: 05/20/2022)
05/24/2022	<u>74</u>	MEMORANDUM OPINION & ORDER as to KYLE FITZSIMONS: Granting in part and denying in part <u>61</u> Motion in Limine. See document for details. Signed by Judge Rudolph Contreras on 5/24/2022. (lcrc2) (Entered: 05/24/2022)
05/26/2022	<u>75</u>	SUPPLEMENT by KYLE FITZSIMONS to the <u>72</u> <i>Joint Pretrial Statement</i> (Taylor-Smith, Natasha) Modified on 5/27/2022 (zhsj). (Entered: 05/26/2022)
05/26/2022	<u>76</u>	ORDER denying <u>57</u> Motion to Dismiss Count Three as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 05/26/2022. (lcrc1) (Entered: 05/26/2022)

05/26/2022	<u>77</u>	MEMORANDUM OPINION denying <u>57</u> Motion to Dismiss Count Three as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 05/26/2022. (lcrc1) (Entered: 05/26/2022)
05/27/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Arraignment as to KYLE FITZSIMONS (1) held on 5/27/2022. Defendant enters a plea of NOT GUILTY to counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss of the second superseding indictment filed on 5/18/22. The court vacated the Pretrial Conference scheduled for 6/3/22. Defendant will file a Motion to Continue the Jury Trial. Speedy Trial Time Excludable (XT) started 5/27/22 until 6/15/22, in the interest of justice. Status Conference set for 6/15/2022 at 10:00 AM via video before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; US Attorneys: Douglas Brasher and Michael Gordon; Defense Attorney: Natasha Taylor-Smith; Court Reporter: Nancy Meyer. (zgdf) (Entered: 05/27/2022)
06/02/2022	<u>78</u>	MOTION to Continue <i>Trial (Unopposed)</i> by KYLE FITZSIMONS. (Taylor-Smith, Natasha) (Entered: 06/02/2022)
06/02/2022		NOTICE OF ERROR as to KYLE FITZSIMONS regarding <u>78</u> MOTION to Continue <i>Trial (Unopposed)</i> . <i>The following error(s) need correction: Other- Please refile as a Notice of Proposed Order. (-hsj)</i> (Entered: 06/02/2022)
06/02/2022	<u>79</u>	NOTICE of Proposed Order by KYLE FITZSIMONS (Taylor-Smith, Natasha) (Entered: 06/02/2022)
06/02/2022		MINUTE ORDER granting <u>78</u> the motion to continue as to KYLE FITZSIMONS. Jury Selection/Trial currently scheduled to commence on 6/13/2022 is hereby VACATED, and new date for trial will be set at the next status conference now scheduled for 6/15/2022 @ 10:00am before Judge Rudolph Contreras via zoom video. The court finds that it is in the interest of justice to toll speedy trial until 6/15/2022. (So Ordered Judge Rudolph Contreras on 6/2/2022). (tj) (Entered: 06/02/2022)
06/15/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference as to KYLE FITZSIMONS held on 6/15/2022. The defendant consents to a bench trial, and the court sets the following schedule: Status Conference re: waiver of jury is set for 7/6/2022 at 10:00 AM via zoom video; Pretrial Conference set for 8/5/2022 at 11:00 AM before Judge Rudolph Contreras via zoom video; Bench Trial is set for 8/16/2022 at 10:00 AM in Courtroom 23A before Judge Rudolph Contreras. Bond Status of Defendant: Committed with consent to appear by video; Court Reporter: Tammy Nestor; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (tj) (Entered: 06/15/2022)
07/06/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference as to KYLE FITZSIMONS held on 7/6/2022. The court grants defendant's motion <u>71</u> to waive trial by jury, and a bench trial will commence in person on August 16, 2022 at 10:00am in courtroom 23A. Pretrial conference remains scheduled for August 5, 2022 at 11am via zoom video before Judge Rudolph Contreras. Bond Status of Defendant: Committed/ with consent to appear virtually; Court Reporter: Janice Dickman; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (tj) (Entered: 07/06/2022)
07/06/2022	<u>80</u>	WAIVER of Trial by Jury as to KYLE FITZSIMONS. (Approved by Judge Rudolph Contreras on 7/6/2022). (tj) (Entered: 07/06/2022)
08/04/2022	<u>81</u>	

		MOTION to Compel <i>Defendant to Reimburse the Court for Costs of His Defense</i> by USA as to KYLE FITZSIMONS. (Gordon, Michael) (Entered: 08/04/2022)
08/05/2022		Minute Entry for proceedings held before Judge Rudolph Contreras:Pretrial Conference as to KYLE FITZSIMONS held on 8/5/2022. The parties are directed to submit a joint status report by 8/9/2022 addressing whether defendant consents to a witness appearing by video. The parties are also directed to file under seal the vaccination status of witnesses. Trial remains scheduled to commence on 8/16/2022 @ 10am. Bond Status of Defendant: Committed/with consent to appear virtually; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Michael Gordon and Douglas Brasher; (tj) (Entered: 08/05/2022)
08/09/2022	<u>82</u>	Joint STATUS REPORT <i>Regarding Witness Testimony</i> by USA as to KYLE FITZSIMONS (Brasher, Douglas) (Entered: 08/09/2022)
08/10/2022	<u>83</u>	MOTION to Quash Subpoena by CABLE NEWS NETWORK, INC. as to KYLE FITZSIMONS. "Leave to File Granted" by Judge Rudolph Contreras on 8/10/2022. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(zhsj) Modified Text to add Judge's Language on 8/12/2022 (zhsj). (Entered: 08/10/2022)
08/10/2022	<u>84</u>	RESPONSE by USA as to KYLE FITZSIMONS re <u>83</u> MOTION to Quash <i>taking no position</i> (Brasher, Douglas) (Entered: 08/10/2022)
08/10/2022	<u>86</u>	RESPONSE by KYLE FITZSIMONS re <u>83</u> MOTION to Quash (Attachments: # <u>1</u> Exhibit A)(Taylor-Smith, Natasha) (Entered: 08/10/2022)
08/11/2022	<u>87</u>	REPLY in Support by CABLE NEWS NETWORK, INC. as to KYLE FITZSIMONS re <u>83</u> MOTION to Quash (Tobin, Charles) (Entered: 08/11/2022)
08/11/2022	<u>88</u>	WITHDRAWN PURSUANT TO MINUTE ORDER FILED 8/14/2022..... MOTION to Enforce Defense Subpoena by KYLE FITZSIMONS. (Attachments: # <u>1</u> Exhibit A)(Taylor-Smith, Natasha) Modified on 8/19/2022 (znmw). (Entered: 08/11/2022)
08/12/2022	<u>89</u>	MOTION to Withdraw Document <u>88</u> MOTION to Enforce Defense Subpoena by KYLE FITZSIMONS. (Taylor-Smith, Natasha) (Entered: 08/12/2022)
08/13/2022	<u>90</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Rudolph Contreras held on 8/5/2022; Page Numbers: 1-11. Court Reporter/Transcriber Nancy J. Meyer, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 9/6/2022. Redacted Transcript Deadline set for 9/16/2022. Release of Transcript Restriction set for 11/14/2022. Modified to add text on</p>

		8/16/2022 (zhsj). (Entered: 08/13/2022)
08/14/2022	<u>91</u>	MEMORANDUM OPINION & ORDER granting <u>83</u> MOTION to Quash filed by CABLE NEWS NETWORK, INC. See document for details. Signed by Judge Rudolph Contreras on 8/14/2022. (lcrc2) (Entered: 08/14/2022)
08/14/2022		MINUTE ORDER: Upon consideration of Defendant's <u>89</u> Motion to Withdraw the <u>88</u> Motion to Enforce Subpoena, it is hereby ORDERED that the motion is GRANTED. SO ORDERED. Signed by Judge Rudolph Contreras on 8/14/2022. (lcrc2) (Entered: 08/14/2022)
08/15/2022	<u>92</u>	WITNESS LIST by USA as to KYLE FITZSIMONS (Gordon, Michael) (Entered: 08/15/2022)
08/15/2022	<u>93</u>	EXHIBIT LIST by USA as to KYLE FITZSIMONS (Gordon, Michael) (Entered: 08/15/2022)
08/16/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Bench Trial as to KYLE FITZSIMONS begun and held on 8/16/2022. Evidence entered and Bench Trial continued to 8/17/2022 at 10:00 AM in Courtroom 23A– In Person before Judge Rudolph Contreras. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor Smith; US Attorney: Douglas Brasher and Michael Gordon; Witnesses: Phuson Nguyen; Aisha Woodward; Deborah Wilson; Harris Howard; Tia Summers; Paul Wade. (tj) (Entered: 08/16/2022)
08/17/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Bench Trial as to KYLE FITZSIMONS resumed and held on 8/17/2022. Evidence entered and bench trial continued to 8/18/2022 at 10:00 AM in Courtroom 23A– In Person before Judge Rudolph Contreras. Bond Status of Defendant: committed/commitment issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor Smith; US Attorney: Douglas Brasher and Michael Gordon; Witnesses: Sarah Beaver; Harrison Thorp; Aquilino Gonell. (tj) (Entered: 08/17/2022)
08/17/2022	<u>94</u>	TRIAL BRIEF by KYLE FITZSIMONS (Taylor–Smith, Natasha) (Entered: 08/17/2022)
08/18/2022	<u>95</u>	TRIAL BRIEF by USA as to KYLE FITZSIMONS (Brasher, Douglas) (Entered: 08/18/2022)
08/18/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Bench Trial as to KYLE FITZSIMONS resumed and held on 8/18/2022. Evidence entered, and bench trial continued to 8/19/2022 at 10:30 AM in Courtroom 23A– In Person before Judge Rudolph Contreras. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor–Smith; US Attorney: Douglas Brasher and Michael Gordon; Witnesses: Aquilino Gonnell and Tom Ryan (tj) (Entered: 08/18/2022)
08/19/2022	<u>96</u>	MOTION for Acquittal <i>on Count One</i> by KYLE FITZSIMONS. (Taylor–Smith, Natasha) (Entered: 08/19/2022)
08/19/2022	<u>97</u>	MOTION for Acquittal <i>on Count Two</i> by KYLE FITZSIMONS. (Taylor–Smith, Natasha) (Entered: 08/19/2022)
08/19/2022		Minute Entry for proceedings held before Judge Rudolph Contreras: Bench Trial as to KYLE FITZSIMONS resumed and held on 8/19/2022. Evidence entered and bench

		trial concluded. Defendant's renewed rule 29 motion is taken under advisement. Parties shall file briefs by 8/26/2022. Bond Status of Defendant: Committed/commitment issued; Defense Attorney: Natasha Taylor Smith; US Attorney: Douglas Brasher and Michael Gordon; (tj) (Entered: 08/19/2022)
08/26/2022	<u>98</u>	TRIAL BRIEF by USA as to KYLE FITZSIMONS (Gordon, Michael) (Entered: 08/26/2022)
08/26/2022	<u>99</u>	RESPONSE by USA as to KYLE FITZSIMONS re <u>96</u> MOTION for Acquittal <i>on Count One</i> (Brasher, Douglas) (Entered: 08/26/2022)
08/26/2022	<u>100</u>	RESPONSE by USA as to KYLE FITZSIMONS re <u>97</u> MOTION for Acquittal <i>on Count Two</i> (Brasher, Douglas) (Entered: 08/26/2022)
08/26/2022	<u>101</u>	ENTERED IN ERROR.....REPLY by KYLE FITZSIMONS to Government Trial Brief (Taylor-Smith, Natasha) Modified on 8/29/2022. Duplicate entry, please see docket entry <u>103</u> (zhsj). (Entered: 08/26/2022)
08/26/2022	<u>102</u>	TRIAL BRIEF by KYLE FITZSIMONS (Taylor-Smith, Natasha) (Entered: 08/26/2022)
08/26/2022	<u>103</u>	REPLY by KYLE FITZSIMONS re <u>95</u> Trial Brief (Taylor-Smith, Natasha) (Entered: 08/26/2022)
09/16/2022		MINUTE ORDER as to KYLE FITZSIMONS: Verdict Hearing set for 9/27/2022 at 10:00 AM in Courtroom 24A- In Person before Judge Rudolph Contreras. (So Ordered by Judge Rudolph Contreras on 9/16/2022). (tj) (Entered: 09/16/2022)
09/27/2022		Minute Entry for proceedings held before Judge Rudolph Contreras:Verdict Hearing as to KYLE FITZSIMONS held on 9/27/2022. COURT VERDICT as to defendant KYLE FITZSIMONS: The court finds the defendant GUILTY on Counts 1ss,2ss,3ss,4ss,6ss,7ss,8ss,9ss,10ss and 11ss of the second superseding indictment filed on 5/18/22. Sentencing is set for 2/17/2023 at 02:00 PM in Courtroom 23A- In Person before Judge Rudolph Contreras. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (tj) (Entered: 09/27/2022)
09/27/2022	<u>104</u>	ORDER as to defendant KYLE FITZSIMONS : denying <u>96</u> <u>97</u> Motions for Acquittal. (Signed by Judge Rudolph Contreras on 9/27/2022). (tj) (Entered: 09/27/2022)
09/27/2022		REFERRAL TO PROBATION OFFICE for Presentence Investigation as to KYLE FITZSIMONS. (tj) (Entered: 09/27/2022)
09/27/2022	<u>105</u>	SENTENCING SCHEDULING ORDER as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 9/27/2022. (lcrc2) (Entered: 09/27/2022)
10/27/2022	<u>106</u>	TRANSCRIPT OF VERDICT - BENCH TRIAL - in the case as to KYLE FITZSIMONS before the Honorable Rudolph Contreras held on 09/27/2022. Page Numbers: 1-56. Date of Issuance: 10/23/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. Transcripts may be ordered by going to 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

		<p>court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 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.</p> <p>Redaction Request due 11/17/2022. Redacted Transcript Deadline set for 11/27/2022. Release of Transcript Restriction set for 1/25/2023.(Meyer, Nancy) (Entered: 10/27/2022)</p>
01/20/2023	<u>108</u>	Unopposed MOTION for Extension of Time to <i>Submit PSR Objections</i> by USA as to KYLE FITZSIMONS. (Brasher, Douglas) (Entered: 01/20/2023)
01/23/2023		MINUTE ORDER granting <u>108</u> the Government's Unopposed Motion for Extension of Time as to KYLE FITZSIMONS: It is hereby ORDERED that the Government shall submit any objections to the presentence report on or before January 27, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1/23/23. (lcrc2) (Entered: 01/23/2023)
01/23/2023		MINUTE ORDER as to KYLE FITZSIMONS: It is hereby ORDERED that <u>105</u> the Sentencing Scheduling Order is amended as follows: the probation officer shall disclose to the parties and file with the Court the final presentence investigation report on or before February 3, 2023 and the parties' shall submit any memoranda in aid of sentencing on or before February 10, 2023, with any responses due on or before February 14, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1/23/23. (lcrc2) (Entered: 01/23/2023)
02/06/2023	<u>112</u>	MOTION to Continue <i>Sentencing Hearing, Unopposed, for 45 Days</i> by KYLE FITZSIMONS. (Taylor-Smith, Natasha) (Entered: 02/06/2023)
02/09/2023		MINUTE ORDER granting <u>112</u> the motion to continue the sentencing of defendant KYLE FITZSIMONS currently scheduled for 2/17/2023 @ 2:00pm. It is further ORDERED that Sentencing is hereby rescheduled for 4/3/2023 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras.)(So Ordered Judge Rudolph Contreras on 2/9/2023). (tj) (Entered: 02/09/2023)
03/09/2023	<u>113</u>	NOTICE OF ATTORNEY APPEARANCE: Jonathan Alan McDonald appearing for KYLE FITZSIMONS (McDonald, Jonathan) (Entered: 03/09/2023)
03/23/2023	<u>114</u>	MOTION to Continue <i>of Sentencing Hearing (Unopposed), Order with a Certificate of Service</i> by KYLE FITZSIMONS. (McDonald, Jonathan) (Entered: 03/23/2023)
03/30/2023		MINUTE ORDER granting <u>114</u> the motion to continue the sentencing of defendant KYLE FITZSIMONS currently scheduled for April 3, 2023 @ 10am. It is further ORDERED that sentencing is hereby RESCHEDULED for June 13, 2023 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras.(Signed by Judge Rudolph Contreras on 3/30/23). (tj) (Entered: 03/30/2023)
04/07/2023		MINUTE ORDER as to KYLE FITZSIMONS: It is hereby ORDERED that <u>105</u> the Sentencing Scheduling Order is amended as follows: the parties shall submit any memoranda in aid of sentencing on or before May 26, 2023, with any responses due on or before June 2, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on

		4/7/23. (lcrc2) (Entered: 04/07/2023)
05/11/2023		Set/Reset Deadlines as to KYLE FITZSIMONS: Sentencing Memorandum due by 5/26/2023; Responses to Sentencing due by 6/2/2023; (tj) (Entered: 05/11/2023)
05/26/2023	<u>116</u>	SENTENCING MEMORANDUM by USA as to KYLE FITZSIMONS (Attachments: # <u>1</u> Exhibit Victim Statement of Sgt. Gonell, # <u>2</u> Exhibit Government's Count-by-Count Sentencing Guidelines Analysis)(Gordon, Michael) (Entered: 05/26/2023)
06/12/2023		MINUTE ORDER as to KYLE FITZSIMONS: Upon consent of the parties, sentencing currently scheduled for June 13, 2023 at 10:00am is hereby RESCHEDULED for July 13, 2023 at 2:00 PM in Courtroom 23A- In Person before Judge Rudolph Contreras. (So ordered Judge Rudolph Contreras on 6/12/23). (tj) (Entered: 06/12/2023)
07/05/2023	<u>120</u>	NOTICE of Exhibit to Defendant's Sentencing Memorandum Docket Number 117 and 119 by KYLE FITZSIMONS (McDonald, Jonathan) (Entered: 07/05/2023)
07/13/2023		Minute Entry for proceedings held before Judge Rudolph Contreras: Sentencing as to KYLE FITZSIMONS held on 7/13/2023. Defendant is sentenced to a term of imprisonment totaling 87 months, and the term of imprisonment on each count of conviction is as follows: Count 1ss: 60 months to run concurrently to all other counts; Counts 2ss, 3ss and 5ss: 87 months on to run concurrently to all other counts; Counts 4ss and 6ss: 87 months to run concurrently to all other counts; Counts 7ss and 8ss: 12 months to run concurrently to all other counts; Count 9ss: 87 months to run concurrently to all other counts; Counts 10ss and 11ss: 6 months on run concurrently to all other counts; Term of Supervised Release (with conditions) is as follows: 3 years, of supervised release as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, and 9ss; 12 months on Counts 7ss and 8ss, to run concurrently on all counts. Special assessment Totaling \$770.00; Restitution totaling: \$2,000.00; Open Counts are dismissed on the government's motion. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Jonathan McDonald; US Attorney: Michael Gordon and Douglas Brasher; (tj) . (Entered: 07/18/2023)
07/25/2023	<u>123</u>	NOTICE OF APPEAL – Final Judgment by KYLE FITZSIMONS re Sentencing,,,,. Fee Status: No Fee Paid. Parties have been notified. (McDonald, Jonathan) (Entered: 07/25/2023)
07/26/2023	<u>125</u>	JUDGMENT as to KYLE FITZSIMONS. Statement of Reasons Not Included. Signed by Judge Rudolph Contreras on 7/26/2023. (zhsj) (Entered: 07/28/2023)
07/26/2023	<u>126</u>	STATEMENT OF REASONS as to KYLE FITZSIMONS re <u>125</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Rudolph Contreras on 7/26/2023. (zhsj) (Entered: 07/28/2023)
07/27/2023		MINUTE ORDER as to KYLE FITZSIMONS: As stated on the record during the sentencing hearing on July 13, 2023, it is hereby ORDERED that the Government shall make any submission concerning restitution for medical bills incurred by Sgt. Gonell on or before August 17, 2023. It is FURTHER ORDERED that Defendant shall respond to the Government's submission on or before August 31, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 7/27/23. (lcrc2) (Entered: 07/27/2023)

07/27/2023	<u>124</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by FPD as to KYLE FITZSIMONS re <u>123</u> Notice of Appeal – Final Judgment. (zhsj) (Entered: 07/27/2023)
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UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

Kyle Fitzsimons

JUDGMENT IN A CRIMINAL CASE

Case Number: 21 cr 158 (RC)

USM Number: 29018-509

Jonathan A. McDonald, Esq.

Defendant's Attorney

THE DEFENDANT:

[] pleaded guilty to count(s) _____

[] pleaded nolo contendere to count(s) _____ which was accepted by the court.

[x] was found guilty on count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 231 (a)(3)	Civil Disorder	1/6/2021	1ss
18 USC § 1512(c)(2) and 2	Obstruction of an Official Proceeding and Aiding and Abetting	1/6/2021	2ss

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

[] The defendant has been found not guilty on count(s) _____

[x] Count(s) in underlying indictment [] is [x] are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

7/13/2023
Date of Imposition of Judgment


Signature of Judge

Rudolph Contreras, United States District Court Judge
Name and Title of Judge

7/26/2023
Date

DEFENDANT: Kyle Fitzsimons
CASE NUMBER: 21 cr 158 (RC)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 111(a)(1) and (b)	Using a Dangerous or Deadly Weapon	1/6/2021	3ss
18 USC § 111(a)(1) [Lesser Included]	Inflicting Bodily Injury on Certain Officers	1/6/2021	4ss
18 USC § 111(a)(1) and (b)	Inflicting Bodily Injury on Certain Officers	1/6/2021	5ss
18 USC § 111(a)(1)	Assaulting, Resisting, or Impeding Certain Officers	1/6/2021	6ss
18 USC § 1752 (a)(1)	Entering and Remaining in a Restricted Building or Grounds	1/6/2021	7ss
18 USC § 1752 (a)(2)	Disorderly and Disruptive Conduct in a Restricted Building or Grounds	1/6/2021	8ss
18 USC § 1752 (a)(4) and (b)(1) (A)	Engaging in Physical Violence in a Restricted Building or Grounds	1/6/2021	9ss
40 USC § 5104(e)(2)(D)	Disorderly Conduct in a Capitol Building or Grounds	1/6/2021	10ss
40 USC § 5104(e)(2)(F)	Act of Physical Violence in a Capitol Grounds or Buildings	1/6/2021	11ss

DEFENDANT: Kyle Fitzsimons
CASE NUMBER: 21 cr 158 (RC)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Term of Imprisonment totaling: 87 Months (with credit for time served since arrest on 2/4/2021)

Term on each count of conviction is as follows: Count 1ss: 60 Months to be served concurrently to all other counts; 2ss, 3ss, 4ss 5ss, 6ss, 9ss: 87 Months to be served concurrently to all other counts; Counts 7ss and 8ss: 12 Months to be served concurrently to all other counts; Counts 10ss and 11ss: 6 Months to be served concurrently to all other counts.

The court makes the following recommendations to the Bureau of Prisons:

Defendant be considered for placement at the following facility: FCI Coleman, Florida.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Kyle Fitzsimons
CASE NUMBER: 21 cr 158 (RC)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, and 9ss: 36 Months to be served concurrently on all counts;
Counts 7ss and 8ss: 12 months to be served concurrently on all counts.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Kyle Fitzsimons
CASE NUMBER: 21 cr 158 (RC)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Kyle Fitzsimons
CASE NUMBER: 21 cr 158 (RC)

SPECIAL CONDITIONS OF SUPERVISION

You are ordered to make restitution to the Architect of the Capitol in the amount of \$2,000.00, which shall be paid at a rate of \$75.00 per month commencing 30 days after your release from custody. Issue of further restitution to Sergeant Gonell shall be resolved within the next 90 days under the briefing schedule set by the court.

Your are ordered to pay a Special Assessment totaling \$770.00 (\$100.00 on counts 1ss,2ss,3ss,4ss,5ss,6ss,9ss; \$25.00 on counts 7ss and 8ss; \$10.00 on counts 10ss and 11ss)

Financial Payment - You must pay the financial penalty in accordance with the Schedule of Payments sheet of the judgment. You must also notify the court of any changes in economic circumstances that might affect the ability to pay this financial penalty.

Financial Information Disclosure - You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the United States Attorney's Office.

Financial Restrictions - You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.

With respect to standard condition of supervision #10 (possession of dangerous weapon): defendant will be presumptively authorized to possess knives and other implements for use in his work/trade of butchering (to be stored while in the home); and a bow/arrow for purposes of sport hunting (to be kept unstrung while in home).

DEFENDANT: Kyle Fitzsimons
 CASE NUMBER: 21 cr 158 (RC)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 770.00	\$ 2,000.00	\$	\$	\$

- The determination of restitution is deferred until 10/11/23. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the District of Columbia for disbursement to: Architect of the Capitol Office of the Chief Financial Officer Ford House Office Building Room H2-205B Washington, DC 20515		\$2,000.00	

Restitution for Sgt. Gonnell, USCP shall be determined by 10/11/2023.

TOTALS	\$ <u>0.00</u>	\$ <u>2,000.00</u>
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- Restitution amount ordered pursuant to plea agreement \$ 2,000.00
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
 ** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
 *** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Kyle Fitzsimons
CASE NUMBER: 21 cr 158 (RC)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 2,770.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal Monthly (e.g., weekly, monthly, quarterly) installments of \$ 75.00 over a period of 36 months (e.g., months or years), to commence 30 (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The financial obligations (\$770 special assessment and \$2,000 restitution) are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full. Restitution payments will begin 30 days after release from custody.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.