

APPEAL,CAP,CAT A,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00575-JDB-2**

Case title: USA v. LESPERANCE et al

Date Filed: 09/13/2021

Assigned to: Judge John D. Bates

Defendant (2)

CASEY CUSICK

represented by **John M. Pierce**
JOHN PIERCE LAW P.C.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

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LEAD ATTORNEY
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TERMINATED: 11/21/2022
*Designation: Public Defender or Community
Defender Appointment*

Warren Anthony Fitch
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Email: tony.fitch@comcast.net
TERMINATED: 11/21/2022
PRO HAC VICE
Designation: CJA Appointment

Pending Counts

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

Disposition

Defendant sentenced to Ten (10) days of incarceration, to run concurrent with Count 2; Followed by Twenty-Four (24) months of supervised release, to run concurrent with Count 2; Special Assessment \$25; Fine \$3000; Restitution \$500.

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

Defendant sentenced to Ten (10) days of incarceration, to run concurrent with Count 1; Followed by Twenty-Four (24) months of supervised release, to run concurrent with Count 1; Special Assessment \$25; Fine \$3000; Restitution \$500.

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Violent Entry and Disorderly Conduct in a Capitol Building
(3)

Defendant sentenced to Twenty-Four (24) months of probation, to run concurrent to Count 4 and concurrently with supervised release on Counts 1 and 2; Special Assessment \$10; Fine \$3000; Restitution \$500.

40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building
(4)

Defendant sentenced to Twenty-Four (24) months of probation, to run concurrent to Count 3 and concurrently with supervised release on Counts 1 and 2; Special Assessment \$10; Fine \$3000; Restitution \$500.

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Interested Party

SANTHA SONENBERG

represented by **Santha Sonenberg**
(See above for address)
TERMINATED: 11/21/2022
Designation: Public Defender or
Community Defender Appointment

Plaintiff

USA

represented by **Francesco Valentini**
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TERMINATED: 07/07/2022
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
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09/13/2021	<u>1</u>	INFORMATION as to DAVID JOHN LESPERANCE (1) count(s) 1, 2, 3, 4, CASEY CUSICK (2) count(s) 1, 2, 3, 4, JAMES VARNELL CUSICK, JR (3) count(s) 1, 2, 3, 4. (zstd) (Entered: 09/14/2021)
09/27/2021	<u>3</u>	STANDING ORDER as to ALL DEFENDANTS requiring the government to produce any evidence in its possession that is favorable to the defendant and material to either the defendant's guilt or punishment. Signed by Judge Emmet G. Sullivan on 09/27/21. (mac) (Entered: 09/27/2021)
11/04/2021	<u>5</u>	Unopposed MOTION for Protective Order by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Text of Proposed Order)(McNamara, Anne) (Entered: 11/04/2021)
11/04/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Arrestment as to CASEY CUSICK (2)on Count 1,2,3,4 and JAMES VARNELL CUSICK JR. (3) on Count 1,2,3,4 held on 11/4/2021. Plea Of Not Guilty entered by CASEY CUSICK (2) as to Count 1,2,3,4. Plea Of Not Guilty entered by JAMES VARNELL CUSICK, JR (03) as to Counts 1,2,3,4. Bond Status of Defendant: BOTH DEFENDANTS APPEARED VIA VTC / BOTH DEFENDANTS REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: JOHN PIERCE; US Attorney: ANNE MCNAMARA; Pretrial Officer: CHRISTINE SCHUCK; (mac) (Entered: 11/04/2021)
11/04/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), and JAMES VARNELL CUSICK, JR (03) held on 11/4/2021. Parties Updated The Court About The Current Posture Of This Matter. The Court Will Appoint A Conflicts Attorney In This Matter In Regards To Representation Of The Defendants. Status Conference set for 2/9/2022 at 3:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. With Consent Of The Parties, Speedy Trial Is Tolloed 11/04/21 – 2/9/22 In The Interest Of Justice (XT). The Defendants Pre Trial Release Conditions Will Remain The Same As In Their Previous Criminal Cases. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC – REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: JOHN PIERCE; US Attorney: ANNE MCNAMARA; Pretrial Officer: CHRISTINE SCHUCK; (mac) (Entered: 11/04/2021)
11/05/2021		MINUTE ORDER as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), JAMES VARNELL CUSICK JR. (3) granting <u>5</u> Unopposed Motion for Protective Order. The terms presented in [5–1] Protective Order Governing Discovery are hereby incorporated by reference in to this Order. Signed by Judge Emmet G. Sullivan on 11/5/2021. (lcegs2) (Entered: 11/05/2021)
11/12/2021	<u>6</u>	ORDER Setting Conditions of Release as to CASEY CUSICK (2). Signed by Judge Emmet G. Sullivan on 11/9/2021. (ztg) (Entered: 11/12/2021)
11/30/2021		MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03). In view of Mr. John Pierce's virtual appearance as counsel for Mr. David John Lesperance, Mr. Casey Cusick, and Mr. James Varnell Cusick, Jr. at the November 5, 2021 status conference in this matter, and pursuant to the discussion held on the record at that time, it is hereby ORDERED that Ms. Santha Sonenberg, Esq. is appointed as a conflict attorney to determine whether Mr. Pierce's representation of all three codefendants creates a conflict between any of them and Mr. Pierce and, if so, whether the conflict can be waived by

		the codefendants. It is FURTHER ORDERED that Mr. Pierce shall file either notices of appearance pursuant to LCvR 83.6(a), or a status report advising the Court why he has not entered notices of appearance, by no later than December 3, 2021. It is FURTHER ORDERED that Ms. Sonenberg shall file a status report to the Court by December 10, 2021, proposing a schedule for her to complete her conflicts evaluation and to prepare a written report and recommendation to the Court. Signed by Judge Emmet G. Sullivan on 11/30/2021. (lcegs2) (Entered: 11/30/2021)
12/01/2021		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Attorney Notice Or Status Report due by 12/3/2021. Ms.Sonenberg Status Report due by 12/10/2021 (mac) (Entered: 12/01/2021)
12/10/2021	<u>8</u>	STATUS REPORT by SANTHA SONENBERG as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Sonenberg, Santha) (Entered: 12/10/2021)
12/12/2021		MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03). In view of <u>8</u> conflict counsel's Status Report, it is hereby ORDERED that Ms. Santha Sonenberg is authorized to have direct communication with codefendants, who are represented parties, regarding matters in which they are represented to determine whether a conflict exists between any codefendant and his counsel, Mr. John Pierce. It is FURTHER ORDERED that the Pretrial Services Agency is authorized to disclose contact information for each of the three codefendants to Ms. Sonenberg. It is FURTHER ORDERED that Ms. Sonenberg shall file her written report and recommendation to the Court by February 1, 2022. Finally, the Court regrets any miscommunication with Ms. Sonenberg concerning her appointment as conflict counsel, and the Court appreciates her service and assistance in this matter. Signed by Judge Emmet G. Sullivan on 12/12/2021. (lcegs2) (Entered: 12/12/2021)
12/13/2021		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Santha Sonenberg Report And Recommendation due by 2/1/2022. (mac) (Entered: 12/13/2021)
12/13/2021	<u>9</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Fedor, Maria Y. added. Substituting for attorney Anne P. McNamara (Fedor, Maria) (Entered: 12/13/2021)
12/13/2021	<u>10</u>	NOTICE of Appearance Conflict Counsel by SANTHA SONENBERG as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Sonenberg, Santha) (Entered: 12/13/2021)
12/20/2021	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: John M. Pierce appearing for DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Pierce, John) (Entered: 12/20/2021)
12/27/2021	<u>12</u>	NOTICE OF FILING by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Memorandum in Support, # <u>4</u> Memorandum in Support, # <u>5</u> Memorandum in Support, # <u>6</u> Memorandum in Support)(Fedor, Maria) (Entered: 12/27/2021)
02/09/2022		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02),and

		JAMES VARNELL CUSICK, JR (03) held on 2/9/2022. The Court Updated The Parties In Regards To Special Counsel Report. The Court Will Continue This Matter For Seventy-Five (75) Days. The Court Instructs The Courtroom Deputy Clerk To Unseal <u>13</u> (Report and Recommendation To Only Defense Counsel. Status Conference set for 5/11/2022 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan As To All Defendants. With The Consent Of The Parties, Speedy Trial Is Tolled 2/8/22 – 5/11/22 In The Interest Of Justice (XT). Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC – ALL DEFENDANTS REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1, #2, #3 – JOHN PIERCE; US Attorney: MARIA FEDOR; (mac) (Entered: 02/10/2022)
02/10/2022	<u>17</u>	NOTICE OF FILING OF UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF FEBRUARY 9, 2022 by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Fedor, Maria) (Entered: 02/10/2022)
02/24/2022		MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03). Having reviewed <u>13</u> Ms. Sonenberg's ex parte report concerning defense counsel's potential conflict of interest in representing all three codefendants, and having solicited Ms. Sonenberg and defense counsel's input on appropriate redactions, the Court hereby UNSEALS <u>13</u> Ms. Sonenberg's report except for redactions necessary to protect confidential or privileged information. The parties shall file objections to the Report's conclusions by no later than March 3, 2022. Signed by Judge Emmet G. Sullivan on 2/24/2022. (lcegs1) (Entered: 02/24/2022)
02/24/2022		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Objections To The Report's Conclusions due by 3/3/2022. (mac) (Entered: 02/24/2022)
02/25/2022	<u>18</u>	REDACTED DOCUMENT (Report And Recommendation Regarding Single Attorney Representing Three Co-Defendants In The Same Case) by SANTHA SONENBERG as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03) (mac) (Entered: 02/25/2022)
03/02/2022	<u>19</u>	RESPONSE re <u>18</u> by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR TO THE REPORT AND RECOMMENDATION REGARDING SINGLE ATTORNEY REPRESENTING THREE CO-DEFENDANTS IN THE SAME CASE (Fedor, Maria) Modified to add link on 3/3/2022 (znmw). (Entered: 03/02/2022)
05/02/2022	<u>20</u>	Unopposed MOTION for Order TO DISCLOSE ITEMS PROTECTED BY FEDERAL RULE OF CRIMINAL PROCEDURE 6(e) AND SEALED MATERIALS by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Text of Proposed Order)(Fedor, Maria) Modified event on 5/2/2022 (zstd). (Entered: 05/02/2022)
05/04/2022		MINUTE ORDER granting <u>20</u> Unopposed Motion to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), JAMES VARNELL CUSICK JR. (3). It is hereby ORDERED that the United States may provide discovery materials protected by Federal Rule of Criminal Procedure 6(e). It is further ORDERED that the United States may provide in discovery sealed materials, pursuant to the previously entered protective order governing discovery, and it is further ORDERED, that this Order also

		applies to the disclosure of the materials described above to any co-defendants who may later be joined. Signed by Judge Emmet G. Sullivan on 5/4/2022. (lcegs1) (Entered: 05/04/2022)
05/11/2022		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02)and JAMES VARNELL CUSICK, JR (03) held on 5/11/2022. All Defendants Consent To This Hearing Being Held Via VTC. The Court Will Appoint Separate Independent Counsel For Each Defendant to Speak With Each Defendant Separately About Pros And Cons Of Waiver. Ms. Sonenberg Proposed Question due by 7/8/2022. The Court Will Have Colloquy With Each Defendant set for 7/29/2022 at 11:00 AM in Telephonic/VTC before Judge Emmet G. Sullivan. Speedy Trial Is Tolloed 5/11/22 – 7/29/22 In The Interest Of Justice (XT). Minute Order Forthcoming.Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC – ALL REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: JOHN PIERCE; Independent Counsel: SANTHA SONENBERG; US Attorney: MARIA FEDOR; (mac) (Entered: 05/11/2022)
05/11/2022		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Ms. Sonenberg Filing due by 7/8/2022. (mac) (Entered: 05/11/2022)
05/13/2022		MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), and JAMES VARNELL CUSICK, JR (03). Pursuant to the status conference held on May 11, 2022, and <u>18</u> Ms. Sonenberg's Report and Recommendation, the Court will be appointing independent counsel for each of the three codefendants. Ms. Sonenberg is directed to provide the Court with recommendations for independent counsel to appoint by no later than May 20, 2022. Signed by Judge Emmet G. Sullivan on 5/13/2022. (lcegs1) (Entered: 05/13/2022)
05/13/2022		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02) and JAMES VARNELL CUSICK, JR (03) Ms. Sonenberg Recommendation due by 5/20/2022. (mac) (Entered: 05/13/2022)
05/24/2022		MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), AND JAMES VARNELL CUSICK, JR (03). Pursuant to <u>18</u> Report and Recommendation by Ms. Santha Sonenberg, appointed by the Court as independent counsel on the issue of the three co-defendants in this case being represented by the same attorney, the Court hereby appoints the following lawyers as independent conflict counsel for the co-defendants: Mr. Warren Anthony Fitch shall be conflict counsel for Mr. Casey Cusick, Ms. Margarita K. O'Donnell shall be conflict counsel for Mr. James Varnell Cusick, Jr., and Mr. Michael J. Satin shall serve as conflict counsel for Mr. David Lesperance. Signed by Judge Emmet G. Sullivan on 5/24/2022. (lcegs1) (Entered: 05/24/2022)
06/03/2022	<u>25</u>	ENTERED IN ERROR..... MOTION Motion for Admission Pro Hac Vice of <i>Warren Anthony Fitch as Conflict Counsel</i> by CASEY CUSICK. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Declaration)(Sonenberg, Santha) Modified on 6/7/2022 (zstd). (Entered: 06/03/2022)
06/03/2022		NOTICE OF ERROR as to CASEY CUSICK regarding <u>25</u> MOTION Motion for Admission Pro Hac Vice of <i>Warren Anthony Fitch as Conflict Counsel</i> . The following error(s) was corrected: The correct filing is at DE # 27. (zstd) (Entered: 06/07/2022)
06/06/2022	<u>27</u>	

		MOTION for Leave to Appear Pro Hac Vice by CASEY CUSICK (Attachments: # <u>1</u> Signed Declaration, # <u>2</u> Certificate of Good Standing)(Sonenberg, Santha) Modified event and text on 6/7/2022 (zstd). (Entered: 06/06/2022)
06/15/2022		Payment for <u>27</u> MOTION for Admission Pro Hac Vice of <i>Warren Anthony Fitch as Conflict Counsel</i> by SANTHA SONENBERG as to CASEY CUSICK. Fee Paid:(\$100)Receipt no. 202373. (zstd) (Entered: 06/15/2022)
06/15/2022		MINUTE ORDER granting <u>27</u> Motion for Leave to Appear Pro Hac Vice Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions as to CASEY CUSICK (2). Signed by Judge Emmet G. Sullivan on 6/15/2022. (lcegs1) (Entered: 06/15/2022)
06/16/2022	<u>28</u>	NOTICE OF ATTORNEY APPEARANCE: Warren Anthony Fitch appearing for CASEY CUSICK (Fitch, Warren) (Entered: 06/16/2022)
07/06/2022	<u>29</u>	NOTICE OF ATTORNEY APPEARANCE Francesco Valentini appearing for USA. (Valentini, Francesco) (Entered: 07/06/2022)
07/07/2022	<u>30</u>	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Fedor, Maria) (Entered: 07/07/2022)
07/27/2022		MINUTE ORDER as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. The parties are provided with the following information relevant to the Court's forthcoming colloquy with each defendant pursuant to the Court's Minute Order of May 11, 2022. The Court has scheduled a status conference to be held via video conference on July 29, 2022 at 11:00 am to conduct the colloquys. Government counsel is excused from attending the 11:00 am status conference. The Court will conduct the colloquy with each defendant in a breakout room and return to the main room when each colloquy is completed. The colloquys will proceed in the following order: (1) David John Lesperance with Conflict Counsel Michael Satin from approximately 11:00 am to 11:30 am; (2) Casey Cusick with Conflict Counsel Warren Anthony Fitch from approximately 11:30 am to 12:00 pm; (3) James Cusick Jr. with Conflict Counsel Margarita ODonnell from approximately 12:00 pm to 12:30 pm. Following the completion of each defendants colloquy, the defendant is excused. At the conclusion of each defendants colloquy, the Court will conduct a colloquy with defense counsel from approximately 12:30 pm to 12:45 pm. Ms. Sonenberg will attend each colloquy. The Court will reconvene with all parties at 3:00 pm on July 29, 2022 to discuss further proceedings and speedy trial rights. Signed by Judge Emmet G. Sullivan on 7/27/2022. (lcegs1) (Entered: 07/27/2022)
07/29/2022		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02) and JAMES VARNELL CUSICK, JR (03) held on 7/29/2022. The Court Had Sealed Colloquy With The Defendants And Attorney John Pierce. Status Conference set for 9/20/2022 at 11:00 AM in Telephonic/VTC before Judge Emmet G. Sullivan. With The Consent Of All Defendants, Speedy Trial Is Tolled 7/29/22 – 9/20/22 In The Interest Of Justice (XT). Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC – ALL DEFENDANTS REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1 – MICHAEL SATIN; #2 – WARREN FITCH; #3 – MARGARITA O'DONNELL/ JOHN PIERCE; US Attorney: FRANCESCO VALENTINI; (mac) (Entered: 08/01/2022)

07/30/2022		MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), and JAMES VARNELL CUSICK, JR (03). Mr. Pierce shall provide conflicts counsel with the following documents by no later than August 5, 2022: (1) Retainer Agreement with each defendant; (2) Fee Agreement with each defendant; (3) Third Party Payor Agreement template; and (4) news articles regarding Mr. Pierce including, but not limited to, the: (a) National Public Radio article dated September 8, 2021; (b) The American Bar Association article Mr. Pierce described at the June 29, 2022 status conference; and (c) the forthcoming Law 360 article Mr. Pierce described at the same status conference. Ms. Sonnenberg shall provide a supplemental report and recommendation, if any, by no later than September 6, 2022. Signed by Judge Emmet G. Sullivan on 7/30/2022. (lcegs1) (Entered: 07/30/2022)
08/01/2022		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Ms.Sonnenberg Report And Recommendation due by 9/6/2022. (mac) (Entered: 08/01/2022)
09/20/2022		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02) and JAMES VARNELL CUSICK, JR (03) held on 9/20/2022. The Court Will Continue This Matter. Status Conference set for 10/25/2022 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. With The Consent Of The Parties, Speedy Trial Time Is Excluded From 09/20/22 – 10/25/22 In The Interest Of Justice (XT). Additional Reports, If Any, due by 10/14/2022.Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC /REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LORRAINE HERMAN; Defense Attorney: #1 – JOHN PIERCE/MICHAEL SATIN; #2 – JOHN PIERCE/WARREN FITCH; #3 – JOHN PIERCE/MARGARITA O'DONNELL; US Attorney: FRANCESCO VALENTINI; (mac) (Entered: 09/20/2022)
10/14/2022	<u>39</u>	NOTICE <i>Second Supplement to Report and Recommendation</i> by SANTHA SONENBERG as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>18</u> Redacted Document (Sonenberg, Santha) (Entered: 10/14/2022)
10/19/2022		Case as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), JAMES VARNELL CUSICK, JR (3) randomly reassigned to Judge John D. Bates. Judge Emmet G. Sullivan is no longer assigned to the case. (rj) (Entered: 10/19/2022)
10/21/2022		MINUTE ORDER: It is hereby ORDERED that the status conference currently scheduled for October 25, 2022 at 2:00 p.m. by videoconference is CONTINUED to November 2, 2022 at 3:00 p.m. by videoconference. SO ORDERED. Signed by Judge John D. Bates on 10/21/2022. (lcjdb1) (Entered: 10/21/2022)
10/21/2022		Set/Reset Hearings as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR: Status Conference reset for 11/2/2022 at 03:00 PM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 10/21/2022)
10/24/2022		MINUTE ORDER: In light of the Court's order continuing the status conference to November 2, 2022, and with the consent of the parties, it is hereby ORDERED that the time between 10/25/2022 and 11/02/2022 shall be excluded from the speedy trial calculation because interests of justice outweigh the interest of the defendant and the public in a speedy trial. SO ORDERED. Signed by Judge John D. Bates on 10/24/2022. (lcjdb1) (Entered: 10/24/2022)
11/02/2022		

		Minute Entry: Status Conference as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR (3) held on 11/2/2022 before Judge John D. Bates: Parties discussed posture of case. Order forthcoming regarding transcript conflict issues. Status Conference set for 1/13/2023 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 11/02/2022 and 01/13/2023 shall be excluded from the speedy trial calculation. All defendants remain on release. Court Reporter: Lisa Griffith; Defense Attorney: John Pierce for all defendants; Michal Satin; Warren Fitch, Margarita O'Donnell and Santha Sonenberg; Government Attorney: Francesco Valentini. (tb) (Entered: 11/07/2022)
11/21/2022	<u>42</u>	ORDER regarding defendants' waivers of the right to conflict-free counsel. See text of Order for details. Signed by Judge John D. Bates on 11/21/2022. (lcjdb1) (Entered: 11/21/2022)
01/13/2023		Minute Entry: Status Conference as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR (3) held on 1/13/2023 before Judge John D. Bates: Parties discussed trial. Motions due by 2/3/2023. Responses due by 2/24/2023. Replies due by 3/6/2023. Jury Trial set for 6/12/2023 at 09:30 AM in Courtroom 30A- In Person before Judge John D. Bates. Status Conference set for 4/7/2023 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 01/13/23 and 06/12/2023 shall be excluded from the speedy trial calculation. Defendants remains on release. Court Reporter: Stacy Heavenrigdge; Defense Attorney: John Pierce for all defendants; Government Attorney: Francesco Valentini. (tb) Modified on 1/18/2023 (tb). (Entered: 01/18/2023)
02/03/2023	<u>45</u>	MOTION to Dismiss Case by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Pierce, John) (Entered: 02/03/2023)
02/03/2023	<u>46</u>	MOTION to Change Venue by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Pierce, John) (Entered: 02/03/2023)
02/03/2023	<u>47</u>	MOTION to Dismiss Case <i>for failure to state a claim</i> by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Pierce, John) (Entered: 02/03/2023)
02/24/2023	<u>48</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>47</u> MOTION to Dismiss Case <i>for failure to state a claim</i> by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 02/24/2023)
02/24/2023		MINUTE ORDER as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR.: Upon consideration of <u>48</u> the government's unopposed motion for an extension of time to respond to <u>47</u> the defendants' motion to dismiss the case for failure to state a claim, and the entire record herein, it is hereby ORDERED that the government's motion is GRANTED; it is further ORDERED that the government shall respond to <u>47</u> the motion to dismiss by not later than March 3, 2023; and it is further ordered that defendants shall file any reply in support of <u>47</u> their motion to dismiss by not later than March 13, 2023. SO ORDERED. Signed by Judge John D. Bates on 2/24/2023. (lcjdb1) Modified on 2/27/2023 (tb). (Entered: 02/24/2023)
02/24/2023	<u>49</u>	RESPONSE by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>45</u> MOTION to Dismiss Case (Attachments: # <u>1</u>

		Text of Proposed Order)(Valentini, Francesco) (Entered: 02/24/2023)
02/24/2023	<u>50</u>	RESPONSE by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>46</u> MOTION to Change Venue (Attachments: # <u>1</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 02/24/2023)
02/27/2023		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR (4): Response due by 3/3/2023. Reply due by 3/13/2023. (tb) (Entered: 02/27/2023)
03/02/2023	<u>51</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>47</u> MOTION to Dismiss Case <i>for failure to state a claim</i> by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 03/02/2023)
03/02/2023	<u>52</u>	REPLY TO OPPOSITION to Motion by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>45</u> MOTION to Dismiss Case (Pierce, John) (Entered: 03/02/2023)
03/06/2023		MINUTE ORDER: Upon consideration of <u>51</u> the government's unopposed motion for an extension of time to respond to <u>47</u> the defendants' motion to dismiss the case for failure to state a claim, and the entire record herein, it is hereby ORDERED that the government's motion is GRANTED; it is further ORDERED that the government shall respond to <u>47</u> the motion to dismiss by not later than March 10, 2023; and it is further ordered that defendants shall file any reply in support of <u>47</u> their motion to dismiss by not later than March 20, 2023. SO ORDERED. Signed by Judge John D. Bates on 3/2/2023. (lcjdb1) (Entered: 03/06/2023)
03/06/2023	<u>53</u>	MOTION for Extension of Time to <i>FILE REPLIES TO GOVERNMENTS MOTIONS</i> , MOTION for Extension of Time to File Response/Reply by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Pierce, John) (Entered: 03/06/2023)
03/07/2023		MINUTE ORDER: Upon consideration of <u>53</u> defendants' consent motion for an extension of time to file replies, and the entire record herein, it is hereby ORDERED that defendants' motion is GRANTED; it is further ORDERED that defendants shall file any replies to <u>49</u> <u>50</u> the government's oppositions by not later than March 13, 2023. SO ORDERED. Signed by Judge John D. Bates on 3/7/2023. (lcjdb1) (Entered: 03/07/2023)
03/08/2023		Set/Reset Deadlines as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR: Replies due by 3/13/2023. (tb) (Entered: 03/08/2023)
03/08/2023		Set/Reset Deadlines as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR: Response due by 3/10/2023. Reply due by 3/20/2023. (tb) (Entered: 03/08/2023)
03/09/2023		Set/Reset Deadlines as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR: Replies due by 3/13/2023. (tb) (Entered: 03/09/2023)
03/10/2023	<u>54</u>	RESPONSE by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>47</u> MOTION to Dismiss Case <i>for failure to state a claim</i> (Attachments: # <u>1</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 03/10/2023)

03/13/2023	<u>55</u>	REPLY TO OPPOSITION to Motion by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>47</u> MOTION to Dismiss Case <i>for failure to state a claim</i> (Pierce, John) (Entered: 03/13/2023)
04/05/2023	<u>57</u>	ORDER as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR (3) denying <u>45</u> <u>47</u> defendants' motions to dismiss and <u>46</u> defendants' motion to change venue. See text of Order for details. Signed by Judge John D. Bates on 4/5/2023. (lcjdb1) Modified on 4/6/2023 (tb). (Entered: 04/05/2023)
04/07/2023		Minute Entry: Status Conference as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR (3) held on 4/7/2023 before Judge John D. Bates: Parties discuss posture of case: Jury Trial set for 6/12/2023 at 09:30 AM in Courtroom 30A– In Person before Judge John D. Bates. Pretrial Conference set for 5/31/2023 at 02:00 PM in Telephonic/VTC before Judge John D. Bates. Exhibit List due by 5/30/2023. Motion in Limine due by 4/28/2023. Proposed Voir Dire due by 5/26/2023. Proposed Jury Instructions due by 5/26/2023. Responses due by 5/12/2023. Responses to Sentencing due by 5/19/2023. Witness List due by 5/30/2023. Defendants remains on release. Court Reporter: Stacy Heavenrigdge; Defense Attorney: John Pierce for all defendants; Government Attorney: Francesco Valentini. (tb) Modified on 4/11/2023 (tb). (Entered: 04/11/2023)
04/28/2023	<u>60</u>	MOTION in Limine <i>TO EXCLUDE ARGUMENTS, EVIDENCE, OR CLAIMS AT TRIAL THAT ARE PREJUDICIAL AND NOT PROBATIVE</i> by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Pierce, John) (Entered: 04/28/2023)
04/28/2023	<u>61</u>	MOTION in Limine <i>Regarding the Cross–examination of United States Secret Service Witnesses</i> by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 04/28/2023)
04/28/2023	<u>62</u>	MOTION in Limine <i>to Preclude Improper Defense Arguments and Evidence about Law Enforcement</i> by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 04/28/2023)
05/02/2023	<u>63</u>	MOTION to Continue <i>UNNOPOSED MOTION TO CONTINUE TRIAL</i> by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Pierce, John) (Entered: 05/02/2023)
05/03/2023		MINUTE ORDER: It is hereby ORDERED that a status conference is scheduled for May 4, 2023 at 4:00 p.m. by Zoom. SO ORDERED. Signed by Judge John D. Bates on 5/3/2023 (lcjdb1). (Entered: 05/03/2023)
05/04/2023		Minute Entry: Status Conference as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR (3) held on 5/4/2023 before Judge John D. Bates: Defendant's presence waived by counsel. Parties discussed scheduling.Exhibit List due by 6/30/2023. Proposed Voir Dire due by 6/28/2023. Proposed Jury Instructions due by 6/28/2023. Government's witness List due by 6/30/2023. Pretrial Conference set for 7/6/2023 at 11:00 AM in Telephonic/VTC before Judge John D. Bates. Jury Trial set for 7/10/2023 at 09:30 AM in Courtroom 30A– In Person before Judge John D. Bates. Defendants remains on release. Court Reporter: Sara Wick; Defense Attorney: John Pierce for all defendants; Government Attorney: Francesco Valentini. (tb) (Entered: 05/05/2023)

05/06/2023	<u>66</u>	REPLY TO OPPOSITION to Motion by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>61</u> MOTION in Limine <i>Regarding the Cross-examination of United States Secret Service Witnesses</i> , RESPONSE by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>61</u> MOTION in Limine <i>Regarding the Cross-examination of United States Secret Service Witnesses</i> (Pierce, John) (Entered: 05/06/2023)
05/06/2023	<u>67</u>	RESPONSE TO ORDER TO SHOW CAUSE by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR , RESPONSE by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>62</u> MOTION in Limine <i>to Preclude Improper Defense Arguments and Evidence about Law Enforcement</i> (Pierce, John) (Entered: 05/06/2023)
05/12/2023	<u>68</u>	RESPONSE by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>60</u> MOTION in Limine <i>TO EXCLUDE ARGUMENTS, EVIDENCE, OR CLAIMS AT TRIAL THAT ARE PREJUDICIAL AND NOT PROBATIVE</i> (Attachments: # <u>1</u> Text of Proposed Order)(Valentini, Francesco) (Entered: 05/12/2023)
06/13/2023	<u>69</u>	MOTION for Leave to Appear Pro Hac Vice Roger I. Roots Filing fee \$ 100, receipt number DCDC-10136016. Fee Status: Fee Paid. by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Affidavit Affidavit of Roger Roots, # <u>2</u> Text of Proposed Order Text of Proposed Order, # <u>3</u> Superior Court Documents Certificate of Good Standing)(Pierce, John) (Entered: 06/13/2023)
06/19/2023	<u>70</u>	ORDER denying <u>69</u> motion for admission pro hac vice of Roger Roots. See text of Order for details. Signed by Judge John D. Bates on 6/19/2023. (lcjdb1) (Entered: 06/19/2023)
06/22/2023	<u>71</u>	NOTICE OF ATTORNEY APPEARANCE Sonia Williams Murphy appearing for USA. (Murphy, Sonia) (Entered: 06/22/2023)
06/23/2023	<u>72</u>	MOTION for Leave to Appear Pro Hac Vice Roger I. Roots Filing fee \$ 100, receipt number DCDC-10162046. Fee Status: Fee Paid. by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Affidavit Affidavit of Roger Roots, # <u>2</u> Text of Proposed Order Text of Proposed Order, # <u>3</u> Superior Court Documents Certificate of Good Standing, # <u>4</u> Supplement Disciplinary History Letter, # <u>5</u> Declaration Declaration of Roger Roots, # <u>6</u> Declaration Declaration of John M Pierce, # <u>7</u> Declaration Declaration of Emily Lambert, # <u>8</u> Supplement Client Waiver, # <u>9</u> Supplement Client Waiver, # <u>10</u> Supplement Client Waiver)(Pierce, John) (Entered: 06/23/2023)
06/28/2023	<u>73</u>	Proposed Voir Dire by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Valentini, Francesco) (Entered: 06/28/2023)
06/28/2023	<u>74</u>	Proposed Jury Instructions by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Valentini, Francesco) (Entered: 06/28/2023)
06/28/2023	<u>75</u>	Proposed Jury Instructions by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Pierce, John) (Entered: 06/28/2023)

06/28/2023	<u>76</u>	STATEMENT OF CASE by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Pierce, John) (Entered: 06/28/2023)
06/29/2023	<u>77</u>	ORDER deferring ruling on <u>72</u> defendants' renewed motion to admit Roger Roots pro hac vice. See text of Order for details. Signed by Judge John D. Bates on 6/29/2023. (lcjdb1) (Entered: 06/29/2023)
06/29/2023	<u>78</u>	MOTION for Leave to Appear by Telephone <i>Motion to appear by zoom for Roger Roots</i> by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Attachments: # <u>1</u> Exhibit A)(Pierce, John) (Entered: 06/29/2023)
06/30/2023	<u>79</u>	WITNESS LIST by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Valentini, Francesco) (Entered: 06/30/2023)
06/30/2023	<u>80</u>	EXHIBIT LIST by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Valentini, Francesco) (Entered: 06/30/2023)
06/30/2023		MINUTE ORDER: Defendants have filed <u>78</u> a motion to permit Roger Roots to appear at the July 6, 2023 pretrial conference by videoconference. As reflected in the Courts May 4, 2023 Minute Entry, the pretrial conference is already scheduled to occur by videoconference, as requested by counsel at the May 4, 2023 status conference. Accordingly, it is hereby ORDERED that <u>78</u> the motion is DENIED as MOOT, and Roots may attend by videoconference. SO ORDERED. Signed by Judge John D. Bates on 6/30/2023. (lcjdb1) (Entered: 06/30/2023)
06/30/2023	<u>81</u>	EXHIBIT LIST by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Pierce, John) (Entered: 06/30/2023)
06/30/2023	<u>82</u>	WITNESS LIST by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Pierce, John) (Entered: 06/30/2023)
07/03/2023	<u>85</u>	RESPONSE by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>81</u> Exhibit List (Murphy, Sonia) (Entered: 07/03/2023)
07/05/2023	<u>86</u>	MEMORANDUM OPINION & ORDER regarding motions in limine. See text of Order for details. Signed by Judge John D. Bates on 7/5/2023. (lcjdb1) (Entered: 07/05/2023)
07/05/2023	<u>87</u>	ENTERED IN ERROR.....NOTICE <i>Joint Clients Disclosure and Consent Form</i> by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR re <u>78</u> MOTION for Leave to Appear by Telephone <i>Motion to appear by zoom for Roger Roots</i> (Attachments: # <u>1</u> Joint Clients Disclosure and Consent Form, # <u>2</u> Joint Clients Disclosure and Consent Form)(Pierce, John) Modified on 7/6/2023 (zhsj). (Entered: 07/05/2023)
07/05/2023		NOTICE OF ERROR as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR regarding <u>87</u> Notice (Other). The following error(s) need correction: Incorrect court header/case caption/case number. Please refile. Incorrect format (Letter)– correspondence is not permitted (LCrR 49(f)(4)). Please refile. (zhsj) (Entered: 07/06/2023)
07/06/2023		MINUTE ORDER granting <u>72</u> Motion for Leave to Appear Pro Hac Vice Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), JAMES VARNELL CUSICK JR. (3). Signed by Judge John D.

		Bates on 7/6/2023. (lcjdb1) Modified on 7/7/2023 (kk). (Entered: 07/06/2023)
07/06/2023		Minute Entry for Pretrial Conference as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3) held before Judge John D. Bates on 7/6/2023 by videoconference : Defense attorney Roger Roots granted permission to appear pro hac vice on behalf of all defendants following their consent to his representation on the record. Defendants to identify for Government any exhibits that Mr. Sumrall will testify to at trial by 10:00 AM on 7/7/2023. Defendants' revised exhibit list to be filed by 2:00 PM on 7/7/2023. Defendants' and Government's exhibits to be produced to opposing counsel by 1:00 PM on 7/10/2023. Jury Trial set for 7/10/2023 at 9:30 AM in Courtroom 30A– In Person before Judge John D. Bates. Bond Status of Defendants: All three defendants continued on PR bond. Court Reporter: Bryan Wayne. Defense Attorneys (by VTC): John Pierce and Roger Roots; U.S. Attorneys (In–person): Francesco Valentini and Sonia Murphy. (kk) (Entered: 07/06/2023)
07/08/2023	<u>90</u>	NOTICE of waiver and consent of joint representation by Roger Roots by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Attachments: # <u>1</u> Exhibit Consent of client 3, # <u>2</u> Exhibit Consent of client 2, # <u>3</u> Exhibit Consent of client 1)(Pierce, John) (Entered: 07/08/2023)
07/10/2023	<u>91</u>	TRIAL BRIEF by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Pierce, John) (Entered: 07/10/2023)
07/10/2023		Minute Entry for proceedings held before Judge John D. Bates: Jury Selection as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), and JAMES VARNELL CUSICK, JR. (3) held on 7/10/2023 as to all defendants on Counts 1,2,3,4. Jury Trial set for 7/11/2023 at 09:30 AM in Courtroom 30A– In Person before Judge John D. Bates as to all defendants. Bond Status of all Defendants: Personal Recognizance; Court Reporter: Bryan Wayne; Defense Attorney: John Pierce and Roger Roots; US Attorney: Francesco Valentini and Sonia Murphy. (nah) (Entered: 07/10/2023)
07/11/2023		MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02) and JAMES VARNELL CUSICK, JR (03). The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations all meals for said jury shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Signed by Judge John D. Bates on 07/11/23. (mac) (Entered: 07/11/2023)
07/11/2023		Minute Entry for proceedings held before Judge John D. Bates: Jury Trial as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), and JAMES VARNELL CUSICK, JR. (3) begun on 7/11/2023 as to ALL DEFENDANTS as to Counts 1,2,3, and 4. Jury impanelled, 12 jurors and 2 alternates sworn. Jury Trial to resume on 7/12/2023 at 09:30 AM in Courtroom 30A– In Person before Judge John D. Bates. Bond Status as to all Defendants: Personal Recognizance; Court Reporter: Bryan Wayne; Defense Attorney: John Pierce and Roger Roots; US Attorney: Francesco Valentini and Sonia Murphy; Witnesses: Tia Summers and Elizabeth Glavey. (nah) (Entered: 07/11/2023)
07/12/2023		Minute Entry for Jury Trial (Day 3) held before Judge John D. Bates on 7/12/2023 : Same Jury of 12 and 2 Alternates : Trial resumed as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3) on Counts 1, 2, 3 and 4 and continued to 7/13/2023 at 9:30 AM in Courtroom 30A – In Person before Judge John D. Bates. Oral Motion by defense on Rule 29, heard and

		deferred by the Court. Bond Status of Defendants: All Defendants continued on PR bond. Court Reporter: Bryan Wayne. Defense Attorneys: John Pierce and Roger Roots; U.S. Attorneys: Francesco Valentini and Sonia Murphy. Government Witnesses: Christopher Cartwright, Walter Giardina, Kris Miyasato and Joshua Strait. Defense Witnesses: Ruth Cusick and Casey Evan Cusick. (kk) Modified on 7/13/2023 (kk). (Entered: 07/13/2023)
07/13/2023	<u>93</u>	OBJECTION to Proposed Jury Instructions by DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. (Pierce, John) Modified Text on 7/13/2023 (zhsj). (Entered: 07/13/2023)
07/13/2023		Minute Entry for Jury Trial (Day 4) held before Judge John D. Bates on 7/13/2023 : Same Jury of 12 and 2 Alternates : Trial resumed as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3) on Counts 1, 2, 3 and 4 and continued to 7/14/2023 at 9:30 AM in Courtroom 30A – In Person before Judge John D. Bates. Bond Status of Defendants: All Defendants continued on PR bond. Court Reporter: Bryan Wayne. Defense Attorneys: John Pierce and Roger Roots; U.S. Attorneys: Francesco Valentini and Sonia Murphy. Defense Witnesses: Casey Evan Cusick (continued), Carol Lesperance, David Lesperance, Katie Cusick, Stacie Peterson, James Varnell Cusick, Jr. and David Sumrall. (kk) (Entered: 07/14/2023)
07/14/2023		Minute Entry for Jury Trial (Day 5) held before Judge John D. Bates on 7/14/2023 : Same Jury of 12 and 2 Alternates : Trial resumed as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3) on Counts 1, 2, 3 and 4 and concluded. Motion by defense counsel to strike Government's Exhibit 503, heard and denied. Renewed Motion by defense for Acquittal under Rule 29, reserved by the Court until the return of a verdict. Two alternate jurors excused. Jury Deliberations begun and concluded. VERDICT OF GUILTY returned on Counts 1, 2, 3 and 4 as to all defendants. Jury Polled and excused. Defense's Renewed Motion for Acquittal, reheard and denied. Sentencing set for 10/12/2023 at 10:00 AM in Courtroom 30A – In Person before Judge John D. Bates. Sentencing Memoranda due by 10/9/2023. Case referred to the Probation Office for Presentence Investigation Reports as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3). [1 Jury Note received.] Bond Status of Defendants: All Defendants continued on PR bond. Court Reporter: Bryan Wayne. Defense Attorneys: John Pierce and Roger Roots; U.S. Attorneys: Francesco Valentini and Sonia Murphy. (kk) Modified on 7/20/2023 (kk). (Entered: 07/14/2023)
07/14/2023	<u>94</u>	GOVERNMENT'S TRIAL EXHIBIT LIST as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3). (kk) (Entered: 07/20/2023)
07/14/2023	<u>95</u>	DEFENSE TRIAL EXHIBIT LIST as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3). (kk) (Entered: 07/20/2023)
07/14/2023	<u>96</u>	FINAL JURY INSTRUCTIONS as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3). (kk) (Entered: 07/20/2023)
07/14/2023	<u>97</u>	JURY NOTE as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3). (kk) (Entered: 07/20/2023)

07/14/2023	<u>98</u>	<p>Signature Page of Foreperson</p> <p>as to Defendants DAVID JOHN LESPERANCE (1), CASEY CUSICK (2) and JAMES VARNELL CUSICK, JR. (3) in Jury Note. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkk) (Entered: 07/20/2023)</p>
07/14/2023	<u>101</u>	VERDICT FORM as to Defendant CASEY CUSICK (2). (kk) (Entered: 07/20/2023)
07/14/2023	<u>102</u>	<p>Signature Page of Foreperson</p> <p>as to Defendant CASEY CUSICK (2) in Jury Verdict. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkk) (Entered: 07/20/2023)</p>
07/28/2023	<u>107</u>	NOTICE <i>Regarding Recent Social Media Posts</i> by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Valentini, Francesco) (Entered: 07/28/2023)
08/14/2023	<u>108</u>	<p>TRANSCRIPT OF JURY TRIAL DAY 1 in case as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR before Judge John D. Bates held on July 10, 2023; Page Numbers: 1–194. Date of Issuance: 8/14/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/4/2023. Redacted Transcript Deadline set for 9/14/2023. Release of Transcript Restriction set for 11/12/2023.(Wayne, Bryan) (Entered: 08/14/2023)</p>
08/14/2023	<u>109</u>	<p>TRANSCRIPT OF JURY TRIAL DAY 2 in case as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR before Judge John D. Bates held on July 11, 2023; Page Numbers: 195–417. Date of Issuance: 8/14/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p>

		<p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/4/2023. Redacted Transcript Deadline set for 9/14/2023. Release of Transcript Restriction set for 11/12/2023.(Wayne, Bryan) (Entered: 08/14/2023)</p>
08/14/2023	<u>110</u>	<p>TRANSCRIPT OF JURY TRIAL DAY 3 in case as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR before Judge John D. Bates held on July 12, 2023; Page Numbers: 418–618. Date of Issuance: 8/14/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/4/2023. Redacted Transcript Deadline set for 9/14/2023. Release of Transcript Restriction set for 11/12/2023.(Wayne, Bryan) (Entered: 08/14/2023)</p>
08/14/2023	<u>111</u>	<p>TRANSCRIPT OF JURY TRIAL DAY 4 in case as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR before Judge John D. Bates held on July 13, 2023; Page Numbers: 619–885. Date of Issuance: 8/14/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/4/2023. Redacted Transcript Deadline set for 9/14/2023.</p>

		Release of Transcript Restriction set for 11/12/2023.(Wayne, Bryan) (Entered: 08/14/2023)
08/14/2023	<u>112</u>	<p>TRANSCRIPT OF JURY TRIAL DAY 5 in case as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR before Judge John D. Bates held on July 14, 2023; Page Numbers: 886–970. Date of Issuance: 8/14/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/4/2023. Redacted Transcript Deadline set for 9/14/2023. Release of Transcript Restriction set for 11/12/2023.(Wayne, Bryan) (Entered: 08/14/2023)</p>
10/10/2023	<u>130</u>	SENTENCING MEMORANDUM by USA as to CASEY CUSICK (Murphy, Sonia) (Entered: 10/10/2023)
10/10/2023	<u>135</u>	SENTENCING MEMORANDUM by CASEY CUSICK (Attachments: # <u>1</u> Declaration Character Letters, # <u>2</u> Declaration Character Letters)(Pierce, John) (Entered: 10/10/2023)
10/11/2023	<u>137</u>	NOTICE of <i>Supplemental Sentencing Materials</i> by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Murphy, Sonia) (Entered: 10/11/2023)
10/12/2023	<u>139</u>	NOTICE OF ATTORNEY APPEARANCE: Roger Roots appearing for DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR (Roots, Roger) (Entered: 10/12/2023)
10/12/2023		Minute Entry for proceedings held on 10/12/2023 before Judge John D. Bates: Sentencing held on 10/12/2023 as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), JAMES VARNELL CUSICK, JR. (3) on Counts 1,2,3 and 4. All Defendants sentenced to Ten (10) days of incarceration as to each of Counts 1 and 2, to run concurrently; followed by Twenty–Four (24) months of supervised release on Counts 1 and 2, to run concurrently; and Twenty–Four (24) months of probation on Counts 3 and 4, to run concurrently. Terms of probation run concurrently with the terms of supervised release. Special assessment of \$25 on each of Counts 1 and 2, \$10 on each of Counts 3 and 4 (for a total of \$70). A Fine of \$3000 and Restitution of \$500. All Defendants allowed to self–surrender. Bond Status of Defendant: All Defendants continued on PR bond; Defense Attorney: John Pierce and Roger Roots; US Attorney: Francesco Valentini and Sonia Murphy; Prob Officer: Aidee Gavito; Court Reporter: Tim Miller. (zed) (Entered: 10/13/2023)

10/17/2023	<u>140</u>	ORDER amending judgment as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), JAMES VARNELL CUSICK, JR (3). See text of Order for details. Signed by Judge John D. Bates on 10/17/2023. (lcjdb1) Modified docket text on 10/18/2023 (zed). (Entered: 10/17/2023)
10/17/2023	<u>141</u>	<p>TRANSCRIPT OF 7/6/23 PRETRIAL HEARING in case as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR before Judge John D. Bates held on July 6, 2023; Page Numbers: 1–65. Date of Issuance: 10/17/2023. Court Reporter: Bryan A. Wayne, (202) 354–3186. 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 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 11/7/2023. Redacted Transcript Deadline set for 11/17/2023. Release of Transcript Restriction set for 1/15/2024.(Wayne, Bryan) (Entered: 10/17/2023)</p>
10/17/2023	<u>144</u>	JUDGMENT as to CASEY CUSICK. Statement of Reasons Not Included. Signed by Judge John D. Bates on 10/17/2023. (zhsj) (Entered: 10/19/2023)
10/17/2023	<u>145</u>	STATEMENT OF REASONS as to CASEY CUSICK re <u>144</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge John D. Bates on 10/17/2023. (zhsj) (Main Document 145 replaced on 10/20/2023) (zhsj). (Entered: 10/19/2023)
10/25/2023	<u>149</u>	NOTICE OF APPEAL – Final Judgment by CASEY CUSICK Filing fee \$ 505, receipt number ADCDC–10447242. Fee Status: Fee Paid. Parties have been notified. (Pierce, John) (Entered: 10/25/2023)

UNITED STATES DISTRICT COURT

District of Columbia 

UNITED STATES OF AMERICA

v.

CASEY CUSICK

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-cr-575-(2) -JDB

USM Number: 51957-509

John M. Pierce and Roger Roots

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____

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

was found guilty on count(s) One (1) through Four (4) of the Information filed on 9/13/2021.
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1752(a)(1)	Entering and Remaining in a Restricted Building.	1/6/2021	1
18:1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building.	1/6/2021	2
40:5104(e)(2)(D)	Violent Entry and Disorderly Conduct in a Capitol Building.	1/6/2021	3

The defendant is sentenced as provided in pages 2 through 11 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

Count(s) _____ is are dismissed on the motion of the United States.

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

10/12/2023

Date of Imposition of Judgment

John D. Bates

Digitally signed by John D. Bates
Date: 2023.10.17 15:43:29 -04'00'

Signature of Judge

John D. Bates, U.S. District Judge

Name and Title of Judge

10/17/2023

Date

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

ADDITIONAL COUNTS OF CONVICTION

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

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

IMPRISONMENT

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

Ten (10) Days of incarceration as to each of Counts 1 and 2, to run concurrently.

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

Defendant to be incarcerated in Oklahoma.

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

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

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

as notified by the United States Marshal.

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

before 2 p.m. on _____ .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

SUPERVISED RELEASE

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

12 Months (1 year) of supervised release as to each of Counts 1 and 2; to run concurrently and concurrent with the terms of probation on Counts 3 and 4.

MANDATORY CONDITIONS

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

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

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

STANDARD CONDITIONS OF SUPERVISION

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

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

U.S. Probation Office Use Only

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

Defendant's Signature _____

Date _____

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

SPECIAL CONDITIONS OF SUPERVISION

- The Court authorizes supervision and jurisdiction of this case to be transferred to the United States District Court for the Northern District of Oklahoma.
- Financial Information Disclosure - You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the United States Attorney's Office.
- Financial Restrictions - You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
- Financial Obligation – You must pay the balance of any financial obligation owed at a rate of no less than \$100 each month and provide verification of same to the Probation Office.
- Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from areas over which you have access or control until the term of supervision expires.
- Community Service - You must complete 50 hours of community service within 12 months of supervised release. The probation officer will supervise participation in the program by approving the program. You must provide written verification of completed hours to the probation officer.

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

PROBATION

You are hereby sentenced to probation for a term of:

24 Months (2 years) as to each of Counts 3 and 4; to run concurrently and concurrent with the terms of supervised release on Counts 1 and 2.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*
7. You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

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

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

SPECIAL CONDITIONS OF SUPERVISION

- The Court authorizes supervision and jurisdiction of this case to be transferred to the United States District Court for the Northern District of Oklahoma.
- Financial Information Disclosure - You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the United States Attorney's Office.
- Financial Restrictions - You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
- Financial Obligation – You must pay the balance of any financial obligation owed at a rate of no less than \$100 each month and provide verification of same to the Probation Office.
- Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from areas over which you have access or control until the term of supervision expires.

DEFENDANT: CASEY CUSICK
 CASE NUMBER: 21-cr-575-(2) -JDB

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 70.00	\$ 500.00	\$ 3,000.00	\$	\$

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

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

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Payable to the Clerk of the Court for the United States District Court for the District of Columbia for disbursement to the following victim:			
Architect of the Capital Office of the Chief Financial Officer Ford House Office Building, Room H2-205B Washington, DC 20515		\$500.00	
TOTALS	\$ 0.00	\$ 500.00	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

- Financial Obligation – You must pay the balance of any financial obligation owed at a rate of no less than \$100 each month and provide verification of same to the Probation Office.

DEFENDANT: CASEY CUSICK
CASE NUMBER: 21-cr-575-(2) -JDB

SCHEDULE OF PAYMENTS

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

- A Lump sum payment of \$ 70.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
 The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

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

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

Joint and Several

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

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

United States District Court for the District of Columbia

UNITED STATES OF AMERICA)
)
 vs.) Criminal No. 1:21-575 (JDB)
)
CASEY CUSICK)

NOTICE OF APPEAL

Name and address of appellant: CASEY CUSICK
 6303 E 164th St S, Bixby, OK 74008

Name and address of appellant's attorney: John M. Pierce
 JOHN PIERCE LAW
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Offense: 4 counts, 18:1752(a)(1), 18:1752(a)(2), 40:5104(e)(2)(D), 40:5104(e)(2)(G)

Concise statement of judgment or order, giving date, and any sentence:
 Conviction on July 14, 2023, from trial July 10 through 14, 2023 and sentencing on October 12, 2023.

Name and institution where now confined, if not on bail:

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

Oct 25, 2023 *Casey Cusick*
 DATE APPELLANT
 ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE
 CJA, NO FEE
 PAID USDC FEE
 PAID USCA FEE

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