

AO 442 (Rev. 11/11) Arrest Warrant

# UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America  
v.  
William Pope

)  
) Case: 1:21-mj-00217  
) Assigned to: Judge Faruqui, Zia M  
) Assign Date: 2/10/2021  
) Description: COMPLAINT W/ARREST WARRANT  
)  
)

\_\_\_\_\_  
*Defendant*

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) William Pope  
who is accused of an offense or violation based on the following document filed with the court:

- Indictment     Superseding Indictment     Information     Superseding Information     Complaint
- Probation Violation Petition     Supervised Release Violation Petition     Violation Notice     Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. 1512(c)(2)- Obstructing or Impeding Any Official Proceeding
- 18 U.S.C. 231(a)(3)- Civil Disorder
- 18 U.S.C. 1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds
- 18 U.S.C. 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds
- 40 U.S.C. 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building
- 40 U.S.C. 5104(e)(2)(E)- Impeding Passage Through the Capitol Grounds or Buildings
- 40 U.S.C. 5104(e)(2)(G)- Parading, Demonstrating, or Picketing in a Capitol Building

Date: 02/10/2021

2021.02.10  
12:49:57 -05'00'

\_\_\_\_\_  
*Issuing officer's signature*

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

\_\_\_\_\_  
*Printed name and title*

### Return

This warrant was received on (date) 2/12/2021, and the person was arrested on (date) 02/12/2021  
at (city and state) TOPEKA, KS.

Date: 2/12/2021

\_\_\_\_\_  
*Arresting officer's signature*

MARK ENGHOLM, TFO  
\_\_\_\_\_  
*Printed name and title*

CLERK'S COURTROOM MINUTE SHEET – CRIMINAL – MAGISTRATE JUDGE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

Case No: 21-mj-5017-ADM  
AUSA: Skipper Jacobs  
Defendant: Jerold Berger

WILLIAM POPE,  
  
Defendant.

JUDGE:	Judge Angel D. Mitchell	DATE:	February 16, 2021
DEPUTY CLERK:	Heather Tildes	TAPE/REPORTER:	Zoom @ 2:25 pm
INTERPRETER:		PROBATION:	Christina Stapp

**PROCEEDINGS**

- Initial Appearance
- Detention Hearing
- Arraignment
- Discovery Conference
- Defendant sworn
- Charges and penalties explained to defendant
- Constitutional Rights Explained
- Declines to Waive Indictment
- Signed Waiver of Indictment
- Advised of Rights Under Rule \_\_\_\_\_
- Waived Reading
- Number of Counts:
- Bond Revoked
- Release Order executed
- Initial Revocation Hearing
- Initial Rule 5(c)(3) – 21 min.
- Preliminary Hearing
- Pretrial Conference
- Examined re: financial status
- Felony
- Will be presented to next Grand Jury
- Information filed
- Read to Defendant:
- Guilty
- Bail Fixed at: \$ \_\_\_\_\_
- Continued on present conditions
- Bond Hearing
- Bond Revocation Hearing
- Status Conference
- In-Court Hearing
- Counsel retained
- Advised of Due Process Protections Act
- Misdemeanor
- Signed Consent to Transfer \_\_\_\_\_
- Indictment
- Not Guilty
- Information
- Complaint
- Remanded to Custody

Defendant's next appearance: Preliminary Hearing on March 1, 2021 at 1:00 PM before Judge Mitchell via Zoom.

**OTHER:** Defendant appears via videoconference and with retained counsel. Defendant orally consents to appear via videoconference for this hearing. Defendant waives his right to an identity hearing and production of the warrant. The court releases defendant on conditions of pretrial release with the conditions as stated on the record. Formal Order of Conditions of Release to follow.

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.
William Pope, (DOB: XXXXXXXXXX)
Michael Pope, (DOB: XXXXXXXXXX)
Case: 1:21-mj-00217
Assigned to: Judge Faruqui, Zia M
Assign Date: 2/10/2021
Description: COMPLAINT W/ARREST WARRANT
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. 1512(c)(2), 18 U.S.C. 231(a)(3), 18 U.S.C. 1752(a)(1), 18 U.S.C. 1752(a)(2), 40 U.S.C. 5104(e)(2)(D), 40 U.S.C. 5104(e)(2)(E), 40 U.S.C. 5104(e)(2)(G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Clay Chase

Complainant's signature

Clay Chase, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 02/10/2021

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
for the
District of Kansas

UNITED STATES OF AMERICA )

v. )

William Pope )

Defendant )

Case No. 21-mj-5017-ADM

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
(2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
(3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
(4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

Place

on

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

( X ) (7) The defendant must:

( X ) (a) submit to supervision by and report for supervision to the Christina Stapp with Pretrial Services,

telephone number 785-213-6896, no later than February 17, 2021.

( ) (b) continue or actively seek employment.

( ) (c) continue or start an education program.

( X ) (d) surrender any passport to: Pretrial Services.

( X ) (e) not obtain a passport or other international travel document.

( X ) (f) abide by the following restrictions on personal association, residence, or travel: No travel to DC unless for Court, Pretrial or consultation with attorney. No travel outside the District of Kansas without permission from Pretrial Services.

( ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

( ) (h) get medical or psychiatric treatment: \_\_\_\_\_

( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

( X ) (k) not possess a firearm, destructive device, or other weapon.

( ) (l) not use alcohol ( ) at all ( ) excessively.

( ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a medical practitioner.

( ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

( ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

( ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

( ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

( ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

( X ) (s) Call supervising Pretrial Services Officer once a week.

( X ) (t) Continue in education program or seek and maintain full-time employment, or a combination of the two.

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature



City and State

**Directions to the United States Marshal**

- ( X ) The defendant is ORDERED released after processing.  
 ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 2/16/2021



Judicial Officer's Signature

U.S. Magistrate Judge Angel D. Mitchell

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :	CRIMINAL NO.
	:
v. :	MAGISTRATE NO. 21-MJ-217-01-02
	:
WILLIAM POPE, and :	
MICHAEL POPE, :	VIOLATIONS:
	<u>18 U.S.C. § 231(a)(3)</u>
Defendants. :	(Civil Disorder)
	<u>18 U.S.C. §§ 1512(e)(2),</u>
	(Obstruction of an Official Proceeding)
	<u>18 U.S.C. § 1752(a)(1)</u>
	(Entering and Remaining in a Restricted
	Building or Grounds)
	<u>18 U.S.C. § 1752(a)(2)</u>
	(Disorderly and Disruptive Conduct in a
	Restricted Building or Grounds)
	<u>40 U.S.C. § 5104(e)(2)(D)</u>
	(Disorderly Conduct in
	a Capitol Building)
	<u>40 U.S.C. § 5104(e)(2)(E)</u>
	(Impeding Passage Through the Capitol
	Grounds or Buildings)
	<u>40 U.S.C. § 5104(e)(2)(G)</u>
	(Parading, Demonstrating, or Picketing in
	a Capitol Building)

**LIMITED ENTRY OF APPEARANCE**

To: The Clerk of the Court and all parties of record.

I am admitted or otherwise authorized to practice in this Court, and I appear in this case as limited counsel for the Defendant, William Pope, for the Rule 5 Hearing only.

/s/ Jerold E. Berger  
Jerold E. Berger, #01730  
Attorney for Defendant  
Law Office of Jerold E. Berger  
1208 SW Tyler Street

Topeka, KS 66612  
jeroldeberger@aol.com  
TEL:785-232-3540  
FAX: 785-235-5502

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :	CRIMINAL NO.
	:
v. :	MAGISTRATE NO. 21-MJ-217-01-02
	:
WILLIAM POPE, and :	
MICHAEL POPE, :	VIOLATIONS:
	<u>18 U.S.C. § 231(a)(3)</u>
Defendants. :	(Civil Disorder)
	<u>18 U.S.C. §§ 1512(e)(2),</u>
	(Obstruction of an Official Proceeding)
	<u>18 U.S.C. § 1752(a)(1)</u>
	(Entering and Remaining in a Restricted
	Building or Grounds)
	<u>18 U.S.C. § 1752(a)(2)</u>
	(Disorderly and Disruptive Conduct in a
	Restricted Building or Grounds)
	<u>40 U.S.C. § 5104(e)(2)(D)</u>
	(Disorderly Conduct in
	a Capitol Building)
	<u>40 U.S.C. § 5104(e)(2)(E)</u>
	(Impeding Passage Through the Capitol
	Grounds or Buildings)
	<u>40 U.S.C. § 5104(e)(2)(G)</u>
	(Parading, Demonstrating, or Picketing in
	a Capitol Building)

**MOTION FOR LEAVE TO WITHDRAW AS COUSEL  
FOR DEFENDANT WILLIAM POPE**

AND NOW, comes Jerold E. Berger, to file the within Motion for Leave to Withdraw as Counsel for Defendant, William Pope as follows:

1. Jerold E. Berger, was retained by William Pope for representation in the Rule 5 Hearing in the above captioned matter.
2. The limited representation in the Rule 5 Hearing has concluded.

3. Jerold E. Berger has advised the Defendant to seek alternate counsel.

**WHEREFORE**, Jerold E. Berger respectfully request that this Court grant his Motion for Leave to Withdraw as Counsel and grant them leave to withdraw their appearance for the Defendant, William Pope, in this action.

Respectfully Submitted,

/s/ Jerold E. Berger  
Jerold E. Berger, #01730  
Attorney for Defendant  
Law Office of Jerold E. Berger  
1208 SW Tyler Street  
Topeka, KS 66612  
jeroldeberger@aol.com  
TEL:785-232-3540  
FAX: 785-235-5502

CLERK’S COURTROOM MINUTE SHEET – CRIMINAL – MAGISTRATE JUDGE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM POPE,

Defendant.

Case No: 21-mj-5017-ADM

AUSA: Skipper Jacobs

Defendant: Jerold Berger

JUDGE:	Judge Angel D. Mitchell	DATE:	March 1, 2021
DEPUTY CLERK:	Heather Tildes	TAPE/REPORTER:	Zoom @ 1:01 pm
INTERPRETER:		PROBATION:	

**PROCEEDINGS**

- Initial Appearance
- Detention Hearing
- Arraignment
- Discovery Conference
- Defendant sworn
- Charges and penalties explained to defendant
- Constitutional Rights Explained
- Declines to Waive Indictment
- Signed Waiver of Indictment
- Advised of Rights Under Rule \_\_\_\_\_
- Waived Reading
- Number of Counts:
- Bond Revoked
- Release Order executed
- Initial Revocation Hearing
- Initial Rule 5(c)(3)
- Preliminary Hearing
- Pretrial Conference
- Examined re: financial status
- Felony
- Will be presented to next Grand Jury
- Information filed
- Read to Defendant:
- Guilty
- Bail Fixed at: \$ \_\_\_\_\_
- Continued on present conditions
- Bond Hearing
- Bond Revocation Hearing
- Status Conference – 12 min.
- In-Court Hearing
- Counsel appointed
- Advised of Due Process Protections Act
- Misdemeanor
- Signed Consent to Transfer \_\_\_\_\_
- Indictment
- Not Guilty
- Information
- Complaint
- Remanded to Custody

**OTHER:** Defendant appears via videoconference and with counsel. Defendant orally consents to appear via videoconference for this hearing. Defendant’s [4] Motion for Leave to Withdraw as Counsel for Defendant William Pope is denied without prejudice to be renewed in accordance with Rule 83.5.5.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA :  
 :  
 : Case No. 21-mj-5017  
 v. :  
 :  
 WILLIAM POPE :

**GOVERNMENT’S MOTION TO RECONSIDER AND  
VACATE PRELIMINARY HEARING**

The United States of America, by and through Skipper Jacobs, Assistant United States Attorney for the District of Kansas, respectfully requests the following: (1) that the Court reconsider its ruling that Mr. Pope remains entitled to a preliminary hearing in the District of Kansas; (2) that the Court vacate the preliminary hearing. The government submits this ruling will conclude proceedings under Rule 5 and complete transfer of this case to the District Court for the District of Columbia. The government requests that the following points and authorities, as well as any other facts, arguments and authorities presented at any hearing on the motion, be considered in the Court’s determination regarding the motion.

**Facts and Procedural History**

*A. General*

On February 10, 2021, defendant was charged by Criminal Complaint issued by U.S. Magistrate Judge Zia M. Faruqui from the United States District Court for the District of Columbia in *U.S. v. William Pope and Michael Pope*, 21-mj-00217. On the same date, a warrant for the defendant’s arrest was issued by the same U.S. Magistrate Judge. On February 12, 2021, the defendant was arrested within this district and appeared for an Initial Rule 5(c)(3) hearing on February 16, 2021. ([Doc. 1](#).) At that hearing, the Court set a Preliminary Hearing for March 1, 2021. ([Doc. 1](#)).

On February 17, 2021, the defendant was charged by Indictment in United States District Court for the District of Columbia in *United States v. William Pope and Michael Pope*, Case Number 21-c-128, with the following counts: one count of Civil Disorder, in Violation of [18 U.S.C. § 231\(a\)\(3\)](#); one count of Obstruction of an official proceeding and Aiding and Abetting, in violation of [18 U.S.C. § 1512\(c\)\(2\)](#) and [2](#); one count of Entering and Remaining in a Restricted Building or Grounds, in violation of [18 U.S.C. § 1752\(a\)\(1\)](#); one count of Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of [18 U.S.C. § 1752\(a\)\(2\)](#); one count of Impeding Ingress and Egress in a Restricted Building or Grounds, in violation of [18 U.S.C. § 1752\(a\)\(3\)](#); one count of Disorderly Conduct in a Capitol Building, in violation of [40 U.S.C. § 5104\(e\)\(2\)\(D\)](#); one count of Impeding Passage Through the Capitol Grounds or Buildings, in violation of [40 U.S.C. § 5104\(e\)\(2\)\(E\)](#); and one count of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of [40 U.S.C. § 5104\(e\)\(2\)\(G\)](#).

The indictment issued in the District of Columbia is attached as [Exhibit A](#).

*B. Proceedings in Kansas*

On February 26, 2021, counsel for defendant in Kansas filed a Motion to Withdraw. ([Doc. 4](#)). The parties appeared on March 1, 2021, for the previously scheduled hearing. ([Doc. 5](#)). Prior to the hearing the government provided the Court and counsel a copy of the Indictment issued in the District of Columbia via email. The government took the position that based on the return of the Indictment issued by the grand jury in the District of Columbia that the preliminary hearing on the Complaint was no longer needed and no further action on this matter was needed in the District of Kansas. The Court disagreed and found that Mr. Pope remained entitled to a preliminary hearing. The Court further held that because the defendant was not in custody, a preliminary

hearing was required within 21 days of the first appearance and that should the defendant move to dismiss the complaint the Court would consider that request.

The Court also denied the Motion to Withdraw without prejudice. ([Doc. 5](#)).

*C. Proceedings and Matters in the District of Columbia*

The undersigned understands based on consultation with counsel in the District of Columbia the following. The defendant has been appointed counsel for his criminal case in the District of Columbia, namely Terry Eaton. An initial appearance on the Indictment has already been scheduled in the District of Columbia for March 5, 2021 at 1:00 PM, whereby the defendant has been directed by counsel to appear by video. Undersigned has also been informed that counsel for the defendant in the District of Columbia has informed the government that they also believe that Mr. Pope does not have a legal right to a preliminary hearing following the filing of an Indictment. And, Counsel for the defendant in the District of Columbia is also working with the defendant to file a pro se waiver in Kansas.

**Legal Authority and Argument**

The government requests the Court reconsider its ruling that the defendant remains entitled to a preliminary hearing, requests that the preliminary hearing be vacated, and as a result that proceedings in the District of Kansas are thereby conducted, thus facilitating the transfer of this matter to the District Court for the District of Columbia.

[Federal Rule of Criminal Procedure 5\(c\)\(3\)\(C\)](#) provides that if the defendant is arrested in a district other than the district where the offense was allegedly committed, the magistrate judge must hold a preliminary hearing as directed by [Federal Rule of Criminal Procedure 5.1](#). [Federal Rule of Criminal Procedure 5.1](#) provides in relevant part:

(a) In General. If a defendant is charged with an offense other than a petty offense, a magistrate judge must conduct a preliminary hearing unless:

(1) the defendant waives the hearing;

(2) the defendant is indicted;

...

Here the defendant was indicted in the District of Columbia, as such, pursuant to Rule 5 and 5.1, the defendant is no longer entitled to a preliminary hearing.

The government's conclusion is supported by interpretations and applications of Rule 5.1. In *United States v. McDowell*, Judge Lungstrum found, "where the defendant is already indicted no purpose is served by a preliminary hearing," and the defendant "is not entitled" to a preliminary hearing. No. 09-20133, [2010 WL 5014445](#), at \*4 (D. Kan. Dec. 3, 2010); accord *United States v. Gieswein*, No. CIV-11-21-F, [2011 WL 13071652](#), at \*7 (W.D. Okla. July 21, 2011), *aff'd* [495 F. App'x 944](#) (10<sup>th</sup> Cir. 2012) ("[N]o preliminary hearing is required if a defendant is indicted."). The *McDowell*, opinion cites *Barrett v. United States*, [270 F.2d 772, 776](#) (8th Cir. 1956) and *Swingle v. United States*, [389 F.2d 220, 223](#) (10th Cir. 1968) for the proposition that where the defendant is indicted no purpose is served by having the preliminary hearing. *Barrett*, relies on an earlier opinion in *Barber v. United States*, [142 F.2d 805, 807](#) (4th Cir. 1944) which held:

...The only purpose of a preliminary hearing is to determine whether there is sufficient evidence against an accused to warrant his being held for action by a grand jury; and, after a bill of indictment has been found, there is no occasion for such hearing.

*Barrett*, [270 F.2d at 776](#) (8th Cir. 1959).

The nature of preliminary examinations is explained by *United States v. Kysar*, [459 F.2d 422](#) (10th Cir. 1972). In *Kysar*, the defendant contended that an earlier dismissal of a Complaint barred his prosecution by Indictment. *Id.* at 423. The *Kysar* Court explained, “[t]he preliminary examination has as its sole function the determination of whether sufficient evidence exists to warrant the defendant's detention.” *Id.* However, *Kysar* goes on to say, “the return of an indictment by a grand jury is a conclusive determination of the issue of probable cause.” *Id.* at 424. Likewise in *United States v. Stanfield*, [350 F.2d 518](#) (10th Cir. 1965), the appellant defendant claimed that, prior to receiving counsel, he had waived his right to a preliminary hearing on the advise of a Deputy United States Marshal. *Id.* at 519. While the record of that case appears to not have been fully developed, the *Stanfield* Court ruled:

Granting that appellant did not have counsel at the time he waived a preliminary hearing and that such waiver was made upon the advice of a deputy marshal, in view of the subsequent indictment and trial to a jury with retained counsel, we can see no possible prejudice to appellant.

Ruling of various other Circuits have applied the plain language of Rule 5.1 to find that where a defendant is subsequently indicted following arrest, he no longer is entitled to a preliminary hearing. *U.S. v. Verkuilen*, [690 F.2d 648](#) (7th Cir. 1982) (where information charging defendant with failure to file tax return was filed in district court, defendant had no right to preliminary hearing); *U.S. v. Werbrouck*, [589 F.2d 273](#) (7th Cir. 1978) (denial of demand for preliminary hearing after indictment was not error where such hearing was unnecessary in that its purpose was to determine probable cause and grand jury had already made such determination); *U.S. v. Daras*, [462 F.2d 1361](#) (9th Cir. 1972) (indictment established probable cause and made preliminary hearing unnecessary); *U.S. v. Dorsey*, [462 F.2d 361](#)(3d Cir. 1972) (no preliminary

hearing is necessary where defendant is indicted prior to his arrest); *U.S. v. Lauchli*, 444 F.2d 1037 (7th Cir. 1971) (Failure to hold preliminary hearing was not reversible error where the complaint procedure was superseded by indictment); *Austin v. U.S.*, 408 F.2d 808. (9th Cir. 1969) (return of an indictment establishes probable cause and eliminates need for preliminary examination); *Grant v. U.S.*, 406 F.2d 1295 (5th Cir. 1969) (subsequent indictment of accused cured any possible error in denial of right to preliminary hearing); *Schultz v. U.S.*, 360 F.2d 616 (5th Cir. 1966) (even if accused waived only removal hearing, his subsequent indictment by federal grand jury would cure any omission of preliminary hearing); *Vincent v. U.S.*, 337 F.2d 891 (8th Cir. 1964) (regardless of any misunderstanding defendant might have had when he waived preliminary hearing, trial court committed no error prejudicial to the defendant by reason of its subsequent refusal to reopen question of defendant's probable commission of an offense where defendant was indicted by grand jury; *U.S. v. Barone*, 311 F.Supp. 496 (W.D.Pa.1970) (where defendant is indicted by grand jury, any possible error in denial of preliminary hearing is cured); *U.S. v. Brace*, 192 F.Supp. 714 (D.C. Md.1961) (defendant arrested on warrant issued on complaint was properly held to answer in district court without hearing where, after arrest but prior to date set for hearing, indictment was returned for crime charged in complaint).

### **CONCLUSION**

The facts of the case here are consistent with the ordinary course of events reflected in Rule 5.1 and cases applying it. The defendant was arrested on a Criminal Complaint on Friday February 12, 2021. He was seen for an initial appearance on Tuesday February 16, 2021 and a preliminary hearing was set for Monday March 1, 2021. The day following his initial appearance, Wednesday, February 17, 2021, a grand jury returned an indictment charging him with the same or substantially similar offenses listed in the Complaint. Thus, the probable cause determination for which the

preliminary hearing is intended, was found and satisfied by the grand jury in the District of Columbia on February 17, 2021. As such, the government respectfully requests this Court: (1) reconsider its ruling that Mr. Pope is entitled to a preliminary hearing; (2) vacate the preliminary hearing in this case; and (3) transfer of the case to the District of Columbia.

Respectfully submitted,

s/Skipper S. Jacobs  
Skipper S. Jacobs, #26848  
Assistant United States Attorney  
444 SE Quincy, Suite 290  
Topeka, KS 66683  
Phone: (785) 295-2850  
Fax: (785) 295-2853  
Skipper.jacobs@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2021, I electronically filed the foregoing Motion with the Clerk of the Court by using the CM/ECF system which will send an electronic copy to counsel of record. Based on the current status of the case, it is undersigned's understanding that Jerold Berger remains counsel of record for the defendant.

s/Skipper S. Jacobs  
Skipper S. Jacobs, #26848  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA

:  
:  
:  
:  
:  
:

Case No. 21-mj-05017

v.

WILLIAM POPE

**ORDER**

Upon consideration of the motion to vate the preliminary hearing,

**ORDERED**, that the Government's Motion is hereby **GRANTED** and the preliminary hearing, which this Court ordered to occur within seven (7) days of March 1, 2021, is hereby **VACATED**.

---

Angel D. Mitchell  
United States Magistrate Judge  
For the District of Columbia

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Holding a Criminal Term**

**Grand Jury Sworn in on January 8, 2021**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b>
	:	
<b>v.</b>	:	<b>MAGISTRATE NO. 21-MJ-217-01-02</b>
	:	
<b>WILLIAM POPE, and</b>	:	<b>VIOLATIONS:</b>
<b>MICHAEL POPE,</b>	:	<b>18 U.S.C. § 231(a)(3)</b>
	:	<b>(Civil Disorder)</b>
<b>Defendants.</b>	:	<b>18 U.S.C. §§ 1512(c)(2), 2</b>
	:	<b>(Obstruction of an Official Proceeding)</b>
	:	<b>18 U.S.C. § 1752(a)(1)</b>
	:	<b>(Entering and Remaining in a Restricted</b>
	:	<b>Building or Grounds)</b>
	:	<b>18 U.S.C. § 1752(a)(2)</b>
	:	<b>(Disorderly and Disruptive Conduct in a</b>
	:	<b>Restricted Building or Grounds)</b>
	:	<b>18 U.S.C. § 1752(a)(3)</b>
	:	<b>(Impeding Ingress and Egress in a</b>
	:	<b>Restricted Building or Grounds)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(D)</b>
	:	<b>(Disorderly Conduct in a Capitol Building)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(E)</b>
	:	<b>(Impeding Passage Through the Capitol</b>
	:	<b>Grounds or Buildings)</b>
	:	<b>40 U.S.C. § 5104(e)(2)(G)</b>
	:	<b>(Parading, Demonstrating, or Picketing in</b>
	:	<b>a Capitol Building)</b>

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about January 6, 2021, within the District of Columbia, **WILLIAM POPE** and **MICHAEL POPE**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, lawfully engaged in the lawful performance of his/her official

duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

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

**COUNT TWO**

On or about January 6, 2021, within the District of Columbia and elsewhere, **WILLIAM POPE** and **MICHAEL POPE**, attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, by entering and remaining in the United States Capitol without authority and committing an act of civil disorder engaging in disorderly and disruptive conduct.

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

**COUNT THREE**

On or about January 6, 2021, within the District of Columbia, **WILLIAM POPE** and **MICHAEL POPE**, did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so.

**(Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1))**

**COUNT FOUR**

On or about January 6, 2021, within the District of Columbia, **WILLIAM POPE** and **MICHAEL POPE**, did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and

otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions.

**(Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2))**

**COUNT FIVE**

On or about January 6, 2021, within the District of Columbia, **WILLIAM POPE** and **MICHAEL POPE**, did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, obstructed and impeded ingress and egress to and from a restrict building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting.

**(Impeding Ingress and Egress in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(3))**

**COUNT SIX**

On or about January 6, 2021, within the District of Columbia, **WILLIAM POPE** and **MICHAEL POPE**, willfully and knowingly engaged in disorderly and disruptive conduct in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

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

**COUNT SEVEN**

On or about January 6, 2021, within the District of Columbia, **WILLIAM POPE** and **MICHAEL POPE**, willfully and knowingly obstructed, and impeded passage through and within, the United States Capitol Grounds and any of the Capitol Buildings.

**(Impeding Passage Through the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(E))**

**COUNT EIGHT**

On or about January 6, 2021, within the District of Columbia, **WILLIAM POPE** and **MICHAEL POPE**, willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building.

**(Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G))**

A TRUE BILL:

FOREPERSON.

*Michael R. Sherwin*<sup>1/20</sup>

Attorney of the United States in  
and for the District of Columbia.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :	CRIMINAL NO.
	:
v. :	MAGISTRATE NO. 21-MJ-217-01-02
	:
WILLIAM POPE, and :	
MICHAEL POPE, :	VIOLATIONS:
	<u>18 U.S.C. § 231(a)(3)</u>
Defendants. :	(Civil Disorder)
	<u>18 U.S.C. §§ 1512(e)(2),</u>
	(Obstruction of an Official Proceeding)
	<u>18 U.S.C. § 1752(a)(1)</u>
	(Entering and Remaining in a Restricted
	Building or Grounds)
	<u>18 U.S.C. § 1752(a)(2)</u>
	(Disorderly and Disruptive Conduct in a
	Restricted Building or Grounds)
	<u>40 U.S.C. § 5104(e)(2)(D)</u>
	(Disorderly Conduct in
	a Capitol Building)
	<u>40 U.S.C. § 5104(e)(2)(E)</u>
	(Impeding Passage Through the Capitol
	Grounds or Buildings)
	<u>40 U.S.C. § 5104(e)(2)(G)</u>
	(Parading, Demonstrating, or Picketing in
	a Capitol Building)

**AMENDED MOTION FOR LEAVE TO WITHDRAW AS COUSEL  
FOR DEFENDANT WILLIAM POPE**

AND NOW, comes Jerold E. Berger, to file the within Motion for Leave to Withdraw as Counsel for Defendant, William Pope as follows:

1. Jerold E. Berger, was retained by William Pope for representation in the Rule 5 Hearing in the above captioned matter.
2. The limited representation in the Rule 5 Hearing has concluded.

3. Jerold E. Berger has advised the Defendant to seek alternate counsel.
4. The Defendant has been appointed alternate counsel, Terry Eaton, of Eaton Law Firm.

**WHEREFORE**, Jerold E. Berger respectfully request that this Court grant his Motion for Leave to Withdraw as Counsel and grant them leave to withdraw their appearance for the Defendant, William Pope, in this action.

Respectfully Submitted,

/s/ Jerold E. Berger  
Jerold E. Berger, #01730  
Attorney for Defendant  
Law Office of Jerold E. Berger  
1208 SW Tyler Street  
Topeka, KS 66612  
jeroldeberger@aol.com  
TEL:785-232-3540  
FAX: 785-235-5502

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :	CRIMINAL NO.
	:
v. :	MAGISTRATE NO. 21-MJ-217-01-02
	:
WILLIAM POPE, and :	
MICHAEL POPE, :	VIOLATIONS:
	<u>18 U.S.C. § 231(a)(3)</u>
Defendants. :	(Civil Disorder)
	<u>18 U.S.C. §§ 1512€(2),</u>
	(Obstruction of an Official Proceeding)
	<u>18 U.S.C. § 1752(a)(1)</u>
	(Entering and Remaining in a Restricted
	Building or Grounds)
	<u>18 U.S.C. § 1752(a)(2)</u>
	(Disorderly and Disruptive Conduct in a
	Restricted Building or Grounds)
	<u>40 U.S.C. § 5104€(2)(D)</u>
	(Disorderly Conduct in
	a Capitol Building)
	<u>40 U.S.C. § 5104€(2)€</u>
	(Impeding Passage Through the Capitol
	Grounds or Buildings)
	<u>40 U.S.C. § 5104€(2)(G)</u>
	(Parading, Demonstrating, or Picketing in
	a Capitol Building)

**RESPONSE TO GOVERNMENT’S MOTION TO RECONSIDER AND VACATE  
PRELIMINARY HEARING**

COMES NOW, the Defendant, William Pope, by and through his counsel, Jerold E. Berger, and respectfully requests that the Court find a Preliminary Hearing is not necessary in this case.

1. The Defendant agrees with the facts and conclusions laid out in the Government’s Motion to Reconsider and Vacate Preliminary Hearing.

**WHEREFORE**, the Defendant requests the Court adopt the findings of the Government's Motion to Reconsider and Vacate Preliminary Hearing and transfer this case to the District of Columbia where all the indictments have been issued.

Respectfully Submitted,

/s/ Jerold E. Berger  
Jerold E. Berger, #01730  
Attorney for Defendant  
Law Office of Jerold E. Berger  
1208 SW Tyler Street  
Topeka, KS 66612  
jeroldeberger@aol.com  
TEL:785-232-3540  
FAX: 785-235-5502

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of March, 2021, I electronically filed the foregoing Motion with the Clerk of the Court by using the CM/ECF system which will send an electronic copy to:

Skipper S. Jacobs  
[Skipper.jacobs@usdoj.gov](mailto:Skipper.jacobs@usdoj.gov)

Terry Eaton  
[Terry.@eatonlawfirm.net](mailto:Terry.@eatonlawfirm.net)

/s/ Jerold E. Berger  
Jerold E. Berger, #07130  
Attorney for Defendant

MIME-Version:1.0

From:KSD\_CMECF@ksd.uscourts.gov

To:ksd\_nef@localhost.localdomain

Bcc:

--Case Participants: Jerold E. Berger (jebergerlaw@gmail.com, jeroldeberger@aol.com), Skipper Seay Jacobs (angela.bramhall@usdoj.gov, caseview.ecf@usdoj.gov, skipper.jacobs@usdoj.gov), Magistrate Judge Angel D. Mitchell (ksd\_mitchell\_chambers@ksd.uscourts.gov)

--Non Case Participants: US Probation (ksp\_cmecf@ksp.uscourts.gov)

--No Notice Sent:

Message-Id:5258829@ksd.uscourts.gov

Subject:Activity in Case 5:21-mj-05017-ADM USA v. Pope Order on Motion for Reconsideration

Content-Type: text/html

## U.S. District Court

### DISTRICT OF KANSAS

#### Notice of Electronic Filing

The following transaction was entered on 3/5/2021 at 1:18 PM CST and filed on 3/5/2021

**Case Name:** USA v. Pope

**Case Number:** 5:21-mj-05017-ADM

**Filer:**

**Document Number:** 11(No document attached)

**Docket Text:**

**ORDER granting as unopposed Government's [6] MOTION for Reconsideration of Defendant's Right to Preliminary Hearing and to Vacate Preliminary Hearing by USA as to William Pope (1). The Court further orders this case be transferred to the District of Columbia as of this date. Signed by Magistrate Judge Angel D. Mitchell on 3/5/2021. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ht)**

**5:21-mj-05017-ADM-1 Notice has been electronically mailed to:**

Jerold E. Berger jeroldeberger@aol.com, jebergerlaw@gmail.com

Skipper Seay Jacobs skipper.jacobs@usdoj.gov, CaseView.ECF@usdoj.gov, angela.bramhall@usdoj.gov

**5:21-mj-05017-ADM-1 Notice has been delivered by other means to:**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :	CRIMINAL NO.
	:
v. :	MAGISTRATE NO. 21-MJ-217-01-02
	:
WILLIAM POPE, and :	
MICHAEL POPE, :	VIOLATIONS:
	18 U.S.C. § 231(a)(3)
Defendants. :	(Civil Disorder)
	18 U.S.C. §§ 1512(e)(2),
	(Obstruction of an Official Proceeding)
	18 U.S.C. § 1752(a)(1)
	(Entering and Remaining in a Restricted
	Building or Grounds)
	18 U.S.C. § 1752(a)(2)
	(Disorderly and Disruptive Conduct in a
	Restricted Building or Grounds)
	40 U.S.C. § 5104(e)(2)(D)
	(Disorderly Conduct in
	a Capitol Building)
	40 U.S.C. § 5104(e)(2)(E)
	(Impeding Passage Through the Capitol
	Grounds or Buildings)
	40 U.S.C. § 5104(e)(2)(G)
	(Parading, Demonstrating, or Picketing in
	a Capitol Building)

**WAIVER OF PRELIMINARY HEARING**

COMES NOW, the Defendant, William Pope, by and through his counsel, Jerold E. Berger, and respectfully requests that the Preliminary Hearing in the above referenced case be waived.

1. The Defendant advises the Court that he understands that it is necessary for the government to prove that there is probable cause to believe that a crime has been committed and probable cause to believe that he committed that crime.

- 2. By signing this document, I am advising the Court that I understand my rights to a Preliminary Hearing in the above referenced case and request the Court accept my waiver. I further understand that with this waiver my case will proceed to Trial.

**VERIFICATION**

STATE OF KANSAS,                    )  
                                                   )  
 COUNTY OF SHAWNEE.            )            **ss:**

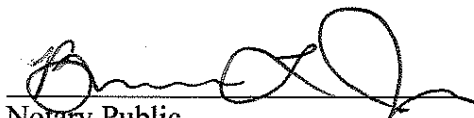
I, William Pope, of lawful age, being first duly sworn upon oath states:

That I am the Defendant in the above-entitled action; that I have read the foregoing Waiver, knows the contents thereof; and that all statements therein made are true.

  
 \_\_\_\_\_  
 William Pope, Defendant

**SUBSCRIBED AND SWORN TO** before me this 5<sup>th</sup> day of March, 2021.

My Appointment Expires:

  
 \_\_\_\_\_  
 Notary Public



**U.S. District Court  
DISTRICT OF KANSAS (Topeka)  
CRIMINAL DOCKET FOR CASE #: 5:21-mj-05017-ADM All Defendants**

Case title: USA v. Pope

Date Filed: 02/16/2021

Other court case number: 21-mj-00217 District of Columbia

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Assigned to: Magistrate Judge  
Angel D. Mitchell

**Defendant (1)**

**William Pope**

represented by **Jerold E. Berger**  
Jerold E. Berger, Attorney at Law  
1208 SW Tyler Street  
Topeka, KS 66612  
785-232-2727  
Alternative Phone:  
Cell Phone:  
Email: [jeroldeberger@aol.com](mailto:jeroldeberger@aol.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*  
*Bar Number: 07130*  
*Bar Status: Active*

**Pending Counts**

None

**Disposition**

**Highest Offense Level  
(Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

Removal of arrested defendant to  
the District of Columbia

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**Disposition**

**Plaintiff**

USA

represented by **Skipper Seay Jacobs**  
 Office of United States Attorney – Topeka  
 290 US Courthouse  
 444 SE Quincy  
 Topeka, KS 66683–3592  
 785–295–2850  
 Alternative Phone:  
 Cell Phone:  
 Email: [skipper.jacobs@usdoj.gov](mailto:skipper.jacobs@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*  
*Bar Number: 26848*  
*Bar Status: Active*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
02/16/2021			ARREST (Rule 5(c)(3) Out) of William Pope. (mls) (Entered: 02/17/2021)
02/16/2021	<u>1</u>		MINUTE ENTRY for INITIAL RULE 5(c)(3) proceedings held 2/16/2021 before Magistrate Judge Angel D. Mitchell as to William Pope. Defendant orally consents to appear via videoconference for this hearing. Preliminary Hearing set for <u>3/1/2021 at 01:00 PM</u> via Video Conference – Zoom before Magistrate Judge Angel D. Mitchell. (Zoom @ 2:25 pm) (Attachment: # <u>1</u> District of Columbia Complaint) (mls) (Entered: 02/17/2021)
02/16/2021	<u>2</u>		ORDER SETTING CONDITIONS OF RELEASE as to defendant William Pope. Signed by Magistrate Judge Angel D. Mitchell on 2/16/2021. (mls) (Entered: 02/17/2021)
02/26/2021	<u>3</u>		ENTRY OF APPEARANCE: by attorney Jerold E. Berger appearing for William Pope (Berger, Jerold) (Entered: 02/26/2021)
02/26/2021	<u>4</u>		MOTION to Withdraw Jerold E. Berger as Attorney by William Pope. (Berger, Jerold) (Entered: 02/26/2021)
03/01/2021	<u>5</u>		MINUTE ENTRY for Status Conference proceedings held before Magistrate Judge Angel D. Mitchell as to William Pope on 3/1/2021. The court denies without prejudice Defendant's <u>4</u> Motion for Leave to Withdraw as Counsel. (Tape #Zoom at 1:01 pm) (ht) (Entered: 03/01/2021)
03/04/2021	<u>6</u>		MOTION for Reconsideration of <i>Defendant's Right to Preliminary Hearing and to Vacate Preliminary Hearing</i> by USA as to William Pope. (Attachments: # <u>1</u> Exhibit)(Jacobs, Skipper) (Entered: 03/04/2021)
03/04/2021	7		ORDER regarding <u>6</u> Motion to Reconsider and Vacate Preliminary Hearing by USA as to William Pope (1). The Defendant is ordered to file a Response to government's motion no later Tuesday, March 9, 2021. Signed by Magistrate Judge Angel D. Mitchell on 3/4/2021. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ht) (Entered: 03/04/2021)

03/04/2021	<u>8</u>	AMENDED MOTION to Withdraw Jerold E. Berger as Attorney by William Pope. (Berger, Jerold) (Entered: 03/04/2021)
03/05/2021	<u>9</u>	RESPONSE TO MOTION by William Pope re <u>6</u> MOTION for Reconsideration of Defendant's Right to Preliminary Hearing and to Vacate Preliminary Hearing (Berger, Jerold) (Entered: 03/05/2021)
03/05/2021	<u>10</u>	ORDER denying without prejudice to refiling <u>8</u> Amended Motion for Leave to Withdraw as Counsel for William Pope (1). See Order for further details. Signed by Magistrate Judge Angel D. Mitchell on 3/5/2021. (ht) (Entered: 03/05/2021)
03/05/2021	11	ORDER granting as unopposed Government's <u>6</u> MOTION for Reconsideration of Defendant's Right to Preliminary Hearing and to Vacate Preliminary Hearing by USA as to William Pope (1). The Court further orders this case be transferred to the District of Columbia as of this date. Signed by Magistrate Judge Angel D. Mitchell on 3/5/2021. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ht) (Entered: 03/05/2021)
03/05/2021	<u>12</u>	WAIVER OF PRELIMINARY HEARING by William Pope (Berger, Jerold) (Entered: 03/05/2021)
03/05/2021		RULE 5(c)(3) REMOVAL HEARING PAPERS SENT TO USDC for the District of Columbia as to William Pope. (mls) (Entered: 03/05/2021)