

APPEAL,CAP,CAT A

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00668-TNM All Defendants**

Case title: USA v. CHAN

Magistrate judge case number: 1:21-mj-00591-RMM

Date Filed: 11/12/2021

Assigned to: Judge Trevor N.
McFadden

Defendant (1)

MICK CHAN

represented by **K. Anthony Thomas**
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TERMINATED: 04/05/2023
LEAD ATTORNEY
*Designation: Public Defender or Community
Defender Appointment*

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TERMINATED: 12/13/2021
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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Anita Aboagye-Agyeman

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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

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

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

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

Disposition

Defendant sentenced to a term of Three (3) Months of Incarceration on each of Counts 1, 2, 4, with all terms to run concurrently, followed by a term of Twelve (12) Months of Supervised Release on each of Counts 1 and 2, with all terms to run concurrently. Special Assessment of \$25 imposed on each of Counts 1, 2 and \$10 imposed on Count 4, for a total amount of \$60. Restitution in the amount of \$500.

Defendant sentenced to a term of Three (3) Months of Incarceration on each of Counts 1, 2, 4, with all terms to run concurrently, followed by a term of Twelve (12) Months of Supervised Release on each of Counts 1 and 2, with all terms to run concurrently. Special Assessment of \$25 imposed on each of Counts 1, 2 and \$10 imposed on Count 4, for a total amount of \$60. Restitution in the amount of \$500.

Verdict of Not Guilty rendered.

(3)

40 U.S.C. 5104(e)(2)(G);
VIOLENT ENTRY AND
DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Parading,
Demonstrating, or Picketing in a
Capitol Building

(4)

Defendant sentenced to a term of Three (3) Months of Incarceration on each of Counts 1, 2, 4, with all terms to run concurrently, followed by a term of Twelve (12) Months of Supervised Release on each of Counts 1 and 2, with all terms to run concurrently. Special Assessment of \$25 imposed on each of Counts 1, 2 and \$10 imposed on Count 4, for a total amount of \$60. Restitution in the amount of \$500.

Highest Offense Level
(Opening)

Misdemeanor

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

COMPLAINT in Violation of
18:1752(a)(1), 18:1752(a)(2),
40:5104(e)(2)(D) and
40:5104(e)(2)(G)

Disposition

Plaintiff

USA

represented by **Katherine Elizabeth Boyles**
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Date Filed	#	Docket Text
09/07/2021	<u>1</u>	SEALED COMPLAINT as to MICK CHAN (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00591-RMM] (Entered: 09/07/2021)
09/07/2021	<u>3</u>	MOTION to Seal Case by USA as to MICK CHAN. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00591-RMM] (Entered: 09/07/2021)
09/07/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to MICK CHAN (1). Signed by Magistrate Judge Robin M. Meriweather on 9/7/2021. (zstd) [1:21-mj-00591-RMM] (Entered: 09/07/2021)
09/21/2021		MINUTE ORDER as to MICK CHAN: It is hereby ORDERED that MICK CHAN appear for an initial appearance on September 28, 2021 at 1:00 p.m. before Magistrate Judge Zia M. Faruqui. The hearing will be conducted by video teleconference; call-in instructions will be provided to counsel prior to the hearing. Counsel for the United States is directed to ensure that counsel for Defendant has received this Order and will provide the information to Defendant. If Defendant does not have counsel, counsel for the United States is directed to contact the Office of the Federal Public Defender for the District of Columbia and provide their office with the information contained in this Order. If the parties have questions about this Order or the scheduled hearing, please contact the Courtroom Deputy at 202-354-3173. So Ordered by Magistrate Judge Zia M. Faruqui on 9/21/2021. (ztl) [1:21-mj-00591-RMM] (Entered: 09/21/2021)
09/21/2021	<u>5</u>	Arrest Warrant Returned Executed on 9/21/2021 as to MICK CHAN. (bb) [1:21-mj-00591-RMM] (Entered: 09/22/2021)
09/21/2021		Arrest of MICK CHAN in New Jersey. (bb) [1:21-mj-00591-RMM] (Entered: 09/22/2021)
09/21/2021		Case unsealed as to MICK CHAN (bb) [1:21-mj-00591-RMM] (Entered: 09/22/2021)
09/28/2021		ORAL MOTION for Speedy Trial by USA as to MICK CHAN. (ztl) [1:21-mj-00591-RMM] (Entered: 10/01/2021)
09/28/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to MICK CHAN held on 9/28/2021. Defendant present by video. Due Process Order given to the Government. Defendant placed on Standard Conditions of Release. Defendant waives right to Preliminary Hearing in 21 days. Oral Motion by the Government for Speedy Trial as to MICK CHAN (1); heard and granted. Defense agree to exclusion. Speedy Trial excluded from 9/28/2021 to 11/15/2021 in the Interest of Justice (XT). Preliminary Hearing set for 11/15/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:45:32-1:55:53]; Defense Attorney: Michelle Peterson (for the purpose of initial appearance); US Attorney: Kelly Smith for Jacob Steiner; Pretrial Officer: Da'Shanta' Valentine-Lewis. (ztl) [1:21-mj-00591-RMM] (Entered: 10/01/2021)

09/28/2021	<u>7</u>	ORDER Setting Conditions of Release as to MICK CHAN (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 9/28/2021. (Attachment: # <u>1</u> Appearance Bond) (ztl) [1:21-mj-00591-RMM] (Entered: 10/01/2021)
10/19/2021	<u>8</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Moeder, Matthew added. Substituting for attorney Steiner, Jacob Ryan (Moeder, Matthew) [1:21-mj-00591-RMM] (Entered: 10/19/2021)
11/12/2021	<u>9</u>	INFORMATION as to MICK CHAN (1) count(s) 1, 2, 3, 4. (zltf) (Entered: 11/16/2021)
11/17/2021		MINUTE ORDER as to MICK CHAN (1). The hearing currently scheduled for 11/15/2021 at 1:00 PM before Magistrate Judge Robin M. Meriweather is hereby VACATED, as the Defendant has had an initial appearance in this jurisdiction; has had counsel appointed; has been released on conditions; and has been charged by Information. As such, there are no pending matters necessitating action by a Magistrate Judge. The parties are directed to contact Judge McFadden, the assigned District Judge, to schedule a status hearing and arraignment. The parties are instructed to address any requests to toll the Speedy Trial Act to the assigned District Judge. Signed by Magistrate Judge Robin M. Meriweather on 11/17/2021. (zpt) (Entered: 11/17/2021)
11/22/2021		NOTICE OF HEARING as to MICK CHAN. The parties shall take notice that a VTC Arraignment and Status Conference are set for 12/14/2021 at 10:30 AM before Judge Trevor N. McFadden. (hmc) (Entered: 11/22/2021)
12/13/2021	<u>11</u>	Unopposed MOTION for Protective Order <i>Governing Discovery</i> by USA as to MICK CHAN. (Attachments: # <u>1</u> Text of Proposed Order)(Moeder, Matthew) (Entered: 12/13/2021)
12/13/2021	<u>12</u>	NOTICE OF ATTORNEY APPEARANCE: K. Anthony Thomas appearing for MICK CHAN <i>along with Peter Carter, Esq.</i> (Thomas, K.) (Entered: 12/13/2021)
12/14/2021		MINUTE ORDER as to MICK CHAN. Pursuant to the Due Process Protections Act, the Court ORDERS that all government counsel shall review their disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/14/2021. (lctnm3) (Entered: 12/14/2021)
12/14/2021	<u>14</u>	ORDER as to MICK CHAN granting the Government's <u>11</u> Motion for Protective Order. Signed by Judge Trevor N. McFadden on 12/14/2021. (lctnm3) (Entered: 12/14/2021)
12/14/2021	<u>15</u>	NOTICE of <i>United States' Memoranda Regarding Status of Discovery</i> by USA as to MICK CHAN (Attachments: # <u>1</u> Status of Discovery as of July 12, 2021, # <u>2</u> Exhibit 1A to July 12, 2021 Status of Discovery, # <u>3</u> Status of Discovery as of August 23, 2021, # <u>4</u> Status of Discovery as of September 14, 2021, # <u>5</u> Status of Discovery as of October 21, 2021, # <u>6</u> Status of Discovery as of November 5, 2021)(Moeder, Matthew) (Entered: 12/14/2021)
12/14/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Arraignment and Status Conference as to MICK CHAN held via videoconference on 12/14/2021.

		Defendant agreed to proceed via video. Due Process Protections Act read into the record by the Court. Defendant arraigned on Counts 1, 2, 3, 4. Defendant entered a plea of Not Guilty as to all counts. A further VTC Status Conference is set for 2/18/2022 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 12/14/2021 to 2/18/2022, in the interests of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorneys: Anthony Thomas and Peter Carter; US Attorney: Matthew Moeder; Court Reporter: Sara Wick. (hmc) (Entered: 12/14/2021)
12/16/2021	<u>16</u>	Unopposed MOTION for Disclosure of <i>Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials</i> by USA as to MICK CHAN. (Attachments: # <u>1</u> Text of Proposed Order)(Moeder, Matthew) (Entered: 12/16/2021)
12/16/2021		MINUTE ORDER granting the Government's <u>16</u> Unopposed Motion for Disclosure of Items as to MICK CHAN. As part of discovery, the Government may provide materials protected by Federal Rule of Criminal Procedure 6(e) and sealed materials pursuant to the previously entered <u>14</u> Protective Order. This Order applies to the disclosure of such materials to any co-defendants who may later be joined. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/16/2021. (lctnm3) (Entered: 12/16/2021)
02/11/2022	<u>17</u>	NOTICE of <i>United States' Memorandum Regarding Status of Discovery as of February 9, 2022</i> by USA as to MICK CHAN (Moeder, Matthew) (Entered: 02/11/2022)
02/18/2022	<u>19</u>	NOTICE OF ATTORNEY APPEARANCE: Peter Michael Carter appearing for MICK CHAN (Carter, Peter) (Entered: 02/18/2022)
02/18/2022		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to MICK CHAN held via videoconference on 2/18/2022. VTC Plea Agreement Hearing set for 3/25/2022 at 3:30 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is excluded from 2/18/2022 to 3/25/2022, in the interest of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Michael Carter; US Attorney: Matthew Moeder; Court Reporter: Lisa Bankins. (hmc) (Entered: 02/18/2022)
03/23/2022	<u>20</u>	Joint MOTION to Continue <i>Plea Agreement Hearing</i> by USA as to MICK CHAN. (Moeder, Matthew) (Entered: 03/23/2022)
03/23/2022		MINUTE ORDER as to MICK CHAN granting the parties' <u>20</u> Joint Motion to Continue Plea Agreement Hearing. The Plea Agreement Hearing currently set for March 25, 2022, is hereby rescheduled to April 29, 2022, at 3:30 pm via video teleconference. Time under the Speedy Trial Act is excluded from March 25, 2022, to April 29, 2022, in the interests of justice. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/23/2022. (Entered: 03/23/2022)
03/23/2022	21	MOTION to Exclude Time under the Speedy Trial by USA as to MICK CHAN. (See docket entry <u>20</u> to view document.) (zltpt) (Entered: 03/25/2022)
04/27/2022	<u>22</u>	Joint MOTION to Continue <i>Plea Agreement Hearing</i> by USA as to MICK CHAN. (Attachments: # <u>1</u> Text of Proposed Order)(Moeder, Matthew) (Entered: 04/27/2022)
04/27/2022	<u>23</u>	ORDER as to MICK CHAN granting the <u>22</u> Motion to Continue. The VTC plea hearing scheduled for April 29, 2022, is rescheduled to May 27, 2022, at 4pm before Judge Trevor N. McFadden. Time under the Speedy Trial Act is excluded from April

		29, 2022, to May 27, 2022, in the interests of justice. See attached Order for details. Signed by Judge Trevor N. McFadden on 4/27/2022. (lctnm3) (Entered: 04/27/2022)
04/27/2022	24	MOTION to Exclude Time under the Speedy Trial Act by USA as to MICK CHAN. (See docket entry <u>22</u> to view document.)(zltf) (Entered: 05/09/2022)
04/28/2022		Set/Reset Hearings as to MICK CHAN: Plea Agreement Hearing rescheduled to 5/27/2022 at 4:00 PM before Judge Trevor N. McFadden. (hmc) (Entered: 04/28/2022)
05/27/2022		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to MICK CHAN held via videoconference on 5/27/2022. The defendant will be seeking new counsel. A further VTC Status Conference is set for 6/27/2022 at 10:00 AM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 5/27/2022 to 6/27/2022, in the interests of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Peter M. Carter; US Attorney: Matthew Moeder; Court Reporter: Lisa Edwards. (hmc) (Entered: 05/27/2022)
06/27/2022		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to MICK CHAN held via videoconference on 6/27/2022. Jury Selection/Jury Trial set for 1/23/2023 at 9:00 AM in Courtroom 2 before Judge Trevor N. McFadden. VTC Status Conference set for 8/24/2022 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 6/27/2022 to 8/24/2022, in the interests of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Peter M. Carter; US Attorney: Matthew Moeder; Court Reporter: Lorraine Herman. (hmc) (Entered: 06/27/2022)
08/24/2022		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to MICK CHAN held via videoconference on 8/24/2022. Motions in Limine, Motions to Suppress, Motions to Dismiss and Notices of Expert Witnesses due by 11/2/2022. Oppositions due by 11/23/2022. Replies due by 12/16/2022. Joint Proposed Voir Dire and Joint Proposed Final Jury Instructions due by 12/16/2022. Pretrial Conference set for 1/6/2023 at 10:30 AM in Courtroom 2– In Person before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 8/24/2022 through 1/23/2023, in the interest of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Peter M. Carter; US Attorney: Matthew Moeder; Court Reporter: Lisa Edwards. (hmc) (Entered: 08/24/2022)
11/02/2022		NOTICE OF RESCHEDULED HEARING as to MICK CHAN. The parties shall take notice that the Pretrial Conference previously set for 1/6/2023 is RESCHEDULED to 1/9/2023 at 2:00 PM in Courtroom 2– In Person before Judge Trevor N. McFadden. (hmc) (Entered: 11/02/2022)
11/02/2022	<u>27</u>	MOTION to Dismiss Count 1,2 & 4 by MICK CHAN. (Carter, Peter) (Entered: 11/02/2022)
11/02/2022	<u>28</u>	MOTION for Discovery by MICK CHAN. (Carter, Peter) (Entered: 11/02/2022)
11/02/2022	<u>29</u>	MOTION in Limine <i>REGARDING EVIDENCE ABOUT THE SPECIFIC LOCATIONS OF U.S. CAPITOL POLICE SURVEILLANCE CAMERAS</i> by USA as to MICK CHAN. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Moeder, Matthew) (Entered: 11/02/2022)
11/02/2022	<u>30</u>	MOTION in Limine <i>REGARDING CROSS-EXAMINATION OF U.S. SECRET SERVICE WITNESS</i> by USA as to MICK CHAN. (Attachments: # <u>1</u> Text of Proposed Order)(Moeder, Matthew) (Entered: 11/02/2022)

11/02/2022	<u>31</u>	MOTION in Limine <i>TO PRECLUDE IMPROPER DEFENSE ARGUMENTS AND EVIDENCE ABOUT LAW ENFORCEMENT</i> by USA as to MICK CHAN. (Attachments: # <u>1</u> Text of Proposed Order)(Moeder, Matthew) (Entered: 11/02/2022)
11/04/2022	<u>32</u>	ENTERED IN ERROR.....NOTICE OF ATTORNEY APPEARANCE: Shishene Jing appearing for MICK CHAN (Jing, Shishene) Modified on 11/4/2022 (zstd). (Entered: 11/04/2022)
11/04/2022		NOTICE OF ERROR as to MICK CHAN regarding <u>32</u> Notice of Attorney Appearance – Defendant. The following error(s) need correction: Incorrect case number. Please refile with correct case number 21–cr–668 (TNM) (zstd) (Entered: 11/04/2022)
11/04/2022	<u>33</u>	NOTICE OF ATTORNEY APPEARANCE: Shishene Jing appearing for MICK CHAN (Jing, Shishene) (Entered: 11/04/2022)
11/22/2022	<u>34</u>	Memorandum in Opposition by MICK CHAN re <u>31</u> Motion in Limine (Jing, Shishene) (Entered: 11/22/2022)
11/23/2022	<u>35</u>	Memorandum in Opposition by USA as to MICK CHAN re <u>27</u> Motion to dismiss count(s) (Moeder, Matthew) (Main Document 35 replaced on 12/5/2022) (zltf). (Entered: 11/23/2022)
12/02/2022	<u>36</u>	NOTICE OF ATTORNEY APPEARANCE Katherine Elizabeth Boyles appearing for USA. (Boyles, Katherine) (Entered: 12/02/2022)
12/16/2022	<u>37</u>	NOTICE of Joint Proposed Jury Instructions and Voire Dire by USA as to MICK CHAN (Boyles, Katherine) (Entered: 12/16/2022)
12/17/2022	<u>38</u>	NOTICE Defendant's Waiver of Jury Trial by USA as to MICK CHAN (Boyles, Katherine) (Entered: 12/17/2022)
12/19/2022		MINUTE ORDER as to MICK CHAN. The pre–trial conference previously scheduled for January 9, 2023 is hereby VACATED. That conference is hereby RESCHEDULED for January 23, 2023 at 9:00 a.m. in Courtroom 2 prior to the start of trial. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/19/2022. (lctnm3) (Entered: 12/19/2022)
12/21/2022	<u>39</u>	ORDER re <u>27</u> Motion to Dismiss, <u>28</u> Motion for Discovery, and <u>29</u> Motion in Limine as to MICK CHAN. See attached Order for details. Signed by Judge Trevor N. McFadden on 12/21/2022. (lctnm3) (Entered: 12/21/2022)
01/19/2023		NOTICE OF RESCHEDULED HEARING (time change) as to MICK CHAN. The parties shall take notice that the Pretrial Conference and Bench Trial set for 1/23/2023 are rescheduled from 9:00 AM to 9:30 AM in Courtroom 2– In Person before Judge Trevor N. McFadden. (hmc) (Entered: 01/19/2023)
01/20/2023	<u>41</u>	TRIAL BRIEF by USA as to MICK CHAN (Moeder, Matthew) (Entered: 01/20/2023)
01/20/2023	<u>42</u>	WITNESS LIST by USA as to MICK CHAN (Moeder, Matthew) (Entered: 01/20/2023)
01/20/2023	<u>43</u>	EXHIBIT LIST by USA as to MICK CHAN (Moeder, Matthew) (Entered: 01/20/2023)
01/20/2023	<u>44</u>	EXHIBIT LIST by MICK CHAN (Carter, Peter) (Entered: 01/20/2023)

01/22/2023	<u>45</u>	EXHIBIT LIST by USA as to MICK CHAN (Boyles, Katherine) (Entered: 01/22/2023)
01/23/2023		Minute Entry for proceedings held before Judge Trevor N. McFadden: Bench Trial as to MICK CHAN held on 1/23/2023. Government's <u>30</u> Motion in Limine Regarding Cross-Examination of U.S. Secret Service Witness and <u>31</u> Motion in Limine to Preclude Improper Defense Arguments and Evidence About Law Enforcement, denied without prejudice. Oral ruling set for 1/24/2023 at 3:15 PM in Courtroom 2 before Judge Trevor N. McFadden. Bond Status of Defendant: Personal Recognizance; Defense Attorneys: Peter M. Carter, Shishene Jing; US Attorneys: Matthew Moeder, Katherine E. Boyles; Court Reporter: Lisa Edwards; Government Witnesses: Captain Ronald Ortega, Special Agent Spencer Evenson. Defense Witness: Mick Chan. (hmc) (Entered: 01/24/2023)
01/23/2023	<u>46</u>	WAIVER of Trial by Jury as to MICK CHAN. Approved by Judge Trevor N. McFadden on 1/23/2023. (hmc) (Entered: 01/24/2023)
01/23/2023	<u>47</u>	EXHIBIT LIST by USA as to MICK CHAN. (hmc) (Entered: 01/24/2023)
01/23/2023	<u>48</u>	EXHIBIT LIST by MICK CHAN. (hmc) (Entered: 01/24/2023)
01/23/2023	<u>49</u>	ATTORNEYS' ACKNOWLEDGMENT OF TRIAL EXHIBITS as to MICK CHAN. (hmc) (Entered: 01/24/2023)
01/24/2023		MINUTE ORDER as to MICK CHAN directing the Government, after consultation with and consent of the Defendant, to promptly make the video exhibits submitted at trial publicly available without restrictions by providing access using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/24/23. (lctnm3) (Entered: 01/24/2023)
01/24/2023		Minute Entry for proceedings held before Judge Trevor N. McFadden: Bench Trial/Verdict as to MICK CHAN held on 1/24/2023. Verdict of GUILTY as to Counts 1, 2, 4. Verdict of NOT GUILTY as to Count 3. Case referred to the Probation Office for a Presentence Investigation. Sentencing Memoranda due by 4/28/2023. Sentencing set for 5/5/2023 at 2:00 PM in Courtroom 2- In Person before Judge Trevor N. McFadden. Bond Status of Defendant: Personal Recognizance. Defense Attorneys: Peter M. Carter, Shishene Jing; US Attorneys: Matthew Moeder, Katherine E. Boyles; Court Reporter: Lisa Edwards. (hmc) (Entered: 01/24/2023)
02/02/2023	<u>50</u>	<p>TRANSCRIPT OF ORAL RULING/VERDICT FROM THE BENCH TRIAL in case as to MICK CHAN before Judge Trevor N. McFadden held on January 24, 2023; Page Numbers: 1-23. Date of Issuance: February 2, 2023. Court Reporter/Transcriber Lisa Edwards. Telephone number (202) 354-3269, 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</p>

		includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 2/23/2023. Redacted Transcript Deadline set for 3/5/2023. Release of Transcript Restriction set for 5/3/2023.(zlf) (Main Document 50 replaced on 2/2/2023) (zlt). (Entered: 02/02/2023)
04/05/2023	<u>52</u>	NOTICE OF SUBSTITUTION OF COUNSEL Attorney Aboagye–Agyeman, Anita added. (Aboagye–Agyeman, Anita) (Entered: 04/05/2023)
04/27/2023	<u>55</u>	SENTENCING MEMORANDUM by MICK CHAN (Attachments: # <u>1</u> Mitigation report, # <u>2</u> Collected cases)(Jing, Shishene) (Entered: 04/27/2023)
04/28/2023	<u>56</u>	ENTERED IN ERROR.....NOTICE <i>Letter of Support</i> by MICK CHAN re <u>55</u> Sentencing Memorandum (Attachments: # <u>1</u> Exhibit Chan photos)(Jing, Shishene) Modified on 4/28/2023 (zstd). (Entered: 04/28/2023)
04/28/2023		NOTICE OF ERROR as to MICK CHAN regarding <u>56</u> Notice (Other). The following error(s) need correction: Incorrect format (Letter)– correspondence is not permitted (LCrR 49(f)(4)). Please refile. (zstd) (Entered: 04/28/2023)
04/28/2023	<u>57</u>	SENTENCING MEMORANDUM by USA as to MICK CHAN (Boyles, Katherine) (Entered: 04/28/2023)
05/03/2023	<u>58</u>	NOTICE <i>Family Letters of Support</i> by MICK CHAN re <u>56</u> Notice (Other), <u>55</u> Sentencing Memorandum (Attachments: # <u>1</u> Memorandum in Support Diane Chan Letter of Support, # <u>2</u> Exhibit Chan Photos, # <u>3</u> Memorandum in Support Patrick Li Letter of Support)(Jing, Shishene) (Entered: 05/03/2023)
05/05/2023		Minute Entry for proceedings held before Judge Trevor N. McFadden: Sentencing held on 5/5/2023 as to MICK CHAN. Defendant sentenced to a term of Three (3) Months of Incarceration on each of Counts 1, 2, 4, with all terms to run concurrently, followed by a term of Twelve (12) Months of Supervised Release on each of Counts 1 and 2, with all terms to run concurrently. Special Assessment of \$25 imposed on each of Counts 1 and 2 and \$10 imposed on Count 4, for a total amount of \$60. Restitution in the amount of \$500. Defendant must complete 60 hours of community service within 12 months. Bond Status of Defendant: remains on Personal Recognizance and permitted to self–surrender. Defense Attorneys: Shishene Jing, Anita Aboagye–Agyeman; US Attorney: Katherine E. Boyles; Probation Officer: Aidee Gavito; Court Reporter: Sara Wick. (hmc) Modified on 5/5/2023 to add community service language (hmc). (Entered: 05/05/2023)
05/05/2023	<u>61</u>	JUDGMENT as to MICK CHAN. Statement of Reasons Not Included. Signed by Judge Trevor N. McFadden on 5/5/2023. (zlt) (Entered: 05/11/2023)
05/05/2023	<u>62</u>	STATEMENT OF REASONS as to MICK CHAN. re <u>61</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 Trevor N. McFadden on 5/5/2023. (zlt) (Entered: 05/11/2023)
05/08/2023	<u>60</u>	NOTICE OF APPEAL – Final Judgment by MICK CHAN re Sentencing,... Fee Status: No Fee Paid. Parties have been notified. (Jing, Shishene) (Entered: 05/08/2023)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, :
 :
 vs. : Case No.: 21-cr-0668 (TNM)
 :
 MICK CHAN :
 :
 Defendant. :

NOTICE OF APPEAL

Name and address of appellant: Mick Chan
Name and address of appellant’s attorney: Shishene Jing
Assistant Federal Public Defender
Office of the Federal Public Defender
1002 Broad St.
Newark, NJ 07102

Offenses: 18 U.S.C. § 1752(a)(1): Entering or Remaining in a Restricted Building or Grounds
18 U.S.C. § 1752(a)(2): Disorderly or Disruptive Conduct in a Restricted Building or Grounds
40 U.S.C. § 5014(e)(2)(G): Parading, Demonstrating, or Picketing in a Capitol Building

Concise statement of judgment or order, giving date, and any sentence:
ORDER (05/05/2023) (02/02/2023): Court’s Sentence of Three Months Incarceration followed by Twelve Months of Supervised Release, Court’s Verdict from Bench Trial.

Name of institution where now confined, if not on bail: On bail

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia from the above-stated judgment.

May 8, 2023
DATE

Mick Chan
APPELLANT

CJA, NO FEE _____ FPD _____
PAID USDC FEE _____ NO _____
PAID USCA FEE _____ NO _____

A. J. Kramer
FEDERAL PUBLIC DEFENDER
ATTORNEY FOR APPELLANT

Does counsel wish to appear on appeal? Yes
Has counsel ordered transcripts? No
Is this appeal pursuant to the 1984 Sentencing Reform Act? Yes

DEFENDANT: MICK CHAN
CASE NUMBER: 21-cr-668 (TNM)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
40 USC § 5104(e)(2)(G)	Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	4

DEFENDANT: MICK CHAN
CASE NUMBER: 21-cr-668 (TNM)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
THREE (3) MONTHS on Counts 1, 2, 4. All terms to run concurrently.

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

- 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: MICK CHAN
CASE NUMBER: 21-cr-668 (TNM)

SUPERVISED RELEASE

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

TWELVE (12) MONTHS on Counts 1, 2. All terms to run concurrently.

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: MICK CHAN
CASE NUMBER: 21-cr-668 (TNM)

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: MICK CHAN
CASE NUMBER: 21-cr-668 (TNM)

SPECIAL CONDITIONS OF SUPERVISION

Home Detention - You will be monitored by the form of location monitoring technology indicated herein for a period of 5 months, and you must follow the rules and regulations of the location monitoring program. The cost of the program is waived. Location monitoring technology at the discretion of the probation officer, including: Radio Frequency (RF) Monitoring; GPS Monitoring (including hybrid GPS); SmartLINK; or Voice Recognition. This form of location monitoring technology will be used to monitor the following restriction on your movement in the community: You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the officer.

Mental Health Treatment - You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Financial Payment Schedule – Having assessed your ability to pay, payment of the total criminal monetary penalties is due as follows:

- You shall pay the balance of any restitution owed at a rate of no less than \$50 each month and provide verification to the Probation Office.

Community Service - You must complete 60 hours of community service within 12 months. The probation officer will supervise the participation in the program by approving the program. You must provide written verification of completed hours to the probation officer.

Completion of your community service hours and payment of all financial obligations are specific conditions of your supervised release.

The Probation Office shall release the presentence investigation report to all appropriate agencies, which includes the United States Probation Office in the approved district of residence, in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the Probation Office upon the defendant's completion or termination from treatment.

DEFENDANT: MICK CHAN
 CASE NUMBER: 21-cr-668 (TNM)

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	\$ 60.00	\$ 500.00	\$ 0.00	\$ 0.00	\$ 0.00

The determination of restitution is deferred until _____. 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>
Architect of the Capitol		\$500.00	
Office of the Chief Financial Officer			
Ford House Office Building, Room H2-205			
Washington, DC 20515			

TOTALS	\$ _____	0.00	\$ _____	500.00
---------------	----------	------	----------	--------

Restitution amount ordered pursuant to plea agreement \$ _____

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: MICK CHAN
CASE NUMBER: 21-cr-668 (TNM)

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 \$ 60.00 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 _____ (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 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 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.

You must pay the financial obligations owed according to page 6.

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) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.