

APPEAL,CAP,CAT B

**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 Tolted 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. (zhjsj) (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 <i>Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b)</i> 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 <i>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 3/22/2022 (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 <u>Transcript Order Form</u></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 b e 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)
07/27/2023		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)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 V. : CRIMINAL NUMBER 21-158-RC-1
 :
 KYLE FITZSIMONS, Defendant :

NOTICE OF APPEAL

Name and address of appellant: Kyle Fitzsimons, Inmate #376979
DC Department of Corrections
1901 E St., SE
Washington, DC 20003

Name and address of appellant’s attorney: Jonathan McDonald
Assistant Federal Defender
Federal Community Defender Office
for the Eastern District of Pennsylvania
601 Walnut Street, Suite 540 West
Philadelphia, PA 19106

Offenses: 18 U.S.C. § 231(a)(3); Civil Disorder (Count 1), 18 U.S.C. § 1512(c)(2) and (2); Tampering With a Witness, Victim or Informant; Obstruction of an Official Proceeding and Aiding and Abetting (Count 2), 18:111(a)(1) and (b); Assaulting/Resisting/Impeding Officers/Employees; Using a Dangerous or Deadly Weapon on Certain Officers (Count 3), 18 U.S.C. § 111(a)(1) and (b); Assaulting/Resisting/ Impeding Officers/Employees; Inflicting Bodily Injury on Certain Officers (Count 4 &5), 18 U.S.C. § 111(a)(1) and (b); Assaulting/Resisting/Impeding Officers/Employees; Assaulting, Resisting, or Impeding Certain Officers (Count 6), 18 U.S.C. § 1752(a)(1); Temporary Residence of the President; Entering and Remaining in a Restricted Building or Grounds (Count 7), 18 U.S.C. § 1752(a)(2); Temporary Residence of the President; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (Count 8), 18 U.S.C. § 1752(a)(4) and (b)(1)(A); Temporary Residence of the President; Engaging in Physical Violence in a Restricted Building or Grounds (Count 9), 40 U.S.C. § 5104(e)(2)(D); Violent Entry and Disorderly Conduct on Capitol Grounds; Disorderly Conduct in the Capitol Grounds or Building (Count 10) and 40 U.S.C. § 5104(e)(2)(F); Violent Entry and Disorderly Conduct on Capitol Grounds; Act of Physical Violence in the Capitol Grounds or Buildings (Count 11).

Concise statement of judgment or order, giving date, and any sentence:
SENTENCE (07/13/23): The Defendant is sentenced to a total of 87 months imprisonment on Counts 1-11, followed by 3 years of supervised release, restitution and special assessment were also imposed.

Name and institution where now confined, if not on bail: DC Department of Corrections

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

July 25, 2023
DATE

Kyle Fitzsimons
APPELLANT

CJA, NO FPD-EDPA
PAID USDC FEE NO
PAID USCA FEE NO

Jonathan McDonald
Assistant Federal Defender
ATTORNEY FOR APPELLANT

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