

APPEAL,CAP,CAT B,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00244-CKK-2**

Case title: USA v. RYALS et al

Magistrate judge case number: 1:21-mj-00251-ZMF

Date Filed: 03/24/2021

Assigned to: Judge Colleen
Kollar-Kotelly

Defendant (2)

**ANTHONY ALFRED
GRIFFITH, SR**

represented by **David Barry Benowitz**
PRICE BENOWITZ LLP
409 Seventh Street, NW
Suite 200
Washington, DC 20004
(202) 417-6000
Fax: (202) 664-1331
Email: david@pricebenowitz.com
TERMINATED: 10/25/2022
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Kira Anne West
LAW OFFICE OF KIRA WEST
712 H St, NE
Unit 509
Washington, DC 20002
(202) 236-2042
Email: kiraannewest@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Nicole Ann Cubbage
LAW OFFICE OF NICOLE CUBBAGE
712 H. Street NE
Unit 570
Washington, DC 20002
703-209-4546
Email: cubbagelaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Matthew Wilson

PRICE BENOWITZ LLP

409 Seventh Street, NW

Suite 200

Washington, DC 20004

(202) 417-6000

Fax: (202) 664-1331

Email: mwilson@pricebenowitz.com

TERMINATED: 11/29/2022

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

18:1752(a)(1); TEMPORARY
RESIDENCE OF THE
PRESIDENT; Entering and
Remaining in a Restricted
Building or Grounds.
(2)

18:1752(a)(2); TEMPORARY
RESIDENCE OF THE
PRESIDENT; Disorderly and
Disruptive Conduct in a Restricted
Building or Grounds.
(3)

40:5104(e)(2)(D); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUND; Disorderly Conduct
in a Capitol Building.
(4)

40:5104 (e)(2)(G); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUND; Parading,
Demonstrating, or Picketing in a
Capitol Building.
(5)

Highest Offense Level
(Opening)

Misdemeanor

Terminated Counts

None

Disposition

Six (6) Months incarceration followed by Twelve
(12) Months term of Supervised Release and a
Special Assessment of \$25.00.....Court's verdict of
guilty on Counts 2, 3, 4, 5.

Six (6) Months incarceration followed by Twelve
(12) Months term of Supervised Release to run
concurrently to Count 2 and a Special Assessment
of \$25.00..... Court's verdict of guilty on Counts 2,
3, 4, 5.

Six (6) Months incarceration followed by Twelve
(12) Months term of Supervised Release to run
concurrently to Counts 2 and 3 and a Special
Assessment of \$10.00..... Court's verdict of guilty on
Counts 2, 3, 4, 5.

Six (6) Months incarceration followed by Twelve
(12) Months term of Supervised Release to run
concurrently to Counts 2,3, and 4 and a Special
Assessment of \$10.00 for a total of \$70.00.....Court's
verdict of guilty on Counts 2, 3, 4, 5.

Disposition

Highest Offense Level
(Terminated)

None

Complaints

COMPLAINT in Violation of
18:1512(c)(2), 18:1752(a)(1),
18:1752(a)(2), 40:5104(e)(2)(D)
and 40:5104(e)(2)(G)

Disposition

Court's verdict of guilty on Counts 2, 3, 4, 5.

Plaintiff

USA

represented by **Craig Estes**
USAO
John Joseph Moakley Federal Courthouse
1 Courthouse Way
Boston, MA 02210
(617) 748-3100
Email: craig.estes@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Jeffrey McCarther
DOJ-USAO
Lrm Vo, Doan
400 East 9th Street
Suite 5510
Kansas City, MO 64106
(816) 426-2778
Email: jeffrey.mccarther@usdoj.gov
TERMINATED: 10/25/2022
Designation: Assistant U.S. Attorney

Kevin Birney
DOJ-USAO
601 D Street, NW
Washington, DC 20530
202-252-7165
Email: kevin.birney@usdoj.gov
TERMINATED: 12/01/2021
Designation: Assistant U.S. Attorney

Sonia Mittal
DOJ-USAO
United States Attorney's Office for the
District of Col
555 Fourth Street NW
Washington, DC 20530
202-252-7759

Email: sonia.mittal@usdoj.gov

ATTORNEY TO BE NOTICED

Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
02/22/2021	<u>1</u>	SEALED COMPLAINT as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00251-ZMF] (Entered: 02/23/2021)
02/22/2021	<u>3</u>	MOTION to Seal Case by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00251-ZMF] (Entered: 02/23/2021)
02/22/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2). Signed by Magistrate Judge Zia M. Faruqui on 02/22/2021. (zstd) [1:21-mj-00251-ZMF] (Entered: 02/23/2021)
03/04/2021		Case unsealed as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR (bb) [1:21-mj-00251-ZMF] (Entered: 03/08/2021)
03/04/2021		Arrest of ANTHONY ALFRED GRIFFITH, SR. (ztl) (Entered: 03/28/2021)
03/04/2021	<u>18</u>	Rule 5(c)(3) Documents Received as to ANTHONY ALFRED GRIFFITH, SR from US District Court for the Eastern District of Oklahoma Case Number 21-mj-34-SPS (bb) (Entered: 03/31/2021)
03/05/2021	<u>6</u>	Arrest Warrant Returned Executed on 3/4/2021 in Muskogee, Oklahoma. as to ANTHONY ALFRED GRIFFITH, SR . (bb) Modified on 3/14/2021 (bb). Modified on 3/18/2021 (znmw). (Main Document 6 replaced on 3/18/2021) (znmw). [1:21-mj-00251-ZMF] (Entered: 03/08/2021)
03/09/2021	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE: David Barry Benowitz appearing for ANTHONY ALFRED GRIFFITH, SR (Benowitz, David) [1:21-mj-00251-ZMF] (Entered: 03/09/2021)
03/09/2021		ORAL MOTION for Speedy Trial by USA as to ANTHONY ALFRED GRIFFITH, SR. (ztl) (Entered: 03/28/2021)
03/09/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to ANTHONY ALFRED GRIFFITH, SR held on 3/9/2021. Defendant present by video. Due Process Order given to the Government. Defendant placed on Standard Conditions of Release. Oral Motion by the Government for Speedy Trial as to as to ANTHONY ALFRED GRIFFITH, SR. (2); heard and granted. Defense concur. Speedy Trial Excluded from 3/9/2021 to 3/30/2021 in the Interest of Justice (XT). Preliminary Hearing set for 3/30/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:45:14-1:50:41];Defense Attorney: David Benowitz; US Attorney: Jacob Steiner for Kevin Birney; Pretrial Officer: Da'Shanta Valentine-Lewis. (ztl) (Entered: 03/28/2021)
03/09/2021		MINUTE ORDER: The hearing currently scheduled before a magistrate judge for March 30, 2021 is hereby VACATED, as the government has formally charged ANTHONY ALFRED GRIFFITH, SR. (2) and there are no additional matters

		necessitating action by a magistrate judge. If a hearing has not been scheduled before the assigned district judge, the parties are directed to contact the chambers of the assigned district judge to schedule a hearing. Signed by Magistrate Judge Zia M. Faruqui on 3/24/2021. (ztl) (Entered: 03/28/2021)
03/09/2021	<u>15</u>	ORDER Setting Conditions of Release as to ANTHONY ALFRED GRIFFITH, SR (2) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/9/2021. (ztl) (Entered: 03/28/2021)
03/24/2021	<u>12</u>	INDICTMENT as to JERRY RYALS (1) count(s) 1, 2, 3, 4, 5, ANTHONY ALFRED GRIFFITH, SR. (2) count(s) 2, 3, 4, 5. (zhshj) (Entered: 03/26/2021)
03/24/2021		Terminate Deadlines and Hearings as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR: Preliminary Hearing set for 3/30/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui is VACATED. (ztl) (Entered: 03/28/2021)
03/29/2021		MINUTE ORDER as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR: The parties shall appear for an initial status hearing before Judge Colleen Kollar-Kotelly on April 7, 2021 at 2 PM ET via videoconference. Signed by Judge Colleen Kollar-Kotelly on March 29, 2021. (lcckk1) (Entered: 03/29/2021)
03/29/2021		Set/Reset Hearings as to JERRY RYALS(1), and ANTHONY ALFRED GRIFFITH, SR(2): Arraignment and Status Conference set for 4/7/2021 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 03/29/2021)
04/05/2021	<u>20</u>	Unopposed MOTION for Protective Order <i>re Discovery</i> by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Birney, Kevin) (Entered: 04/05/2021)
04/05/2021	<u>21</u>	BRADY ORDER. Signed by Judge Colleen Kollar-Kotelly on April 5, 2021. (lcckk1) (Entered: 04/05/2021)
04/07/2021	<u>24</u>	PROTECTIVE ORDER. Signed by Judge Colleen Kollar-Kotelly on April 7, 2021. (lcckk1) (Entered: 04/07/2021)
04/07/2021		<p>MINUTE ORDER as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR: The Court held an arraignment and status hearing in this case on April 7, 2021. With consent, Defendants were present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court arraigned each Defendant on the Indictment. The Court then discussed the status of discovery in the case and reminded the government of its disclosure obligations under Brady. See ECF No. 21. The Court scheduled another status hearing for JUNE 9, 2021 at 10:00 AM ET. Defendants have consented to proceeding with this forthcoming status hearing remotely via videoconference because of the COVID-19 pandemic.</p> <p>During the April 7, 2021 hearing, the Court discussed with Defendants their Speedy Trial Act rights, and Defendants consented to a continuance of their speedy trial rights until the date of the next status hearing, June 9, 2021. Therefore, the Court finds that a continuance of Defendants' Speedy Trial rights between April 7, 2021 and the date of the next status hearing on June 9, 2021 serves the "ends of justice" and is in the best interests of both the community and the Defendants, in light of the ongoing COVID-19 pandemic and because the continuance will allow defense counsel and Defendants to review the ongoing discovery in this case. Taking into account this</p>

		<p>continuance, the Court has calculated that Defendants' new 70-day deadline is AUGUST 11, 2021. The Court finds the 90-day deadline to be inapplicable, as each Defendant has been released on personal recognizance.</p> <p>Signed by Judge Colleen Kollar-Kotelly on April 7, 2021. (lcckk1) (Entered: 04/07/2021)</p>
04/07/2021		<p>Minute Entry for proceedings held on 4/7/2021 via videoconference before Judge Colleen Kollar-Kotelly: Arraignment/Status Hearing as to JERRY RYALS (1) as to Counts 1,2,3,4,5. Plea of Not Guilty entered as to Counts 1,2,3,4,5. And, ANTHONY ALFRED GRIFFITH, SR (2) as to Counts 2,3,4,5. Plea of Not Guilty entered as to Counts 2,3,4,5. Defendants Jerry Ryals (1) and Anthony Alfred Griffith, Sr. (2) Speedy Trial (XT) are tolled in the Interest of Justice from 4/7/2021 to 6/9/2021. Status Conference set for 6/9/2021 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendants: Continued on Personal Recognizance: Jerry Ryals (1); Anthony Alfred Griffith, Sr. (2); Court Reporter: Lisa Edwards; Defense Attorney: 1-Jay P. Mykytiuk and 2-David B. Benowitz; US Attorney: Kevin Birney. (dot) (Entered: 04/07/2021)</p>
05/07/2021	<u>25</u>	<p>MOTION for Disclosure of <i>6e and Sealed Materials</i> by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Birney, Kevin) (Entered: 05/07/2021)</p>
05/10/2021		<p>MINUTE ORDER: The Court has received the Government's <u>25</u> Motion. Therein, the Government indicates that Defendant Anthony Griffith has not yet provided his provided his position on the <u>25</u> Motion. By or before May 14, 2021, Mr. Griffith shall file a notice indicating whether he opposes the Government's <u>25</u> Motion. Signed by Judge Colleen Kollar-Kotelly on May 10, 2021. (lcckk1) (Entered: 05/10/2021)</p>
05/10/2021		<p>Set/Reset Deadlines as to ANTHONY ALFRED GRIFFITH, SR: Mr. Griffith (2) shall file a notice indicating whether he opposes the Government's <u>25</u> Motion by 5/14/2021 (dot) (Entered: 05/10/2021)</p>
05/12/2021	<u>26</u>	<p>RESPONSE by ANTHONY ALFRED GRIFFITH, SR re <u>25</u> MOTION for Disclosure of <i>6e and Sealed Materials</i> (Benowitz, David) (Entered: 05/12/2021)</p>
05/12/2021	<u>27</u>	<p>ORDER. Signed by Judge Colleen Kollar-Kotelly on May 12, 2021. (lcckk1) (Entered: 05/12/2021)</p>
06/09/2021		<p>MINUTE ORDER: The Court held a status hearing in this case on June 9, 2021. With consent, Defendants were present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court the status of discovery and plea discussions in this matter. The Court scheduled another status hearing for AUGUST 11, 2021 at 10:00 AM ET. Defendants have consented to proceeding with this forthcoming status hearing remotely.</p> <p>During the June 9, 2021 hearing, the Court discussed with Defendants their Speedy Trial Act rights, and Defendants consented to a continuance of their speedy trial rights until the date of the next status hearing, August 11, 2021. Therefore, the Court finds that a continuance of Defendants' Speedy Trial rights between June 9, 2021 and the date of the next status hearing on August 11, 2021 serves the "ends of justice" and outweighs the best interests of both the community and Defendants in a speedy trial, in light of the ongoing COVID-19 pandemic and because the continuance will allow</p>

		<p>defense counsel and Defendants to review the ongoing discovery in this case. Taking into account this continuance, the Court has calculated that Defendants' new 70-day deadline is OCTOBER 13, 2021. The Court finds the 90-day deadline to be inapplicable, as each Defendant has been released on personal recognizance.</p> <p>Signed by Judge Colleen Kollar-Kotelly on June 9, 2021. (lcckk1) (Entered: 06/09/2021)</p>
06/09/2021		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JERRY RYALS(1), ANTHONY ALFRED GRIFFITH, SR (2) held on 6/9/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 6/9/2021 to 8/11/2021. Status Conference set for 8/11/2021 at 10:00 AM via Zoom before Judge Colleen Kollar-Kotelly. Bond Status of Defendants: Jerry Ryals(1) and Anthony Alfred Griffith (2) Continued on Personal Recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Jay P. Mykytiuk(1) and David B. Benowitz (2); US Attorney: Kevin Birney. (dot) (Entered: 06/09/2021)</p>
07/30/2021	<u>30</u>	<p>NOTICE of Status of Discovery by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR (Attachments: # <u>1</u> Exhibit)(Birney, Kevin) (Entered: 07/30/2021)</p>
08/10/2021	<u>33</u>	<p>Joint MOTION to Continue and to Exclude Time Under the Speedy Trial Act by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Birney, Kevin) (Entered: 08/10/2021)</p>
08/10/2021	<u>34</u>	<p>ORDER granting <u>33</u> Motion to Continue as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2). By or before September 10, 2021, both defendants shall file a signed notice on the docket confirming their consent to the exclusion of speedy trial time, through October 25, 2021. Signed by Judge Colleen Kollar-Kotelly on August 10, 2021. (lcckk1) (Entered: 08/10/2021)</p>
08/10/2021		<p>Set/Reset Hearings as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2): Status Conference set for 10/25/2021 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 08/10/2021)</p>
08/10/2021	35	<p>MOTION to Exclude Time Under the Speedy Trial Act by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR. (See Docket Entry <u>33</u> to View Document). (zhsj) (Entered: 08/11/2021)</p>
08/25/2021	<u>36</u>	<p>NOTICE of Status of Discovery by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR (Birney, Kevin) (Entered: 08/25/2021)</p>
09/16/2021	<u>37</u>	<p>NOTICE of Status of Discovery by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR (Birney, Kevin) (Entered: 09/16/2021)</p>
09/17/2021	<u>38</u>	<p>MOTION for Leave to File Motion to Late File Notice of Filing by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Notice of Filing, # <u>3</u> Exhibit Declaration)(Benowitz, David) (Entered: 09/17/2021)</p>
09/20/2021		<p>MINUTE ORDER: For good cause shown, the Court GRANTS the <u>38</u> <u>39</u> Motions for Leave. The Court has also received and reviewed the Defendants' respective [38-3] [39-2] declarations, wherein they consent to the exclusion of their Speedy Trial Act rights until the date of the next status hearing, October 25, 2021. In light of this consent and because of the ongoing COVID-19 pandemic, see Standing Order No. 21-47 (BAH) (D.D.C. Aug. 25, 2021), at 7-8, the Court finds that a continuance of</p>

		<p>Defendants' Speedy Trial rights between August 11, 2021 and the date of the next status hearing on October 25, 2021 serves the "ends of justice" and outweighs the best interests of both the community and Defendants in a speedy trial. Taking into account this continuance, the Court has calculated that Defendants' new 70-day deadline is DECEMBER 27, 2021. The Court finds the 90-day deadline to be inapplicable, as each Defendant has been released on personal recognizance.</p> <p>Signed by Judge Colleen Kollar-Kotelly on September 20, 2021. (lcckk1) (Entered: 09/20/2021)</p>
10/21/2021	<u>42</u>	<p>Joint MOTION to Continue <i>Status Hearing</i> by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Birney, Kevin) (Entered: 10/21/2021)</p>
10/21/2021		<p>MINUTE ORDER as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2). The Court is in receipt of the <u>42</u> Joint Motion to Continue, in which the parties seek to continue the status hearing currently scheduled for October 25, 2021 for a period of approximately 75 days to allow the parties to continue with ongoing plea discussions and discovery. The parties indicate that they agree that the ends of justice would be served by continuing this case, and that those ends of justice outweigh the best interests of the public and defendants in a speedy trial during that time. The Court GRANTS the parties' joint motion and ORDERS that the status hearing scheduled for October 25, 2021 is CONTINUED to JANUARY 5, 2022 at 11:00 a.m. by Zoom videoconference.</p> <p>In light of the parties' consent to the exclusion of time under the Speedy Trial Act until the date of the next status hearing and because of the ongoing COVID-19 pandemic, see Standing Order No. 21-47 (BAH) (D.D.C. Aug. 25, 2021), at 7-8, the Court finds that a continuance of Defendants' Speedy Trial rights between October 25, 2021 and the date of the next status hearing on January 5, 2022 serves the "ends of justice" and outweighs the best interests of both the community and Defendants in a speedy trial. Taking into account this continuance, the Court has calculated that Defendants' new 70-day deadline is MARCH 15, 2022. The Court finds the 90-day deadline to be inapplicable, as each Defendant has been released on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on 10/21/21. (lcckk3) (Entered: 10/21/2021)</p>
10/21/2021	43	<p>MOTION to Exclude Time Under the Speedy Trial Act by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR. (See Docket Entry <u>42</u> to View Document). (zhsj) (Entered: 10/22/2021)</p>
10/21/2021		<p>Set/Reset Hearings as to JERRY RYALS(1), ANTHONY ALFRED GRIFFITH, SR(2): Status Conference set for 1/5/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 10/22/2021)</p>
10/22/2021	<u>44</u>	<p>NOTICE of Status of Discovery by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR (Birney, Kevin) (Entered: 10/22/2021)</p>
11/05/2021	<u>45</u>	<p>NOTICE of Status of Discovery by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR (Birney, Kevin) (Entered: 11/05/2021)</p>
12/01/2021	<u>46</u>	<p>NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney McCarther, Jeffrey added. Substituting for attorney Birney, Kevin (McCarther, Jeffrey) (Entered: 12/01/2021)</p>

01/04/2022		MINUTE ORDER as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR: Due to inclement weather, the U.S. District Court for the District of Columbia will open at 11:00 AM ET tomorrow, January 5, 2022. Accordingly, it is hereby ORDERED that the status hearing set for January 5, 2022 at 11:00 AM is CONTINUED to January 5, 2022 at 12:00 PM ET . Signed by Judge Colleen Kollar-Kotelly on January 4, 2022. (lcckk1) (Entered: 01/04/2022)
01/04/2022		Set/Reset Hearings as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2): Status Conference set for 1/5/2022 at 12:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 01/05/2022)
01/05/2022	<u>49</u>	NOTICE OF ATTORNEY APPEARANCE: Matthew Peter Wilson appearing for ANTHONY ALFRED GRIFFITH, SR (Wilson, Matthew) (Main Document 49 replaced on 1/10/2022) (zhsj). (Entered: 01/05/2022)
01/05/2022		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2) held on 1/5/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 1/5/2022 to 3/8/2022. Status Conference set for 3/8/2022 at 11:30 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendants: JERRY RYALS (1) and ANTHONY A. GRIFFITH, SR (2), Continued on Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: 1-Jay P Mykytiuk; 2-David B. Benowitz and Matthew Wilson; US Attorney: Jeffrey McCarther. (dot) (Entered: 01/06/2022)
01/06/2022		<p>MINUTE ORDER as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2). The Court held a status hearing in this case on January 5, 2022. With consent, Defendants were present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery in this case and plea discussions in this matter. The Court scheduled another status hearing for March 8, 2022 at 11:30 AM ET. Defendants have consented to proceeding with this forthcoming status hearing remotely.</p> <p>Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights through March 8, 2022 serves the "ends of justice" and is in the best interests of both the community and Defendants, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 21-79 (BAH) (D.D.C. Dec. 13, 2021), at 6-7, and because the continuance will allow defense counsel time to review the voluminous discovery in this case and a forthcoming plea offer. Taking into account this continuance, the Court has calculated that Defendants' new 70-day deadline is May 17, 2022. The Court finds the 90-day deadline to be inapplicable, as each Defendant has been released on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on January 6, 2022. (lcckk1) (Entered: 01/06/2022)</p>
02/11/2022	<u>50</u>	NOTICE of United States' Memorandum Regarding Status of Discovery as of February 9, 2022 by USA as to JERRY RYALS, ANTHONY ALFRED GRIFFITH, SR (McCarther, Jeffrey) (Entered: 02/11/2022)
03/08/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR. (2) held on 3/8/2022. Speedy Trial (XT) tolled in the Interest of Justice from 3/8/2022 to 4/21/2022 as to Defendants JERRY RYALS (1) and ANTHONY ALFRED GRIFFITH, SR. (2). Status Conference set for 4/21/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of

	Defendants: Continued on Personal Recognizance; Court Reporter: Tim Miller; Defense Attorney: Jay P. Mykytiuk (1), David B. Benowitz, Matthew P. Wilson, and Rammy Barbari (2); US Attorney: Jeffrey McCarther. (dot) (Entered: 03/08/2022)
03/09/2022	<p>MINUTE ORDER as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2). The Court held a status hearing in this case on March 8, 2022. With consent, Defendants were present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery and plea discussions in this matter. The Court scheduled another status hearing for April 21, 2022 at 1:30 PM ET. Defendants have consented to proceeding with this forthcoming status hearing remotely.</p> <p>Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights through April 21, 2022 serves the "ends of justice" and is in the best interests of both the community and Defendants, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order No. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and because the continuance will allow defense counsel time to review the voluminous discovery in this case. Taking into account this continuance, the Court has calculated that Defendants' new 70-day deadline is June 30, 2022. The Court finds the 90-day deadline to be inapplicable, as each Defendant has been released on personal recognizance.</p> <p>Signed by Judge Colleen Kollar-Kotelly on March 9, 2022. (lcckk1) (Entered: 03/09/2022)</p>
04/21/2022	<p>MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR (2). The Court held a status hearing in this case on April 21, 2022. With consent, Defendant WAS present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery and plea discussions in this matter. The parties represented that Defendant has declined the Governments plea offer and that this case will proceed to trial. The Court ORDERED that parties to prepare and submit a proposed pretrial scheduling order on or before May 6, 2022. Chambers will provide a template to the parties via email. The Court set a status hearing for June 10, 2022, at 2:00 PM ET. Defendant consented to this status hearing proceeding by videoconference.</p> <p>Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights through June 10, 2022 serves the "ends of justice" and is in the best interests of both the community and Defendants, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order No. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and because the continuance will allow defense counsel time to review the voluminous discovery in this case and the proposed trial schedule. Taking into account this continuance, the Court has calculated that Defendants' new 70-day deadline is August 18, 2022. The Court finds the 90-day deadline to be inapplicable, as each Defendant has been released on personal recognizance.</p> <p>Signed by Judge Colleen Kollar-Kotelly on April 21, 2022. (lcckk1) (Entered: 04/21/2022)</p>
04/21/2022	Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JERRY RYALS (1), ANTHONY ALFRED GRIFFITH, SR (2) held on 4/21/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 4/21/2022 to 6/10/2022. Status/Plea Conference as to JERRY RYALS

		(1) set for 6/9/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Status Conference as to ANTHONY A. GRIFFITH, SR (2) set for 6/10/2022 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. See MINUTE ORDERS dated 4/21/2022 for further details. Bond Status of Defendant: JERRY RYALS (1) and ANTHONY A. GRIFFITH, SR. (2): Personal Recognizance; Court Reporter: Bryan Wayne; Defense Attorney: Jay P. Mykytiuk (1), David B. Benowitz, Matthew P. Wilson, and Rammy Barbari (2); US Attorney: Jeffrey McCarther. (dot) (Entered: 04/21/2022)
05/06/2022	<u>59</u>	Unopposed MOTION for Extension of Time to File <i>Proposed Pretrial Scheduling Order</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Benowitz, David) (Entered: 05/06/2022)
05/09/2022		RESOLVED.....NOTICE of Provisional Status re <u>59</u> Unopposed MOTION for Extension of Time (Benowitz, David). Your attorney renewal has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Criminal Rule 57.21.1, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-renewal . Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 5/16/2022. (znm) Modified on 5/9/2022 (znm). (Entered: 05/09/2022)
05/09/2022		MINUTE ORDER: Before the Court is Defendant Griffith's <u>59</u> Unopposed Motion to Extend Deadline in which to File Proposed Pretrial Scheduling Order. Counsel for Defendant represents that he has not had an opportunity to confer with Government counsel and that plea discussions have recommenced. Defendant therefore requests the Court extend the deadline by which the parties must file their joint proposed pretrial scheduling order to May 13, 2022. As the Government consents, and upon good cause shown, Defendant's <u>59</u> Motion is GRANTED . The parties shall file their joint proposed pretrial scheduling order on or before May 13, 2022 . Signed by Judge Colleen Kollar-Kotelly on May 9, 2022. (lcckk1) (Entered: 05/09/2022)
05/13/2022	<u>64</u>	Unopposed MOTION for Extension of Time to File <i>Proposed Pretrial Scheduling Order</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Benowitz, David) (Entered: 05/13/2022)
05/16/2022		MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR.: Before the Court is Defendant Griffith's <u>64</u> Unopposed Motion to Extend Deadline for Filing Proposed Pretrial Scheduling Order. Defendant represents that plea discussions are ongoing and asks the Court to extend the parties' deadline to file their proposed pretrial scheduling order to May 20, 2022. This is Defendant's second such request, and the Government consents. Accordingly, and upon good cause shown, Defendant Griffith's <u>64</u> Motion is GRANTED . Defendant Griffith and the Government shall file their joint proposed pretrial scheduling order on or before May 20, 2022 . Signed by Judge Colleen Kollar-Kotelly on May 16, 2022. (lcckk1) (Entered: 05/16/2022)
05/21/2022	<u>65</u>	MOTION for Extension of Time to File <i>Proposed Pretrial Scheduling Order</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Benowitz, David) (Entered: 05/21/2022)

05/23/2022		MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR. (2): Before the Court is Defendant Griffith's <u>65</u> Motion to Extend Deadline for Filing Proposed Pretrial Scheduling Order. Defendant represents that plea discussions are ongoing and asks the Court to extend the parties' deadline to file their proposed pretrial scheduling order to May 25, 2022. This is Defendant's third such request, and the Government evidently consents. Accordingly, and upon good cause shown, Defendant Griffith's <u>65</u> Motion is GRANTED . Defendant Griffith and the Government shall file their joint proposed pretrial scheduling order on or before May 25, 2022 . Signed by Judge Colleen Kollar-Kotelly on May 23, 2022. (lcckk1) (Entered: 05/23/2022)
05/23/2022		Set/Reset Deadlines as to ANTHONY ALFRED GRIFFITH, SR (2): Joint Proposed Pretrial Statement due by 5/25/2022. (dot) (Entered: 05/24/2022)
05/24/2022	<u>66</u>	NOTICE of Proposed Order <i>Proposed Pretrial Scheduling Order</i> by ANTHONY ALFRED GRIFFITH, SR (Benowitz, David) Modified event title on 5/26/2022 (znmw). (Entered: 05/24/2022)
05/25/2022	<u>67</u>	PRETRIAL SCHEDULING ORDER as to ANTHONY ALFRED GRIFFITH, SR. Trial tentatively set for March 13, 2023. Signed by Judge Colleen Kollar-Kotelly on May 25, 2022. (lcckk1) (Entered: 05/25/2022)
05/25/2022		Set/Reset Hearings as to ANTHONY ALFRED GRIFFITH, SR: Jury Trial set for 3/13/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. (dot) (Entered: 05/26/2022)
06/10/2022		<p>MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR (2). The Court held a status hearing in this case on June 10, 2022. With consent, Defendant was present via videoconference and represented by counsel. During the status hearing, the Court discussed the status of trial preparations in this matter. The Court set a status hearing for October 14, 2022 at 10:00 AM ET and reiterated that trial is set for March 13, 2023. Defendant consented to this status hearing proceeding by videoconference.</p> <p>Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights through the date of the next hearing, October 14, 2022, and the date of trial, March 13, 2023, serves the "ends of justice" and is in the best interests of both the community and Defendants, in light of the ongoing COVID–19 pandemic, <i>see</i> Standing Order No. 22–07 (BAH) (D.D.C. Feb. 15, 2022), and because the continuance will allow defense counsel time to review the voluminous discovery in this case and prepare for trial. Taking into account this continuance, the Court has calculated that Defendants' new 70–day deadline is May 22, 2023. The Court finds the 90–day deadline to be inapplicable, as each Defendant has been released on personal recognizance.</p> <p>Signed by Judge Colleen Kollar-Kotelly on June 10, 2022. (lcckk1) (Entered: 06/10/2022)</p>
06/10/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to ANTHONY ALFRED GRIFFITH, SR (2) held on 6/10/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 6/10/2022 to 10/14/22. Status Conference set for 10/14/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Bankins; Defense Attorney: David B. Benowitz; US Attorney: Jeffrey McCarther. (dot) (Entered: 06/10/2022)
10/10/2022	<u>74</u>	

		AMENDED PRETRIAL SCHEDULING ORDER as to ANTHONY ALFRED GRIFFITH, SR. (2) Fed. R. Crim. P. 26.2 material due March 6, 2023. Deadline for Giglio and Jencks material extended to March 6, 2023. No other changes. Signed by Judge Colleen Kollar-Kotelly on October 8, 2022. (lcckk1) Modified on 10/10/2022 to correct date. (dot). (Entered: 10/10/2022)
10/11/2022	<u>76</u>	NOTICE OF ATTORNEY APPEARANCE Sonia Mittal appearing for USA. (Mittal, Sonia) (Entered: 10/11/2022)
10/14/2022		MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR (2): Due to a scheduling conflict, the status hearing today is CONTINUED to 10:30 AM ET (same day, different time). Signed by Judge Colleen Kollar-Kotelly on October 14, 2022. (lcckk1) (Entered: 10/14/2022)
10/14/2022		Set/Reset Hearings as to ANTHONY ALFRED GRIFFITH, SR: Status Conference set for 10/14/2022 at 10:30 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 10/14/2022)
10/14/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to ANTHONY ALFRED GRIFFITH, SR. (2) held on 10/14/2022. Excludable started as to ANTHONY ALFRED GRIFFITH, SR (2). Speedy Trial (XT) is tolled in the Interest of Justice from 10/14/2022 to 1/9/2023. Status Conference set for 1/9/2023 at 11:30 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance, ANTHONY A. GRIFFITH, SR.; Court Reporter: Bryan Wayne; Defense Attorney: Paulette Paga'n; US Attorney: Sonia Mittal and Jeffrey McCarther. (dot) (Entered: 10/14/2022)
10/21/2022	<u>80</u>	MOTION to Substitute Attorney <i>Motion to Withdraw and to Substitute Counsel</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Benowitz, David) (Entered: 10/21/2022)
10/21/2022		MINUTE ORDER as to ANTHONY GRIFFITH: The Court is in receipt of counsel Benowitz's <u>80</u> Motion to Withdraw and to Substitute Counsel. Counsel Benowitz represents that Defendant Griffith has retained new counsel. As such, Benowitz's <u>80</u> Motion to Withdraw and to Substitute Counsel is HELD IN ABEYANCE , pending new counsel's entry of appearance. Signed by Judge Colleen Kollar-Kotelly on October 21, 2022. (lcckk1) (Entered: 10/21/2022)
10/24/2022	<u>81</u>	NOTICE OF ATTORNEY APPEARANCE: Kira Anne West appearing for ANTHONY ALFRED GRIFFITH, SR (West, Kira) (Entered: 10/24/2022)
10/24/2022	<u>82</u>	NOTICE OF ATTORNEY APPEARANCE: Nicole Ann Cubbage appearing for ANTHONY ALFRED GRIFFITH, SR (Cubbage, Nicole) (Entered: 10/24/2022)
10/25/2022		MINUTE ORDER: The Court is in receipt of counsel West's <u>81</u> notice of appearance. As such, counsel Benowitz's <u>80</u> Motion to Withdraw and to Substitute Counsel is GRANTED . The Clerk of Court is directed to terminate counsel Benowitz as counsel of record. Signed by Judge Colleen Kollar-Kotelly on October 25, 2022. (lcckk1) (Entered: 10/25/2022)
10/25/2022	<u>83</u>	NOTICE OF WITHDRAWAL OF APPEARANCE of <i>Jeffrey McCarther</i> by USA as to ANTHONY ALFRED GRIFFITH, SR (McCarther, Jeffrey) (Entered: 10/25/2022)
10/31/2022	<u>84</u>	Unopposed MOTION for Extension of Time to <i>pretrial motions</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira)

		(Entered: 10/31/2022)
10/31/2022		MINUTE ORDER as to ANTHONY GRIFFITH: The Court is in receipt of Defendant Griffith's <u>84</u> Unopposed Motion to Extend Filing Date Deadline for Pretrial Motions. Counsel for Defendant, who has recently entered her appearance in this case, requests an extension of time to file pretrial motions <i>nunc pro tunc</i> . As the Government consents, and upon good cause shown, Defendant Griffith's <u>84</u> Unopposed Motion to Extend Filing Date Deadline for Pretrial Motions is GRANTED . The Court will enter a second amended scheduling order setting a briefing schedule. Signed by Judge Colleen Kollar-Kotelly on October 31, 2022. (lcckk1) (Entered: 10/31/2022)
10/31/2022	<u>85</u>	SECOND AMENDED PRETRIAL SCHEDULING ORDER as to ANTHONY ALFRED GRIFFITH, SR. Signed by Judge Colleen Kollar-Kotelly on October 31, 2022. (lcckk1) (Entered: 10/31/2022)
11/28/2022	<u>88</u>	MOTION to Dismiss Count <i>Two and Three of the Indictment</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) (Entered: 11/28/2022)
11/28/2022	<u>89</u>	MOTION to Dismiss Count <i>Two through Five of the Indictment</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) (Entered: 11/28/2022)
11/28/2022	<u>90</u>	MOTION to Change Venue by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Cubbage, Nicole) (Entered: 11/28/2022)
11/28/2022	<u>91</u>	MOTION Retain Rough Notes by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) (Entered: 11/28/2022)
11/28/2022	<u>92</u>	MOTION in Limine by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) (Entered: 11/28/2022)
11/28/2022	<u>93</u>	MOTION in Limine <i>to exclude certain words</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) (Entered: 11/28/2022)
11/28/2022	<u>94</u>	WITHDRAWN PURSUANT TO MINUTE ORDER OF 2/7/2023..... MOTION in Limine <i>to exclude certain subjects</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) Modified on 2/8/2023 (zhsj). (Entered: 11/28/2022)
11/28/2022	<u>95</u>	MOTION in Limine <i>to exclude conduct of others</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) (Entered: 11/28/2022)
11/28/2022		MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR: The Court is in receipt of Defendant's <u>88</u> Motion to Dismiss Counts Two and Three of the Indictment and <u>90</u> Motion to Transfer Venue. The Court has addressed the same issues in <i>United States v. Grider</i> , — F. Supp. 3d —, 2022 WL 3016775 (D.D.C. July 29, 2022) and <i>United States v. Eicher</i> , Crim. A. No. 22-038 (CKK), 2022 WL 11737926 (D.D.C. Oct. 20, 2022), respectively. In addition to any other arguments the parties may raise, the parties shall address these two cases in opposition and reply. Signed by Judge Colleen Kollar-Kotelly on November 28, 2022. (lcckk1) (Entered: 11/28/2022)
11/28/2022	<u>96</u>	

		MOTION to Suppress <i>statements</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/28/2022)
11/29/2022		MINUTE ORDER as to ANTHONY ALFRED GRIFFITH: The Court is in receipt of Defendant's <u>91</u> Motion to Retain Rough Notes and Emails. The <u>91</u> Motion appears to be a discovery motion predicated on <i>Brady</i> . The Court has already entered a <i>Brady</i> order, ECF No. <u>21</u> , effectively providing the same relief requested. Additionally, there is no indication that Defendant has requested the materials named in the <u>91</u> Motion. Pursuant to LCrR 16.1, the Court may not consider a "discovery motion... unless [the motion] states that defense counsel has previously requested the information sought from the attorney for the United States and that such attorney has not complied with the request." Because no request for these handwritten notes, should they exist, has yet been made, any motion to request or preserve them is not yet ripe under this Court's local rules. For these reasons, Defendant's <u>91</u> Motion to Retain Rough Notes and Emails is DENIED WITHOUT PREJUDICE . Signed by Judge Colleen Kollar-Kotelly on November 29, 2022. (lcckk1) (Entered: 11/29/2022)
11/29/2022	<u>97</u>	MOTION to Withdraw as Attorney <i>and to Substitute Counsel</i> by Matthew Wilson. by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order Motion To Withdraw and to Substitute Counsel)(Wilson, Matthew) (Entered: 11/29/2022)
11/29/2022		MINUTE ORDER as to ANTHONY GRIFFITH: The Court is in receipt of counsel Matthew Wilson's <u>97</u> Motion to Withdraw. Counsel Wilson was co-counsel with former counsel Benowitz, whose prior motion to withdraw the Court has already granted. As counsel Wilson notes, Defendant has since retained new counsel, Kira West. As such, counsel Matthew Wilson's <u>97</u> Motion to Withdraw is GRANTED . The Clerk of Court is respectfully directed to terminate Matthew Wilson as counsel of record. Signed by Judge Colleen Kollar-Kotelly on November 29, 2022. (lcckk1) (Entered: 11/29/2022)
12/02/2022	<u>99</u>	Joint MOTION for Extension of Time to <i>File Repsonses/Replies to Pretrial Motions</i> by USA as to ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Mittal, Sonia) (Entered: 12/02/2022)
12/02/2022		MINUTE ORDER as to ANTHONY GRIFFITH: The Court is in receipt of the parties' <u>99</u> Joint Motion to Extend Pretrial Motions Response and Reply Deadlines. The parties indicate that plea negotiations have resumed and, as such, request the Court extend the deadlines for oppositions and replies to the pending motions from December 12, 2022 and December 19, 2022, respectively, to January 13, 2023 and January 20, 2023, respectively. As the parties consent, and upon good cause shown, the parties' <u>99</u> Joint Motion to Extend Pretrial Motions Response and Reply Deadlines is GRANTED . The parties shall file their oppositions and replies on January 13, 2023 and January 20, 2023 , respectively. The <u>85</u> Second Amended Pretrial Scheduling Order otherwise stands. Signed by Judge Colleen Kollar-Kotelly on December 2, 2022. (lcckk1) (Entered: 12/02/2022)
12/02/2022		Set/Reset Deadlines as to ANTHONY ALFRED GRIFFITH, SR (2): Parties Response due by 1/13/2023. Reply due by 1/20/2023. (dot) (Entered: 12/02/2022)
01/05/2023	<u>100</u>	THIRD AMENDED PRETRIAL SCHEDULING ORDER as to ANTHONY ALFRED GRIFFITH, SR. Signed by Judge Colleen Kollar-Kotelly on January 5, 2023. (lcckk1) (Entered: 01/05/2023)
01/09/2023	<u>102</u>	

		NOTICE OF ATTORNEY APPEARANCE Craig Estes appearing for USA. (Estes, Craig) (Entered: 01/09/2023)
01/09/2023		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to ANTHONY ALFRED GRIFFITH, SR (2) held on 1/9/2023. Excludable started as to ANTHONY ALFRED GRIFFITH, SR (2). Speedy Trial (XT) is tolled in the Interest of Justice from 1/9/2023 to 2/3/2023. Motion to Suppress Hearing set for 2/3/2023 at 1:00 PM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Grimminger; Defense Attorney: Kira A. West; US Attorney: Sonia Mittal and Craig Estes. (dot) (Entered: 01/10/2023)
01/11/2023		MINUTE ORDER as to ANTHONY GRIFFITH: Chambers has been informed that Defendant intends to waive his right to a jury trial and proceed to a bench trial before the Court. Defendant shall file an appropriate waiver, signed by Defendant himself, on or before January 16, 2023 , at which point the Court will enter an order converting the jury trial set for March 13, 2023 to a bench trial. Signed by Judge Colleen Kollar-Kotelly on January 11, 2023. (lcckk1) (Entered: 01/11/2023)
01/12/2023	<u>103</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>89</u> MOTION to Dismiss Count <i>Two through Five of the Indictment</i> (Mittal, Sonia) (Entered: 01/12/2023)
01/12/2023	<u>104</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>90</u> MOTION to Change Venue (Mittal, Sonia) (Entered: 01/12/2023)
01/13/2023	<u>105</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>88</u> MOTION to Dismiss Count <i>Two and Three of the Indictment</i> (Estes, Craig) (Entered: 01/13/2023)
01/13/2023	<u>106</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>96</u> MOTION to Suppress <i>statements</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Estes, Craig) (Entered: 01/13/2023)
01/20/2023	<u>107</u>	REPLY in Support by ANTHONY ALFRED GRIFFITH, SR re <u>88</u> MOTION to Dismiss Count <i>Two and Three of the Indictment</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(West, Kira) (Entered: 01/20/2023)
01/20/2023	<u>108</u>	MOTION in Limine (<i>Omnibus</i>) by USA as to ANTHONY ALFRED GRIFFITH, SR. (Estes, Craig) (Entered: 01/20/2023)
01/22/2023		MINUTE ORDER as to ANTHONY GRIFFITH: The Court is in receipt of Defendant's <u>107</u> Reply in support of his <u>88</u> Motion to Dismiss Counts Two and Three of the Indictment. For the first time, Defendant argues that the conduct of individual Capitol Police officers on January 6, 2021 "un"-designated the Capitol building and its grounds as a "restricted area" for the purposes of 18 U.S.C. 1752. Because this argument was raised for the first time in reply, the Government may file a sur-reply on or before January 27, 2023 . Signed by Judge Colleen Kollar-Kotelly on January 22, 2023. (lcckk1) (Entered: 01/22/2023)
01/23/2023		Set/Reset Deadlines as to ANTHONY ALFRED GRIFFITH, SR (2): Government's sur-reply to <u>88</u> due by 1/27/2023. (dot) (Entered: 01/23/2023)
01/23/2023	<u>109</u>	NOTICE of original exhibits to reply in support of dismissal of counts by ANTHONY ALFRED GRIFFITH, SR re <u>107</u> Reply in Support (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit)(West, Kira) (Entered: 01/23/2023)

01/24/2023	<u>122</u>	WAIVER of Trial by Jury as to ANTHONY ALFRED GRIFFITH, SR. (2) Approved by Judge Colleen Kollar-Kotelly on 1/24/23. (dot) (Entered: 02/27/2023)
01/26/2023	<u>110</u>	RESPONSE TO ORDER OF THE COURT by USA as to ANTHONY ALFRED GRIFFITH, SR re Order,, (Estes, Craig) (Entered: 01/26/2023)
01/26/2023		Set/Reset Deadlines as to ANTHONY ALFRED GRIFFITH, SR: Government's sur-reply due by 2/3/2023. (dot) (Entered: 01/27/2023)
01/27/2023		MINUTE ORDER as to ANTHONY GRIFFITH: The Court is in receipt of the Government's <u>110</u> Assented-to Motion to Extend Time for Filing Governments [sic] Opposition to Defendant's Motion to Suppress. Incorrectly titled, the Government requests that the Court extend its time to file its sur-reply from January 27, 2023 to February 3, 2023 because all Government counsel is currently in trial. In light of Defendant's consent, the Government's <u>110</u> Assented-to Motion to Extend Time for Filing Governments [sic] Opposition to Defendant's Motion to Suppress is GRANTED . The Government shall file its sur-reply on or before February 3, 2023 . Signed by Judge Colleen Kollar-Kotelly on January 27, 2023. (lcckk1) (Entered: 01/27/2023)
02/02/2023	<u>112</u>	RESPONSE by ANTHONY ALFRED GRIFFITH, SR re <u>108</u> MOTION in Limine (<i>Omnibus</i>) (West, Kira) (Entered: 02/02/2023)
02/03/2023	<u>113</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>95</u> MOTION in Limine <i>to exclude conduct of others</i> , <u>92</u> MOTION in Limine , <u>94</u> MOTION in Limine <i>to exclude certain subjects</i> , <u>93</u> MOTION in Limine <i>to exclude certain words</i> (Estes, Craig) (Entered: 02/03/2023)
02/03/2023	<u>114</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>88</u> MOTION to Dismiss Count Two and Three of the Indictment (Estes, Craig) (Entered: 02/03/2023)
02/03/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Motion Hearing as to ANTHONY ALFRED GRIFFITH, SR (2) held on 2/3/2023 re <u>96</u> MOTION to Suppress <i>statements</i> filed by ANTHONY ALFRED GRIFFITH, SR (2). Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Kira A. West and Nicole A. Cubbage; US Attorney: Craig Estes and Sonia Mittal; Witness: Jeffrey William Gardner (government). (dot) (Entered: 02/03/2023)
02/03/2023	<u>115</u>	EXHIBIT LIST by USA as to ANTHONY ALFRED GRIFFITH, SR (2). (dot) (Entered: 02/03/2023)
02/06/2023	<u>116</u>	ORDER denying <u>88</u> Motion to Dismiss Count Two and Three of the Indictment. Signed by Judge Colleen Kollar-Kotelly on February 6, 2023. (lcckk1) (Entered: 02/06/2023)
02/06/2023	<u>117</u>	ORDER denying <u>89</u> Motion to Dismiss Counts 2-5 as Multiplicitous. Signed by Judge Colleen Kollar-Kotelly on February 6, 2023. (lcckk1) (Entered: 02/06/2023)
02/06/2023	<u>118</u>	ORDER denying <u>90</u> Motion Transfer Venue. Signed by Judge Colleen Kollar-Kotelly on February 6, 2023. (lcckk1) (Entered: 02/06/2023)
02/06/2023	<u>119</u>	OMNIBUS MEMORANDUM OPINION re <u>116</u> , <u>117</u> , and <u>118</u> Orders. Signed by Judge Colleen Kollar-Kotelly on February 6, 2023. (lcckk1) (Entered: 02/06/2023)
02/06/2023		

		MINUTE ORDER as to ANTHONY GRIFFITH: Upon further review of the record, it appears that Defendant's <u>92</u> Motion in Limine as to Certain Subjects and <u>94</u> Motion in Limine as to Certain Subjects are the exact same document. As such, on or before February 10, 2023 , Defendant shall withdraw the <u>94</u> Motion or SHOW CAUSE why it should not be stricken from the record. Signed by Judge Colleen Kollar-Kotelly on February 6, 2023. (lcckk1) (Entered: 02/06/2023)
02/07/2023	<u>120</u>	MOTION to Withdraw Document <u>94</u> MOTION in Limine <i>to exclude certain subjects</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(Cubbage, Nicole) (Entered: 02/07/2023)
02/07/2023		MINUTE ORDER as to ANTHONY GRIFFITH: The Court is in receipt of Defendant's <u>120</u> Motion to Withdraw Duplicative Filing. Counsel for Defendant indicate that they inadvertently uploaded two copies of the same motion (at ECF No. 92 and ECF No. 94). As such, they withdraw ECF No. 94. Upon consideration thereof, Defendant's <u>120</u> Motion to Withdraw Duplicative Filing is GRANTED and the Court deems ECF No. 94 withdrawn. Signed by Judge Colleen Kollar-Kotelly on February 7, 2023. (lcckk1) (Entered: 02/07/2023)
02/13/2023		MINUTE ORDER as to ANTHONY GRIFFITH: As the trial set in this matter has been converted to one before the Court, the <u>74</u> Amended Pretrial Scheduling Order is AMENDED to obviate the requirement that the parties file proposed <i>voir dire</i> and jury instructions. The remainder of the <u>74</u> Amended Pretrial Scheduling Order stands. Signed by Judge Colleen Kollar-Kotelly on February 13, 2023. (lcckk1) (Entered: 02/13/2023)
02/16/2023	<u>121</u>	OMNIBUS MEMORANDUM OPINION AND ORDER as to ANTHONY GRIFFITH (2) granting in part, denying in part, and holding in abeyance in part <u>108</u> Omnibus Motion in Limine; denying in part, denying as moot in part, and holding in abeyance in part <u>92</u> Motion in Limine as to Certain Subjects; denying in part and holding in abeyance in part <u>93</u> Motion in Limine; and denying <u>95</u> Motion in Limine. See Opinion for details. Signed by Judge Colleen Kollar-Kotelly on February 16, 2023. (lcckk1) (Entered: 02/16/2023)
03/02/2023	<u>123</u>	Unopposed MOTION move PTC <i>to 9 am march 13, 2023</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 03/02/2023)
03/02/2023		MINUTE ORDER as to ANTHONY GRIFFITH(2): The Court is in receipt of Defendant's <u>123</u> Unopposed Motion to Move Pretrial Conference from March 10 to March 13, 2023, in which Defendant effectively proposes vacating the pretrial conference set for March 10, 2023 due to certain logistical difficulties Defendant himself faces in traveling from Oklahoma to the District of Columbia for trial. Because the trial is before the Court (as opposed to a jury), and in light of the Government's consent, Defendant's <u>123</u> Unopposed Motion to Move Pretrial Conference from March 10 to March 13, 2023 is nevertheless GRANTED . The Court stresses, however, that it expects the parties to have presented all preliminary matters to the Court for resolution before close of business on March 10, 2023. Stipulations, witness lists, and exhibit lists remain due on March 6, 2023 . Additionally, exhibits themselves remain due to the Court on or before March 6, 2023 . The parties shall submit three print copies of all print media, respectively, and one digital copy of all exhibits on a flashdrive, respectively, to the Courtroom Deputy. Logistical questions may be directed to the Courtroom Deputy.

		<p>The parties shall arrive promptly at 9:00 AM ET on March 13, 2023 in Courtroom 28-A.</p> <p>Signed by Judge Colleen Kollar-Kotelly on March 2, 2023. (lcckk1) (Entered: 03/02/2023)</p>
03/06/2023	<u>124</u>	<p>TRANSCRIPT OF MOTION HEARING in the case as to ANTHONY ALFRED GRIFFITH, SR., before the Honorable Colleen Kollar-Kotelly held on 02/03/2023. Page Numbers: 1-125. Date of Issuance: 03/06/2023. Stenographic Court Reporter: Nancy J. Meyer (via Zoom). Telephone Number: 202-354-3118. Transcripts may be ordered by going to www.dcd.uscourts.gov (left-hand side under Transcript Requests). 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 3/27/2023. Redacted Transcript Deadline set for 4/6/2023. Release of Transcript Restriction set for 6/4/2023.(Meyer, Nancy J.) (Entered: 03/06/2023)</p>
03/06/2023	<u>125</u>	EXHIBIT LIST by USA as to ANTHONY ALFRED GRIFFITH, SR (Estes, Craig) (Entered: 03/06/2023)
03/06/2023	<u>126</u>	WITNESS LIST by USA as to ANTHONY ALFRED GRIFFITH, SR (Estes, Craig) (Entered: 03/06/2023)
03/06/2023	<u>127</u>	STIPULATION (<i>Joint</i>) by USA (Estes, Craig) (Entered: 03/06/2023)
03/06/2023	<u>128</u>	COVID PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on March 6, 2023. (lcckk1) (Entered: 03/06/2023)
03/06/2023	<u>129</u>	TRIAL PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on March 6, 2023. (lcckk1) (Entered: 03/06/2023)
03/08/2023	<u>130</u>	MEMORANDUM OPINION AND ORDER as to ANTHONY GRIFFITH denying <u>96</u> Motion to Suppress Statements. Signed by Judge Colleen Kollar-Kotelly on March 8, 2023. (lcckk1) (Entered: 03/08/2023)
03/13/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly:Bench Trial as to ANTHONY ALFRED GRIFFITH, SR (2) held on 3/13/2023. Bench Trial set for 3/14/2023 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Kira A. West and Nicole A. Cubbage; US Attorney: Craig Estes and Sonia Mittal; Witnesses: Government: Captain Jessica Baboulis and Officer Stephen Nunn (dot) (Entered: 03/13/2023)
03/14/2023		

		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial as to ANTHONY ALFRED GRIFFITH, SR (2) held on 3/14/2023. Bench Trial set for 3/15/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Kira A. West and Nicole A. Cubbage; US Attorney: Craig Estes and Sonia Mittal; Witnesses: Government: Officer Stephen Nunn, FBI Special Agent Elizabeth Pratt and Special Agent Jeffrey Gardner. (dot) (Entered: 03/14/2023)
03/14/2023	<u>132</u>	Trial Brief on Relevancy of evidence for Defense case by ANTHONY ALFRED GRIFFITH, SR. (Cubbage, Nicole) Modified Text on 3/15/2023 (zhsj). (Entered: 03/14/2023)
03/15/2023	<u>133</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>132</u> Trial Brief on Relevancy of evidence for Defense case. (Attachments: # <u>1</u> Exhibit) (Estes, Craig) Modified Text on 3/15/2023 (zhsj). (Entered: 03/15/2023)
03/15/2023	<u>135</u>	ORDER granting oral motion for inclusion of testimony as to permitting on grounds of United States Capitol on January 6, 2021. Signed by Judge Colleen Kollar-Kotelly on March 15, 2023. (lcckk1) (Entered: 03/15/2023)
03/15/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial as to ANTHONY ALFRED GRIFFITH, SR (2) held on 3/15/2023. Bench Trial set for 3/16/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Kira A. West and Nicole A. Cubbage; US Attorney: Craig Estes and Sonia Mittal; Witnesses: Government: Special Agent Jeffrey Gardner; Defendant's: Tad DiBiase, Inspector Denea Newell and Anthony Alfred Griffith, Sr. (dot) (Entered: 03/15/2023)
03/16/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial as to ANTHONY ALFRED GRIFFITH, SR (2) held on 3/16/2023. Bench Trial set for 3/17/2023 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Kira A. West and Nicole A. Cubbage; US Attorney: Craig Estes and Sonia Mittal; Witnesses: Defendant's Witness: Anthony A. Griffith, Sr. (dot) (Entered: 03/16/2023)
03/17/2023	<u>136</u>	MOTION to Dismiss Count <i>counts 2 and three of the indictment</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 03/17/2023)
03/17/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial as to ANTHONY ALFRED GRIFFITH, SR (2) held on 3/17/2023. Oral Rule 29 Motion by the Defendant; heard and taken under advisement. Defendant's Motion to Dismiss due by 3/16/2023. Response due by 3/24/2023. Reply due by 4/3/2023. Bond Status of Defendant: Personal Recognizance; Court Reporter: Sara Wick; Defense Attorney: Kira A. West and Nicole A. Cubbage; US Attorney: Craig Estes and Sonia Mittal. (dot) (Entered: 03/20/2023)
03/24/2023	<u>137</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>136</u> MOTION to Dismiss Count <i>counts 2 and three of the indictment</i> (Estes, Craig) (Entered: 03/24/2023)
04/03/2023	<u>138</u>	

		REPLY TO OPPOSITION to Motion by ANTHONY ALFRED GRIFFITH, SR re <u>136</u> MOTION to Dismiss Count <i>counts 2 and three of the indictment pursuant to FRCRIMP 29</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(West, Kira) (Entered: 04/03/2023)
05/05/2023	<u>139</u>	ORDER as to ANTHONY ALFRED GRIFFITH, SR (2) denying <u>136</u> Motion to Dismiss. Signed by Judge Colleen Kollar-Kotelly on May 5, 2023. (lcckk1) (Entered: 05/05/2023)
05/05/2023	<u>140</u>	MEMORANDUM OPINION as to ANTHONY ALFRED GRIFFITH, SR re <u>139</u> Order. Signed by Judge Colleen Kollar-Kotelly on May 5, 2023. (lcckk1) (Entered: 05/05/2023)
05/12/2023		MINUTE ORDER as to ANTHONY GRIFFITH (2): In light of the parties' representations to Chambers, the parties shall appear via Zoom on May 16, 2023 at 11:00 AM ET for the return of the verdict. Counsel for Defendant shall file a waiver signed by Defendant himself consenting to proceeding via Zoom. Finally, pursuant to recent courthouse policy, the public line will not be available for this proceeding. Signed by Judge Colleen Kollar-Kotelly on May 12, 2023. (lcckk1) (Entered: 05/12/2023)
05/12/2023		Set/Reset Hearings as to ANTHONY ALFRED GRIFFITH, SR: Bench Trial set for 5/16/2023 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 05/12/2023)
05/16/2023	<u>142</u>	TRIAL FINDINGS OF FACT AND CONCLUSIONS OF LAW as to ANTHONY ALFRED GRIFFITH, SR (2). Signed by Judge Colleen Kollar-Kotelly on May 16, 2023. (lcckk1) (Main Document 142 replaced on 5/18/2023) (zdot). (Entered: 05/16/2023)
05/16/2023	<u>143</u>	ORDER as to ANTHONY ALFRED GRIFFITH, SR (2) denying oral Rule 29 motion. Signed by Judge Colleen Kollar-Kotelly on May 16, 2023. (lcckk1) (Entered: 05/16/2023)
05/16/2023	<u>144</u>	JUDGMENT AND VERDICT as to ANTHONY ALFRED GRIFFITH, SR (2) finding Defendant GUILTY on Counts Two, Three, Four, and Five of the <u>12</u> Indictment for the reasons stated in the <u>142</u> Findings of Fact and Conclusions of Law. Signed by Judge Colleen Kollar-Kotelly on May 11, 2023. (lcckk1) (Entered: 05/16/2023)
05/16/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial resumed as to ANTHONY ALFRED GRIFFITH, SR. (2) and held on 5/16/2023. Court's verdict of Guilty on Counts 2, 3, 4, 5. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to ANTHONY ALFRED GRIFFITH, SR. (2). Presentence Report due by 8/18/2023. Parties' Sentencing Memorandum due by 8/18/2023. Sentencing set for 8/25/2023 at 4:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. The Court requires a written consent by the Defendant to hold the hearing via VTC.Bond Status of Defendant: Personal Recognizance; Court Reporter: Sherry Lindsay; Defense Attorney: Kira A. West and Nicole A. Cubbage; US Attorney: Craig Estes and Sonia Mittal. (dot) (Entered: 05/16/2023)
05/19/2023	<u>145</u>	MOTION waiver of personal appearance at sentencing by ANTHONY ALFRED GRIFFITH, SR. (West, Kira) (Entered: 05/19/2023)
07/11/2023	<u>146</u>	

		<p>TRANSCRIPT OF BENCH TRIAL, DAY 5, in case as to ANTHONY ALFRED GRIFFITH, SR, before Judge Colleen Kollar-Kotelly held on 03/17/2023. Page Numbers: 958–1034. Date of Issuance: 07/11/2023. Court Reporter: Sara Wick, telephone number 202–354–3284. 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 8/1/2023. Redacted Transcript Deadline set for 8/11/2023. Release of Transcript Restriction set for 10/9/2023.(Wick, Sara) (Entered: 07/11/2023)</p>
08/18/2023	<u>153</u>	SENTENCING MEMORANDUM by USA as to ANTHONY ALFRED GRIFFITH, SR (Estes, Craig) (Entered: 08/18/2023)
08/18/2023	<u>154</u>	SENTENCING MEMORANDUM by ANTHONY ALFRED GRIFFITH, SR (Cubbage, Nicole) (Entered: 08/18/2023)
08/18/2023	<u>155</u>	NOTICE of Filing Letters in Support by ANTHONY ALFRED GRIFFITH, SR (Attachments: # <u>1</u> Exhibit Letters in Support)(Cubbage, Nicole) (Entered: 08/18/2023)
08/24/2023	<u>157</u>	SUPPLMENTAL <u>154</u> SENTENCING MEMORANDUM by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit) (West, Kira) Modified on 8/24/2023 (zhsj). (Entered: 08/24/2023)
08/24/2023		MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR. Due to exigent circumstances, the Court CONTINUES the sentencing set for August 25, 2023 until SEPTEMBER 1, 2023 at 9:30 am EST via Zoom videoconference. Signed by Judge Colleen Kollar-Kotelly on 8/24/23. (lcckk3) (Entered: 08/24/2023)
08/28/2023		MINUTE ORDER as to ANTHONY GRIFFITH (2): Before the Court is Defendant's objection to Probation's application of Guideline 3C1.1 for false testimony. The Court may apply this enhancement only upon a finding by clear and convincing evidence that Defendant "gave false testimony concerning a material matter with the willful intent to provide false testimony, rather than as a result of mistake or faulty memory." <i>United States v. Gaviria</i> , 116 F.3d 1498, 1518 (D.C. Cir. 1997) (per curiam) (quoting <i>United States v. Dunnigan</i> , 507 U.S. 87, 94 (1993)). To date, the Court has applied this enhancement only to one January 6–related matter. Order, ECF No. 177, <i>United States v. Grider</i> , Crim. A. No. 21–022 (CKK) (May 23, 2023). In <i>Grider</i> , the Defendant made a number of affirmative, false statements on key issues. <i>United States v. Grider</i> , — F. Supp. 3d —, 2022 WL 17829149, at *7–8 (D.D.C. Dec. 21, 2022). Here, however, Defendant's lack of credibility resulted mainly from selective recall, i.e., a lack of memory. <i>See United States v. Griffith</i> , Crim. A. No. 21–244–2

		(CKK), 2023 WL 3275619, at *4 (D.D.C. May 16, 2023). As such, the Court cannot find by clear and convincing evidence that Defendant <i>willfully</i> gave false testimony. Accordingly, the Court sustains Defendant's objection and concludes that appropriate offense level is ten. Signed by Judge Colleen Kollar-Kotelly on August 28, 2023. (lcckk1) (Entered: 08/28/2023)
09/01/2023		MINUTE ORDER as to ANTHONY GRIFFITH: Consistent with the Court's approach at sentencing in <i>United States v. Rivera</i> , Crim. A. No. 21-060 (Nov. 3, 2022), the Court concludes that the appropriate sentencing guideline for Count Two is 2A2.4(a) (obstruction), not 2B2.3 (trespass). Guideline 2B2.3 applies merely to "trespass." Yet Defendant went further than simply trespassing onto Capitol grounds. Like the defendant in <i>United States v. Rivera</i> , Crim. A. No. 21-060 (Nov. 3, 2022), Defendant "impeded [and] disrupted the orderly conduct of [Congressional] business," specifically intending to do so, by preventing law enforcement from restoring order to the Capitol building and its grounds. <i>United States v. Griffith</i> , 2023 WL 3477249, at *5 (D.D.C. May 16, 2023). As a result, Defendant's conduct requires the application of Guideline 2A2.4(a), which applies to obstructing law enforcement. As in <i>Rivera</i> , the Court applies Guideline 2A2.4 and OVERRULES Defendant's objection thereto, raised belatedly and orally during the sentencing hearing today. Signed by Judge Colleen Kollar-Kotelly on September 1, 2023. (lcckk1) (Entered: 09/01/2023)
09/01/2023		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Sentencing held on 9/1/2023 as to ANTHONY ALFRED GRIFFITH, SR (2). Defendant sentenced as to Count(s) 2, Six (6) Months incarceration followed by Twelve (12) Months term of Supervised Release and a Special Assessment of \$25.00; Count(s) 3, Six (6) Months incarceration followed by Twelve (12) Months term of Supervised Release to run concurrently to Count 2 and a Special Assessment of \$25.00; Count(s) 4, Six (6) Months incarceration followed by Twelve (12) Months term of Supervised Release to run concurrently to Counts 2 and 3 and a Special Assessment of \$10.00; Count(s) 5, Six (6) Months incarceration followed by Twelve (12) Months term of Supervised Release to run concurrently to Counts 2,3, and 4 and a Special Assessment of \$10.00 for a total of \$70.00. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Kira A. West and Nicole A. Cabbage; US Attorney: Craig Estes and Sonia Mittal; Prob Officer: Robert Walters. (dot) (Entered: 09/01/2023)
09/05/2023	<u>165</u>	NOTICE OF APPEAL – Final Judgment by ANTHONY ALFRED GRIFFITH, SR. re Sentencing on 9/1/2023. Filing fee \$ 505, receipt number 205467. Parties have been notified. (zhjsj) (Entered: 09/22/2023)
09/12/2023	<u>159</u>	MOTION for Release from Custody <i>pending appeal</i> by ANTHONY ALFRED GRIFFITH, SR. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Cabbage, Nicole) (Entered: 09/12/2023)
09/12/2023	<u>161</u>	JUDGMENT as to ANTHONY ALFRED GRIFFITH, SR. Statement of Reasons Not Included. Signed by Judge Colleen Kollar-Kotelly on 9/12/2023. (zhjsj) (Entered: 09/19/2023)
09/13/2023		MINUTE ORDER as to ANTHONY ALFRED GRIFFITH, SR: The Government's Response to Defendant's <u>159</u> Motion for Release Pending Appeal is due by 9/20/2023; Defendant's Reply, if any, is due by 9/22/2023. Signed by Judge Colleen Kollar-Kotelly on 09/13/23. (DM) (Entered: 09/13/2023)

09/19/2023	<u>162</u>	STATEMENT OF REASONS as to ANTHONY ALFRED GRIFFITH, SR. re <u>161</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 Colleen Kollar-Kotelly on 9/12/2023. (zhsj) (Entered: 09/19/2023)
09/20/2023	<u>163</u>	RESPONSE by USA as to ANTHONY ALFRED GRIFFITH, SR re <u>159</u> MOTION for Release from Custody <i>pending appeal</i> (Estes, Craig) (Entered: 09/20/2023)
09/21/2023	<u>164</u>	<p>TRANSCRIPT OF SENTENCING HEARING in case as to ANTHONY ALFRED GRIFFITH, SR before Judge Colleen Kollar-Kotelly held on September 1, 2023; Page Numbers: 1–69. Date of Issuance: September 21, 2023. Court Reporter/Transcriber Lisa Edwards. Telephone number (202) 354–3269. 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 10/12/2023. Redacted Transcript Deadline set for 10/22/2023. Release of Transcript Restriction set for 12/20/2023.(zlf) (Entered: 09/21/2023)</p>

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

Anthony Griffith

Criminal No. 21-CR-244 (CKK)

NOTICE OF APPEAL

Name and address of appellant:

24251 South 395 Rd.
H. Gibson, OK 74434

Name and address of appellant's attorney:

Kia Albert
712 H St NE
Unit 509, Wash DC 20002

Nicole Cabbage
712 H. St. NE
Unit # 570
Washington, DC 20002

Offense: 18 U.S.C. § 1752(a)(1), § 1752(a)(2)

Concise statement of judgment or order, giving date, and any sentence:

40 USC § 5104(e)(2)(D)
§ 5104(e)(2)(B)

May 16, 2023 verdict
Guilty on all Counts

9/1/23 Sentenced
6 months / 12 months supervised Rel.
Findings of Facts and
Conclusions of Law
ECF 142

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

N/A

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.

DATE

9/5/23

APPELLANT

ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE ☐

CJA, NO FEE ☐

PAID USDC FEE ☐

PAID USCA FEE ☐

Does counsel wish to appear on appeal? - *Pro hac vice*

Has counsel ordered transcripts? *motion pursuant to appellate counsel*

Is this appeal pursuant to the 1984 Sentencing Reform Act?

YES ☒

YES ☐

YES ☐

NO ☐

NO ☐

NO ☐

RECEIVED

SEP 05 2023

UNITED STATES DISTRICT COURT

District of Columbia



UNITED STATES OF AMERICA

v.

ANTHONY A. GRIFFITH, SR.

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-244-2 (CKK)

USM Number: 32881-509

Kira A. West and Nicole A. Cubbage

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) 2, 3, 4, 5
after a plea of not guilty.**FILED**

SEP 12 2023

Clerk, U.S. District and
Bankruptcy Courts

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1752(a)(1)	Entering and Remaining in a Restricted Building or Grounds	1/6/2021	2
18 USC § 1752(b)(2)			
18 USC § 1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building or	1/6/2021	3

The defendant is sentenced as provided in pages 2 through 7 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.

9/1/2023

Date of Imposition of Judgment

Signature of Judge

Colleen Kollar-Kotelly, United States District Judge

Name and Title of Judge

9/12/2023

Date

DEFENDANT:

CASE NUMBER: 21-244-2 (CKK)

IMPRISONMENT

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

Six (6) Months on Count 2, Six (6) Months on Count 3, Six (6) Months on Count 4, Six (6) Months on Count 5, all counts to run concurrently.

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

That the Defendant not report for sentencing before September 29, 2023.
That Defendant's sentence be served at FCI.

☐ 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:

CASE NUMBER: 21-244-2 (CKK)

SUPERVISED RELEASE

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

Twelve (12) Months as to Count 2 and Twelve (12) Months as to Count 3, to be served concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the probation office protocol.
 - ☒ 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:

CASE NUMBER: 21-244-2 (CKK)

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:

CASE NUMBER: 21-244-2 (CKK)

SPECIAL CONDITIONS OF SUPERVISION

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

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

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.

Re-entry Progress Hearing - Within forty-five days of release from incarceration you will appear before the Court for a re-entry progress hearing. The United States Probation Office in the district you are supervised will submit a progress report to the court within the thirty days of the commencement of supervision; upon receipt of the progress report, the Court will determine if your appearance is required.

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

DEFENDANT:

CASE NUMBER: 21-244-2 (CKK)

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	\$ 0.00	\$ 0.00	\$ 0.00

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

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

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

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the United States			
District Court for the District of Columbia			
for disbursement to the following victims:			

Architect of the Capitol	\$500.00
Office of the Chief Financial Officer	
Ford House Office Building	
Room H2-205B	
Washington, DC 20515	
Attn.: Kathy Sherrill, CPA	

TOTALS	\$	<u>0.00</u>	\$	<u>500.00</u>
---------------	----	-------------	----	---------------

☒ Restitution amount ordered pursuant to plea agreement \$ 500.00

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

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

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

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

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

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

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

DEFENDANT:

CASE NUMBER: 21-244-2 (CKK)

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 Court finds that you do not have the ability to pay a fine and, therefore, waives imposition of a fine in this case. 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

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

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

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

UNITED STATES OF AMERICA,

v.

ANTHONY GRIFFITH,

Defendant.

Criminal Action No. 21-244-2 (CKK)

JUDGMENT AND VERDICT
(May 11, 2023)

For the reasons stated in the accompanying Findings of Fact and Conclusions of Law, the Court finds Defendant Anthony Griffith,

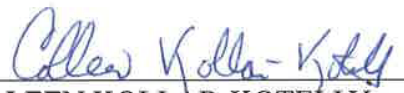
On Count Two of the Indictment, Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1), **GUILTY**;

On Count Three of the Indictment, Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2), **GUILTY**;

On Count Four of the Indictment, Violent Entry and Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D), **GUILTY**; and

On Count Five of the Indictment, Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G), **GUILTY**.

Dated: May 11, 2023


COLLEEN KOLLAR-KOTELLY
United States District Judge

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

UNITED STATES OF AMERICA,

v.

ANTHONY GRIFFITH,

Defendant.

Criminal Action No. 21-244-2 (CKK)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
(May 16, 2023)

A five-day bench trial in this criminal matter concluded on March 17, 2023. For his actions at the insurrection of January 6, 2021, the Government charged Defendant Anthony Griffith (“Defendant” or “Griffith”) by Indictment with: (1) Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1); (2) Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2); (3) Violent Entry and Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D); and (4) Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). Indictment, ECF No. 12. In support of its case, the Government introduced testimony from four witnesses: (1) Captain Jessica Baboulis of the United States Capitol Police Department (“Capitol Police”); (2) Officer Stephen Nunn of the Capitol Police; (3) Agent Elizabeth Pratt of the Federal Bureau of Investigation (“FBI”); and (4) Agent Jeffrey Gardner of the FBI. Additionally, the Court admitted 93 exhibits into evidence.

At the close of the Government’s case, Griffith moved for a judgment of acquittal as a matter of law. That motion remains pending before the Court. Griffith also presented evidence, calling three witnesses: (1) Thomas DiBiase, Esq., General Counsel for the Capitol Police; (2) Inspector Denea Newell of the Capitol Police; and (3) himself.

Based on the following findings of fact and conclusions of law, the Court **DENIES** Griffith's Rule 29 motion by separate order.

The Court finds Defendant Anthony Griffith **GUILTY** on Counts Two, Three, Four, and Five, the Government having carried its burden beyond a reasonable doubt as to each element of each charge.

In reaching a decision on the following findings of fact and conclusions of law, the Court has considered the pleadings, the record, testimony, the parties' stipulations, the demeanor of the witnesses while testifying, the reasonableness of or unreasonableness of the testimony, the probability or improbability of the testimony, and all reasonable inferences to be drawn therefrom, among all other matters bearing on the credibility of the witnesses and the facts, and exhibits in evidence. The Court credits the following testimony and evidence as undisputed and/or un rebutted.

I. Findings of Fact

A. The Certification of the Electoral College Vote and the Insurrection Generally

Pursuant to the parties' [127] joint stipulation, the Court restates a number of background facts that it has found over the course of three prior bench trials, mainly predicated on the testimony of Inspector Lanella Hawa of the United States Secret Service ("Secret Service") and Captain Carneysha Mendoza of the Capitol Police in *United States v. Rivera*, Crim. A. No. 21-060 (CKK) (D.D.C.).

As Captain Baboulis also reiterated, the Capitol, guarded twenty-four hours a day, was open only to those with official business (along with Members and staff) from March 2020 to January 6, 2021. Had the Capitol been open to the public, all members of the public would be required to enter through the Capitol Visitor's Center. Additionally, aside from Members, anyone seeking to enter the Capitol must show identification, go through a metal detector, put

their belongings through an x-ray machine, and are otherwise subject to search by United States Capitol Police (“Capitol Police”) officers. Were someone to enter the Capitol without passing through security, Capitol Police would work to find and detain that person; if necessary, Capitol Police would lock down portions of the Capitol in such a way that could include stopping certain Congressional proceedings.

In preparation for Vice President Michael R. Pence’s visit to preside over the counting of the votes of the Electoral College on January 6, Inspector Hawa coordinated the Vice President’s visit with the Capitol Police. In partnership with the Capitol Police, the United States Secret Service (“Secret Service”) set up a protective perimeter around the entire grounds of the United States Capitol. Only those with credentials or with permission from either agency were permitted beyond that point. The security perimeter is standard for visits by heads of state (in which category the Secret Service includes the Vice President) but was also implemented in light of security concerns arising from then-President Donald J. Trump’s scheduled “Stop the Steal” rally near the White House. At various places, the protected area had successive lines of barriers made of snow barriers, interconnected bike racks, or mesh fencing. Most of these barriers included at regular intervals “Area Closed” signs printed in large font. *See also* Gov.’s Ex. 414.

Inspector Hawa, as the head of the Vice President’s coordinating detail at the United States Capitol, arrived at the Capitol building in the morning on January 6 to coordinate the Vice President’s visit that day. Vice President Pence arrived approximately at 12:30 p.m. with his wife and daughter, and Inspector Hawa escorted the Vice President and his family to the Vice President’s Ceremonial Office in the Capitol. The Joint Session for the count of the Electoral College votes began at 1:00 p.m. with Vice President Pence presiding. Fifteen minutes later, the

two Houses of Congress retired to their respective chambers to debate the certification of the votes from the state of Arizona.

After 1:15 p.m., which was fifteen minutes after the Vice President returned to the Senate, the Secret Service learned of breaches to its protective area, i.e., the mob had made its way through barriers and onto the Capitol grounds by that time. At that time, the Secret Service began to discuss moving the Vice President and his family to a more secure location. At around 2:30 p.m., when the rioters first breached the Senate side of the Capitol itself, the Secret Service evacuated the Vice President and his family to a more secure location in the Capitol. Shortly thereafter, with multiple police lines overrun and the several entrances to the Capitol breached, the Senate recessed for its own safety; the House shortly followed.

Although the Court has previously found that police barriers extended at least as far west as Peace Circle, Defendant put at issue the precise boundaries of the restricted area on January 6, 2021. In lieu of resolving that factual dispute, the Court merely notes that, before 1:00 PM that day, the entirety of the Capitol's West Front was surrounded by police barriers. Demonstrators began to breach that area at approximately 1:00 PM. At the time of these initial breaches, Captain Mendoza and other Capitol Police officers surged to support surviving police lines, mainly on the Upper and Lower Terraces on the West Front of the Capitol. MPD officers joined Capitol Police on these lines in stages. *See also* Gov.'s Ex. 414; 425. Over the course of the following hour, various sections of the police line broke in the face of heavy violent resistance, including the northwestern stairway on the West Front leading from the Lower Terrace to the Upper Terrace at 2:09 p.m. Just a few minutes later, the rioters smashed through the Senate Wing Door and its windows. Capitol Police officers briefly reclaimed the Senate Wing Door, only for rioters to overwhelm that line again at 2:49 p.m. Meanwhile, another door with access

to the Senate side of the Capitol, the Parliamentarian Door, was breached at 2:42 p.m. For some period of time after 1:00 p.m. and before 2:42 p.m., MPD deployed chemical spray (pepper spray or something similar) to disperse the insurrectionists who had yet to join the portion of the riot that had captured the Upper West Terrace, ultimately to little effect.

When rioters entered the Capitol, they were met with a loud PA system urging Capitol visitors and staff to take shelter due to an incursion into the Capitol. Although Capitol Police and Metropolitan Police Department officers engaged in hand-to-hand combat with the rioters to maintain portions of police lines throughout Capitol grounds, law enforcement was ultimately unsuccessful ultimately unsuccessful. At that point, the focus of the Capitol Police shifted to convincing rioters to leave the Capitol and stemming particularly severe acts of violence. Law enforcement and the National Guard were unable to secure the Capitol and the safety of the Vice President, Members of Congress, and staff until several hours later. With Vice President Pence presiding, Congressional proceedings only resumed at approximately 8:00 p.m. when all of the rioters had been removed.

B. Griffith Participation in the Riot

The Court finds that Griffith traveled by car from Oklahoma to the District of Columbia to attend what Griffith recalled to be the “Stop the Steal” rally. Griffith was accompanied by a friend, Brent Vanamy, and Griffith’s employee and apprentice electrician, Jerry Ryals (who pled guilty and whom the Court has since sentenced for his actions at the Capitol on January 6, 2021). Griffith was excited to support then-President Trump and watch his speech in person. Before leaving for the District of Columbia, and like then-President Trump, Griffith was also concerned about the legitimacy of the election. Griffith observed the majority of then-President Trump’s speech, in which then-President Trump baselessly claimed that the 2020 Presidential election had

been “stolen” and exhorted his followers to march to the Capitol to support then-President Trump’s efforts to reverse the results of the election. At some point during or after the end of then-President Trump’s address, Griffith began to march to the Capitol with Mr. Vanamy and Mr. Ryals. While marching to the Capitol, when the crowd’s chants of “Stop the Steal” would quiet down, Griffith would encourage the crowd with yells of “Freedom!” He also heard others around him chant, among other things, “Stop the Steal.”

It appears that the fencing that blocked public access to the West Front had been largely destroyed by the time Defendant arrived at the West Front at approximately 2:00 PM. By this time, Mr. Vanamy had left Griffith and Mr. Ryals. The Court finds, based on Griffith’s location, his testimony, and photographic evidence, that Griffith would have observed a line of officers in riot gear attempt to keep the mob from advancing further onto the Lower West Terrace of the Capitol. *See, e.g.*, Gov. Exs. 302B; 509. He would have further understood at the time that police were using chemical munitions to keep the mob at bay. He also saw rioters climbing scaffolding that had been erected for the inauguration of then-President-elect Joseph R. Biden, Jr. *See* Gov. Ex. 319. While watching those rioters, he also listened as those around him chanted, among other things, “Our House!,” “Drain the swamp!” and “We will not concede.” *E.g., id.*; Gov. Ex. 509.

As Mr. Ryals continued onward, Griffith followed. Eventually, Griffith joined Mr. Ryals on the Upper West Terrace outside of the Senate Wing Doors. While standing next to Mr. Ryals near the Senate Wing Doors, Defendant used his phone to film the mob, smiling at its size. Gov. Ex. 314. At the same time, Mr. Ryals observed that rioters had broken the windows adjoining the Senate Wing Door, and Mr. Ryals exclaimed, “We definitely have enough people to overthrow this bitch. They don’t stand a fucking chance.” *Id.* At some point, the two separated,

with Mr. Ryals moving northward to the Parliamentary Door and Griffith moving eastward closer to the Senate Wing Door.

Upon arriving at the Senate Wing Door, Griffith observed others attempting to rip the door off its hinges (ultimately, successfully). Gov. Ex. 505. While doing so, “Stop the steal!” chants continued. *Id.* For the majority of his time directly outside of the Senate Wing Door, Defendant stood at the northern window, whose glass had been broken out. Gov. Ex. 403. Directly in front of him, two Capitol Police officers stood guard, one of whom held his baton in front of him as a sign to rioters that they were not authorized to enter the building. *Id.* At approximately 2:38 PM, and contrary to Defendant’s testimony, Defendant can be seen shouting at a police officer inside the window, “Open the door.” *Id.*

As rioters attempted to breach that door, another group of rioters successfully forced open the Parliamentary Door. Gov. Ex. 505. Griffith immediately made his way to that door, passing another rioter cleaning what Griffith understood to be some sort of chemical spray out of that rioter’s eyes. *Id.* Griffith continued onward, entering the Capitol building for the first time through the Parliamentary Door at approximately 2:45 PM, Gov. Ex. 405, filming with his phone as he went, Gov. Ex. 505. As he entered, Defendant shouted with excitement.

After entering, and over a piercing alarm, *see* Gov. Ex. 316, Defendant turned right, into the Parliamentary’s Office, Gov. Ex. 404. The office, Defendant saw, was ransacked, with papers and furniture strewn about. *See* Gov. Ex. 501. After he exited, he briefly turned right to walk further into the Capitol, stepping on broken glass. Gov. Ex. 405. Evidently considering his path perilous, Defendant exited the building through the Parliamentary Door, and then returned to the Senate Wing Door. *See* Gov. Ex. 507. Shortly before Griffith returned, rioters breached

the Senate Wing Door. Gov. Ex. 403. Defendant entered the Capitol through the Senate Wing Door at approximately 2:50 PM. *Id.*

After entering, he saw and stepped over broken furniture directly in front of him. *Id.*; Gov. Ex. 507. Members of the mob continued to shout and protest all around him, featuring chants of, among other things “Traitors!” and “Fight for Trump!” Gov. Ex. 507. He briefly turned towards another line of riot police blocking the northern path to the Senate Chamber. Gov. Ex. 403. He then proceeded south, towards the Crypt. *Id.* In the Crypt, he reconnected with Mr. Ryals, where the two joined in chants of “USA!” Gov. Ex. 504. After remaining in the Capitol for some time longer, and only after law enforcement instructed Defendant to leave, Defendant exited through the Memorial Door at approximately 3:33 PM. Gov. Ex. 413.

In general, Defendant maintained in his testimony that he thought it was lawful to enter and remain in the Capitol and its grounds until instructed otherwise. The Court does not find this testimony credible. As an initial matter, that assertion does not comport with clear video and photographic evidence of a variety of circumstances placing Defendant on notice that he was not permitted in the Capitol, not least of which included Defendant’s admitted observation of chemical spray, an earsplitting alarm upon entering the Capitol, a ransacked office, broken glass, and that rioters had broken doors in order to enter the Capitol. Given the numerosity of these signs that Defendant’s presence in the Capitol was unauthorized, the Court does not credit Defendant’s assertion that he thought it was lawful to enter and remain in the Capitol building. Although Griffith testified that he was guided by firm religious convictions, particularly in regards to his views on abortion, those religious convictions do not negate the clear video and photographic evidence speaking to his intent to engage in political demonstrations in concert with the mob around him.

More specifically, Defendant contradicted his testimony at times in such a way as to call much of it into doubt. For example, Defendant initially admitted that he understood in broad strokes Congress' role in the certification of the election and that Congress was meeting on January 6, 2023. Trial Trans. 751:6-9. Later on, Defendant recanted, incredulously claiming, "I don't think I really realized—you know, the—Congress was there and all that." Trial Trans. 879:16-17. Defendant also selectively recalled certain exculpatory facts, but no inculpatory facts. For instance, the only statement Defendant could recall from the "Stop the Steal" rally was not, e.g., an eponymous exhortation to protest the results of the election, but then-President Trump speak "about his love for America and his love for the American people." Trial Trans. 744:9-11. Nor could Defendant recall, he testified, the many "Stop the Steal" chants around him throughout his time on Capitol grounds. *E.g.*, Trial Trans. 772:17-22. Although there are additional examples illustrating why the Court finds Griffith's testimony not credible, the Court shall stop here for the sake of brevity. Suffice it to say that the Court discounts any of Griffith's self-serving statements, finding only his inculpatory statements credible because they are supported by other evidence.

II. Conclusions of Law

A. Count Two

To find a defendant guilty of Entering and Remaining in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(1), the Court must find the following beyond a reasonable doubt: (1) the defendant entered or remained in a restricted building without lawful authority to do so; and (2) the defendant did so knowingly. First, the Court concludes again that the Capitol building and area surrounding it were "restricted" within the meaning of 18 U.S.C. § 1752. Although Defendant placed at issue the precise boundary of the restricted area on January 6, 2021, the overwhelming weight of the evidence, including the testimony of members of the

Capitol Police, establishes that the West Front of the Capitol and the building itself were off limits to members of the public. *See United States v. Griffin*, 549 F. Supp. 3d 49, 55 (D.D.C. 2021) (noting that there are a number of ways in which an area may become restricted). Second, the overwhelming weight of evidence shows that Defendant knew that he was not permitted on Capitol grounds or inside the Capitol well before a Capitol Police officer instructed him to leave.

Among myriad other signs Defendant witnessed that placed him on notice that his presence on Capitol grounds or inside the Capitol was unauthorized:

1. Defendant witnessed rioters scaling scaffolding in order to advance further onto Capitol grounds.
2. Defendant saw a line of police officers deploying chemical spray against rioters.
3. Defendant himself witnessed other individuals outside the Capitol building who, he understood, were suffering the effects of chemical spray.
4. Defendant observed rioters attempting to break down the Senate Wing Door, and he ultimately saw that rioters ripped the Senate Wing Door off its hinges.
5. Defendant first entered the Capitol through the clearly broken Parliamentary Door.
6. Defendant witnessed a ransacked Parliamentary's Office, in which furniture was toppled and papers strewn on the floor.
7. In order to advance further into the Capitol, Defendant saw and stepped over broken glass.
8. Defendant also saw a pile of destroyed furniture directly after entering through the Senate Wing Door.

See Rivera, 2022 WL 2187851, at *5 (discarded barriers, signs, pepper spray, alarm, and broken door at entry put defendant on notice that his presence was unlawful). As in *United States v. MacAndrew*, Crim. A. No. 21-730, 2023 WL 196132 (D.D.C. Jan. 17, 2023), the Court concludes that, if Defendant did not understand that his presence in and around the Capitol was unlawful, he willfully blinded himself to such knowledge. *See id.* at *6-7.

Accordingly, the evidence establishes beyond a reasonable doubt that (1) Griffith entered or remained in a restricted building without lawful authority to do so and (2) Griffith did so knowingly. The Court therefore finds Defendant **GUILTY** on Count Two.

B. Count Three

To find a defendant guilty of Disorderly and Disruptive Conduct in a Restricted Building, in violation of 18 U.S.C. § 1752(a)(2), the Court must find the following beyond a reasonable doubt: (1) the defendant engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building; (2) the defendant did so knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions; and (3) the defendant's conduct occurred when, or so that, his conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

As this Court has previously explained, even mere presence in an unlawful mob or riot is both (1) “disorderly” in the sense that it furthers the mob’s disturbance to the peace and (2) “disruptive” insofar as it disturbs the normal and peaceful condition of the Capitol grounds and buildings, its official proceedings, and the safety of its lawful occupants. Were it not, it must be said that continued presence in a mob that is being pepper sprayed by police, as a measure to control the rioters, is disorderly insofar as a person’s continued presence clearly impedes law enforcement’s efforts to regain control of a particular area. Additionally, entering a Capitol building without authorization is necessarily “[n]ot according to order and rule,” “unruly,” and may “disrupt [Congressional] . . . activity” insofar as Capitol Police would seek out and detain anyone who enters a Capitol building without authorization. Accordingly, the Court concludes that Defendant engaged in disorderly or disruptive conduct in, or in proximity to, a restricted building.

Second, having discredited Defendant's testimony regarding his mental state, the Court presumes that he intended the natural and probable consequences of his actions. *See United States v. Grider*, --- F. Supp. 3d ---, 2022 WL 17829149, at *12 (D.D.C. Dec. 21, 2022); *United States v. Meija*, 597 F.3d 1329, 1341 (D.C. Cir. 2010). ““The probable and natural consequence of breaking into the United States Capitol is the disruption of Congressional business and proceedings.”” *Grider*, 2022 WL 17829149, at *12 (quoting *Rivera*, 2022 WL 2187851, at *5).¹ Even the presence of just *one* unauthorized person in the Capitol is reason to halt Congressional business as Capitol Police (and, in this case, many other law enforcement agencies) track down the intruder. *Id.* The natural consequences of Griffith's actions also align with the political sentiments expressed by the mob surrounding him to, among other things, “stop the steal” and “fight for Trump.”

Third, as the Court explained in *Rivera*, even mere presence in these circumstances is in fact disruptive. 2022 WL 2187851, at *6. As noted above, even the presence of *one* unauthorized person in the Capitol is reason to suspend Capitol business. Captain Baboulis amply explained how Defendant's presence, standing alone, was disruptive to Congress and to the Vice President's business on January 6, 2021. Loudly chanting “USA” is also disruptive to Congressional business.

Altogether the Court finds that the evidence shows, beyond a reasonable doubt, that Griffith knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building that in point of fact impeded or disrupted the orderly conduct of

¹ *See also* ECF No. 81 at 397, *United States v. Brock*, Crim. A. No. 21-140 (JDB) (D.D.C. Dec. 6, 2022) (transcript of bench verdict); *United States v. Brock*, Crim. A. No. 21-158 (RC) (D.D.C. Oct. 27, 2022) (same).

Government business or official functions. The Court therefore finds Defendant **GUILTY** on Count Three.

C. Count Four

In order for the Court to find Defendant guilty of Violent Entry and Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(D), the Court must find the following beyond a reasonable doubt: (1) the defendant engaged in disorderly or disruptive conduct in any of the United States Capitol Buildings; (2) the defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress; and (3) the defendant acted willfully and knowingly. Broadly, a person acts “willfully” when they “act with knowledge that their conduct was unlawful.” *Bryan v. United States*, 524 U.S. 184, 191-92 (1998) (cleaned up); *see also United States v. Moore*, 612 F.3d 698, 703 (D.C. Cir. 2010) (Kavanaugh, J., concurring). As the Court has already concluded that Griffith knew his presence around and in the Capitol was unauthorized, and that his continued presence was disruptive, the Court has found that Griffith acted willfully as well.² For the other elements of the offense, for the same reasons the Court found Defendant guilty on Counts 1 and 2, the Court finds that the Government has carried its burden beyond a reasonable doubt and finds Defendant **GUILTY** on Count Four.

² In explaining why he chanted “USA” in the Crypt, Defendant testified that he did so as part of prayer, stating that “he was promot[ing] God’s spirit[, b]ecause this country deserves God’s word, and it’s[] like the First Amendment.” Trial Trans. 950:19-20. Insofar as Defendant maintains that he considered his actions religiously justified or constitutionally-protected, he nevertheless acted “willfully” to the extent he understood his actions to be in violation of law. *See United States v. Zeese*, 437 F. Supp. 3d 86, 98 (D.D.C. 2020) (trespass and protest); *see also Cheek v. United States*, 498 U.S. 192, 203-04 (1991) (“disagreement” with legal duties is not a defense to a crime requiring a mental state of “willfulness”).

D. Count Five

To find a defendant guilty of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G), the Court must find the following beyond a reasonable doubt: (1) the defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings; and (2) the defendant acted willfully and knowingly.

As the Court has explained in prior opinions, “parading” and “demonstrating” centers on participation in a “march[,] procession,” or gathering “in support of some political object” or question. *Rivera*, 2022 WL 2187851, at *7 (internal quotation marks removed). As an initial matter, and as this Court has already explained, even mere presence in a crowd of demonstrators suffices to protest, so long as there are some indicia that the defendant joined their fellow demonstrators’ cause. *MacAndrew*, 2023 WL 196132, at *9. Here, however, Defendant in fact chanted “USA” while inside the Capitol, actually protesting. Defendant also admitted to chanting “Freedom” on his way to the Capitol and to attending the “Stop the Steal” rally. By these actions, the Court finds that Griffith intended his presence inside the Capitol to be an act of demonstration in concert with others. Second, for the same reasons the Court concluded that Defendant acted “willfully and knowingly” in Count 3, the Court concludes that the evidence shows, beyond a reasonable doubt, that Defendant “willfully and knowingly” “paraded [or] demonstrated” “in any of the United States Capitol Buildings.” The Court therefore finds Defendant **GUILTY** on Count Five.

#

#

#

#

III. Conclusion

Beyond a reasonable doubt, Anthony Griffith knew on January 6, 2021 that his actions at the Capitol were unlawful. For his participation and actions at the insurrection of January 6, the Court finds Anthony Griffith **GUILTY** on Counts Two, Three, Four, and Five.

Dated: May 16, 2023

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge