

APPEAL,CAP,CAT B

**U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00175-TJK All Defendants**

Case title: USA v. NORDEAN et al

Magistrate judge case numbers: 1:21-mj-00126-RMM  
1:21-mj-00195-ZMF

Date Filed: 03/03/2021

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Assigned to: Judge Timothy J.  
Kelly

Appeals court case number:  
21-3022

**Defendant (1)**

**ETHAN NORDEAN**  
*also known as*  
RUFIO PANMAN

represented by **David Benjamin Smith**  
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*LEAD ATTORNEY*  
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**Nicholas D. Smith**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*  
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**Pending Counts**

18 U.S.C. 1512(c)(2) and 2;  
TAMPERING WITH A  
WITNESS, VICTIM OR  
INFORMANT; Obstruction of an

**Disposition**

Official Proceeding and Aiding  
and Abetting

(1)

18:371; CONSPIRACY TO  
DEFRAUD THE UNITED  
STATES; Conspiracy

(1s)

18 U.S.C. 1361 and 2;  
GOVERNMENT PROPERTY OR  
CONTRACTS >; Destruction of  
Government Property and Aiding  
and Abetting

(2)

18:1512(c)(2), 2; TAMPERING  
WITH A WITNESS, VICTIM OR  
INFORMANT; Obstruction of an  
Official Proceeding and Aiding  
and Abetting

(2s)

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

(3)

18:231(A)(3), 2; CIVIL  
DISORDER; Obstruction of Law  
Enforcement During Civil  
Disorder and Aiding and Abetting

(3s)

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

(4)

18:1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS >;  
Destruction of Government  
Property and Aiding and Abetting

(4s)

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

(5s)



18:1752(a)(2); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Disorderly Conduct  
in a Restricted Building or  
Grounds  
(6s)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

**Disposition**

COMPLAINT in VIOLATION of  
18 U.S.C. 1361 and 2; 18 U.S.C.  
1512(c)(2); 18 U.S.C. 1752(a); 40  
U.S.C. 5104(e)(2)(D) and (G)

Assigned to: Judge Timothy J.  
Kelly

Appeals court case number:  
21-3021

**Defendant (2)**

**JOSEPH R. BIGGS**

represented by **John Daniel Hull , IV**  
HULL MCGUIRE PC  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

**Disposition**

18:371; CONSPIRACY TO  
DEFRAUD THE UNITED  
STATES; Conspiracy  
(1)

18:1512(c)(2), 2; TAMPERING  
WITH A WITNESS, VICTIM OR  
INFORMANT; Obstruction of an  
Official Proceeding and Aiding  
and Abetting  
(2)

18:231(A)(3), 2; CIVIL  
DISORDER; Obstruction of Law  
Enforcement During Civil  
Disorder and Aiding and Abetting  
(3)

18:1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS >;  
Destruction of Government  
Property and Aiding and Abetting  
(4)

18:1752(a)(1); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Entering and  
Remaining in a Restricted  
Building or Grounds  
(5)

18:1752(a)(2); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Disorderly Conduct  
in a Restricted Building or  
Grounds  
(6)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

**Disposition**

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

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Assigned to: Judge Timothy J.  
Kelly

**Defendant (3)**

**ZACHARY REHL**

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*Designation: Retained*

**Pending Counts**

**Disposition**

18:371; CONSPIRACY TO  
DEFRAUD THE UNITED  
STATES; Conspiracy  
(1)

18:1512(c)(2), 2; TAMPERING  
WITH A WITNESS, VICTIM OR  
INFORMANT; Obstruction of an  
Official Proceeding and Aiding  
and Abetting  
(2)

18:231(A)(3), 2; CIVIL  
DISORDER; Obstruction of Law  
Enforcement During Civil  
Disorder and Aiding and Abetting  
(3)

18:1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS  
>; Destruction of Government  
Property and Aiding and Abetting  
(4)

18:1752(a)(1); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Entering and  
Remaining in a Restricted  
Building or Grounds  
(5)

18:1752(a)(2); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Disorderly Conduct  
in a Restricted Building or  
Grounds  
(6)

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

None

**Disposition**

Assigned to: Judge Timothy J.  
Kelly

Appeals court case number:  
21-3046

**Defendant (4)**

**CHARLES DONOHOE**

represented by **Ira Knight**

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*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

18:371; CONSPIRACY TO  
DEFRAUD THE UNITED  
STATES; Conspiracy  
(1)

18:1512(c)(2), 2; TAMPERING  
WITH A WITNESS, VICTIM OR  
INFORMANT; Obstruction of an  
Official Proceeding and Aiding and  
Abetting  
(2)

18:231(A)(3), 2; CIVIL  
DISORDER; Obstruction of Law  
Enforcement During Civil Disorder  
and Aiding and Abetting  
(3)

**Disposition**

18:1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS >;  
Destruction of Government  
Property and Aiding and Abetting  
(4)

18:1752(a)(1); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Entering and  
Remaining in a Restricted Building  
or Grounds  
(5)

18:1752(a)(2); TEMPORARY  
RESIDENCE OF THE  
PRESIDENT; Disorderly Conduct  
in a Restricted Building or Grounds  
(6)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

None

**Disposition**

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**Movant**

**CABLE NEWS NETWORK, INC.**

represented by **Charles D. Tobin**  
BALLARD SPAHR LLP  
1909 K Street, NW  
12th Floor  
Washington, DC 20006  
202-661-2218  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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*LEAD ATTORNEY*  
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*Designation: Retained*

---

**Movant**

**AMERICAN BROADCASTING  
COMPANIES, INC.**  
*doing business as*  
ABC NEWS

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**ASSOCIATED PRESS**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**BUZZFEED INC.**  
*doing business as*  
**BUZZFEED NEWS**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
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**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**CBS BROADCASTING INC.**  
*on behalf of*  
**CBS NEWS**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



*Designation: Retained*

---

**Movant**

**DOW JONES & COMPANY, INC.**  
*on behalf of*  
**THE WALL STREET JOURNAL**

represented by **Charles D. Tobin**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

---

**Movant**

**E.W. SCRIPPS COMPANY**

represented by **Charles D. Tobin**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
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---

**Movant**

**GANNETT CO., INC.**  
7950 Jones Branch Drive  
McLean, VA 22107

represented by **Charles D. Tobin**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
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**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**GRAY MEDIA GROUP, INC.**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**LOS ANGELES TIMES  
COMMUNICATIONS LLC**  
*on behalf of*  
**THE LOS ANGELES TIMES**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
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*Designation: Retained*

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*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

*Designation: Retained*

---

**Movant**

**NATIONAL PUBLIC RADIO, INC.**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
(See above for address)  
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*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**NBCUNIVERSAL MEDIA, LLC**  
*doing business as*  
**NBC NEWS**

represented by **Charles D. Tobin**  
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*LEAD ATTORNEY*  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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*LEAD ATTORNEY*  
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---

**Movant**

**NEW YORK TIMES COMPANY**

represented by **Charles D. Tobin**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**PRO PUBLICA, INC.**

represented by **Charles D. Tobin**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
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*Designation: Retained*

---

**Movant**

**TEGNA, INC.**

represented by **Charles D. Tobin**  
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*ATTORNEY TO BE NOTICED*  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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---

**Movant**

**WP COMPANY LLC**  
*doing business as*  
**THE WASHINGTON POST**

represented by **Charles D. Tobin**  
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---

**Plaintiff**

**USA**

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*TERMINATED: 10/15/2021*  
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**ATTORNEY TO BE NOTICED**  
*Designation: Assistant U.S. Attorney*

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant U.S. Attorney*

| Date Filed | #         | Page | Docket Text   |
|------------|-----------|------|---|
| 01/19/2021 | <u>1</u>  |      | SEALED COMPLAINT as to JOSEPH RANDALL BIGGS (1). (Attachments: # <u>1</u> Affidavit in Support) (zstd) [1:21-mj-00126-RMM] (Entered: 01/20/2021)  |
| 01/19/2021 | <u>3</u>  |      | MOTION to Seal Case by USA as to JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00126-RMM] (Entered: 01/20/2021)   |
| 01/19/2021 | <u>4</u>  |      | ORDER granting <u>3</u> Motion to Seal Case as to JOSEPH RANDALL BIGGS (1). Signed by Magistrate Judge Robin M. Meriweather on 1/19/2021. (zstd) [1:21-mj-00126-RMM] (Entered: 01/20/2021)                |
| 01/20/2021 |           |      | Case unsealed as to JOSEPH RANDALL BIGGS (bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021)   |
| 01/20/2021 | <u>5</u>  |      | Rule 5(c)(3) Documents Received as to JOSEPH RANDALL BIGGS from US District Court Middle District of Florida Orlando Division Case Number 6:21-mj-1047-EJK (bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021) |
| 01/20/2021 |           |      | Arrest of JOSEPH RANDALL BIGGS in US District Court Middle District of Florida Orlando Division. (bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021)   |
| 01/20/2021 | <u>38</u> |      | Arrest Warrant Returned Executed on 1/20/2021 as to JOSEPH RANDALL BIGGS. (ztl) (Entered: 03/28/2021)   |
| 02/02/2021 | <u>6</u>  |      | SEALED COMPLAINT as to ETHAN NORDEAN (1). (Attachments: # <u>1</u> Affidavit in Support) (zltf)[1:21-mj-00195-ZMF] Modified on 3/22/2021 (zltf). (Entered: 02/03/2021)                                    |
| 02/02/2021 | <u>8</u>  |      | MOTION to Seal Case by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(zltf)[1:21-mj-00195-ZMF] Modified on 3/22/2021   |



|            |           |  |
|------------|-----------|--|
|            |           | (zltf). (Entered: 02/03/2021)  |
| 02/02/2021 | <u>2</u>  | ORDER granting <u>8</u> Motion to Seal Case as to ETHAN NORDEAN (1). Signed by Magistrate Judge Zia M. Faruqui on 2/2/2021. (zltf)[1:21-mj-00195-ZMF] Modified on 3/22/2021 (zltf). (Entered: 02/03/2021)  |
| 02/03/2021 |           | Arrest of ETHAN NORDEAN in US District Court Western District of Washington. (bb) [1:21-mj-00195-ZMF] (Entered: 02/26/2021)  |
| 02/08/2021 | <u>5</u>  | NOTICE OF ATTORNEY APPEARANCE James B. Nelson appearing for USA. (zstd) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)  |
| 02/08/2021 | <u>6</u>  | MOTION for Emergency Stay and MOTION for Review of Release Order by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)  |
| 02/08/2021 | <u>7</u>  | ORDER, as to ETHAN NORDEAN, GRANTING the government's <u>6</u> Motion for Emergency Stay and Review of Release Order. Signed by Chief Judge Beryl A. Howell on February 8, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)  |
| 02/08/2021 | <u>8</u>  | MOTION for Transport Order by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)  |
| 02/08/2021 | <u>9</u>  | ORDER, as to ETHAN NORDEAN, GRANTING the government's <u>8</u> Motion for Transport Order. Signed by Chief Judge Beryl A. Howell on February 8, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)   |
| 02/09/2021 | <u>6</u>  | Joint MOTION to Toll Speedy Trial by USA as to JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Text of Proposed Order)(bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021)  |
| 02/18/2021 | <u>7</u>  | ORDER Granting <u>6</u> Joint MOTION to Toll Speedy Trial by USA as to JOSEPH RANDALL BIGGS (1). Time between 2/9/2021 and 3/9/2021 (28 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Signed by Magistrate Judge Robin M. Meriweather on 2/19/2021. (zpt) (zpt). [1:21-mj-00126-RMM] (Entered: 02/19/2021) |
| 02/22/2021 | <u>11</u> | NOTICE OF ATTORNEY APPEARANCE: David Benjamin Smith appearing for ETHAN NORDEAN (bb) [1:21-mj-00195-ZMF] (Entered: 02/23/2021)   |
| 02/22/2021 | <u>12</u> | NOTICE OF ATTORNEY APPEARANCE: Nicholas D. Smith appearing for ETHAN NORDEAN (bb) [1:21-mj-00195-ZMF] (Entered: 02/23/2021)  |
| 02/23/2021 | <u>13</u> | Defendant's Motion to Lift Stay on Release Order re <u>7</u> Order on Motion to Stay, Order on Motion for Review by ETHAN NORDEAN. (bb) [1:21-mj-00195-ZMF] (Entered: 02/23/2021)  |
| 02/23/2021 | <u>14</u> | MOTION to Unseal Case by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00195-ZMF] (Entered: 02/24/2021)   |
| 02/25/2021 |           | MINUTE ORDER granting <u>14</u> Motion to Unseal Case as to ETHAN NORDEAN, DIRECTING the Clerk's Office to unseal this case. SO ORDERED. Signed by Chief Judge Beryl A. Howell on 2/25/2021. (ztg)   |

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|            |           | [1:21-mj-00195-ZMF] (Entered: 02/25/2021)  |
| 02/25/2021 |           | Case unsealed as to ETHAN NORDEAN (bb) [1:21-mj-00195-ZMF] (Entered: 02/25/2021)   |
| 02/26/2021 | <u>15</u> | MOTION for Release from Custody <i>pursuant to 18 U.S.C. s. 3060</i> by ETHAN NORDEAN. (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 02/26/2021)   |
| 02/26/2021 | <u>16</u> | Rule 5(c)(3) Documents Received as to ETHAN NORDEAN from US District Court Western District of Washington Case Number 21-mj-67 (bb) [1:21-mj-00195-ZMF] (Entered: 02/26/2021)  |
| 02/26/2021 |           | NOTICE OF HEARING ON MOTIONS in case as to ETHAN NORDEAN re <u>13</u> Motion to Lift Stay on Release Order and <u>15</u> Motion to Release from Custody Pursuant to 18 U.S.C. § 3060. The parties shall take notice that, unless this case is assigned to another Judge upon the filing of an indictment or information, a Motions Hearing is scheduled for 3/2/2021, at 11:00 AM via videoconference before Chief Judge Beryl A. Howell. Signed by Chief Judge Beryl A. Howell on February 26, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/26/2021) |
| 02/27/2021 |           | MINUTE ORDER (paperless) as to ETHAN NORDEAN DIRECTING the government to submit, by March 1, 2021 at 4:00 PM, a response to defendant's pending <u>13</u> Motion to Lift Stay and <u>15</u> Motion to Release from Custody Pursuant to 18 U.S.C. § 3060. Signed by Chief Judge Beryl A. Howell on February 27, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/27/2021)  |
| 03/01/2021 |           | Set/Reset Hearings as to ETHAN NORDEAN: Motion Hearing set for 3/2/2021 at 11:00 AM via videoconference before Chief Judge Beryl A. Howell. (ztg) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)  |
| 03/01/2021 | <u>17</u> | Memorandum in Opposition by USA as to ETHAN NORDEAN re <u>13</u> MOTION Defendant's Motion to Lift Stay on Release Order re <u>7</u> Order on Motion to Stay, Order on Motion for Review (Nelson, James) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)   |
| 03/01/2021 | <u>18</u> | Memorandum in Opposition by USA as to ETHAN NORDEAN re <u>15</u> MOTION for Release from Custody <i>pursuant to 18 U.S.C. s. 3060</i> (Attachments: # <u>1</u> Defendant's Waiver)(Nelson, James) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)  |
| 03/01/2021 | <u>19</u> | REPLY TO OPPOSITION to Motion by ETHAN NORDEAN re <u>15</u> MOTION for Release from Custody <i>pursuant to 18 U.S.C. s. 3060</i> , <u>13</u> MOTION Defendant's Motion to Lift Stay on Release Order re <u>7</u> Order on Motion to Stay, Order on Motion for Review (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)   |
| 03/02/2021 |           | NOTICE VACATING HEARING as to ETHAN NORDEAN. The parties shall take notice that the motion hearing scheduled to take place today, March 2, 2021, at 11:00 AM is VACATED. A new hearing date and time will be provided by the deputy clerk by the close of business today.(ztg) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)   |
| 03/02/2021 |           | NOTICE OF HEARING as to ETHAN NORDEAN. The parties shall take notice that a Motion Hearing is scheduled for 3/3/2021, at 3:00 PM via videoconference before Chief Judge Beryl A. Howell. Connection details for  |



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|            |           | the hearing will be provided to the parties by the deputy clerk.(ztg) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)   |
| 03/02/2021 | <u>20</u> | SUPPLEMENT by ETHAN NORDEAN re <u>13</u> MOTION Defendant's Motion to Lift Stay on Release Order re <u>7</u> Order on Motion to Stay, Order on Motion for Review <i>Declaration of Cory Nordean</i> (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)   |
| 03/02/2021 | <u>21</u> | SUPPLEMENT by USA as to ETHAN NORDEAN re <u>19</u> Reply to opposition to Motion, <u>20</u> Supplement to any document, <u>17</u> Memorandum in Opposition (Attachments: # <u>1</u> Exhibits)(Nelson, James) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)  |
| 03/03/2021 | <u>22</u> | RESPONSE by ETHAN NORDEAN re <u>21</u> Supplement to any document <i>re: New Evidence Submitted by the Government</i> (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 03/03/2021)   |
| 03/03/2021 |           | Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to ETHAN NORDEAN held via videoconference on 3/3/2021. Defendant not present due to an institutional emergency. Defense counsel's oral motion for a waiver under Rule 43, heard and granted. <u>15</u> MOTION for Release from Custody pursuant to 18 U.S.C. s. 3060 filed by ETHAN NORDEAN, denied as moot; <u>6</u> MOTION for Review of Release Order filed by USA, denied; <u>13</u> Defendant's Motion to Lift Stay on Release Order, denied as moot. Magistrate's Release Order AFFIRMED. Defendant released on personal recognizance bond with a condition of home detention, he will be supervised by Western District of Washington. Bond Status of Defendant: personal recognizance with home detention condition/release issued. Present via videoconference: Defense Attorneys: David B. Smith and Nicholas D. Smith; US Attorney: James B. A. McCullough and James B. Nelson; Pretrial Officer: Masharia Holman. Court Reporter: Elizabeth Saint-Loth. (ztg) [1:21-mj-00195-ZMF] (Entered: 03/03/2021) |
| 03/03/2021 | <u>23</u> | ORDER Setting Conditions of Release with Global Positioning System Monitoring. Signed by Chief Judge Beryl A. Howell on 3/3/2021. (Attachments: # <u>1</u> Appearance Bond) (ztg) [1:21-mj-00195-ZMF] (Entered: 03/03/2021)   |
| 03/03/2021 | <u>24</u> | INDICTMENT as to ETHAN NORDEAN (1) count(s) 1, 2, 3, 4. (zltp) (Entered: 03/04/2021)  |
| 03/04/2021 |           | MINUTE ORDER as to ETHAN NORDEAN: Pursuant to the Due Process Protections Act, the Court hereby ORDERS that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Timothy J. Kelly on 3/4/2021. (lctjk1) (Entered: 03/04/2021)  |
| 03/05/2021 | <u>8</u>  | NOTICE OF ATTORNEY APPEARANCE: John Daniel Hull, IV appearing for JOSEPH RANDALL BIGGS (Hull, John) [1:21-mj-00126-RMM] (Entered: 03/05/2021)   |

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| 03/08/2021 |           |  | NOTICE OF HEARING as to ETHAN NORDEAN. VTC Arraignment set for 3/16/2021 at 2:00 PM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to participate. (zkh) (Entered: 03/08/2021)  |
| 03/09/2021 |           |  | ORAL MOTION for Speedy Trial by USA as to JOSEPH RANDALL BIGGS. (ztl) (Entered: 03/28/2021)  |
| 03/09/2021 |           |  | Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance as to JOSEPH RANDALL BIGGS 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 JOSEPH RANDALL BIGGS (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 3/31/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqi. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:56:36-2:12:20]; Defense Attorney: John Hull; US Attorney: Jason McCullough; Pretrial Officer: Da'Shanta Valentine-Lewis. (ztl) (Entered: 03/28/2021) |
| 03/09/2021 | <u>39</u> |  | ORDER Setting Conditions of Release as to JOSEPH RANDALL BIGGS (2) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqi on 3/9/2021. # <u>1</u> Appearance Bond (ztl). (Entered: 03/28/2021)  |
| 03/10/2021 | <u>26</u> |  | (FIRST SUPERSEDING INDICTMENT) filed by USA as to ETHAN NORDEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, JOSEPH RANDALL BIGGS (2) count(s) 1, 2, 3, 4, 5, 6, ZACHARY REHL (3) count(s) 1, 2, 3, 4, 5, 6, CHARLES DONOHOE (4) count(s) 1, 2, 3, 4, 5, 6 (This document is SEALED and only available to authorized persons.) (zltp) Modified sealing on 3/19/2021 (bb). Modified on 3/19/2021 (zltp). (Entered: 03/12/2021)  |
| 03/10/2021 |           |  | Counts added: ETHAN NORDEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, JOSEPH RANDALL BIGGS (2) count(s) 1, 2, 3, 4, 5, 6, ZACHARY REHL (3) count(s) 1, 2, 3, 4, 5, 6, CHARLES DONOHOE (4) count(s) 1, 2, 3, 4, 5, 6 (zltp) (Entered: 03/19/2021)  |
| 03/12/2021 | <u>29</u> |  | MOTION TO CONTINUE THE ARRAIGNMENT filed by USA as to ETHAN NORDEAN.(This document is SEALED and only available to authorized persons.) (zltp) Modified sealing on 3/19/2021 (bb). (Entered: 03/19/2021)   |
| 03/15/2021 | <u>27</u> |  | MOTION for Bill of Particulars <i>as to Count Two of the Indictment</i> by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 03/15/2021)  |
| 03/15/2021 |           |  | MINUTE ORDER as to ETHAN NORDEAN: It is hereby ORDERED that the arraignment set for March 16, 2021, is hereby CONTINUED to March 23, 2021, at 2:00 p.m. via videoconference. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to participate. Signed by Judge Timothy J. Kelly on 3/15/2021. (lctjk1) (Entered: 03/15/2021)  |
| 03/17/2021 | <u>28</u> |  | Government's MOTION to Unseal Superseding Indictment and Related Documents by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of  |

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|            |           | Proposed Order)(bb) (Entered: 03/18/2021)  |
| 03/17/2021 | <u>10</u> | Receipt for Surrender of Passport as to JOSEPH RANDALL BIGGS. Passport Number 536415609 (zhjs) [1:21-mj-00126-RMM] (Entered: 03/19/2021)   |
| 03/17/2021 | <u>35</u> | Arrest Warrant Returned Executed on 3/17/2021 as to CHARLES DONOHOE in Kernersville, North Carolina. (zltf) (Entered: 03/24/2021)  |
| 03/19/2021 |           | MINUTE ORDER as to ETHAN NORDEAN granting the Government's <u>28</u> Motion to Unseal. It is hereby ORDERED that <u>26</u> First Superseding Indictment and <u>29</u> Motion to Continue be UNSEALED. The Clerk of Court is instructed to unseal ECF Nos. 26 and 29. Signed by Judge Timothy J. Kelly on 3/19/2021. (lctjk1) (Entered: 03/19/2021)   |
| 03/19/2021 |           | Document unsealed as to ETHAN NORDEAN. <u>29</u> SEALED MOTION filed by USA as to ETHAN NORDEAN.(This document is SEALED and only available to authorized persons.), <u>26</u> Sealed Document (bb) (Entered: 03/19/2021)  |
| 03/20/2021 | <u>30</u> | MOTION to Revoke <i>Pretrial Release</i> by USA as to ETHAN NORDEAN. (Nelson, James) (Entered: 03/20/2021)   |
| 03/20/2021 | <u>31</u> | MOTION to Revoke <i>Pretrial Release</i> by USA as to JOSEPH RANDALL BIGGS. (Nelson, James) (Entered: 03/20/2021)  |
| 03/21/2021 | <u>32</u> | Memorandum in Opposition by ETHAN NORDEAN re <u>30</u> MOTION to Revoke <i>Pretrial Release</i> (Attachments: # <u>1</u> Exhibit Statement of Nordean's Probation Officer)(Smith, Nicholas) (Entered: 03/21/2021)  |
| 03/22/2021 |           | NOTICE OF HEARING as to JOSEPH RANDALL BIGGS (2). VTC Arraignment set for 3/23/2021 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 03/22/2021)  |
| 03/22/2021 | <u>43</u> | Rule 5(c)(3) Documents Received as to CHARLES DONOHOE from US District Court for the Middle District of North Carolina Case Number 21-mj-103 (bb) (Entered: 03/30/2021)  |
| 03/23/2021 | <u>34</u> | SUPPLEMENT by ETHAN NORDEAN re <u>30</u> MOTION to Revoke <i>Pretrial Release Government Statements to Media about this Investigation</i> (Smith, Nicholas) (Entered: 03/23/2021)  |
| 03/23/2021 |           | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to ETHAN NORDEAN (1) as to Counts 1s, 2s, 3s, 4s, 5s, and 6s and JOSEPH RANDALL BIGGS (2) as to Counts 1, 2, 3, 4, 5, and 6 held on 3/23/2021. BOTH defendants appeared by video. Plea of NOT GUILTY entered by ETHAN NORDEAN (1) as to Counts 1s, 2s, 3s, 4s, 5s, and 6s and JOSEPH RANDALL BIGGS (2) as to Counts 1, 2, 3, 4, 5, and 6. Speedy Trial Excludable (XT) started 3/23/2021 through 4/1/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Response to 31 MOTION to Revoke <i>Pretrial Release</i> by Defendant JOSEPH RANDALL BIGGS (2) due by 3/29/2021. VTC Motion Hearing/Status Conference set for 4/1/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains on Personal Recognizance/HISP, 2-Remains on Personal Recognizance/HISP; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: James B. Nelson, Jason Bradley Adam |



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|            |           | McCullough, and Luke Matthew Jones. (zkh) (Entered: 03/23/2021)   |
| 03/26/2021 | <u>36</u> | MEMORANDUM in Support of Pretrial Detention by USA as to CHARLES DONOHOE (McCullough, Jason) (Entered: 03/26/2021)  |
| 03/27/2021 | <u>37</u> | MOTION to Revoke <i>Release Order and for Pretrial Detention</i> by USA as to ZACHARY REHL. (Jones, Luke) (Entered: 03/27/2021)   |
| 03/28/2021 |           | Terminate Deadlines and Hearings as to JOSEPH RANDALL BIGGS: Preliminary Hearing set for 3/31/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui is VACATED. (ztl) (Entered: 03/28/2021)  |
| 03/29/2021 |           | NOTICE OF HEARING as to CHARLES DONOHOE (4). VTC Arraignment set for 4/6/2021 at 2:45 PM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear. (zkh) (Entered: 03/29/2021)   |
| 03/29/2021 | <u>41</u> | SUPPLEMENT by ETHAN NORDEAN re <u>30</u> MOTION to Revoke <i>Pretrial Release Regarding New Evidence Relevant to the Government's Motion to Revoke Release Order</i> (Attachments: # <u>1</u> Exhibit Declaration of Michale Graves, # <u>2</u> Exhibit Declaration of Arturo Santaella, # <u>3</u> Exhibit Statement of Probation Officer)(Smith, Nicholas) (Entered: 03/29/2021)  |
| 03/29/2021 | <u>42</u> | Memorandum in Opposition by JOSEPH RANDALL BIGGS re <u>31</u> MOTION to Revoke <i>Pretrial Release</i> (Attachments: # <u>1</u> Exhibit Letter-email dated 03222020)(Hull, John) (Entered: 03/29/2021)  |
| 03/31/2021 | <u>45</u> | REPLY TO OPPOSITION to Motion by USA as to ETHAN NORDEAN re <u>30</u> MOTION to Revoke <i>Pretrial Release</i> (McCullough, Jason) (Entered: 03/31/2021)  |
| 03/31/2021 | <u>46</u> | REPLY TO OPPOSITION to Motion by USA as to JOSEPH RANDALL BIGGS re <u>31</u> MOTION to Revoke <i>Pretrial Release</i> (McCullough, Jason) (Entered: 03/31/2021)   |
| 04/01/2021 | <u>47</u> | Amended Memorandum in Opposition by JOSEPH RANDALL BIGGS re <u>31</u> MOTION to Revoke <i>Pretrial Release Amended/Corrected</i> (Attachments: # <u>1</u> Exhibit Sweatt Email to Hull 03222021)(Hull, John) Modified event title on 4/30/2021 (znmw). (Entered: 04/01/2021)  |
| 04/01/2021 |           | NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The VTC Motion Hearing set for 4/1/2021 is <b>RESCHEDULED</b> for 4/6/2021 at 11:30 AM before Judge Timothy J. Kelly. (zkh) (Entered: 04/01/2021)   |
| 04/05/2021 | <u>49</u> | MOTION for Leave to File <i>Sur-Reply in Response to New Arguments Raised in Government's Reply in Support of Motion to Revoke Release Order</i> by ETHAN NORDEAN. (Attachments: # <u>1</u> Exhibit Ethan Nordean's Sur-Reply in Response to New Arguments Raised in Government's Reply in Support of Motion to Revoke Release Order, # <u>2</u> Exhibit Transcript of Couy Griffin Detention Hearing)(Smith, Nicholas) (Entered: 04/05/2021) |
| 04/06/2021 |           | NOTICE OF HEARING as to ZACHARY REHL (3). VTC Arraignment set for 4/14/2021 at 10:00 AM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear. (zkh) (Entered: 04/06/2021)  |

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| 04/06/2021 |           | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) held on 4/6/2021. Both defendants appeared by video. Oral argument on <u>30</u> MOTION to Revoke <i>Pretrial Release</i> and 31 MOTION to Revoke <i>Pretrial Release</i> , heard and taken under advisement. Speedy Trial Excludable (XT) started nunc pro tunc 4/1/2021 through 4/9/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Any supplemental memoranda due by 4/6/2021. VTC Oral Ruling set for 4/9/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains on Personal Recognizance/HISP, 2–Remains on Personal Recognizance/HISP; Court Reporter: Timothy Miller; Defense Attorneys: 1–David Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV; US Attorneys: James B. Nelson, Jason Bradley Adam McCullough, and Luke Matthew Jones; Pretrial Officer: John Copes. (zkh) (Entered: 04/06/2021) |
| 04/06/2021 |           | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to CHARLES DONOHOE (4) as to Counts 1, 2, 3, 4, 5, and 6 held on 4/6/2021. The defendant appeared by video. For the reasons stated on the record, oral motion by Attorney Shelli Peterson for Attorney Lisa Costner to appear pro hac vice on behalf of the defendant today, heard and GRANTED. Speedy Trial Excludable (XT) started 4/6/2021 through 4/12/2021, in the interest of justice. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Lisa Costner and Shelli Peterson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: John Copes. (zkh) (Entered: 04/06/2021)   |
| 04/06/2021 | <u>51</u> | NOTICE of Delivery of Video Evidence by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re Motion Hearing,,,, Speedy Trial – Excludable Start,,,, Set Deadlines/Hearings,,, 46 Reply to opposition to Motion, <u>45</u> Reply to opposition to Motion (McCullough, Jason) (Entered: 04/06/2021)  |
| 04/06/2021 | <u>52</u> | NOTICE of Submission of Evidence Referenced in April 6 Detention Hearing by ETHAN NORDEAN re <u>51</u> Notice (Other), (Smith, Nicholas) (Entered: 04/06/2021)   |
| 04/06/2021 | <u>53</u> | SUPPLEMENT by JOSEPH RANDALL BIGGS to Opposition to Motion to Revoke (Hull, John) (Entered: 04/06/2021)  |
| 04/08/2021 | <u>54</u> | NOTICE of Evidence Relevant to the Government's Detention Motion, Produced to Nordean on April 7, 2021 by ETHAN NORDEAN re <u>45</u> Reply to opposition to Motion (Smith, Nicholas) (Entered: 04/08/2021)   |
| 04/09/2021 | <u>55</u> | NOTICE OF ATTORNEY APPEARANCE: Lisa S. Costner appearing for CHARLES DONOHOE (Costner, Lisa) (Main Document 55 replaced on 4/26/2021) (znmw). (Entered: 04/09/2021)  |
| 04/09/2021 |           | MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The Oral Ruling currently set for April 9, 2021, is hereby <b>VACATED</b> . Signed by Judge Timothy J. Kelly on 4/9/2021. (zkh) (Entered: 04/09/2021)   |
| 04/09/2021 |           | Set/Reset Hearings as to CHARLES DONOHOE: Detention Hearing set for 4/12/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G.   |

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|            |           | Michael Harvey. (zpt) (Entered: 04/09/2021)  |
| 04/12/2021 | <u>56</u> | MOTION to Continue <i>Detention Hearing</i> by CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order)(Costner, Lisa) (Entered: 04/12/2021)  |
| 04/13/2021 | <u>57</u> | NOTICE of <i>Brady Evidence Produced to Nordean on April 13, 2021</i> by ETHAN NORDEAN re <u>30</u> MOTION to Revoke <i>Pretrial Release</i> (Smith, Nicholas) (Entered: 04/13/2021)   |
| 04/14/2021 |           | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to ZACHARY REHL (3) as to Counts 1, 2, 3, 4, 5, and 6 held on 4/14/2021. Defendant appeared by video. Plea of NOT GUILTY entered as to Counts 1, 2, 3, 4, 5, and 6. Speedy Trial Excludable (XT) started 4/14/2021 through 5/4/2021, in the interest of justice. Defendant's Response to <u>37</u> MOTION to Revoke Release Order due by 4/28/2021. Government's Reply due by 4/30/2021. VTC Motion Hearing set for 5/4/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Shelli Peterson and Shaka Johnson; US Attorney: Jason Bradley Adam McCullough. (zkh) (Entered: 04/14/2021)  |
| 04/14/2021 |           | NOTICE OF HEARING as to ZACHARY REHL (3). The Motion Hearing currently set for 5/4/2021 is <b>RESCHEDULED</b> for 5/3/2021 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/14/2021)   |
| 04/14/2021 | <u>58</u> | <p>TRANSCRIPT OF MOTION HEARING in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 4-6-21; Page Numbers: 1-69; Date of Issuance: 4-14-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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 r eferenced 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/5/2021. Redacted Transcript Deadline set for 5/15/2021. Release of Transcript Restriction set for 7/13/2021.(Miller, Timothy) (Entered: 04/14/2021)</p> |
| 04/14/2021 | <u>59</u> | TRANSCRIPT OF MOTION HEARING in case as to JOSEPH RANDALL BIGGS before Judge Timothy J. Kelly held on 4-6-21; Page Numbers: 1-69; Date of Issuance: 4-14-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>   |



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|            |           | <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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/5/2021. Redacted Transcript Deadline set for 5/15/2021. Release of Transcript Restriction set for 7/13/2021.(Miller, Timothy) (Entered: 04/14/2021)</p>                                  |
| 04/15/2021 | <u>60</u> | <p>RESPONSE by CHARLES DONOHOE re: <u>56</u> <i>Opposing Detention</i> (Attachments: # <u>1</u> Exhibit)(Costner, Lisa) Modified text on 5/21/2021 (zltp). (Entered: 04/15/2021)</p>  |
| 04/15/2021 | <u>61</u> | <p>SUPPLEMENT by CHARLES DONOHOE re <u>60</u> Response to document (Costner, Lisa) (Entered: 04/15/2021)</p>  |
| 04/15/2021 |           | <p>NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Oral Ruling set for 4/16/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/15/2021)</p>   |
| 04/15/2021 | <u>62</u> | <p>ORDER Granting <u>56</u> MOTION to Continue Detention Hearing by CHARLES DONOHOE (4). Detention Hearing continued to 4/19/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge G. Michael Harvey on 4/15/2021. (zpt) (Entered: 04/16/2021)</p>   |
| 04/16/2021 |           | <p>NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The VTC Oral Ruling currently set for 4/16/2021 is <b>RESCHEDULED</b> for 4/19/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/16/2021)</p>   |
| 04/19/2021 |           | <p>Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Oral Ruling as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) held on 4/19/2021. BOTH defendants appeared by video. For the reasons stated on the record, Government's <u>30</u> and 31 MOTION to Revoke <i>Pretrial Release</i>, GRANTED. Conditions of release REVOKED for ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Order to be entered by the court. Oral Motion by defendants ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) for a temporary stay of detention order, heard and DENIED. Speedy Trial Excludable (XT) started nunc pro tunc 4/9/2021 through 5/4/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Status Conference set for 5/4/2021 at 11:30 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Conditions of Release REVOKED/Order Pending to Report, 2-Conditions of Release REVOKED/Order Pending to Report; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith,</p> |

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|            |           | 2–John Daniel Hull, IV; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 04/19/2021)   |
| 04/19/2021 |           | Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Status Hearing as to CHARLES DONOHOE (1) held on 4/19/2021. Matter was set for a Detention Hearing but was not held. Detention Hearing continued to 4/21/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR–Gold; FTR Time Frame: CTRM 6 [3:33:59–3:46:57]; Defense Attorney: Lisa Costner; US Attorney: Jason McCullough and Luke Jones; Pretrial Officer: Andre Sidbury; (zpt) (Entered: 04/19/2021) |
| 04/19/2021 | <u>64</u> | RESPONSE TO Court Order Issued during Oral Ruling on April 19, 2021 by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Filing in U.S. v. Pezzola, 1:21–cr–175, containing photograph)(Jones, Luke) Modified text on 5/21/2021 (zltp). (Entered: 04/19/2021)   |
| 04/20/2021 | <u>65</u> | DETENTION ORDER as to ETHAN NORDEAN (1). See Order for details. Signed by Judge Timothy J. Kelly on 4/20/2021. (lctjk1) (Entered: 04/20/2021)   |
| 04/20/2021 | <u>66</u> | DETENTION ORDER as to JOSEPH RANDALL BIGGS (2). See Order for details. Signed by Judge Timothy J. Kelly on 4/20/2021. (lctjk1) (Entered: 04/20/2021)  |
| 04/21/2021 | <u>67</u> | NOTICE OF APPEAL – Final Judgment by JOSEPH RANDALL BIGGS re <u>66</u> Order of Detention Pending Trial– Defendant HWOB. Filing fee \$ 505, receipt number ADCDC–8389908. Fee Status: Fee Paid. Parties have been notified. (Hull, John) (Entered: 04/21/2021)  |
| 04/21/2021 |           | ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to CHARLES DONOHOE (4). (zpt) (Entered: 04/21/2021)  |
| 04/21/2021 |           | ORAL MOTION for Release from Custody by CHARLES DONOHOE (4). (zpt) (Entered: 04/21/2021)  |
| 04/21/2021 |           | Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Detention Hearing as to CHARLES DONOHOE (4) held on 4/21/2021. Matter was held but did not conclude. Continued Detention Hearing set for 4/22/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR–Gold; FTR Time Frame: CTRM 6 [3:13:35–5:36:32]; Defense Attorney: Lisa Costner; US Attorney: Jason McCullough and Luke Jones; Pretrial Officer: John Copes; (zpt) (Entered: 04/21/2021)               |
| 04/21/2021 | <u>76</u> | ORDER Delaying Transport as to CHARLES DONOHOE (1). Signed by Magistrate Judge G. Michael Harvey on 4/21/2021. (zpt) (Entered: 04/28/2021)  |
| 04/22/2021 | <u>68</u> | Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid on 4/21/2021 as to   |



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|            |           | JOSEPH RANDALL BIGGS re <u>67</u> Notice of Appeal – Final Judgment. (zltp) (Entered: 04/22/2021)  |
| 04/22/2021 | <u>69</u> | NOTICE OF APPEAL – Final Judgment by ETHAN NORDEAN re Status Conference,,,,, Speedy Trial – Excludable Start,,,,, Set Hearings,,, Motion Hearing,,,,, Speedy Trial – Excludable Start,,,,, Set Deadlines/Hearings,,, <u>65</u> Order of Detention Pending Trial– Defendant HWOB. Fee Status: No Fee Paid. Parties have been notified. (Smith, Nicholas) (Entered: 04/22/2021)  |
| 04/22/2021 |           | ORAL MOTION for Speedy Trial Waiver by USA as to CHARLES DONOHOE (2). (zpt) (Entered: 04/24/2021)  |
| 04/22/2021 |           | Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Continued Detention Hearing as to CHARLES DONOHOE (4) held on 4/22/2021. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to CHARLES DONOHOE (4) Heard and Granted. Oral Motion for Release from Custody by CHARLES DONOHOE (4) Heard and Denied. Oral Motion by the Government for Speedy Trial Waiver Nunc Pro Tunc as to CHARLES DONOHOE (4) Heard and Granted. Time between 4/12/2021 and 5/4/2021 (22 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X–T. Bond Status of Defendant: Defendant Committed/Committment Issued; Court Reporter: Jeffrey Hook; Defense Attorney: Lisa Costner; US Attorney: Jason McCullough and Luke Jones; Pretrial Officer: Shay Holman; (zpt) (Entered: 04/24/2021)  |
| 04/23/2021 | <u>70</u> | NOTICE of Conditions of Confinement following April 20 Detention Order by ETHAN NORDEAN re <u>65</u> Order of Detention Pending Trial– Defendant HWOB (Smith, Nicholas) (Entered: 04/23/2021)  |
| 04/23/2021 | <u>71</u> | <p>TRANSCRIPT OF ORAL RULING in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 4–19–21; Page Numbers: 1–83; Date of Issuance: 4–23–21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/14/2021. Redacted Transcript Deadline set for 5/24/2021. Release of Transcript Restriction set for 7/22/2021.(Miller, Timothy) (Entered: 04/23/2021)</p> |
| 04/23/2021 | <u>72</u> |  |

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|            |           | <p>TRANSCRIPT OF ORAL RULING in case as to JOSEPH RANDALL BIGGS before Judge Timothy J. Kelly held on 4-19-21; Page Numbers: 1-83; Date of Issuance: 4-23-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/14/2021. Redacted Transcript Deadline set for 5/24/2021. Release of Transcript Restriction set for 7/22/2021.(Miller, Timothy) (Entered: 04/23/2021)</p>                               |
| 04/26/2021 | <u>73</u> | <p>Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. Defendant is represented by CJA, as to ETHAN NORDEAN re <u>69</u> Notice of Appeal – Final Judgment,. (zltp) (Entered: 04/26/2021)</p>  |
| 04/26/2021 | <u>74</u> | <p><b>TRANSCRIPT OF DETENTION HEARING (CONT.)</b> in case as to CHARLES DONOHOE before Magistrate Judge G. Michael Harvey held on April 22, 2021. Page Numbers: 1 – 56. Date of Issuance: April 26, 2021. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/17/2021. Redacted Transcript Deadline set for 5/27/2021. Release of Transcript Restriction set for 7/25/2021.(Hook, Jeff) (Entered: 04/26/2021)</p> |
| 04/26/2021 |           | <p>USCA Case Number as to JOSEPH RANDALL BIGGS 21-3021 for <u>67</u> Notice of Appeal – Final Judgment filed by JOSEPH RANDALL BIGGS.</p>   |

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|            |           | (zltpt) (Entered: 04/27/2021)  |
| 04/26/2021 |           | USCA Case Number as to ETHAN NORDEAN 21-3022 for <u>69</u> Notice of Appeal – Final Judgment, filed by ETHAN NORDEAN. (zltpt) (Entered: 04/27/2021)  |
| 04/26/2021 |           | Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Status Hearing as to CHARLES DONOHOE (4) held on 4/26/2021. Control Status Hearing set for 5/3/2021 03:30 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold; FTR Time Frame: CTRM 6 [3:10:41-3:38:26]; Defense Attorney: Lisa Costner; US Attorney: Luke Jones; Pretrial Officer: Andre Sidbury; (zpt) (Entered: 04/27/2021)  |
| 04/28/2021 | <u>75</u> | <p>TRANSCRIPT OF PROCEEDINGS in case as to CHARLES DONOHOE before Magistrate Judge G. Michael Harvey held on April 21, 2021; Page Numbers: 1-87. Date of Issuance: April 28, 2021. Transcriber: Janice Dickman, Telephone number: 202-354-3267, 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/19/2021. Redacted Transcript Deadline set for 5/29/2021. Release of Transcript Restriction set for 7/27/2021. (Dickman, Janice) (Entered: 04/28/2021)</p> |
| 04/28/2021 |           | NOTICE OF HEARING as to ZACHARY REHL (3). The VTC Motion Hearing currently set for 5/3/2021 is <b>RESCHEDULED</b> for 5/5/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/28/2021)  |
| 04/28/2021 | <u>77</u> | ORDER for Transport as to CHARLES DONOHOE (4). Signed by Magistrate Judge G. Michael Harvey on 4/28/2021. (zpt) (Entered: 04/28/2021)  |
| 04/29/2021 | <u>78</u> | Unopposed MOTION for Order to Transport Defendant by USA as to CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 04/29/2021)  |
| 04/29/2021 | <u>79</u> | NOTICE of Government's Violation of the Due Process Protections Act and Local Criminal Rule 5.1 by ETHAN NORDEAN (Smith, Nicholas) (Entered: 04/29/2021)   |
| 04/30/2021 | <u>80</u> | ORDER granting the Government's <u>78</u> Motion for Order to Transport Defendant as to CHARLES DONOHOE (4). See Order for details. Signed by  |



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|            |           | Judge Timothy J. Kelly on 4/30/2021. (lctjk1) (Entered: 04/30/2021)   |
| 05/03/2021 |           | NOTICE OF HEARING ( <b>Time Change</b> ) as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Status Conference set for 5/4/2021 at <b>12:00 PM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 05/03/2021)   |
| 05/03/2021 | <u>81</u> | MOTION to Revoke <i>Detention Order</i> by CHARLES DONOHOE. (Costner, Lisa) Modified on 7/8/2021 (zhsj). (Entered: 05/03/2021)  |
| 05/04/2021 | <u>82</u> | Unopposed MOTION for Protective Order by USA as to JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 05/04/2021)   |
| 05/04/2021 |           | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 5/4/2021. ALL defendants appeared by video. Speedy Trial Excludable (XT) started 5/4/2021 through 6/3/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). Government Response to 81 MOTION to Revoke due by 5/17/2021. Defendant DONOHOE (4) Reply due by 5/24/2021. VTC Status Conference set for 6/3/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 05/04/2021) |
| 05/04/2021 |           | Set/Reset Deadlines as to CHARLES DONOHOE (4): Government Response due by 5/17/2021. Defendant Reply due by 5/24/2021. (zkh) (Entered: 05/04/2021)  |
| 05/04/2021 | <u>83</u> | ORDER granting the Government's <u>82</u> Unopposed Motion for Protective Order as to JOSEPH RANDALL BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 5/4/2021. (lctjk1) (Entered: 05/04/2021)  |
| 05/05/2021 |           | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 5/5/2021. Case called for Motion Hearing but not held. Defendant appeared by video. Speedy Trial Excludable (XT) started nunc pro tunc 5/4/2021 through 6/3/2021, in the interest of justice. Defendant's Response to <u>37</u> MOTION to Revoke Release Order due by 5/17/2021. Government's Reply due by 5/24/2021. VTC Status Conference set for 6/3/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Maria Jacob and Shaka Johnson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 05/05/2021)   |
| 05/13/2021 | <u>84</u> | REPLY by USA as to ETHAN NORDEAN re <u>79</u> Notice (Other) (McCullough, Jason) (Entered: 05/13/2021)  |
| 05/16/2021 | <u>85</u> | REPLY by ETHAN NORDEAN <i>Regarding the Government's Violation of the Due Process Protections Act and Rule 5.1</i> (Attachments: # <u>1</u> Declaration of Daniel Arellano)(Smith, Nicholas) (Entered: 05/16/2021)  |

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| 05/17/2021 | <u>87</u> |  | Memorandum in Opposition by USA as to CHARLES DONOHOE re <u>81</u> MOTION to Revoke <i>Detention Order</i> (McCullough, Jason) (Entered: 05/17/2021)  |
| 05/19/2021 | <u>88</u> |  | MOTION to Compel <i>the production of evidence and for a bill of particulars</i> by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 05/19/2021)  |
| 05/19/2021 | 89        |  | MOTION for a Bill of Particulars by ETHAN NORDEAN. (See docket entry <u>88</u> to view document.) (zltf) (Entered: 05/21/2021)  |
| 05/24/2021 | <u>90</u> |  | REPLY TO OPPOSITION to Motion by CHARLES DONOHOE re <u>81</u> MOTION to Revoke <i>Detention Order</i> (Costner, Lisa) (Entered: 05/24/2021)   |
| 05/24/2021 | <u>91</u> |  | REPLY in Support by USA as to ZACHARY REHL re <u>37</u> MOTION to Revoke <i>Release Order and for Pretrial Detention</i> (Jones, Luke) (Entered: 05/24/2021)  |
| 05/25/2021 |           |  | NOTICE OF HEARING as to ZACHARY REHL (3). The VTC Status Conference currently set for 6/3/2021 is <b>RESCHEDULED</b> for 6/1/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 05/25/2021)  |
| 06/01/2021 |           |  | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 6/1/2021. Defendant appeared by video. Speedy Trial Excludable (XT) started 6/1/2021 through 6/9/2021, in the interest of justice. VTC Status Conference set for 6/9/2021 at 1:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Shaka Johnson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 06/01/2021)   |
| 06/02/2021 |           |  | NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3). VTC Status Conference set for 6/9/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 06/02/2021)   |
| 06/02/2021 | <u>92</u> |  | MOTION for Protective Order by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Declaration of Thomas DiBiase (with attachments), # <u>2</u> Text of Proposed Order)(Jones, Luke) (Entered: 06/02/2021)  |
| 06/02/2021 | <u>93</u> |  | Memorandum in Opposition by USA as to ETHAN NORDEAN re 89 MOTION for Bill of Particulars, <u>88</u> MOTION to Compel <i>the production of evidence and for a bill of particulars</i> (Jones, Luke) (Entered: 06/03/2021)  |
| 06/03/2021 |           |  | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 6/3/2021. Defendants NORDEAN (1) and BIGGS (2) appeared by video. For the reasons stated on the record, Defendant DONOHOE'S (4) appearance was WAIVED. Speedy Trial Excludable (XT) started 6/3/2021 through 7/15/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). VTC Motion Hearing set for 6/9/2021 at 11:00 AM before Judge Timothy J. Kelly for Defendant DONOHOE (4). VTC Status Conference set for 7/15/2021 at 2:00 PM before Judge Timothy J. Kelly for Defendants NORDEAN (1), BIGGS (2) and DONOHOE (4). Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David |

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|            |            | Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV, 4–Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and Nadia Moore. (zkh) (Entered: 06/03/2021)  |
| 06/03/2021 |            | Set/Reset Hearings as to CHARLES DONOHOE (4): VTC Motion Hearing set for 6/9/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 06/03/2021)  |
| 06/03/2021 | <u>94</u>  | First MOTION to Dismiss Case by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 06/03/2021)  |
| 06/03/2021 | <u>95</u>  | MOTION for Leave to File Excess Pages <i>re Motion to Dismiss the First Superseding Indictment</i> by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 06/03/2021)  |
| 06/03/2021 | <u>96</u>  | NOTICE OF FILING by JOSEPH RANDALL BIGGS (Attachments: # <u>1</u> Exhibit Biggs 04032021 Acceptance of Protective Order)(Hull, John) (Entered: 06/03/2021)  |
| 06/08/2021 | <u>97</u>  | Unopposed MOTION for Extension of Time to File Response/Reply <i>to Defendant Nordean's Motion to Dismiss (Doc. 83)</i> by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 06/08/2021)   |
| 06/08/2021 | <u>98</u>  | Unopposed MOTION for Extension of Time to File Response/Reply <i>to File Response to Defendant Nordean's Motion to Dismiss (Doc. 94) (Amended to Reflect Correct Docket Number of Motion to Dismiss)</i> by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 06/08/2021)  |
| 06/09/2021 |            | MINUTE ORDER as to ZACHARY REHL (3), CHARLES DONOHOE (4): The hearings currently set for June 9, 2021, are hereby VACATED, and shall be rescheduled promptly. Signed by Judge Timothy J. Kelly on 6/9/2021. (lctjk1) (Entered: 06/09/2021)  |
| 06/09/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1) granting the Government's <u>98</u> Unopposed Motion for Extension of Time. It is hereby ORDERED, for good cause shown, that the Government's motion is GRANTED. The Government shall file its opposition to Defendant Nordean's <u>94</u> Motion to Dismiss by July 1, 2021. Defendant shall file any reply in support of his motion to dismiss by July 15, 2021. Further, because the Government filed ECF No. 98 as a corrected version of ECF No. 97 and requests the same relief in both motions, it is hereby ORDERED that the Government's <u>97</u> Unopposed Motion for Extension of Time is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 6/9/2021. (lctjk1) (Entered: 06/09/2021) |
| 06/10/2021 |            | NOTICE OF HEARING as to CHARLES DONOHOE (4). VTC Motion Hearing set for 6/23/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 06/10/2021)  |
| 06/10/2021 | <u>99</u>  | REPLY in Support by ETHAN NORDEAN re <u>88</u> MOTION to Compel <i>the production of evidence and for a bill of particulars</i> (Smith, Nicholas) (Entered: 06/10/2021)   |
| 06/15/2021 | <u>100</u> | NOTICE of additional relevant evidence produced following Nordean's detention hearings by ETHAN NORDEAN (Attachments: # <u>1</u> Exhibit  |



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|            |            | 1)(Smith, Nicholas) (Entered: 06/15/2021)  |
| 06/16/2021 |            | NOTICE OF HEARING as to ZACHARY REHL: Status Conference set for 6/21/2021 at 10:00 AM in Telephonic/VTC before Judge Timothy J. Kelly. (zcal) (Entered: 06/16/2021)  |
| 06/18/2021 |            | MINUTE ORDER as to ZACHARY REHL (3): The hearing currently set for June 21, 2021, is hereby VACATED due to the unavailability of defense counsel and shall be rescheduled promptly. Signed by Judge Timothy J. Kelly on 6/18/2021. (lctjk1) (Entered: 06/18/2021)  |
| 06/23/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to CHARLES DONOHOE (4) held on 6/23/2021. Defendant appeared by video. Oral argument heard, and for the reasons stated on the record, Defendant's <u>81</u> MOTION to Revoke <i>Detention Order</i> is DENIED. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 06/23/2021)  |
| 06/23/2021 |            | NOTICE OF HEARING as to ZACHARY REHL (3). VTC Status Conference set for 6/30/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 06/23/2021)   |
| 06/23/2021 | <u>101</u> | DETENTION ORDER as to CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 6/23/2021. (lctjk1) (Entered: 06/23/2021)  |
| 06/25/2021 | <u>107</u> | JUDGMENT of USCA (certified copy) as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re <u>69</u> Notice of Appeal – Final Judgment, 67 Notice of Appeal – Final Judgment. The district courts pretrial detention orders entered on April 20, 2021 is affirmed. USCA Case Number 21–3021; 21–3022. (zltp) (Entered: 07/02/2021)   |
| 06/28/2021 | <u>102</u> | Unopposed MOTION for Protective Order ( <i>INTERIM</i> ) by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 06/28/2021)   |
| 06/29/2021 | <u>103</u> | ORDER granting the Government's <u>102</u> Unopposed Motion for Protective Order as to ETHAN NORDEAN (1). See Order for details. Signed by Judge Timothy J. Kelly on 6/29/2021. (lctjk1) (Entered: 06/29/2021)   |
| 06/30/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 6/30/2021. Defendant appeared by video for the initial thirty (30) minutes of the hearing and his appearance was waived for the remainder of the hearing. Oral argument on the government's <u>37</u> MOTION to Revoke <i>Release Order and for Pretrial Detention</i> , heard and GRANTED. Order to be issued by the court. Speedy Trial Excludable (XT) started 6/9/2021 through 7/28/2021, in the interest of justice, as to ZACHARY REHL (3). VTC Status Conference set for 7/28/2021 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Shaka Johnson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 06/30/2021) |

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| 07/01/2021 | <u>104</u> |  | DETENTION ORDER as to ZACHARY REHL (3). See Order for details. Signed by Judge Timothy J. Kelly on 7/1/2021. (lctjk1) (Entered: 07/01/2021)  |
| 07/01/2021 |            |  | NOTICE OF HEARING ( <b>Time Change</b> ) as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). VTC Status Conference set for 7/15/2021 at <b>11:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 07/01/2021)   |
| 07/01/2021 | <u>105</u> |  | MOTION to Dismiss Case <i>Unopposed Motion to Join Nordean Motion to Dismiss</i> by JOSEPH RANDALL BIGGS. (Hull, John) (Entered: 07/01/2021)   |
| 07/01/2021 | <u>106</u> |  | Memorandum in Opposition by USA as to ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case (McCullough, Jason) (Entered: 07/01/2021)  |
| 07/06/2021 | <u>108</u> |  | NOTICE OF APPEAL – Final Judgment by CHARLES DONOHOE re <u>101</u> Order, Order of Detention Pending Trial– Defendant HWOB. Fee Status: No Fee Paid. Parties have been notified. (Costner, Lisa) (Main Document 108 replaced on 7/8/2021) (zltf). (Entered: 07/06/2021)  |
| 07/06/2021 | <u>109</u> |  | NOTICE of Evidence Referenced During June 30, 2021 Hearing by USA as to ZACHARY REHL (Attachments: # <u>1</u> PowerPoint from June 30, 2021 Hearing)(Jones, Luke) (Entered: 07/06/2021)  |
| 07/06/2021 | <u>110</u> |  | Unopposed MOTION to Seal Certain Exhibits ( <i>Text Messages</i> ) considered during Detention Hearings by USA as to CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Redacted Exhibit (001 – 003), # <u>3</u> Exhibit Redacted Exhibit (Bates 124 – 138), # <u>4</u> Exhibit Redacted Exhibit (Bates 622 – 645), # <u>5</u> Exhibit Redacted Exhibit (Bates 1332 – 1342), # <u>6</u> Exhibit Redacted Exhibit (Bates 1400 – 1413))(McCullough, Jason) Modified text on 7/27/2021 (zstd). (Entered: 07/06/2021)  |
| 07/06/2021 | <u>111</u> |  | NOTICE of Exhibits used during Detention Hearings by USA as to CHARLES DONOHOE (Attachments: # <u>1</u> Exhibit PowerPoint Exhibit used during hearings)(McCullough, Jason) (Entered: 07/06/2021)  |
| 07/08/2021 | <u>112</u> |  | Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by a CJA appointed attorney as to CHARLES DONOHOE re <u>108</u> Notice of Appeal – Final Judgment. (zltf) (Entered: 07/08/2021)  |
| 07/08/2021 |            |  | MINUTE ORDER as to CHARLES DONOHOE (4) granting the United States' <u>110</u> Unopposed Motion to Seal Unredacted Exhibits. Upon consideration of the motion and the factors set forth in <i>United States v. Hubbard</i> , 650 F.2d 293, 317–22 (D.C. Cir. 1980), it is hereby ORDERED that the motion is GRANTED, and the redacted versions of these exhibits shall remain on the public docket. In addition, to preserve the record, it is further ORDERED that the United States shall, by July 14, 2021, file entirely unredacted versions of the exhibits under seal. Signed by Judge Timothy J. Kelly on 7/8/2021. (lctjk1) (Entered: 07/08/2021) |
| 07/08/2021 |            |  | Set/Reset Deadlines as to CHARLES DONOHOE (4): Unredacted versions of the exhibits due by 7/14/2021. (zkh) (Entered: 07/08/2021)   |
| 07/11/2021 | <u>113</u> |  | REPLY in Support by ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case (Smith, Nicholas) (Entered: 07/11/2021)  |



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| 07/12/2021 | <u>115</u> | NOTICE of Filing of Exhibits Under Seal (Text Messages) considered during Detention Hearings by USA as to CHARLES DONOHOE re <u>110</u> Unopposed MOTION for Order Seal Unredacted Exhibits (Text Messages) considered during Detention Hearings, Order on Motion for Order,, (McCullough, Jason) Modified text on 7/13/2021 (zstd). (Entered: 07/12/2021)   |
| 07/13/2021 | <u>116</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 6-3-21; Page Numbers: 1-36; Date of Issuance: 7-13-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 8/3/2021. Redacted Transcript Deadline set for 8/13/2021. Release of Transcript Restriction set for 10/11/2021.(Miller, Timothy) (Entered: 07/13/2021)</p>        |
| 07/13/2021 | <u>117</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH RANDALL BIGGS before Judge Timothy J. Kelly held on 6-3-21; Page Numbers: 1-36; Date of Issuance: 7-13-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 8/3/2021. Redacted Transcript Deadline set for 8/13/2021. Release of Transcript Restriction set for 10/11/2021.(Miller, Timothy) (Entered: 07/13/2021)</p> |
| 07/13/2021 | <u>118</u> |  |

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|            |            | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 6-3-21; Page Numbers: 1-36; Date of Issuance: 7-13-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 8/3/2021. Redacted Transcript Deadline set for 8/13/2021. Release of Transcript Restriction set for 10/11/2021.(Miller, Timothy) (Entered: 07/13/2021)</p> |
| 07/14/2021 | <u>119</u> | <p>NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 4/21/2021 Letter (All Defendants), # <u>2</u> 4/30/2021 Letter (Nordean), # <u>3</u> 5/5/2021 Letter (Rehl), # <u>4</u> 5/19/2021 Letter (Nordean), # <u>5</u> 6/2/2021 Letter (All Defendants), # <u>6</u> 6/2/2021 Letter (Nordean), # <u>7</u> 6/2/2021 Letter (Biggs), # <u>8</u> 6/2/2021 Letter (Rehl), # <u>9</u> 6/2/2021 Letter (Donohoe), # <u>10</u> 6/3/2021 Letter (Biggs, Rehl, Donohoe), # <u>11</u> 6/3/2021 Letter (Rehl), # <u>12</u> 7/1/2021 Letter (Nordean), # <u>13</u> 7/2/2021 Letter (Biggs, Rehl, Donohoe), # <u>14</u> 7/2/2021 Letter (Nordean), # <u>15</u> 7/6/2021 Letter (All Defendants), # <u>16</u> 7/6/2021 Letter (Nordean), # <u>17</u> 7/7/2021 Letter (Nordean), # <u>18</u> 7/7/2021 Letter (All Defendants), # <u>19</u> 7/9/2021 Letter (All Defendants), # <u>20</u> 7/13/2021 Letter (All Defendants), # <u>21</u> 7/13/2021 Letter (All Defendants), # <u>22</u> 7/14/2021 Letter (All Defendants))(Jones, Luke) (Attachment 5 replaced on 7/14/2021) (zltp). (Entered: 07/14/2021)</p>   |
| 07/14/2021 | <u>120</u> | <p>NOTICE <i>of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases</i> by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Memorandum Regarding Status of Discovery)(Jones, Luke) (Entered: 07/14/2021)</p>   |
| 07/14/2021 | <u>121</u> | <p>Unopposed MOTION for Leave to File <i>Sur-Reply and Set Further Briefing Schedule</i> by USA as to ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(McCullough, Jason) (Entered: 07/14/2021)</p>  |
| 07/15/2021 |            | <p>MINUTE ORDER as to JOSEPH RANDALL BIGGS (2) granting Defendant's <u>105</u> Unopposed Motion to Join Defendant Nordean's 94 Motion to Dismiss. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Timothy J. Kelly on 7/15/2021. (lctjk1) (Entered: 07/15/2021)</p>  |

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| 07/15/2021 |            |  | MINUTE ORDER as to ETHAN NORDEAN (1) granting the United States' <u>121</u> Unopposed Motion for Leave to File Sur-Reply and Set Further Briefing Schedule. It is hereby ORDERED, for good cause shown, that the motion is GRANTED. It is further ORDERED that the United States shall file any sur-reply to Defendant Nordean's <u>94</u> Motion to Dismiss by July 29, 2021, and Defendant Nordean shall file any response to the sur-reply by August 5, 2021. Signed by Judge Timothy J. Kelly on 7/15/2021. (lctjk1) (Entered: 07/15/2021)  |
| 07/15/2021 |            |  | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 7/15/2021. ALL Defendants appeared by video. Oral argument heard on <u>88</u> MOTION to Compel and 89 MOTION for a Bill of Particulars, and taken under advisement. Speedy Trial Excludable (XT) started 7/15/2021 through 9/21/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). Joint Status Report as to Defendant NORDEAN (1) due by 7/26/2021. VTC Status Conference/Motion Hearing set for 9/21/2021 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 07/15/2021) |
| 07/15/2021 |            |  | Set/Reset Deadlines as to ETHAN NORDEAN (1): Joint Status Report due by 7/26/2021. (zkh) (Entered: 07/15/2021)  |
| 07/16/2021 |            |  | USCA Case Number as to CHARLES DONOHOE 21-3046 for <u>108</u> Notice of Appeal – Final Judgment filed by CHARLES DONOHOE. (zltp) (Entered: 07/23/2021)  |
| 07/20/2021 | <u>122</u> |  | MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 07/20/2021)   |
| 07/21/2021 | <u>123</u> |  | MOTION to Substitute Attorney by CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order)(Costner, Lisa) (Entered: 07/21/2021)   |
| 07/22/2021 |            |  | NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3): VTC Status Conference set for 7/28/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 07/22/2021)  |
| 07/26/2021 | <u>124</u> |  | NOTICE OF ATTORNEY APPEARANCE: Shaka Johnson appearing for ZACHARY REHL (Johnson, Shaka) (Entered: 07/26/2021)  |
| 07/26/2021 |            |  | MINUTE ORDER as to CHARLES DONOHOE (4) granting Defendant's 103 Motion to Substitute Counsel. Defendant's counsel, Lisa S. Costner, moves to withdraw her representation as CJA counsel and substitute the Federal Public Defender for the Middle District of North Carolina. The Court finds that the substitution will not unduly delay trial of this case, be unfairly prejudicial to any party, or otherwise not be in the interest of justice. <i>See</i> LCrR 44.5(d). Accordingly, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Lisa S. Costner's representation of Defendant as CJA counsel is hereby terminated, and the Federal Public Defender for the Middle District of North Carolina, specifically Federal Public Defender Lisa S.  |



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|            |            | Costner, is hereby appointed to represent Defendant. Signed by Judge Timothy J. Kelly on 7/26/2021. (lctjk1) (Entered: 07/26/2021)   |
| 07/26/2021 | <u>125</u> | First MOTION to Continue <i>Status</i> by ZACHARY REHL. (Johnson, Shaka) (Entered: 07/26/2021)   |
| 07/26/2021 | <u>126</u> | STATUS REPORT by USA as to ETHAN NORDEAN (Attachments: # <u>1</u> Exhibit)(McCullough, Jason) (Entered: 07/26/2021)  |
| 07/27/2021 | <u>127</u> | RESPONSE by ETHAN NORDEAN re <u>126</u> Status Report (Smith, Nicholas) (Entered: 07/27/2021)  |
| 07/27/2021 |            | MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>125</u> Unopposed Motion to Continue. It is hereby ORDERED, for good cause shown, that the motion is GRANTED. The status conference currently set for July 28, 2021, is hereby RESCHEDULED for September 21, 2021, at 11:00 a.m. via videoconference and teleconference. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to participate. It is further ORDERED that the time period from July 28, 2021, to September 21, 2021, is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 <i>et seq.</i> , with the consent of the parties. The Court finds that, because of the voluminous discovery in cases arising out of the Capitol breach and defense counsel's representation that he needs more time for effective preparation in this case, the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A). Signed by Judge Timothy J. Kelly on 7/27/2021. (lctjk1) (Entered: 07/27/2021) |
| 07/28/2021 | <u>128</u> | MOTION to Adopt <u>94</u> First MOTION to Dismiss Case filed by ETHAN NORDEAN by CHARLES DONOHOE (4). (Attachments: # <u>1</u> Text of Proposed Order)(Costner, Lisa) Modified on 7/29/2021 to correct relief. (ztnr) (Entered: 07/28/2021)  |
| 07/29/2021 |            | MINUTE ORDER as to CHARLES DONOHOE (4) granting Defendant's <u>128</u> Unopposed Motion to Adopt Defendant Nordean's <u>94</u> Motion to Dismiss. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Timothy J. Kelly on 7/29/2021. (lctjk1) (Entered: 07/29/2021)   |
| 07/29/2021 | <u>129</u> | MOTION for Protective Order <i>Removal of Sensitivity Designation</i> by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 07/29/2021)  |
| 07/29/2021 | <u>130</u> | SURREPLY by USA as to ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case , 105 MOTION to Dismiss Case <i>Unopposed Motion to Join Nordean Motion to Dismiss</i> (McCullough, Jason) Modified event title on 8/12/2021 (znmw). Modified text on 8/16/2021 (zltp). (Entered: 07/29/2021)  |
| 07/29/2021 | <u>131</u> | NOTICE of Delivery of Video Evidence by USA as to ETHAN NORDEAN re <u>129</u> MOTION for Protective Order <i>Removal of Sensitivity Designation</i> (McCullough, Jason) (Entered: 07/29/2021)  |
| 07/29/2021 | <u>132</u> | RESPONSE by ETHAN NORDEAN re <u>131</u> Notice (Other) re: <i>Capitol CCTV video evidence improperly designated Highly Sensitive by the government</i> (Smith, Nicholas) (Entered: 07/29/2021)   |
| 08/01/2021 | <u>133</u> | ERRATA by USA as to ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case filed by ETHAN NORDEAN, 105 MOTION to Dismiss Case   |

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|            |            | <i>Unopposed Motion to Join Nordean Motion to Dismiss</i> filed by JOSEPH RANDALL BIGGS (Attachments: # <u>1</u> Refiled Surreply)(McCullough, Jason) Modified text on 8/16/2021 (zltp). (Entered: 08/01/2021)   |
| 08/03/2021 | <u>134</u> | Memorandum in Opposition by USA as to ETHAN NORDEAN re <u>122</u> MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> (Jones, Luke) (Entered: 08/03/2021)  |
| 08/04/2021 | <u>135</u> | REPLY in Support by ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case re: <i>Response to the Government's Surreply Brief</i> (Smith, Nicholas) (Entered: 08/04/2021)   |
| 08/08/2021 | <u>136</u> | REPLY TO OPPOSITION to Motion by ETHAN NORDEAN re <u>122</u> MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> (Attachments: # <u>1</u> Exhibit Declaration of Michael Nordean)(Smith, Nicholas) (Entered: 08/08/2021)   |
| 08/08/2021 | <u>137</u> | MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f)</i> by JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Exhibit EMT 1, # <u>2</u> Exhibit EMT 2, # <u>3</u> Exhibit PB Bylaws)(Hull, John) (Entered: 08/08/2021)  |
| 08/08/2021 | 143        | MOTION to Reopen Detention Hearing by JOSEPH RANDALL BIGGS. (See Docket Entry <u>137</u> to view document). (znmw) (Entered: 08/16/2021)   |
| 08/09/2021 | <u>138</u> | MEMORANDUM OPINION AND ORDER as to ETHAN NORDEAN (1) denying Defendant's <u>88</u> Motion to Compel and for Bill of Particulars. See document for details. Signed by Judge Timothy J. Kelly on 8/9/2021. (lctjk1) (Entered: 08/09/2021)  |
| 08/10/2021 | <u>139</u> | NOTICE of <i>Second Declaration of Michael Nordean</i> by ETHAN NORDEAN re <u>136</u> Reply to opposition to Motion (Smith, Nicholas) (Entered: 08/10/2021)  |
| 08/11/2021 | <u>140</u> | NOTICE of <i>Recent Authority re Government's Motions to Revoke Release Orders in January 6 Cases</i> by ETHAN NORDEAN re <u>122</u> MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> (Attachments: # <u>1</u> Exhibit 1)(Smith, Nicholas) (Entered: 08/11/2021)  |
| 08/12/2021 | <u>141</u> | <p>TRANSCRIPT OF MOTION HEARING in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 6-23-21; Page Numbers: 1-79; Date of Issuance: 8-12-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> |



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|            |            | Redaction Request due 9/2/2021. Redacted Transcript Deadline set for 9/12/2021. Release of Transcript Restriction set for 11/10/2021.(Miller, Timothy) (Entered: 08/12/2021)   |
| 08/12/2021 | <u>142</u> | Memorandum in Opposition by USA as to ETHAN NORDEAN re <u>129</u> MOTION for Protective Order <i>Removal of Sensitivity Designation</i> (Jones, Luke) (Entered: 08/12/2021)  |
| 08/18/2021 | <u>145</u> | MANDATE of USCA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re <u>69</u> Notice of Appeal – Final Judgment, 67 Notice of Appeal – Final Judgment. In accordance to the judgment of 6/25/2021, the district court's pretrial detention orders entered on April 20, 2021 be affirmed. USCA Case Number 21–3021, 21–3022. (Attachments: # <u>1</u> USCA Judgment of 6/25/2021)(zltp) (Entered: 08/19/2021)  |
| 08/19/2021 | <u>146</u> | REPLY TO OPPOSITION to Motion by ETHAN NORDEAN re <u>129</u> MOTION for Protective Order <i>Removal of Sensitivity Designation on Capitol CCTV videos</i> (Attachments: # <u>1</u> Exhibit Press Coalition's Motion to Intervene)(Smith, Nicholas) (Entered: 08/19/2021)   |
| 08/23/2021 | <u>147</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 6–30–21; Page Numbers: 1–75; Date of Issuance: 8–23–21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. 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 r 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 9/13/2021. Redacted Transcript Deadline set for 9/23/2021. Release of Transcript Restriction set for 11/21/2021.(Miller, Timothy) (Entered: 08/23/2021)</p> |
| 08/23/2021 | <u>148</u> | Joint MOTION for Extension of Time to File Response/Reply as to <u>137</u> MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f)</i> , 143 MOTION for Hearing by USA as to JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Text of Proposed Order)(McCullough, Jason) (Entered: 08/23/2021)  |
| 08/23/2021 | <u>149</u> | MOTION for Order to Transport Defendant <i>to District of Columbia</i> by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 08/23/2021)  |
| 08/24/2021 |            |  |

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|            |            | MINUTE ORDER as to JOSEPH RANDALL BIGGS (2) granting the parties' <u>148</u> Joint Motion for Extension of Time. It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that the parties' motion is GRANTED. It is further ORDERED that Defendant Biggs shall file his supplement to his <u>137</u> Motion to Reopen Detention Hearing today; the Government shall file its response to Biggs's <u>137</u> Motion to Reopen Detention Hearing and supplement by September 7, 2021; and Biggs shall file any reply by September 14, 2021. Signed by Judge Timothy J. Kelly on 8/24/2021. (lctjk1) (Entered: 08/24/2021)   |
| 08/25/2021 | <u>152</u> | NOTICE of Ongoing Discovery Dispute Concerning Material Bearing on Pending Bail Motion by ETHAN NORDEAN re <u>122</u> MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 08/25/2021)   |
| 08/26/2021 | <u>153</u> | MOTION to Withdraw as Attorney by Shaka M. Johnson. by ZACHARY REHL. (Johnson, Shaka) (Entered: 08/26/2021)  |
| 09/01/2021 | <u>154</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 7-15-21; Page Numbers: 1-88; Date of Issuance: 9-1-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 9/22/2021. Redacted Transcript Deadline set for 10/2/2021. Release of Transcript Restriction set for 11/30/2021.(Miller, Timothy) (Entered: 09/01/2021)</p> |
| 09/01/2021 | <u>155</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 7-15-21; Page Numbers: 1-88; Date of Issuance: 9-1-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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>  |

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|            |            | <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 9/22/2021. Redacted Transcript Deadline set for 10/2/2021. Release of Transcript Restriction set for 11/30/2021.(Miller, Timothy) (Entered: 09/01/2021)</p>  |
| 09/01/2021 | <u>156</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 7-15-21; Page Numbers: 1-88; Date of Issuance: 9-1-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 9/22/2021. Redacted Transcript Deadline set for 10/2/2021. Release of Transcript Restriction set for 11/30/2021.(Miller, Timothy) (Entered: 09/01/2021)</p> |
| 09/02/2021 | <u>157</u> | <p>ENTERED IN ERROR.....NOTICE OF ATTORNEY APPEARANCE: Ira Knight appearing for CHARLES DONOHOE (Knight, Ira) Modified on 9/3/2021 (zltp). (Entered: 09/02/2021)</p>  |
| 09/02/2021 |            | <p>NOTICE OF CORRECTED DOCKET ENTRY: as to CHARLES DONOHOE re <u>157</u> Notice of Attorney Appearance – Defendant was entered in error and counsel was instructed to refile said pleading. The correct NOA is docket entry <u>158</u> . (zltp) (Entered: 09/03/2021)</p>   |
| 09/03/2021 | <u>158</u> | <p>NOTICE OF ATTORNEY APPEARANCE: Ira Knight appearing for CHARLES DONOHOE (Knight, Ira) (Entered: 09/03/2021)</p>  |
| 09/06/2021 |            | <p>MINUTE ORDER as to Zachary Rehl (3) granting <u>153</u> Motion to Withdraw as Attorney. The Court finds that allowing the withdrawal will not unduly delay trial of this case, be unfairly prejudicial to any party, or otherwise not be in the interest of justice. <i>See</i> LCrR 44.5(d). Accordingly, it is hereby ORDERED that the motion is GRANTED, but only upon another attorney entering his or her appearance to represent the Defendant. The Defendant's case is hereby referred to the criminal duty magistrate judge for ascertainment of counsel. Signed by</p>  |



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|            |            | Judge Timothy J. Kelly on 9/6/2021. (lctjk1) (Entered: 09/06/2021)  |
| 09/06/2021 | <u>159</u> | NOTICE OF ATTORNEY APPEARANCE: Jonathon Alden Moseley appearing for ZACHARY REHL (Moseley, Jonathon) (Entered: 09/06/2021)  |
| 09/07/2021 | <u>160</u> | NOTICE of Submission of Video Clip Evidence Produced by the Government on August 31 by ETHAN NORDEAN re <u>122</u> MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 09/07/2021)   |
| 09/08/2021 |            | NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2): VTC Motion Hearing set for 9/13/2021 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 09/08/2021)   |
| 09/08/2021 |            | Attorney update in case as to ETHAN NORDEAN. Attorney Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for WP COMPANY LLC,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for TEGNA, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for PRO PUBLICA, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for NEW YORK TIMES COMPANY,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for NBCUNIVERSAL MEDIA, LLC,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for NATIONAL PUBLIC RADIO, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for LOS ANGELES TIMES COMMUNICATIONS LLC,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for GRAY MEDIA GROUP, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for GANNETT CO., INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for E.W. SCRIPPS COMPANY,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for DOW JONES & COMPANY, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for CBS BROADCASTING INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for BUZZFEED INC. added. (zltp) (Entered: 09/20/2021) |
| 09/08/2021 | <u>176</u> | MOTION to Intervene by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN. "Leave to File Granted" by Judge Timothy J. Kelly on 9/8/2021. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) (Additional attachment(s) added on 9/28/2021: # <u>2</u> Corporate Disclosure Statement) (zltp). (Entered: 09/20/2021)  |
| 09/09/2021 |            | MINUTE ORDER as to ZACHARY REHL (3): In light of Defendant's change of counsel, it is hereby ORDERED that Defendant shall file any response to the Government's <u>149</u> Motion for Order to Transport Defendant by September 20, 2021. Signed by Judge Timothy J. Kelly on 9/9/2021. (lctjk1) (Entered: 09/09/2021)  |
| 09/09/2021 |            | MINUTE ORDER as to ZACHARY REHL (3). On September 6, 2021, Judge Kelly referred this case to the criminal duty magistrate judge for the purposes of ascertaining new counsel for Defendant Rehl. In response to the Court's inquiry, Mr. Johnson (original counsel) and Mr. Moseley (proposed new   |

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|            |            | counsel) both confirmed that Defendant Rehl wanted to terminate Mr. Johnson's representation and instead retain Mr. Moseley. It is therefore ORDERED that Mr. Johnson's representation is terminated, effective September 6, 2021, when Mr. Moseley entered his appearance. See Min. Order (Sept. 6, 2021) (noting that the Motion to Withdraw as Attorney <u>153</u> was granted "but only upon another attorney entering his or her appearance to represent the Defendant."). Mr. Moseley is now counsel of record for Mr. Rehl. Signed by Magistrate Judge Zia M. Faruqui on 9/9/2021. (zpt) (Entered: 09/10/2021)   |
| 09/10/2021 | <u>162</u> | NOTICE of Recent Authority in <i>The Dream Defenders v. Ron DeSantis</i> (N.D. Fla. Sept. 9, 2021) by ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case (Attachments: # <u>1</u> Exhibit 1)(Smith, Nicholas) (Entered: 09/10/2021)  |
| 09/13/2021 | <u>163</u> | NOTICE of Accused Zachary Rehls Coverage Under Prior Protective Order by ZACHARY REHL re <u>83</u> Order on Motion for Protective Order (Moseley, Jonathon) (Entered: 09/13/2021)   |
| 09/13/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) held on 9/13/2021. Defendant NORDEAN (1) appeared by telephone. Defendant BIGGS (2) appeared by video. Oral argument heard and taken under advisement as to <u>122</u> MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) filed by NORDEAN (1) and on 137 MOTION for Bond and to Reopen Detention Hearing 18 USC 3142 (f) filed by BIGGS (2). Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/13/2021) |
| 09/14/2021 |            | MINUTE ORDER as to JOSEPH R. BIGGS (2): As discussed at yesterday's hearing, it is hereby ORDERED, for good cause shown, that Defendant Biggs's unopposed request for an extension of time to file a reply in support of his <u>137</u> Motion for Bond and to Reopen Detention Hearing 18 USC 3142 (f) is GRANTED. It is further ORDERED that Biggs shall file any reply by September 16, 2021. Signed by Judge Timothy J. Kelly on 9/14/2021. (lctjk1) (Entered: 09/14/2021)  |
| 09/14/2021 | <u>164</u> | MOTION to Access Sealed Portion of 9/13/21 Hearing Transcript by ETHAN NORDEAN. (Attachments: # <u>1</u> Text of Proposed Order)(Smith, Nicholas) (Entered: 09/14/2021)   |
| 09/14/2021 | <u>165</u> | NOTICE of Joining Motion to Receive September 13, 2021 Bail Hearing Transcript by JOSEPH R. BIGGS (Hull, John) (Entered: 09/14/2021)  |
| 09/15/2021 | <u>166</u> | NOTICE of Additional Unproduced Brady Material by ETHAN NORDEAN re <u>122</u> MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 09/15/2021)  |
| 09/15/2021 |            | <b>ENTERED IN ERROR.....</b> MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) granting Nordean's <u>164</u> Motion to Access Sealed Portion of 9/13/21 Hearing Transcript, joined 165 by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed portion of the proceeding of September 13,  |



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|            |            | 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/15/2021. (lctjk1) Modified to mark entry as error on 9/16/2021 (zkh). (Entered: 09/15/2021)  |
| 09/16/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) granting Nordean's <u>164</u> Motion to Access <i>Sealed Portion of 9/13/21 Hearing Transcript</i> , joined 165 by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed portion of the proceeding of September 13, 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/16/2021. (lctjk1) (Entered: 09/16/2021)   |
| 09/16/2021 | <u>167</u> | Unopposed MOTION pursuant to Rule 36 to Correct a Clerical Error <i>to redact personal names of family including minor child</i> by ZACHARY REHL. (Moseley, Jonathon) (Entered: 09/16/2021)  |
| 09/16/2021 |            | MINUTE ORDER as to ZACHARY REHL (3) granting <u>167</u> Rehl's Unopposed Motion for Leave to Redact or Substitute A Redacted Version of Docket # 86. For good cause shown, it is ORDERED that the motion is GRANTED. The Clerk of the Court is instructed to seal ECF No. <u>86</u> , along with any attachments. By September 20, 2021, Defendant Rehl shall file on the public docket a copy of his Memorandum in Opposition to Detention, with attachments, that redacts the information identified in Rehl's motion. Signed by Judge Timothy J. Kelly on 9/16/2021. (lctjk1) Modified to link filing on 9/16/2021 (zkh). (Entered: 09/16/2021) |
| 09/16/2021 | <u>168</u> | NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re <u>120</u> Notice (Other), (Attachments: # <u>1</u> Memorandum Regarding Status of Discovery in January 6, 2021 Cases)(McCullough, Jason) (Entered: 09/16/2021)  |
| 09/17/2021 | <u>170</u> | NOTICE of Recent Authority Relevant to Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, CHARLES DONOHOE (Attachments: # <u>1</u> Exhibit Opinion and Order in U.S. v. Phomma (D. Or. Sept. 15, 2021))(Jones, Luke) (Entered: 09/17/2021)  |
| 09/17/2021 | <u>171</u> | NOTICE of Correspondence to Defendants in Advance of September 21, 2021, Hearing on Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Exhibit Sept. 17, 2021 Letter to Defense Counsel)(Jones, Luke) (Entered: 09/17/2021)  |
| 09/18/2021 | <u>172</u> | RESPONSE by ZACHARY REHL re <u>149</u> MOTION for Order to Transport Defendant to District of Columbia in Opposition (Moseley, Jonathon) (Entered: 09/18/2021)   |
| 09/18/2021 | <u>173</u> | Memorandum in Opposition by ZACHARY REHL re <u>149</u> MOTION for Order to Transport Defendant to District of Columbia (Attachments: # <u>1</u> Exhibit Exhibits for Memorandum of Law)(Moseley, Jonathon) (Entered: 09/18/2021)   |
| 09/19/2021 | <u>174</u> | RESPONSE by ETHAN NORDEAN re <u>171</u> Notice (Other), <i>re Government's Notice of New Section 231(a)(3) Argument and Effort to Transfer Defendant Rehl to D.C. Jail</i> (Attachments: # <u>1</u> Exhibit 1)(Smith, Nicholas) (Entered: 09/19/2021)  |

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| 09/20/2021 | <u>175</u> |  | NOTICE of Joining Nordean Response re: new DOJ section 231 argument and Notice re: issues raised by efforts to transfer Zach Rehl to DC Jail by JOSEPH R. BIGGS (Hull, John) (Entered: 09/20/2021)   |
| 09/20/2021 |            |  | NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3): VTC Status Conference set for 9/21/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 09/20/2021)   |
| 09/20/2021 | <u>177</u> |  | RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS re <u>174</u> and <u>175</u> Notice of Information Relevant to Bail Proceedings (ECF 174, 175) (Jones, Luke) Modified to add links on 9/21/2021 (znmw). (Entered: 09/20/2021)   |
| 09/20/2021 | <u>178</u> |  | <p>REDACTED TRANSCRIPT OF MOTION HEARING in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 9-13-21; Page Numbers: 1-102; Date of Issuance: 9-20-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 10/11/2021. Redacted Transcript Deadline set for 10/21/2021. Release of Transcript Restriction set for 12/19/2021.(Miller, Timothy) (Entered: 09/20/2021)</p> |
| 09/20/2021 | <u>179</u> |  | <p>REDACTED TRANSCRIPT OF MOTION HEARING in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 9-13-21; Page Numbers: 1-102; Date of Issuance: 9-20-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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</p>   |

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|            |            | specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a> .<br><br>Redaction Request due 10/11/2021. Redacted Transcript Deadline set for 10/21/2021. Release of Transcript Restriction set for 12/19/2021.(Miller, Timothy) (Entered: 09/20/2021)   |
| 09/20/2021 | <u>180</u> | NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 7/28/2021 Letter (All Defendants), # <u>2</u> 7/28/2021 Letter (All Defendants), # <u>3</u> 7/28/2021 Letter (All Defendants), # <u>4</u> 7/29/2021 Letter (All Defendants), # <u>5</u> 8/9/2021 Letter (Biggs), # <u>6</u> 8/24/2021 Letter (All Defendants), # <u>7</u> 9/9/2021 Letter (Biggs), # <u>8</u> 9/9/2021 Letter (Nordean, Donohoe), # <u>9</u> 9/11/2021 Letter (Nordean, Biggs, Donohoe), # <u>10</u> 9/16/2021 Letter (Nordean), # <u>11</u> 9/16/2021 Letter (Biggs, Rehl, Donohoe), # <u>12</u> 9/16/2021 Letter (Rehl), # <u>13</u> 9/16/2021 Letter (Rehl), # <u>14</u> 9/20/2021 Letter (All Defendants), # <u>15</u> 9/20/2021 Letter (Donohoe), # <u>16</u> 9/20/2021 Letter (Nordean, Biggs, Rehl))(Jones, Luke) (Entered: 09/20/2021)  |
| 09/20/2021 | <u>181</u> | RESPONSE by USA as to ETHAN NORDEAN re <u>166</u> Notice (Other) (McCullough, Jason) (Entered: 09/20/2021)   |
| 09/21/2021 | <u>182</u> | SUPPLEMENT by ETHAN NORDEAN re <u>122</u> MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f) DECLARATION of Hendrik Block dated 9/21/21</i> (Smith, Nicholas) (Entered: 09/21/2021)   |
| 09/21/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 9/21/2021. Defendant appeared by audio. Oral argument heard on the Government's <u>149</u> MOTION for Order to Transport Defendant, and taken under advisement. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Jonathon Alden Moseley; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/21/2021)   |
| 09/21/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference/Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 9/21/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. Oral argument heard on Defendant Nordean's <u>94</u> First MOTION to Dismiss Case, and taken under advisement. Speedy Trial Excludable (XT) started 9/21/2021 through 10/26/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 10/26/2021 at 11:00 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 5/18/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and James Pearce; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/21/2021) |
| 09/25/2021 | <u>184</u> | MOTION for Bill of Particulars <i>pursuant to analysis by Judge Amit Mehta of unidentified, unknown number of those aided and abetted and conspired with</i>   |



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|            |            | by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support Memorandum of Law)(Moseley, Jonathon) (Entered: 09/25/2021)  |
| 09/26/2021 | <u>185</u> | ENTERED IN ERROR..... MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law</i> by ZACHARY REHL. (Moseley, Jonathon) Modified on 9/27/2021 (zltp). (Entered: 09/26/2021)  |
| 09/26/2021 | <u>186</u> | Amended MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law</i> by ZACHARY REHL. (Moseley, Jonathon) (Entered: 09/26/2021)  |
| 09/26/2021 |            | NOTICE OF CORRECTED DOCKET ENTRY: as to ZACHARY REHL re <u>185</u> MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law</i> was entered in error and counsel refiled said pleading. The correct docket entry is <u>186</u> . (zltp) (Entered: 09/27/2021)  |
| 09/27/2021 | <u>187</u> | SUPPLEMENT by JOSEPH R. BIGGS re <u>137</u> MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f) Second and Final Supplement to Motion to Reopen Hearing and for Release from Detention</i> (Hull, John) (Entered: 09/27/2021)  |
| 09/28/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1) denying as moot Nordean's <u>27</u> Motion for Bill of Particulars. In March, Nordean filed a motion for a bill of particulars regarding the first indictment, but the Government filed around the same time <u>26</u> the First Superseding Indictment. Nordean then filed in May a motion to compel and for a bill of particulars that this Court denied. <i>See</i> ECF <u>138</u> . Given both the First Superseding Indictment and this Court's <u>138</u> order, it is hereby ORDERED that Nordean's <u>27</u> Motion is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 9/28/2021. (lctjk1) (Entered: 09/28/2021) |
| 09/28/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1) denying as moot the Government's <u>92</u> Motion for Protective Order. Because this Court granted the Government's later filed Motion for Protective Order ( <i>INTERIM</i> ), <i>see</i> ECF <u>103</u> , it is hereby ORDERED that the Government's <u>92</u> Motion is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 9/28/2021. (lctjk1) (Entered: 09/28/2021)   |
| 09/28/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1) granting Nordean's <u>49</u> Motion for Leave to File <i>Sur-Reply in Response to New Arguments Raised in Government's Reply in Support of Motion to Revoke Release Order</i> . It is hereby ORDERED, for good cause shown and <i>nunc pro tunc</i> , that Nordean's <u>49</u> motion for leave to file a sur-reply is GRANTED. The Clerk is directed to docket Nordean's sur-reply, ECF No. [49-1], with exhibit, ECF No. [49-2]. Signed by Judge Timothy J. Kelly on 9/28/2021. (lctjk1) Modified to provide additional instruction on 9/28/2021 (zkh). (Entered: 09/28/2021)  |
| 09/28/2021 | <u>188</u> | SUPPLEMENT by ZACHARY REHL re <u>186</u> Amended MOTION Issuance Of A Subpoena To The U.S. Capitol Police <i>with included memorandum of law disclosing permits independently released to BUZZFEED possibly making this motion moot</i> (Attachments: # <u>1</u> Exhibit Permits Issued by US Capitol Police for Jan 6 demonstrations released to BUZZFEED)(Moseley, Jonathon) (Entered: 09/28/2021)  |



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| 09/28/2021 | <u>189</u> |  | SUR-REPLY by ETHAN NORDEAN re <u>30</u> MOTION to Revoke <i>Pretrial Release</i> (Attachments: # <u>1</u> Exhibit #1)(zltpt) (Entered: 09/29/2021)  |
| 09/30/2021 |            |  | MINUTE ORDER as to ETHAN NORDEAN (1): Currently pending before the Court are Nordean's <u>129</u> Motion to Remove Sensitivity Designation From Certain Capitol Videos Produced in Discovery, and the Press Coalition's <u>176</u> Motion to Intervene regarding the same. As noted in Chief Judge Howell's recent decision in <i>United States v. Torrens</i> , No. 21-cr-204, ECF No. 83 at 12, "many videos taken from the U.S. Capitol CCV system have been disclosed both through proceedings in the Capitol cases, and during former President Donald Trump's second impeachment proceedings." This Court therefore ORDERS the Government to file a status report by October 7, 2021, addressing whether the videos at issue have been released, if other footage from the same cameras has been released, if footage depicting the same area of the U.S. Capitol building has been released, and whether the Government still opposes Nordean's <u>129</u> Motion to Remove Sensitivity Designation. Signed by Judge Timothy J. Kelly on 9/30/2021. (lctjk1) (Entered: 09/30/2021) |
| 09/30/2021 | <u>190</u> |  | MOTION for Release from Custody , <i>Renewed Motion For Release From Pre-Trial Detention and Motion To Re-Open Detention Hearing</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 09/30/2021)   |
| 09/30/2021 | <u>191</u> |  | NOTICE <i>Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open Detention Hearing</i> by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit 1: Transcript of Bail Hearing Magistrate Pennsylvania, # <u>2</u> Exhibit 2. Court's Form Order for Pretrial Detention, # <u>3</u> Exhibit 3. U.S. Capitol Police Permits for Demonstrations Jan. 6, # <u>4</u> Exhibit 4. January 6 demonstrator given 3 years probation, # <u>5</u> Exhibit 5. Reuters News Report of FBI Report of No Advance Planning of Jan. 6 Attacks)(Moseley, Jonathon) Modified text on 10/1/2021 (zltpt). Modified on 10/1/2021 (znmw). (Entered: 09/30/2021)   |
| 09/30/2021 | 192        |  | MOTION to Re-Open Detention Hearing by ZACHARY REHL. (See docket entry <u>190</u> to view document.) (zltpt) (Entered: 10/01/2021)  |
| 10/01/2021 | <u>194</u> |  | MOTION for Waiver of <i>Motion formatting rules to allow table of contents and table of authorities to be filed as supplement</i> by ZACHARY REHL. (Moseley, Jonathon) (Entered: 10/01/2021)  |
| 10/04/2021 |            |  | MINUTE ORDER as to ZACHARY REHL (3) denying Rehl's <u>194</u> Motion for Waiver of Motion Formatting Rules Under Local Rules. Because the Local Rules of Criminal Procedure do not require a party to include a table of contents or table of authorities, no waiver is necessary. Thus, it is hereby ORDERED that Rehl's Motion for Waiver is DENIED. Signed by Judge Timothy J. Kelly on 10/4/2021. (lctjk1) (Entered: 10/04/2021)  |
| 10/04/2021 | <u>196</u> |  | SUPPLEMENT by JOSEPH R. BIGGS re <u>137</u> MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f) Biggs' Third Supplement to Motion to Reopen Hearing and for Release from Detention</i> (Hull, John) (Entered: 10/04/2021)  |
| 10/05/2021 | <u>197</u> |  | NOTICE of <i>Brady material produced after September 13 bail hearing</i> by ETHAN NORDEAN re <u>122</u> MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> (Smith, Nicholas) (Entered: 10/05/2021)   |

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| 10/06/2021 | <u>198</u> | FIRST SUPPLEMENT <i>and Notice of Brady Material Produced After Bail Hearing on September 13 in Support of His Renewed Motion for Release of Accused Zachary Rehl from Pre-Trial Detention and Motion to Re-Open Detention Hearing</i> re <u>190</u> by ZACHARY REHL. (Moseley, Jonathon) Modified text on 10/13/2021 (zltpt). (Entered: 10/06/2021)  |
| 10/07/2021 | <u>199</u> | MOTION for Extension of Time to <i>File Status Report in re ECF 129</i> by USA as to ETHAN NORDEAN. (McCullough, Jason) (Entered: 10/07/2021)   |
| 10/08/2021 | <u>200</u> | SECOND SUPPLEMENT <i>documenting that Rehl was not an organizer of January 6 events</i> by ZACHARY REHL. (Moseley, Jonathon) Modified on 10/13/2021 (zltpt). (Entered: 10/08/2021)  |
| 10/08/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1) granting the Government's <u>199</u> Motion for Extension of Time to File Status Report in re ECF <u>129</u> . It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that the Government's motion for an extension is GRANTED. It is further ORDERED that the Government shall file the status report today, October 8, 2021. Signed by Judge Timothy J. Kelly on 10/8/2021. (lctjk1) (Entered: 10/08/2021)   |
| 10/08/2021 | <u>201</u> | NOTICE of <i>Multiple Government Plea Agreements Concerning Parading in the Capitol Offenses Involving Conduct More Serious Than Nordean's</i> by ETHAN NORDEAN as to ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case (Smith, Nicholas) Modified text to remove unassociated defendants on 10/12/2021 (zltpt). (Entered: 10/08/2021)  |
| 10/08/2021 | <u>202</u> | RESPONSE TO ORDER OF THE COURT by USA as to ETHAN NORDEAN re Order on Motion for Extension of Time,, Set/Reset Deadlines, (McCullough, Jason) (Entered: 10/08/2021)   |
| 10/09/2021 | <u>203</u> | THIRD SUPPLEMENT <i>disclosing Friday dawn FBI raid Oct 8 of Rehl's friend and Proud Boys deputy Aaron Whallon Wollkind showing FBI still trying to find evidence against Rehl</i> by ZACHARY REHL. (Moseley, Jonathon) Modified text on 10/13/2021 (zltpt). (Entered: 10/09/2021)  |
| 10/10/2021 | <u>204</u> | MOTION to <i>Compel Supporting Documents of Rehl's alleged (uncited) statements or quotes upon which the Government relies for his indictment and arrest ad for continued prosecution of Rehl</i> by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 10/10/2021)  |
| 10/11/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1), DIRECTING the government, after consultation with and consent of the parties, promptly to make the videos at issue in Nordean's <u>129</u> Motion to Remove Sensitivity Designation, and the Press Coalition's <u>176</u> Motion to Intervene regarding the same, publicly available without restrictions by providing access using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. It is further ORDERED that Nordean's <u>129</u> Motion to Remove Sensitivity Designation is GRANTED, and the Press Coalition's <u>176</u> Motion to Intervene is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 10/11/2021. (lctjk1) (Entered: 10/11/2021) |
| 10/11/2021 | <u>205</u> | Consent MOTION for Order Setting Briefing Schedule by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke)   |

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|            |            | (Entered: 10/11/2021)  |
| 10/13/2021 |            | MINUTE ORDER as to ZACHARY REHL (3) granting the Government's <u>205</u> Consent Motion for Order Setting Briefing Schedule. It is hereby ORDERED that the Government shall file its responses to Defendant Rehl's <u>184</u> motion for a bill of particulars, <u>185</u> <u>186</u> motion for issuance of a subpoena to U.S. Capitol Police, <u>190</u> <u>191</u> motion for release and to re-open his detention hearing and <u>198</u> <u>200</u> <u>203</u> supplemental filings, and <u>204</u> motion to compel discovery by October 15, 2021. It is further ORDERED that Defendant Rehl shall file any reply in support of the above motions by Friday, October 22, 2021. Signed by Judge Timothy J. Kelly on 10/13/2021. (lctjk1) (Entered: 10/13/2021)   |
| 10/13/2021 | <u>206</u> | NOTICE of Judge Lamberth's Contempt Order against Warden of D.C. Jail for Civil Rights Violation re January 6 Detainee by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re <u>122</u> MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 10/13/2021)   |
| 10/14/2021 | <u>207</u> | NOTICE of Comprehensive January 6 Plea Agreement Database Published on 10/13/21 by ETHAN NORDEAN re <u>94</u> First MOTION to Dismiss Case (Attachments: # <u>1</u> Exhibit Jan 6 Plea Agreement Chart)(Smith, Nicholas) (Entered: 10/14/2021)   |
| 10/15/2021 | <u>208</u> | Memorandum in Opposition by USA as to ZACHARY REHL re <u>184</u> MOTION for Bill of Particulars pursuant to analysis by Judge Amit Mehta of unidentified, unknown number of those aided and abetted and conspired with, <u>185</u> MOTION Issuance Of A Subpoena To The U.S. Capitol Police with included memorandum of law, <u>204</u> MOTION to Compel Supporting Documents of Rehl's alleged (uncited) statements or quotes upon which the Government relies for his indictment and arrest ad for continued prosecution of Rehl, <u>186</u> Amended MOTION Issuance Of A Subpoena To The U.S. Capitol Police with included memorandum of law (Jones, Luke) (Entered: 10/15/2021)  |
| 10/15/2021 | <u>209</u> | NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Kenerson, Erik Michael added. (Kenerson, Erik) (Entered: 10/15/2021)   |
| 10/15/2021 | <u>210</u> | Memorandum in Opposition by USA as to ZACHARY REHL re <u>192</u> MOTION Re-Open Detention Hearing, <u>203</u> Supplemental MOTION for Release from Custody by pre-trial release on bail, disclosing Friday dawn FBI raid Oct 8 of Rehl's friend and Proud Boys deputy Aaron Whallon Wollkind showing FBI still trying to find evidence against Rehl, <u>190</u> MOTION for Release from Custody, Renewed Motion For Release From Pre-Trial Detention and Motion To Re-Open Detention Hearing, <u>200</u> MOTION for Release from Custody from pre-trial detention, 2nd Supplement documenting that Rehl was not an organizer of January 6 events, <u>198</u> MOTION for Release from Custody Zachary Rehls Supplement And Notice Of Brady Material Produced After Bail Hearing On September 13 In Support Of His Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open D, <u>191</u> MOTION for Release from Custody Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open Detention Hearing (Attachments: # <u>1</u> Exhibit 1 - ICANN Lookup, # <u>2</u> Exhibit 2 - |



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|            |            |  | <i>GiveSendGo Screenshot)(Kenerson, Erik) (Entered: 10/15/2021)</i>   |
| 10/20/2021 |            |  | NOTICE OF HEARING ( <b>Time Change</b> ) as to ZACHARY REHL (3): Telephonic/VTC Status Conference set for 10/26/2021 at <b>10:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 10/20/2021)  |
| 10/21/2021 | <u>211</u> |  | NOTICE of remote hearing access limitations for Zachary Rehl at Philadelphia Detention Center by ZACHARY REHL (Moseley, Jonathon) (Entered: 10/21/2021)   |
| 10/25/2021 | <u>212</u> |  | REPLY TO OPPOSITION to Motion by ZACHARY REHL re <u>184</u> MOTION for Bill of Particulars pursuant to analysis by Judge Amit Mehta of unidentified, unknown number of those aided and abetted and conspired with, <u>204</u> MOTION to Compel Supporting Documents of Rehl's alleged (uncited) statements or quotes upon which the Government relies for his indictment and arrest ad for continued prosecution of Rehl (Attachments: # <u>1</u> Exhibit Letter requesting transmission of Brady discovery over technical problems)(Moseley, Jonathon) (Entered: 10/25/2021) |
| 10/25/2021 | <u>213</u> |  | NOTICE OF FILING VIDEO EXHIBITS by ZACHARY REHL re <u>191</u> MOTION for Release from Custody Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open Detention Hearing (Moseley, Jonathon) (Entered: 10/25/2021)   |
| 10/25/2021 |            |  | MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4): It is hereby ORDERED that the status conferences scheduled for tomorrow, October 26, 2021, at 10:00 a.m. and 11:00 a.m. are VACATED. The parties shall contact the Courtroom Deputy at (202) 354-3495 to set a new date. Signed by Judge Timothy J. Kelly on 10/25/2021. (lctjk1) (Entered: 10/25/2021)   |
| 10/25/2021 | <u>214</u> |  | STATUS REPORT Regarding Discovery as of October 21, 2021 by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 10/25/2021)   |
| 10/27/2021 |            |  | NOTICE OF HEARING as to ZACHARY REHL (3): VTC Status Conference/Motion Hearing set for 11/2/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 10/27/2021)   |
| 10/27/2021 |            |  | NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): VTC Status Conference set for 11/3/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 10/27/2021)   |
| 10/31/2021 | <u>215</u> |  | NOTICE of Filing of Supplemental Authority, Memorandum Opinion of Judge Royce Lamberth in USA v. Russell Taylor by ZACHARY REHL re <u>191</u> MOTION for Release from Custody Memorandum of Law in Support of Renewed Motion For Release Of Accused Zachary Rehl From Pre-Trial Detention And Motion To Re-Open Detention Hearing (Attachments: # <u>1</u> Exhibit Memorandum Opinion in USA v. Russell Taylor Case No. 1:21-cr-392-RCL-2, by Judge Royce Lamberth)(Moseley, Jonathon) (Entered: 10/31/2021)  |
| 11/02/2021 |            |  |   |



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|            |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing/Status Conference as to ZACHARY REHL (3) held on 11/2/2021. Defendant appeared by video. Oral argument heard and taken under advisement as to defendant's <u>190</u> MOTION for Release from Custody and, <i>Renewed Motion For Release From Pre-Trial Detention and Motion To Re-Open Detention Hearing</i> . Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Jonathon Alden Moseley; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 11/02/2021)  |
| 11/02/2021 | <u>216</u> | NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 9/21/2021 Letter (All Defendants), # <u>2</u> 10/15/2021 Letter (All Defendants), # <u>3</u> 10/21/2021 Letter (All Defendants))(Jones, Luke) (Entered: 11/02/2021)   |
| 11/03/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 11/3/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. Scheduling Order to be entered by the court. Speedy Trial Excludable (XT) started nunc pro tunc 10/26/2021 through 12/7/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 12/7/2021 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 11/03/2021)  |
| 11/03/2021 | <u>217</u> | NOTICE <i>of Declaration of Judy Nordean re Additional Commitments Concerning Nordean's Proposed Release Conditions</i> by ETHAN NORDEAN re <u>122</u> MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> (Smith, Nicholas) (Entered: 11/03/2021)   |
| 11/03/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), CHARLES DONOHOE (4): It is hereby ORDERED that the parties shall submit supplemental briefing on two issues related to the pending <u>24</u> First Motion to Dismiss. The parties' briefs shall address the following issues: First, as Defendant Nordean notes, several courts have construed "corruptly" to mean acting "with the intent to secure an unlawful advantage or benefit either for one's self or for another." <i>See</i> ECF No. 113 at 19 (citing cases); <i>see also United States v. Aguilar</i> , 515 U.S. 593, 616 (1995) (Scalia, J., concurring in part). Is this an appropriate definition of "corruptly" as the word is used in Section 1512(c)? And if the Court adopted that definition, would Section 1512(c)(2) cover the conduct alleged in the First Superseding Indictment? Second, the Government has argued that "corruptly" means acting "wrongfully" and "with an intent to obstruct." ECF No. 133-1 at 8. What does it mean to act "wrongfully"? Does someone act "wrongfully" merely acting "unlawfully," as the Government appears to suggest in its sur-reply, ECF No. 133-1 at 8, or is something more required? The Government shall submit its brief by November 17, 2021; Defendants shall file any response to the |

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|            |            | Government's brief by November 24, 2021; and the Government shall file any reply by December 3, 2021. Signed by Judge Timothy J. Kelly on 11/3/2021. (lctjk1) (Entered: 11/03/2021)   |
| 11/03/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): It is hereby ORDERED, for the reasons explained on the record at the status conference today, that the time period from October 26, 2021 to December 7, 2021 is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 <i>et seq.</i> The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and Defendants in a speedy trial under 18 U.S.C. § 3161(h)(7)(A), for the reasons explained on the record: (1) the Government's ongoing production of voluminous discovery to Defendants; and (2) the public health limitations on the Court's ability to try a multi-defendant, six-week trial, as reflected in Standing Order No. 21-62: <i>In Re: Updated Status of Court Operations, including Jury Trials, and Speedy Trial Act Exclusions in Light of the Current Circumstances Relating to the COVID-19 Pandemic</i> , the findings of which the Court adopts after consideration of the specific circumstances of this case, and the Court's Continuity of Operations Plan referenced in that Order. The Court also notes, as acknowledged by the parties, that time is also excluded under the Speedy Trial Act during this time, in light of the Court's request for additional briefing on the pending <u>94</u> First Motion to Dismiss. <i>See</i> 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Timothy J. Kelly on 11/3/2021. (lctjk1) (Entered: 11/03/2021) |
| 11/05/2021 | <u>218</u> | STATUS REPORT <i>Regarding Discovery as of November 5, 2021</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 11/05/2021)  |
| 11/10/2021 | <u>219</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 11-3-21; Page Numbers: 1-36; Date of Issuance: 11-10-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022.(Miller, Timothy) (Entered: 11/10/2021)</p>   |
| 11/10/2021 | <u>220</u> |   |

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|            |            | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 11-3-21; Page Numbers: 1-36; Date of Issuance: 11-10-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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 rep orter 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022.(Miller, Timothy) (Entered: 11/10/2021)</p> |
| 11/10/2021 | <u>221</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 11-3-21; Page Numbers: 1-36; Date of Issuance: 11-10-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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 report er 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022.(Miller, Timothy) (Entered: 11/10/2021)</p>    |
| 11/10/2021 | <u>222</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 11-3-21; Page Numbers: 1-36; Date of Issuance: 11-10-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p>  |



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|            |            | <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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022.(Miller, Timothy) (Entered: 11/10/2021)</p> |
| 11/12/2021 | <u>223</u> | NOTICE of Private Letter to Judge and AUSA in support of bail and home conditions by ZACHARY REHL (Moseley, Jonathon) (Entered: 11/12/2021)   |
| 11/12/2021 | 228        | MOTION for Leave to File Confidential Letters From Wife Regarding Bailby ZACHARY REHL. (See Docket Entry <u>223</u> to View Document). (zhsj) (Entered: 11/23/2021)   |
| 11/15/2021 |            | MINUTE ORDER as to ZACHARY REHL (3) denying Defendant's <u>223</u> Motion. It is hereby ORDERED that Defendant Rehl's motion asking the Court to accept a letter from his wife via mail is DENIED. Defendant is directed to Local Criminal Rule 49(f)(1), which states that "[e]xcept when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing." Defendant Rehl may seek leave to file the letter on the public docket, or, if warranted, to file it under seal. Signed by Judge Timothy J. Kelly on 11/15/2021. (lctjk1) (Entered: 11/15/2021)  |
| 11/17/2021 | <u>224</u> | SUPPLEMENT by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, CHARLES DONOHOE re <u>130</u> Memorandum in Opposition, <u>106</u> Memorandum in Opposition to <u>94</u> First Motion to Dismiss (Kenerson, Erik) (Entered: 11/17/2021)   |
| 11/18/2021 | <u>225</u> | Unopposed MOTION for Joinder in and support of Motion to Dismiss First Superseding Complaint filed by Ethan Nordean by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 11/18/2021)  |
| 11/18/2021 | <u>226</u> | RESPONSE by ETHAN NORDEAN re <u>224</u> Supplement to any document re The Government's Supplemental Brief on the Meaning of the Term "Corruptly" in the Context of Obstruction of Congress (Smith, Nicholas) (Entered: 11/18/2021)  |
| 11/19/2021 |            | MINUTE ORDER as to ZACHARY REHL (3) granting Defendant's <u>225</u> Unopposed Motion to Join Defendant Nordean's <u>94</u> Motion to Dismiss. It is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant Rehl may file a response to the Government's 224 Supplement under the timeline outlined in this Court's November 3, 2021 Minute Order.  |



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|            |            | Signed by Judge Timothy J. Kelly on 11/19/2021. (lctjk1) (Entered: 11/19/2021)   |
| 11/19/2021 |            | Set/Reset Deadlines as to ZACHARY REHL (3): Response due by 11/24/2021. (zkh) (Entered: 11/19/2021)  |
| 11/19/2021 | <u>227</u> | SUPPLEMENT by ZACHARY REHL as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re Order,,,,,, Set Deadlines,,,,, <i>Supplemental Brief In Support Of <u>94</u> Ethan Nordeans Motion To Dismiss The First Superseding Indictment</i> (Attachments: # <u>1</u> Exhibit A: Memorandum of Attorney John Eastman, publicly released by CNN, requiring that Joint Session of Congress meet)(Moseley, Jonathon) Modified to include linkage on 11/30/2021 (zltp). (Entered: 11/19/2021)                    |
| 11/22/2021 | <u>247</u> | MANDATE of USCA as to CHARLES DONOHOE re <u>108</u> Notice of Appeal – Final Judgment. In accordance to the judgment from September 27, 2021, it is ordered and adjudged that the district court's June 23, 2021 order be affirmed. USCA Case Number 21–3046. (Attachments: # <u>1</u> USCA Judgment of 9/27/2021)(zltp) (Entered: 12/10/2021)   |
| 11/23/2021 | <u>230</u> | MOTION for Discovery of <i>Grand Jury Transcript, Minutes, Notes, and Evidentiary Exhibits</i> by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Letter September 24 for Grand Jury Transcript, # <u>3</u> Exhibit Email reminder October 29, # <u>4</u> Exhibit Letter reminder Nov. 23, # <u>5</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 11/23/2021)  |
| 11/23/2021 | <u>231</u> | MOTION for Hearing upon Zachary Rehls Request For Scheduling Hearing, Argument, And Decision On Motion For Grand Jury Information by ZACHARY REHL. (Moseley, Jonathon) (Entered: 11/23/2021)   |
| 11/23/2021 | <u>232</u> | Amended MOTION for Hearing upon Zachary Rehls Request For Scheduling Hearing, Argument, And Decision On Motion For Grand Jury Information by ZACHARY REHL. (Moseley, Jonathon) (Entered: 11/23/2021)   |
| 11/24/2021 | <u>233</u> | RESPONSE by JOSEPH R. BIGGS re <u>224</u> Supplement to any document <i>Defendant Biggs Response to Government Supplemental Brief on 18 U.S.C. Section 1512(c)(2)</i> (Hull, John) Modified text to remove unassociated defendants on 11/28/2021 (zltp). (Entered: 11/24/2021)   |
| 11/25/2021 | <u>234</u> | MOTION to Compel <i>Brady disclosures and discovery previously delivered to prior counsel but still not available to current counsel</i> by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Letter Transmitting Physical Delivery of 3 empty external hard drives for Government's Use, # <u>3</u> Exhibit Letter Identifying Problems with Digital Media transmitting Brady disclosures and discovery, # <u>4</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 11/25/2021) |
| 11/30/2021 |            | NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): The VTC Status Conference currently set for 12/7/2021 is <b>RESCHEDULED</b> for 12/14/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 11/30/2021)   |
| 12/01/2021 | <u>235</u> | ERRATA by ZACHARY REHL re <u>227</u> <i>Supplemental Brief In Support Of Ethan Nordeans Motion To Dismiss The First Superseding Indictment</i> (Moseley, Jonathon) Modified text on 12/16/2021 (zltp). (Entered: 12/01/2021)   |

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| 12/03/2021 | <u>236</u> | REPLY by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE <i>Reply To The Defendants' Responses To 224 The United States' Supplemental Brief On 18 U.S.C. § 1512(C)(2)</i> (Jones, Luke) Modified to include linkage on 12/7/2021 (zltp). (Entered: 12/03/2021)  |
| 12/05/2021 | <u>237</u> | Unopposed MOTION Direction to pre-trial services to interview Defendant to qualify for public defender <i>Motion For Instructions For Evaluation For Qualifying For Public Defender</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 12/05/2021)  |
| 12/06/2021 | <u>238</u> | REPLY by ETHAN NORDEAN re <u>236</u> Reply to document <i>re The Government's Supplemental "Reply" re the Meaning of the Term "Corruptly" in the Context of Obstruction of Congress</i> (Smith, Nicholas) Modified to remove unassociated defendants on 12/16/2021 (zltp). (Entered: 12/06/2021)  |
| 12/06/2021 | <u>239</u> | MOTION for Extension of Time to File Response/Reply <i>to to Motions to Compel (ECF 230, 234)</i> by USA as to ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 12/06/2021)  |
| 12/07/2021 | <u>241</u> | RESPONSE by ZACHARY REHL re <u>239</u> MOTION for Extension of Time to File Response/Reply <i>to to Motions to Compel (ECF 230, 234)</i> (Attachments: # <u>1</u> Exhibit Email, # <u>2</u> Exhibit Email, # <u>3</u> Exhibit Letter, # <u>4</u> Exhibit Letter, # <u>5</u> Exhibit Letter)(Moseley, Jonathon) (Entered: 12/07/2021)  |
| 12/07/2021 | <u>242</u> | NOTICE of Attorney Status by ZACHARY REHL (Moseley, Jonathon) (Entered: 12/07/2021)   |
| 12/08/2021 | <u>243</u> | NOTICE of Nordean's Placement in the SHU without Explanation by ETHAN NORDEAN (Smith, Nicholas) (Entered: 12/08/2021)   |
| 12/08/2021 |            | MINUTE ORDER as to ZACHARY REHL (3) granting the Government's <u>239</u> Motion for an Extension of Time to Respond to Defendant's Motions to Compel. It is hereby ORDERED, for good cause shown, that the Government's motion is GRANTED. It is further ORDERED that the Government shall respond to Defendant Rehl's Motions to Compel by December 16, 2021. Signed by Judge Timothy J. Kelly on 12/8/2021. (lctjk1) (Entered: 12/08/2021)                |
| 12/08/2021 | <u>244</u> | MOTION for Reconsideration re Order on Motion for Extension of Time to File Response/Reply,, Set/Reset Deadlines, by ZACHARY REHL. (Attachments: # <u>1</u> Exhibit)(Moseley, Jonathon) (Entered: 12/08/2021)   |
| 12/09/2021 | <u>246</u> | MOTION to Withdraw as Attorney <i>Conditional on Documentation of available attorney</i> by Jonathon A. Moseley. by ZACHARY REHL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Email Sept 7 2021 from Shelli Peterson, # <u>3</u> Exhibit Attachment to Email Sept 7 2021 from Shelli Peterson, # <u>4</u> Exhibit Email December 8 from Shelli Peterson, # <u>5</u> Text of Proposed Order)(Moseley, Jonathon) (Entered: 12/09/2021) |
| 12/12/2021 | <u>248</u> | NOTICE of and Response to New Authority in <i>US v. Sandlin, 21-cr-88-DLF, and US v. Reffitt, 21-cr-32-DLF</i> by ETHAN NORDEAN (Smith, Nicholas) (Entered: 12/12/2021)   |
| 12/12/2021 | <u>249</u> |   |

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|            |            | SUPPLEMENT by ZACHARY REHL re <u>246</u> MOTION to Withdraw as Attorney <i>Conditional on Documentation of available attorney</i> by Jonathon A. Moseley. (Moseley, Jonathon) (Entered: 12/12/2021)  |
| 12/13/2021 | <u>250</u> | SUPPLEMENT by ZACHARY REHL <i>Defendant Zachary Rehls Second Supplemental Brief In Support Of Ethan Nordean's <u>94</u> Motion To Dismiss The First Superseding Indictment re: Nordean's Notice of Supplemental Authority</i> (Moseley, Jonathon) Modified to include linkage on 12/16/2021 (zltpt). (Entered: 12/13/2021)   |
| 12/14/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ZACHARY REHL (3) held on 12/14/2021. Defendant appeared by video. For the reasons stated on the record, defendant's <u>246</u> MOTION to Withdraw as Attorney is GRANTED. Jonathon Alden Moseley is terminated as counsel for the defendant and Carmen D. Hernandez is appointed under the CJA to represent Defendant REHL(3). Joint Status Report due by 12/21/2021. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Jonathon Alden Moseley, Michelle M. Peterson, and Carmen D. Hernandez; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, Erik Michael Kenerson, and James Pearce. (zkh) (Entered: 12/14/2021)  |
| 12/14/2021 |            | Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 12/14/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. For the reasons stated on the record, the <u>122</u> MOTION for Bond by defendant NORDEAN, 137 MOTION for Bond by defendant BIGGS, 190 MOTION for Release from Custody and 192 MOTION to Re-Open Detention Hearing both by defendant REHL, are all DENIED. Speedy Trial Excludable (XT) started 12/14/2021 through 1/11/2022, in the interest of justice, as to ALL defendants. Government Submission due by 12/21/2021. Defense Responses due by 12/30/2021. Government Reply due by 1/6/2022. VTC Status Conference set for 1/11/2022 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, Erik Michael Kenerson and James Pearce. (zkh) (Entered: 12/14/2021) |
| 12/14/2021 |            | MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), and ZACHARY REHL (3), denying Defendants' <u>122</u> 137 190 Motions to Reopen Bail Proceedings. It is hereby ORDERED, for the reasons set forth on the record today and below, that Defendants Nordean, Biggs, and Rehl's motions to reopen bail proceedings are DENIED. Further, the Court notes that even if the conditions proposed by Nordean included a ban on his possession of electronic devices—a ban that could make it hard for him to review electronic evidence in the case—and even if he abided by that condition, he would still have access to less sophisticated means of communication, such as the use of a land-line telephone or the regular mail, that he could use to exercise leadership, conduct planning, and communicate with associates. Signed by  |



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|            |            | Judge Timothy J. Kelly on 12/14/2021. (lctjk1) (Entered: 12/14/2021)   |
| 12/15/2021 | <u>251</u> | NOTICE OF ATTORNEY APPEARANCE: Carmen D. Hernandez appearing for ZACHARY REHL (Hernandez, Carmen) (Entered: 12/15/2021)  |
| 12/17/2021 | <u>252</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 12-14-21; Page Numbers: 1-47; Date of Issuance: 12-17-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 1/7/2022. Redacted Transcript Deadline set for 1/17/2022. Release of Transcript Restriction set for 3/17/2022.(Miller, Timothy) (Entered: 12/17/2021)</p>   |
| 12/17/2021 | <u>253</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 12-14-21; Page Numbers: 1-47; Date of Issuance: 12-17-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 1/7/2022. Redacted Transcript Deadline set for 1/17/2022. Release of Transcript Restriction set for 3/17/2022.(Miller, Timothy) (Entered: 12/17/2021)</p> |
| 12/17/2021 | <u>254</u> | TRANSCRIPT OF STATUS CONFERENCE in case as to ZACHARY REHL before Judge Timothy J. Kelly held on 12-14-21; Page Numbers: 1-47; Date  |



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|            |            | <p>of Issuance: 12-17-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 1/7/2022. Redacted Transcript Deadline set for 1/17/2022. Release of Transcript Restriction set for 3/17/2022.(Miller, Timothy) (Entered: 12/17/2021)</p>  |
| 12/17/2021 | <u>255</u> | <p>TRANSCRIPT OF STATUS CONFERENCE in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 12-14-21; Page Numbers: 1-47; Date of Issuance: 12-17-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 1/7/2022. Redacted Transcript Deadline set for 1/17/2022. Release of Transcript Restriction set for 3/17/2022.(Miller, Timothy) (Entered: 12/17/2021)</p> |
| 12/21/2021 | <u>256</u> | <p>Joint STATUS REPORT <i>Regarding Motions Filed by Prior Counsel</i> by USA as to ZACHARY REHL (Jones, Luke) (Entered: 12/21/2021)</p>  |
| 12/21/2021 | <u>257</u> | <p>NOTICE <i>Government's Submission Regarding Defendants' Ability to Confer with Counsel and Prepare for Trial</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 12/21/2021)</p>  |
| 12/22/2021 | <u>258</u> |   |

|            |            |   |
|------------|------------|---|
|            |            | RESPONSE by ETHAN NORDEAN re <u>257</u> Notice (Other) <i>re Nordean's Ability to Confer with Counsel and Prepare for Trial</i> (Smith, Nicholas) (Entered: 12/22/2021)   |
| 12/27/2021 | <u>259</u> | NOTICE of DC Jail Covid-19 Lockdown by ETHAN NORDEAN (Smith, Nicholas) (Entered: 12/27/2021)  |
| 12/27/2021 | <u>260</u> | NOTICE OF APPEAL (Interlocutory) by ETHAN NORDEAN re Status Conference,,,,, Speedy Trial – Excludable Start,,,,, Set Deadlines/Hearings,,,,, Order on Motion for Bond,,,,, Order on Motion for Hearing,,,,, Order on Motion for Release from Custody,,,,, Order on Motion for Miscellaneous Relief,,,,,. Fee Status: No Fee Paid. Parties have been notified. (Smith, Nicholas) (Entered: 12/27/2021)   |
| 12/27/2021 | <u>261</u> | NOTICE OF APPEAL (Interlocutory) by JOSEPH R. BIGGS re Status Conference,,,,, Speedy Trial – Excludable Start,,,,, Set Deadlines/Hearings,,,,, Order on Motion for Bond,,,,, Order on Motion for Release from Custody,,,,, Order on Motion for Miscellaneous Relief,,,,, Order on Motion for Hearing,,,,, Filing fee \$ 505, receipt number ADCDC-8950338. Fee Status: Fee Paid. Parties have been notified. (Hull, John) (Entered: 12/27/2021) |
| 12/28/2021 | <u>262</u> | ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4), denying Defendants' <u>94</u> 105 128 225 Motion to Dismiss. See Order for details. Signed by Judge Timothy J. Kelly on 12/28/2021. (lctjk1) (Entered: 12/28/2021)   |
| 12/28/2021 | <u>263</u> | MEMORANDUM OPINION as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4), in support of <u>262</u> ORDER denying Defendants' <u>94</u> 105 128 225 Motion to Dismiss. Signed by Judge Timothy J. Kelly on 12/28/2021. (lctjk1) (Entered: 12/28/2021)  |
| 12/28/2021 | <u>264</u> | NOTICE OF APPEAL (Interlocutory) by ZACHARY REHL re Order on Motion for Bond,,,,,, Order on Motion for Hearing,,,,, Order on Motion for Release from Custody,,,,, Order on Motion for Miscellaneous Relief,,, Fee Status: No Fee Paid. Parties have been notified. (Hernandez, Carmen) (Entered: 12/28/2021)  |
| 12/29/2021 | <u>265</u> | Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by a CJA appointed attorney as to ETHAN NORDEAN re <u>260</u> Notice of Appeal – Interlocutory. (zltp) (Entered: 12/29/2021)  |
| 12/29/2021 | <u>267</u> | MOTION for Discovery <i>and for an Evidentiary Hearing in Support of Nordean's Claim of Selective Enforcement and Selective Prosecution</i> by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 12/29/2021)   |

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

Case No. 21-CR-175-2 (TJK)

JOSEPH RANDALL BIGGS,  
Seminole County Jail  
100 Eslinger Way  
Sanford, FL 32773

**NOTICE OF APPEAL**

Joseph Randall Biggs, by undersigned counsel, pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3145, hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the December 14, 2021 order denying motion for bond and to reopen detention proceeding (Docket Item 137) and related oral rulings of even date.

Respectfully submitted,

J. DANIEL HULL  
COUNSEL FOR APPELLANT JOSEPH R. BIGGS

By: /s/ John Daniel Hull  
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DC Bar No. 323006; California Bar No. 222862  
Hull McGuire PC  
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Date: December 27, 2021

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## U.S. District Court

## District of Columbia

### Notice of Electronic Filing

The following transaction was entered on 12/14/2021 at 1:04 PM EDT and filed on 12/14/2021

**Case Name:** USA v. NORDEAN et al

**Case Number:** 1:21-cr-00175-TJK

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### Docket Text:

**Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 12/14/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. For**



the reasons stated on the record, the [122] MOTION for Bond by defendant NORDEAN, [137] MOTION for Bond by defendant BIGGS, [190] MOTION for Release from Custody and [192] MOTION to Re-Open Detention Hearing both by defendant REHL, are all DENIED. Speedy Trial Excludable (XT) started 12/14/2021 through 1/11/2022, in the interest of justice, as to ALL defendants. Government Submission due by 12/21/2021. Defense Responses due by 12/30/2021. Government Reply due by 1/6/2022. VTC Status Conference set for 1/11/2022 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, Erik Michael Kenerson and James Pearce. (zkh)

**1:21-cr-00175-TJK-1 Notice has been electronically mailed to:**

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**1:21-cr-00175-TJK-2 Notice has been electronically mailed to:**

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**1:21-cr-00175-TJK-2 Notice will be delivered by other means to::**

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## U.S. District Court

## District of Columbia

### Notice of Electronic Filing

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**Case Number:** 1:21-cr-00175-TJK

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#### Docket Text:

**MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), and ZACHARY REHL (3), denying Defendants' [122] [137] [190] Motions to Reopen Bail Proceedings. It is hereby ORDERED, for the reasons set forth on the record today and below, that Defendants Nordean, Biggs, and Rehl's motions to reopen bail proceedings are DENIED. Further, the Court notes that even if the conditions proposed by Nordean included a ban on his possession of electronic devices--a ban that could make it hard for him to review electronic**



evidence in the case--and even if he abided by that condition, he would still have access to less sophisticated means of communication, such as the use of a land-line telephone or the regular mail, that he could use to exercise leadership, conduct planning, and communicate with associates. Signed by Judge Timothy J. Kelly on 12/14/2021. (lctjk1)

**1:21-cr-00175-TJK-1 Notice has been electronically mailed to:**

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**1:21-cr-00175-TJK-3 Notice will be delivered by other means to::**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

Case No. 21-CR-175-2 (TJK)

JOSEPH RANDALL BIGGS,

Defendant.

Oral Hearing Requested

**MOTION TO REOPEN HEARING AND FOR RELEASE FROM DETENTION**

Defendant Biggs, by undersigned counsel, moves to reopen his detention hearing and for his release, pursuant to the Bail Reform Act, 18 U.S.C. Section 3142(f). Given the size and complexity of the information still surging from DOJ's January 6 investigation, and Biggs' alleged outsized leadership role at the Capitol that day, no circumstances exist or can exist in the near term in which Biggs can participate in his own defense so long as he is detained pending trial based on "future dangerousness" grounds under section 3142. His current detention, now in its fourth month, is well past the point of being on a collision course with his Sixth Amendment rights to prepare for trial with his lawyer. His release to begin the lengthy process of preparing for his trial is particularly warranted when there is no indication that Biggs and others are likely to plan and lead a "second insurrection" against the United States. Biggs' detention at this point is pure coercion to pry false histories from him about a January 6 Proud Boy conspiracy where none existed. Biggs should be restored to his previous status of home detention so he can prepare for trial.

**Additional Background: Defendant Biggs**

Joseph Randall Biggs, 37, is a retired United States Army Staff Sergeant and Purple Heart earner. He served two year-long deployments abroad: Iraq (2005-2006) and Afghanistan (2007-2009). In 2009, Biggs was featured in "The Commander," an on-air *Dan Rather Reports* story about the American-led NATO coalition fighting the Taliban insurgency in Afghanistan. While the hour-

long documentary's namesake is American Armed Forces commander General David McKiernan, its second 20-minute segment begins and ends with Biggs and his role in an all-volunteer "maneuver team" of sixteen soldiers, stationed near the Afghan-Pakistan border, formed from three artillery units. Biggs is interviewed in the segment along with other officers but is central to the segment as a reflection of how the maneuver team functioned. The year-long assignment of Biggs' platoon ranged from engaging Taliban combatants and suicide bombers to helping local villagers build wells, roads and schools for villages in a 350 square mile area. *See, Dan Rather Reports*, "The Commander, an Interview with General David McKiernan," Jan. 6, 2009, Rather (Dan) Papers, e\_rather\_00080, Briscoe Center for American History, Austin, Texas.

<https://danratherjournalist.org/ground/crises-and-conflicts/war-afghanistan/compilation-war-afghanistan-stories-videos/video>)

"The Commander" was produced by Michael Hastings, the late war correspondent and *Rolling Stone* writer. Hastings and Biggs became friends in Afghanistan. Hastings would later interview and write about Biggs two more times and use Biggs as a major source in third article. In "Kiowa Helicopters: America's New Cavalry," *MEN'S JOURNAL* (Sep. 2010 issue), Hastings highlighted the ascendancy of the use of the smallish, nimble Kiowa helicopters as air support to help Biggs' platoon and other U.S. infantry fight the Taliban on the ground. In "Obama's War," discussing a late 2008 incident involving Biggs that was also covered in *Dan Rather Reports* "The Commander" documentary, Hastings touched on a suicide bomber who wounded a 9-year-old child that Biggs and a medic managed to keep alive after the bomber had killed himself and two adults. *See*, M. Hastings and L. Read, "Obama's War," *GQ* (March 31, 2009). Finally, Hastings used Biggs, due to Biggs' concern for the safety and morale of American Army ground troops in Afghanistan, as a source for his article "The Runaway General", a profile about U.S. General Stanley McChrystal,



General McKiernan's successor in Afghanistan, in *Rolling Stone's* July 8, 2010 issue.

Hastings' work underscores that Biggs is by upbringing and training both safety conscious and community service oriented. *See*, Biggs' Supplemental Memorandum in Opposition to Motion to Revoke Pretrial Release, 3, April 6, 2021 (ECF 53). He descends from a family of both soldiers (father's side) and news reporters (mother's side). He was raised to participate in the world around him, to serve, to help others and generally to be "in the thick of things." Biggs' father is a retired Vietnam War-era U.S. Marine Corps sergeant and tunnel rat, who earned a military specialization as an Emergency Medical Technician ("EMT") in Combat Lifesaving as an Emergency Medical Technician ("EMT") before he was deployed to Vietnam in the 1960s.

The elder Biggs received more EMT training in Vietnam and had countless opportunities to use it. He continued that service in civilian life after his retirement from the Marine Corps. Growing up in the Carolinas, Joseph Biggs accompanied his father on first responder calls as a volunteer in both urban and rural settings. In 2004, Biggs, now 21, joined the military himself. He was stationed at Fort Bragg, North Carolina through 2009. In October 2005 he completed his own EMT training in combat lifesaving at a nearby college before being deployed to Iraq. Biggs was recertified by his battalion as an Emergency Medical Technician in August 2006 while still in Iraq. *See*, EMT certificates of training awarded to Joseph Biggs from 3<sup>rd</sup> Battalion, 321<sup>st</sup> Field Artillery Regiment dated October 15, 2005 (Fort Bragg, NC) (attached as Exhibit 1) and August 10, 2006 (Balad, Iraq) (attached as Exhibit 2). In Afghanistan in particular, Biggs was able to put his EMT training and experience to use in ways that were even publicly documented as they occurred. (The "Obama's War" piece by Hastings even touches on this in a description of the aftermath of a suicide bombing in late 2008. ("The [local Afghan village] kid's lying there naked and bleeding on a slab of concrete outside the motor pool. Outside the gate, Sergeant Joseph Biggs is making sure no one

else is hit. Biggs is a 24-year old from Florida.” id. at 6-7).

Between 2009 and 2013, Biggs was based at Fort Bliss military base, El Paso, Texas. In 2012, his health and safety orientation came into view again when the base command asked his help to train actors in a widely distributed training film governing language and conduct between men and women in the increasingly sexually-integrated U.S. Army. He also continued to use his EMT training and community service orientation for the benefit of several disaster areas or stressed regions in and out of America. In January 2010, he thought up, planned and carried out a rescue mission near Leogane, Haiti after the earthquake there. In 2017, while living in Austin, Texas after returning to civilian life, he devised a similar mission near Houston after hurricane Harvey’s landfall flooded and killed hundreds of people in Texas and Louisiana.

As the Court knows (ECF 42), the following year, late 2018, Biggs moved from Austin with his infant daughter to the Daytona Beach area to help care for his mother, a cancer patient on and off in remission. Shortly after the move, he hooked up with the Proud Boys, a fraternity started by comedian, internet personality and VICE Media founder Gavin McInnes two years earlier during the height of the 2016 Hillary Clinton-Donald Trump presidential contest. Biggs joined the Proud Boys organization after moving to central Florida partly to meet people. He never sought a formal leadership position (like chapter president) but did use his planning and leadership roles honed in the military to plan several Proud Boys events in and out of Florida. The two biggest events he planned were the national march and counter-rally to the “Rose City” Antifa demonstrations held in Portland, Oregon late 2019 and 2020. In planning these two events, Biggs frequently interacted with local, state and federal law enforcement, including special agents of the FBI in several FBI field offices. In July 2020, he met in person with two Daytona Beach-area FBI special agents interested in tapping his knowledge about specific Antifa persons and activities Biggs and other Proud Boys

were seeing “on the ground.” *See also*, Opposition to Motion to Revoke (ECF 42)

*The Proud Boys*. Founded in July 2016 by comedian and satirist Gavin McInnes, Proud Boys is a men’s fraternal organization. It is “pro-Western” civilization. It is pro-family and pro-religion (any religion). It has rules. It has by-laws. *See, The Constitution and Bylaws of Proud Boys International L.L.C.* (revised November 24, 2018) (attached as Exhibit 3). It is not and has never been far-right, white nationalist, white supremacist, racist, misogynistic or homophobic. It has resisted and fought back at such labeling. *See, e.g.*, Keith McMillan, “FBI says Proud Boys are not an extremist group,” *THE WASHINGTON POST*, Dec. 7, 2018, at B1 (Ranking Oregon Special Agent tells reporters that “the FBI had not intended to designate the group as extremist during a slide show with the Clark County Sheriff’s Office.”). Proud Boy founder and ex-chairman McInnes has sued the Southern Poverty Law Center (SPLC) in an Alabama federal district court for defamation and several other theories of recovery after designating Proud Boys as a “hate group” and engaging in a de-platforming and defunding campaign against McInnes and his media enterprises. The SPLC’s motion to dismiss filed two years ago was met with a contentious if scholarly opposition by McInnes’s lawyers and so far has failed in every respect. That litigation persists. *See Gavin McInnes v. SPLC*, 2:19-cv-98-MHT-GMB Doc. 32 filed 05/14/19 (M.D Ala. N.D.) Finally, Enrique Tarrio, Proud Boy chairman since November 2018, is past Florida state director of Latinos for Trump. Like his predecessor McInnes, Tarrio is an accomplished political satirist. He grew up in the Little Havana section of Miami. Tarrio is of Cuban and Afro-American descent.

Like any new group, especially a decentralized one, the Proud Boys have unique challenges, including unique vetting and membership challenges. Since its start in 2016, clearly unacceptable

candidates have been turned away from Proud Boy membership after vetting in scores of local chapters nationally. Members have also been ejected from Proud Boys based on their actions, words or later-discovered falsehoods or omissions made during the vetting process. And like every political or cultural organization, especially a fledgling, decentralized one, it attracts eccentrics, malcontents, wannabes, straight-up dorks and some bad actors. The Proud Boy idea, however, is to maintain and promote what members see as positive, traditional American values which they believe have served their own families and other Americans well. Twelve group tenets written five years ago still hold true for the group.

1. Minimal Government
2. Maximum Freedom
3. Anti-Political Correctness
4. Reinstating a Spirit of Western Chauvinism
5. Anti-Racial Guilt (No shame “for the deeds of ancestors.”)
6. Pro-Free Speech
7. Anti-Drug War (“An endless war that enacts policies that bury the addicted.”)
8. Anti-Racism
9. Closed Borders
10. Pro-Gun Rights
11. Glorifying the Entrepreneur
12. Venerating the Housewife

Gavin McInnes, Founder, Former Chairman, The Proud Boys, “The Proud Boy Tenets” (January 28, 2021).

#### **Procedural History of This Motion**

Between January 20 and April 22, Biggs awaited trial at his home in Ormond Beach, Florida under strict conditions of release: GPS location monitoring device, weekly drug testing, psychiatric evaluation and medical check-ups, DNA sampling, firearm surrender, passport surrender and highly restricted travel. He *daily* spoke on the phone with his Pretrial Services Agency (PSA) officer Charles Sweatt in Orlando. Sweatt found Biggs’s level of compliance exemplary. On March 22, 2021, he



wrote that Biggs “presented no concerns regarding compliance since his release from custody in our district. He has maintained compliance regarding his conditions of release and location monitoring and maintained regular communication with me.” (ECF 42-1). A week later, on March 29, Sweatt even told the PSA Supervisor in Washington, D.C., Ms. Christine Shuck, that Biggs had “super compliant” since January 20. (ECF 40).

On Saturday, March 20, Biggs had just completed his second month on home detention when he was served unexpectedly with the Government’s Motion to Revoke Pretrial Release (ECF 31). A newly unsealed six-count First Superseding Indictment (“FSI”) (ECF 26) charged that on January 6, Biggs, Ethan Nordean, Charles Donohoe and Zachary Rehl conspired, attempted to, did violate, and aided and abetted in the violation of 18 U.S.C. sections 1512(c)(2) and 231(a)(3). Counts 1, 2 and 3. FSI Count 4 charges “depredation” of federal property in over \$1,000 of damage. Finally, FSI Counts 5 and 6 charge violations of 18 U.S.C. section 1752 by entering, remaining on and being “disorderly” on a “restricted building and grounds.” After a two-part detention hearing starting on April 6 and concluding April 19 (ECF 59, 72), and issuance of a Detention Order on April 20 (ECF 66), Biggs on April 22 reported as ordered to federal marshals in the Middle District of Florida in Orlando who transported him to a federal lock-up unit the Seminole County Jail in Sanford, Florida.

#### **Bail Reform Act Standard For Reopening Hearing**

Under the Bail Reform Act (BRA), a district court may reopen a detention hearing at any time before trial if it finds that information exists that was not known to the movant that the time of the hearing and that has a material bearing on the issue “whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. Section 3142(f). The hearing and oral ruling on the government’s

motion to revoke the Biggs' home detention occurred, respectively on April 6 and April 19. It culminated as required under BRA in a written order of April 20. (ECF 66). In the April 20 order Biggs is not found to be a flight risk ("assure the appearance of such person as required"). Rather, his detention in a Florida jail pending trial on the six counts against him is on the basis of future dangerousness ("the safety of...the community"). The question now before the Court under Section 3142 is whether there is any new information or evidence that has a material bearing on the likelihood of Biggs posing future threat to the peace and stability of the United States. Below Biggs proffers new information which he believes affects the pretrial detention inquiry the Court made on April 6 and 19 in a number of respects.

## **ARGUMENT**

### **A. Conditions of Detention for Biggs at Seminole County Jail**

Biggs has been held at the Seminole County Jail (aka John E. Polk Correctional Facility), a medium security jail in Sanford, Florida ("Seminole") since April 22. Seminole has a capacity of about 1200 inmates. Seminole is not a federal facility run by the U.S. Bureau of Prisons but has a good reputation. Biggs is housed in a federal prisoner section with a capacity of about 80. The Seminole federal unit functions as staging area and "transfer station". Federal prisoners are temporarily housed there until transferred to permanent housing elsewhere. Although not large, the unit housing Biggs is a throughfare of news, gossip and scuttlebutt due to the constant flow of people. It's a busy, fluid part of Seminole.

#### **1. Biggs' safety and health issues**

As reported at the status conference of July 15, Biggs has experienced two significant safety and health events at Seminole. National media coverage of the Proud Boys, coupled with a relatively high profile status as a leader and activist during most of his adult life, has made Biggs a "known

man” at Seminole County Jail. When he arrived at Seminole on April 22, most inmates quickly knew his name and presence there. Within a week of his incarceration there, even new prisoners knew of Biggs’ presence there immediately--and some apparently knew before arriving. Most prisoners treat Biggs with at least a modicum of respect. But some do not. On May 21-22, a small gang of Hispanic prisoners suddenly started to threaten Biggs verbally and aggressively due to his affiliation with the Proud Boys. The Seminole Classifications Department, which also controls lawyer-client meetings and phone calls at the jail, immediately and deftly transferred Biggs to another nearby but separate section of the federal lockup where he remains. The threats subsided and ceased when those prisoners left. New inmates, however, come and go constantly.

As also mentioned to the Court during the status conference on July 15, Biggs in June experienced two weeks of a painful flareup and swelling of a knee operated on in February 2020. The knee operation involved insertion of a prosthetic device behind the kneecap to correct damage caused over time by explosions in Iraq and Afghanistan. The knee flareup at Seminole in June was unexpected and the first problem of any kind since the 2020 operation. Although the pain and swelling has subsided, x-rays taken at Seminole strongly suggest that another operation will be needed to replace the current underlying prosthetic. Obviously, such an operation would have to take place at a hospital or clinic outside the Seminole Jail, preferably at the same Veterans Affairs clinic in Daytona Beach where the 2020 operation was performed. Convalescence for several weeks if not months would be needed at a venue outside Seminole.

## **2. Inability to Prepare for Trial: The Mother of All Client Preparation Bottlenecks**

While the threats to Biggs in jail and the need for a new knee operation and convalescence period are by themselves enough to justify Biggs’ release and restoration to his previous home

detention status in Ormond Beach, neither is more pressing than the problem of Biggs' pretrial preparation limitations. And that problem is becoming difficult to overstate. Little if any substantial, meaningful pretrial preparation between Biggs and his counsel can occur as long as he is confined in any correctional facility, even one as well-managed and as reputable as Seminole. Little trial preparation has occurred so far. That is now a simple fact of life for every January 6 defendant currently detained and his counsel. Few if any--and probably not one--American jails, prisons or correctional facilities (of any security grade) is currently constituted or equipped to permit a January 6 defendant to prepare for trial or a non-trial resolution. That is especially true of defendants like Biggs and his codefendants (with no criminal records and engaging in no violence or property damage on January 6) who the Government has designated as "leaders" in "conspiracies." The discovery from DOJ they must review is both "defendant-specific" and "general" in the January 6 discovery cache. Those defendants must be presented with a specially-designed teleconferencing solution they can use most hours of the day with their counsel or be released to home detention so they can properly prepare for trial.

**a. The Client Preparation Problem**

The trial preparation problem is of course most acute for defendants Biggs, Nordean, Donohoe and Rehl, all alleged to be major "players" at the Capitol on January 6. The amount of discovery, much of it hundreds of hours of video, is simply too much for any counsel to efficiently share and discuss with any January 6 defendant. *See*, discussions below, at Sections B (growing discovery) and C. (growing Sixth Amendment issues). Seminole management understands the magnitude of the problem in Biggs' case. Government counsel seems well-aware of the problem. Undersigned counsel first addressed the client preparation problem with Seminole officials in May. These discussions will continue and will soon include DOJ attorneys assigned to this case. Presently,



counsel speaking with or writing to three management level officials, including two captains at Seminole's Operations Division, about crafting a new system for regular preparation sessions which permit sharing of videos and documents. However, nothing short of building a completely new, secure two-way real-time system of teleconferencing (equipment and software) that can be used by a prisoner and his counsel several hours a day will permit preparation of January 6 clients like Biggs.

**b. A Note on Communications Currently Offered at Seminole.**

Since the first week of his detention, Biggs and his counsel have utilized every communication app or system offered by Seminole, and are of course exploring others. Here's a summary:

1. Regular mail, it should first be noted, cannot be sent to inmates. No packages or books can be sent by a publisher, Amazon, USPS or any other delivery service.

2. **Securas phone calls.** Biggs and his counsel do speak by telephone two or three times daily on a system operated by Securus Technologies, a longtime Seminole vendor. Each Securas call is 15 minutes long, relatively expensive and non-private. However, the quality of the connection is good. A few things can be accomplished. Of course, no preliminary discovery can be reviewed. No strategy can be discussed.

3. **Seminole attorney-client calls.** Seminole also makes available a 30-minute confidential client-attorney telephone after a request on "law firm letterhead." However, the quality of the connection calls is erratic. Calls cannot be scheduled every day. Biggs and his counsel have stopped using it.

4. **Smart Communications email.** Biggs and counsel can securely email using Seminole vendor Smart Communications; however, no documents or videos can be transmitted.

5. **In person meetings at Seminole.** Counsel may meet in-person with an inmate. A meeting has been set up for August 18. For that meeting, it's still unclear whether counsel can bring

a laptop.

6. Finally, Seminole and Biggs' counsel are also currently exploring review of documents by Biggs for a couple of hours a day at the prison library. However, this would not of course permit a real time conversation with counsel as documents or videos are reviewed even if the laptop there could download the hundreds of files produced by DOJ. Moreover, it's not clear at this point how digital materials could be securely forwarded for review and what form they would take.

**B. Expanding Discovery in January 6 Cases: The Single Most Compelling Reason to Reopen Detention Proceedings**

Increasingly, January 6 case discovery and related information management issues have earned descriptors like “novel,” “difficult,” “problematic,” and “extraordinary”. Such terms are not routinely heard in can-do American litigation legal circles, civil or criminal. The events of January 6, 2021 at the Capitol quickly changed that. From hundreds of defendants, witnesses, informants, law enforcement officers and other security personnel came massive flows of video (body-worn, closed circuit, fixed-point surveillance, seized), photos, reports and other data routinely available to prosecutors and which defense counsel are often entitled to see and process together with their clients. But the challenge for anyone stepping into January 6 discovery universe is simply apprehending its colossal size fully. Each new arrest and case generates additional mass, variety and flow to the overall discovery “pool.” On June 3, during a status conference in this case, lawyers for the government commented on “the complexity of the case,” “the number of defendants,” “the scope of the crime scene—thousands of people unlawfully on the Capitol grounds, more than 15,000 hours of surveillance footage and body-worn camera,” the over 1,600 electronic devices seized and “over 20 responding law enforcement agencies.” The comments were made to toll the Speedy Trial Act or “to allow for both defense counsel and Government counsel alike to engage in

due diligence in their effective preparation for trial.” Hr’g Tr. at 8-9 (ECF 117).

To put just some of the January 6 trial preparation into perspective for a defendant like Biggs, consider the “15,000 hours of surveillance footage and body-worn camera” mentioned by the Government at the June 3 status conference. To review one-quarter of that footage, which some defendants (i.e., charged as a leader in a conspiracy) may need or choose to do, the time required to review the footage once through would be the equivalent of 155 days of non-stop video watching. It’s a daunting task under any circumstances but highly unlikely that any January 6 defendant could accomplish that in prison even assuming a prison permitted it.

To its credit, the government early on sought expert help to manage January 6 case information. In July, DOJ contracted with Deloitte for \$6 million to build a central repository for the discovery surge, and the contract price is expected to quickly quadruple to nearly \$25 million. *See*, Josh Gerstein and Kyle Cheney, “Feds agree to pay \$6.11 to create database for Capitol Riot prosecutions,” POLITICO, July 9, 2021. The government did not however contract for the designing of a teleconferencing tool or other secure two-way communication device which would permit a detained defendant and his counsel to share and discuss large flows of discovery as they are produced. DOJ and detained defendants share an interest in fair outcomes at trial or flowing from pre-trial discussions. For that, however, there needs to be a level playing field for information flow.

**C. Sixth Amendment Concerns Alone Favor Immediate Release from Custody**

The Sixth Amendment to the Constitution states:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U.S. Const. amend. VI. While the Sixth Amendment has long guaranteed criminal defendants a variety of rights in criminal prosecution, two are notably threatened here by Biggs' current detention conditions important: (a) to know what the evidence is against him or her, and (b) to have the effective assistance of counsel. For reasons of size, complexity, sheer novelty and the utter and complete lack of any known technology adequate to the task for January 6 cases, neither of these overarching rights is possible in the government's prosecution of Biggs so long as Biggs is incarcerated. Case preparation needs *alone* favor the release of Biggs to prepare for trial or for non-trial resolutions. As of April 6—the date of Biggs' detention hearing—about 400 defendants had been charged in the January 6 cases. There are now 570 defendants. Additional defendants continue to be arrested and charged. Each new defendant, moreover, generates its own defendant-specific discovery cache of videos, photos, reports and attachments to reports still photography and documentation *plus* adds to the overall general discovery wave of information to which arguably every existing defendant is entitled.

The Court is reminded that the events and timeline of Wednesday, January 6 occurred physically on roughly one-half acre inside and just outside the Capitol with over 1000 “players.” While all defense counsel applaud and appreciate the government's efforts to obtain, organize, manage and produce the gargantuan and growing amounts of amount of information generated by each new arrest, more than one defense counsel has likened the receipt of discovery in this case like “drinking out of a firehose.” To be sure, due to the prominent January 6 roles the government has crafted for Biggs and his codefendants Nordean, Donohoe and Zehl, these defendants are entitled to all such discovery. All of it relates to each of them. There is no end to the surge of information. Keeping Biggs and other non-violent “leader” defendants in jail indefinitely with this much discovery accumulated means effective trial preparation is not likely.



**D. BRA Did Not Envision “Future Dangerousness” Detainees Like Biggs**

The Bail Reform Act of 1984 was more than a decade in the making. It changed the federal pretrial detention and bail system in a significant and groundbreaking way. In enacting it, however, Congress envisioned specific types of crimes for which repeat offenses were common, frequent and well-known. The goal was to address the “pressing societal problem” (United States v. *Salerno*, at 747) of defendants who remained dangerous to public safety after pretrial release. *See*, S. Rep. No. 98-225 at 4-8 (1984). As this Court noted in *United States v. Singleton*, 182 F.3d 7, 13 (D.C. Cir. 1999):

[T]he Supreme Court has already recognized that Congress limited pretrial detention of persons who are presumed innocent to a subset of defendants charged with crimes that are “the most serious” compared to other federal offenses. *United States v. Salerno*, 481 U.S. 739, 747 (1987) This construction is consistent with the Senate Report, which states that pretrial detention is necessary for only a “small but identifiable group of particularly dangerous defendants.”

*Id.* (quoting S. Rep. No. 98-225, at 6). When the BRA was passed, Congress was concerned with a discrete group of offenses based a number of studies conducted nationally, including in the District of Columbia. It also narrowed its focus to primarily repeat offenders with criminal records. Another integral part of the Act’s legislative history, S. Rep. No. 98-147 (1983), stated:

Several studies indicated that the length of pretrial release plays a significant role in determining whether or not a subsequent crime will be committed. Moreover those with prior records are more prone to commit crime while on pretrial release. In addition, the GAO Study indicated that persons on bail tended to commit more felonies than misdemeanors.

A study in Memphis found that 23 percent of bail crime is committed against property, rather than against persons. Two studies bear this out. In Washington, D.C. it was found that 65 percent of auto theft defendants on pretrial release were rearrested for another auto theft. An Attorney General’s report on crime in the District of Columbia showed that 70 percent of release robbery defendants were rearrested for another crime.

*Id.* at 30.

In addition to auto theft and robbery, other crimes of focus committed by defendants on some kind of conditional release Congress looked at were: murder, rape, burglary and assault. *Id.* at 26-27. In 1981, Senate Judiciary Chairman Edward Kennedy even underscored the prevalence of these same offenses by defendants “free on bail” in terms of percentage based on the same or similar studies: 65% (auto theft); 40% (forgery); 33% (robbery); 27% (burglary). Edward M. Kennedy, *A New Approach to Bail Release: The Proposed Federal Criminal Code and Bail Reform*, 49 Fordham L. Rev. 423, 423-424 (1981). Finally, it is noteworthy that the pretrial detainees in *Salerno*--which in 1987 upheld a facial challenge to the BRA--were defendants with significant criminal records and charged with thirty-five counts of racketeering, including conspiracy to commit murder.

As reflected above, Congress in enacting the Bail Reform Act of 1984 believed future dangerousness concerned primarily (a) discrete set of crimes committed (b) by those with significant criminal backgrounds. While Biggs appreciates that he is detained under the argument that one of Act’s enumerated crimes is 18 U.S.C. section 1361 (destruction of property over \$1000 in value), the thrust of the Act is to incarcerate pretrial defendants for common, recognizable crimes that they are likely to repeat. It is submitted that “obstruction” of a ministerial Congressional proceeding is not among the crimes Congress envisioned.

#### **E. New January 6 Conspiracies**

The six-count First Superseding Indictment in March against Proud Boys Biggs, Nordean, Donohoe and Rehl (ECF 26) represented the first January 6 leaders “conspiracy” (18 U.S.C. section 1512 obstruction) brought by the Government. Now there are at least two other major section 1512 conspiracy indictments against “extremist” groups. In May, the Government charged sixteen “Oathkeeper” defendants under an almost identical legal framework in another alleged obstruction

conspiracy that was highly elaborate and different than the conspiracy in Biggs's case. *See, United States v. Caldwell*, 21-cr-00028-APM (5/30/21). In June, and using the same legal architecture, the Government indicted six of Southern California's "Three Percenters" and alleged a third and entirely different obstruction theory. *See, United States v Hostetter*, 21-cr-00392-RCL (6/9/21).

Biggs and his counsel find it highly improbable that all three conspiracies to storm the Capitol on the same day for same purposes could exist. At a minimum, no defendant in any of them should be in pretrial detention as long as the Government has "competing" obstruction conspiracy theories about groups involved in the events of January 6.

### **CONCLUSION**

Biggs' detention hearing should be reopened to consider arguments on his release. January 6 case management challenges are mounting for all litigants. The continuing surge in discovery production make it difficult to prepare detained clients in the January 6 cases. But this is especially true in the case of a defendant like Biggs who the Government has assigned a prominent role in the events of that day. Biggs believes he should be restored to his previous status of home detention so he can prepare for trial. At a minimum, however, the Court should hear argument on current difficulties in trial preparation and how those difficulties can be timely addressed.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 8, 2021, he served a true and correct copy of the foregoing Motion to Reopen Hearing and for Release from Pretrial Detention via Electronic Case Filing (ECF) system upon counsel for the government.

By: /s/ John Daniel Hull

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3<sup>RD</sup> BATTALION 321<sup>TH</sup> FIELD ARTILLERY

## Certificate of Training

is presented to

PFC BIGGS, JOSEPH  
243-65-4833

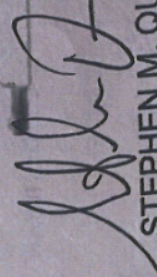
For successfully completing the 40 hour

Combat Lifesaver Course

On

15 OCTOBER 2005



  
STEPHEN M. QUINN  
LTC, FA  
Commanding





# DEPARTMENT OF THE ARMY CERTIFICATE OF TRAINING

This is to certify that

SPC Joe Biggs  
243-65-4833

has successfully completed

The EMT-Basic Refresher Course # R-06-99  
07-10 Aug 2006

The National Standard Emergency Medical Technician-Basic Refresher Course consists of 24 hours of didactic course work with written and practical examinations. Didactic hours consist of : Preparatory - 1hr, Airway - 2hrs, Patient Assessment - 3hrs, Medical/Behavioral - 4hrs, Trauma - 4hrs, Obstetrics, Infants and Children - 2hrs, Elective - 8hrs from 1994 National Standard EMT-Basic Curriculum.

Given at TF 30<sup>th</sup> MEDICAL BRIGADE

JAMESON COMBAT MEDIC TRAINING CENTER  
LSA ANACONDA, BALAD, IRAQ (OIF 05-07)

Eric T. Lund

ERIC T. LUND  
LTC, MC  
MEDICAL DIRECTOR

DA FORM 87, 1 OCT 78

# The Constitution and Bylaws of Proud Boys International L.L.C.

Revised November 24, 2018 .

Proud Boys International L.L.C.  
c/o The Van Dyke Law Firm P.L.L.C.  
108 Durango Drive  
Crossroads, TX 76227

**WITH MEMBER NAMES AND EXHIBITS REDACTED**  
**FOR PUBLIC RELEASE**



## **Article I: Purpose, Scope & Governing Law**

### **Section 1. Purpose**

The purpose of Proud Boys International, L.L.C., a Texas Limited Liability Company (the "Company"), shall be to establish, maintain, govern, improve and promote the welfare of a fraternal order to be known as the "Proud Boys" (the "Fraternity"), which shall have for its objects: the mutual benefit and assistance of its members; the binding by closer bonds of its members one to another; the rendition of mutual assistance to its members during life and after their death to their dependents; the extending of charity to all who need such assistance; the promotion of western civilization including free speech and the right to bear arms; the promotion of good citizenship; the training and developing of men to become positive role models as husbands, fathers, entrepreneurs, and civic leaders; and true patriotism.

### **Section 2. Composition of Fraternity**

- (a) The Fraternity shall consist of the Company, active chapters established and existing from time to time throughout the world, Proud Boy Elders Chapter, and the members and probationers of the Fraternity. No other Company, association or other body shall be deemed to be a constituent part of the Fraternity except as set forth in these bylaws.
- (b) References in these bylaws to "brothers" shall, unless otherwise specified or unless the context clearly requires otherwise, mean persons that have completed the second degree of initiation. The term "members" shall mean all brothers and probationers of the fraternity.

### **Section 3. Use of Name.**

Except for the entities and individuals identified in the first sentence of Section 2 of this Article 1, no entity or individual shall have the right to use the name "Proud Boys", or any insignia of the Fraternity, or any recognizable variant of any of the foregoing, in whole or in part, as a part of its name, or to identify itself or himself, or to claim affiliation with the Fraternity, without express written permission of this Company, which permission may be limited to a stated period of time.

### **Section 4. Governing Documents.**

The Constitution and Bylaws of Proud Boys International L.L.C., (the "Bylaws") shall be the supreme law of the Fraternity. Except as provided in these bylaws, the governing law of the Fraternity shall be the resolutions of the Proud Boy Elders Chapter. Any bylaw, regulation, legislation, or resolution of any chapter of the Fraternity in conflict with any of the foregoing shall be null and void. Any private rituals of the Fraternity, as may be promulgated by the Elders Chapter from time to time, shall be incorporated into these bylaws.



## **Article II: Elders Chapter**

### **Section 1. Name, Role and Powers**

The terms "Elders Chapter" or "Proud Boys Elders Chapter" shall mean and refer collectively to the members of the Company. The Elders Chapter shall be the administrative, executive, and judicial head of the Fraternity, and shall have, in addition to the powers expressly provided for elsewhere in these Bylaws, the power to decide all questions concerning the meaning and interpretation of these Bylaws, and the power to adopt such other resolutions, not inconsistent with these Bylaws, as shall be necessary or appropriate for the welfare of the Fraternity. The manager of this company shall be JLVD Holdings L.L.C. However, the manager of the Company shall not have a vote in any affairs of the Fraternity.

### **Section 2. Composition.**

The Elders Chapter shall consist of eight brothers elected from the Fraternity at large. Except as provided by Section 7 of this Article II, brothers of the Elders Chapter shall be elected for a term of one year, with such terms to expire following the election of a member to replace them.

### **Section 3. Chairman.**

The Elders Chapter shall elect, from among the brothers of the fraternity, a ninth brother to act as Chairman and to have the powers of the Chairman set forth in these bylaws.

### **Section 4. Elders Chapter Powers**

The sole powers of the Elders Chapter shall be as follows: (a) Through the Chairman, serving as the voice of the fraternity as a whole on matters of public concern; (b) Taking legal action on behalf of the fraternity; (c) To hold property in the name of the national fraternity and collect suggested voluntary dues for the benefit of the fraternity or for charity; (d) To establish organizations, funds or trusts to which both members and non-members of the fraternity could contribute for charitable purposes; and (e) To be the final authority on chapter status, membership criteria, and rituals of the fraternity.

### **Section 5. Chapter Autonomy; Elders Not Superior.**

Except as set forth in these bylaws, each chapter of this fraternity is independent and autonomous from every other chapter of this fraternity. The Elders Chapter is not a chapter at all, but rather, a council intended to facilitate brothers with certain skills or abilities to use to such skills and abilities for the benefit of the fraternity as a whole. The members of the Elders Chapter do not hold rank or title that is superior to that of any other brother in the fraternity and, during their tenure in the Elders Chapter, shall remain a member of their local chapter.

### **Section 6. Chairman Duties**

The Chairman is elected by the brothers of the Elders Chapter, but shall not be elected from *among* them. The Chairman may be any brother of the fraternity. The Chairman shall preside over the meetings of the Elders Chapter and, in the event of a tie among brothers of the Elders Chapter on any issue, shall be called upon to cast the tie-breaking vote. Unless otherwise

mandated by the members of the Elders Chapter, the Chairman shall act as the voice of the fraternity as a whole on matters of public concern.

#### **Section 7. The First Elders Chapter**

The initial eight members of the Elders Chapter shall be [REDACTED]. The first duty of the brothers the First Elders Chapter shall be to determine a method through which their successors will be selected upon the expiration of their terms. That method or such election must be approved by at least six of the eight Elders, reduced to written form, and added to these bylaws as an amendment in Section 8 below.

#### **Section 8. Reserved for Expansion.**

#### **Section 9. Removal from Office.**

No brother of the Elders Chapter shall be removed from office prior to the expiration of his term except for death, incapacity, incarceration, or good cause as determined by the Elders Chapter in its sole discretion. Removal shall be based on three fourths vote of all members of the Elders Chapter then in office. Any member of the Elders Chapter shall have the power to resign from the Elders Chapter with thirty (30) days written notice to the Chairman.

#### **Section 10. Vacancies, How Filled**

When, for any reason, a member of the Elders Chapter leaves office before the expiration of his term, the Elders Chapter shall select a successor by a majority vote. That member shall serve for the unexpired portion of the vacated term. If the Chairman resigns, the Elders Chapter shall select a new chairman by a majority vote. The resigning Chairman has the privilege, as his last act in office, of casting a vote to break any tie concerning his successor.

#### **Section 11. Special Privileges of the Elders Chapter**

- (a) The Elders Chapter may, by majority vote, confer the honor of the fourth degree of initiation on any brother of the fraternity who has met the criteria of Article VI, Section 2.
- (b) The Elders Chapter has the privilege of designating awards for merit, other than the fourth degree of initiation, which may be conferred upon a member from time to time subject to the criteria set forth by the Elders Chapter.
- (c) The Elders Chapter has the privilege of designating committees to perform certain functions related to the well-being of the members of this fraternity, provided that such functions do not constitute a prohibited exercise of power by the Elders. These committees may, but need not necessarily include, committees for bylaws, charity, merchandising, and social relations (to plan large events such as WestFest). The Elders chapter shall have the privilege of appointing one or more brothers who are not part of the Elders chapter to assist on such committees.



## **Section 12. Meetings**

- (a) The Elders Chapter may meet from time to time at a place and manner as they may designate. Meetings may be conducted in person or through any means of electronic communication. If the Chairman is not present for the meeting, any Elder may act in place of the Chairman to keep order during the meeting.
- (b) Five members of the Elders Chapter shall constitute a quorum for the transaction of business, except that, if there are less than five members than in office, the remaining members may meet for the purpose of filling vacancies as provided in Section 10 of this Article II. A meeting at which a quorum has been established may continue to transact business notwithstanding the subsequent withdrawal of one or more members with the result that five members are no longer in attendance.
- (c) Except where a different vote is expressly required by another section of these Bylaws, a majority vote of those members present at a meeting at which a quorum is present shall be sufficient to approve any action of the Elders Chapter.
- (d) Promptly following each meeting of the Elders Chapter, any action taken by the Chapter affecting the rights and privileges of members generally shall be communicated to the membership of the fraternity as a whole by any means that is both expeditious and reasonable under the circumstances.

## **Section 13. Financial Matters.**

- (a) The Elders Chapter shall adopt, and monitor on a regular basis, an annual budget covering the revenues and expenditures of the Company. The Elders Chapter may select, from among their membership, a member to implement and monitor the budget.
- (b) The Elders Chapter shall have the authority, but not the obligation, to assess upon *voluntary* annual dues upon each member in an amount not to exceed \$25.00 per year. The revenue from this fee may only be used for the operations of the Fraternity or the other limited purposes set forth in Section 4 of this Article II.
- (c) The payment of dues is a *voluntary assessment* and shall not be the determining factor of whether a person is a member in this fraternity.

## **Section 14. National Membership Records Forbidden**

The Elders Chapter shall not keep or maintain a national list of members of this fraternity.

# **Article III**

## **Establishment and Status of Active Chapters**

### **Section 1. Names.**

- (a) Subject to these by-laws, the active chapters shall be named by using "Proud Boys" followed by the city in which the chapter has been chartered. For example, a chapter chartered in Detroit shall be named "Proud Boys Detroit". For chapters in smaller or less populous states where the use of the name of a city would be impractical, the name of the state may be used. For example, a chapter in Providence, Rhode Island would be named

“Proud Boys Rhode Island”. The same name shall not be given to more than one chapter, and the name once given to an active chapter in a particular geographic location shall not be withdrawn from that location.

- (b) The naming provisions of this bylaw are for chartering purposes only. It does not require that a chapter maintain any kind of legal existence. For those chapters which choose to have a legal existence (such as an LLC or a Corporation), this bylaw is not intended to impose any requirements or restrictions with respect to the naming requirements for that legal entity. Similar, this bylaw does not require the filing of any type of assumed name (d/b/a) certificate.

## **Section 2. Establishment of New Chapters.**

- (a) The Fraternity shall seek to expand by establishing new active chapters, and for this purpose, the Elders Chapter shall have the *sole authority* to establish chapters in locations where it may determine there is an interest in the Fraternity. However, the Elders Chapter may delegate this authority to local bodies already responsible for overseeing the creation of chapters in their area, or such bodies which may be created in the future.
- (b) No currently existing chapters of the fraternity shall be required to reapply for chartering. After the date of the adoption of these bylaws, the Elders Chapter must approve any new chapter of the fraternity by a majority vote.
- (c) The Fraternity was formed in the United States of America and is an American organization. Chapters may be formed outside of the United States of America and its territories using the procedures set forth in these bylaws and all members of those chapters shall be recognized as brothers by other chapters. However, all chapters formed outside of the United States of America shall bear the responsibility of complying with all laws relating to the formation of a fraternal organization in their home country. All chapters formed outside of the United States of America shall, as an additional condition of chartering, agree to the jurisdiction of the Elders Chapter over their activities pursuant to these bylaws.

## **Section 3. Prohibition on Individual Member Discipline.**

The Fraternity recognizes that local chapters are in the best position to render disciplinary actions against members. For this reason, any disciplinary actions against individual members by the Elders Chapter is expressly prohibited.

## **Article IV**

### **Organization and Conduct of Active Chapters**

#### **Section 1. General.**

Each Chapter shall have the authority to create its own bylaws, which shall be the governing document for that chapter. The Elders Chapter shall have *no authority* to oversee the creation of bylaws for an individual chapter, except that it shall have the power to nullify any local chapter bylaw that conflicts with these bylaws.



## **Section 2. Active Chapter Officers.**

Each chapter must, at a minimum, have a chapter president (or some person with a different title who fulfills the duties typical of a chapter president) for the purpose of receiving communications from the Elders Chapter concerning matters important to the fraternity. The bylaws of chapters may provide for such other additional officers as the chapters may desire. All officers of the active chapter shall be brothers.

## **Section 3. Selection of Active Chapter Officers**

Officers of each chapter shall be elected periodically for a term set forth in the bylaws of that chapter, or by local custom. The procedures for the election of officers, filling officer vacancies, and removing officers are left to the discretion of each chapter. However, all chapter officers must be brothers.

## **Section 4. Scheduling of Active Chapter Meetings**

Each chapter shall hold regular meetings at such a time, place, and frequency as the members of said chapter see fit, but at least once every sixty days. A "meeting" does not include any activity that occurs solely through electronic means.

## **Section 5. Conduct of Active Chapter Meeting.**

The form of the meeting of a chapter shall be pursuant to the ritual attached as Exhibit "A" to these bylaws, with additional time permitted as necessary for initiation rituals and other matters to be discussed in that chapter's meeting pursuant to the chapter's bylaws or local custom. Under no circumstances shall any person that is not a probationer or member of this fraternity be permitted in chapter meetings.

## **Section 6. No Authority to Bind the Fraternity**

No individual or group has the authority to legally bind the Fraternity in any manner unless taken pursuant to these bylaws or with the express written approval of the Elders Chapter by written resolution. This restriction includes, but is not limited to, any attempt to bind the Fraternity to an agreement or promise to indemnify a third party or accept liability on behalf of any other person or group.

## **Article V Membership**

### **Section 1: Eligibility and Non-Discrimination.**

- (a) Membership in the Fraternity shall be limited to persons who were born male, who currently identify as male, and who have been initiated through the *second degree* of initiation in accordance with these Bylaws.

- (b) No person eligible for membership in the Fraternity shall be discriminated against or denied membership in the Fraternity on the basis of race, color, creed, national origin, veteran status, disability, religion, marital status or sexual orientation.
- (c) A person that believes in the inherent supremacy of any one race over another, or who is a member of any organization promoting the supremacy of any one race over another, may not become or remain a member of this Fraternity. This includes, but is not limited to, any person who currently identifies as white nationalist, white supremacist, or alt-right (or any person who is a member of an organization identifying as such). Similarly, members of terrorist organizations or cells, including but not limited to Antifa, are prohibited from membership in the fraternity.

## **Section 2: Brotherhood for Life**

Any person that has completed the second degree of initiation for the Fraternity becomes a brother for life, except that he may be expelled for good cause as provided for in Section 6 of this Article V.

## **Section 3. Probationers**

- (a) The term "probationer" refers to a person that has completed the first degree of initiation as set forth in Section 1 of Article VI of these bylaws. The vetting of probationers to become brothers shall be at the discretion of the chapters, provided that the chapter complies with Section 1 of this Article V.
- (b) The vetting of probationers through forced consumption of drugs or alcohol, physical training, corporal punishment, involuntary labor, sexual conduct, or any type of initiation or hazing ritual other than those rituals approved by Article VI of these bylaws is strictly prohibited.
- (c) Probationers may be removed from the fraternity by their chapter in accordance with any bylaw or local custom of that chapter, except for such rules or local customs that may be inconsistent with these bylaws.

## **Section 4. Brothers.**

- (a) All persons given the honors of the second degree of initiation shall be brothers for life as provided in Section 2 of this Article V.
- (b) A chapter may, but shall not have the obligation to, keep a list of active members of its chapter. In no event shall the membership list of a local chapter be disclosed to any person who is not a brother of the fraternity. A chapter shall immediately notify the Elders Chapter upon receipt of any legal process (summons, subpoena, discovery request, etc.) compelling the turnover of such lists.



- (c) Any brother who relocates from one geographical territory to another shall be entitled to have his membership transferred to that territory, provided that he was a member in good standing of the chapter of which he departed.

#### **Section 5: Dues and Fees**

An active chapter may, as a condition of membership, impose annual or monthly dues for membership in the chapter. If a chapter imposes monthly dues for membership, it shall not require the payment of dues by any brother who is indigent or who is otherwise unable to pay dues due to financial hardship.

#### **Section 6: Discipline of Members**

- (a) **Authority.** Except as provided in these bylaws, the sole and exclusive authority, as well as the responsibility, for the discipline of members rests with the individual chapters. It is strongly recommended, but not required, that each chapter develop its own written "Proud Boy Sharia Court" procedures.
- (b) **Authorized Discipline.** A brother may only be disciplined for violations of these bylaws, of his chapter's bylaws, or for a violation of state or federal law so grievous that a failure to discipline the brother would injure the name and reputation of the fraternity.
- (c) **Ex Post Facto Discipline Prohibited.** No brother may be disciplined for any violation of these bylaws, a chapter rule or bylaw, or other rules that occurred prior to the formal adoption and publication of said bylaw or rule.
- (d) **Methods of Chapter Discipline.** The following methods of discipline are approved for use by chapters of the Fraternity:
  - i. **Reprimand.** This is a formal warning under which a brother is notified that he has violated the bylaws or other rules, and that further violations will result in additional discipline.
  - ii. **Fine.** Misconduct by a brother may be punished by a fine. The amount of the fine should be commensurate with the offense committed and the disciplinary history of the brother.
  - iii. **Probation.** A chapter may place one of its brothers on probation for a period during which time the brother's activities (other than his right to vote), may be restricted.
  - iv. **Suspension.** A chapter may suspend a brother for a period of up to one year. During this time, the brother may not purport to be a member of the Fraternity and shall not be entitled to participate in any activities of the Fraternity. A brother that is suspended is no longer considered to be in good standing with the Fraternity and may not transfer his membership to another chapter.

- v. **Expulsion.** This is the ultimate sanction for a member and results in permanent separation from the Fraternity. Upon imposing this sanction, the chapter shall notify the Elders Chapter of the name of the brother who has been expelled and shall provide the Elders Chapter with a concise list of reasons for the expulsion. The chapter shall cooperate with any investigation of the Elders Chapter relating to expulsion.
- (e) **Disciplinary Appeals.** Unless the disciplinary action constituted a violation of these bylaws, the Elders Chapter lacks jurisdiction to consider appeals of reprimands, fine, probations, or suspensions. In the event of an expulsion, the Elders Chapter may, at its own discretion, consider the expulsion of the brother. If the Elders Chapter finds that the sanction was manifestly unjust and incompatible with the principles of fraternal brotherhood, it may pass a resolution censuring the chapter responsible for the expulsion and permit the brother to transfer to a different chapter.
- (f) **Automatic Suspension.** An active chapter may include provisions in its bylaws for automatic suspension of members who fail to meet chapter attendance standards or who fail to remain current on financial obligations to the chapter. An automatic suspension must permit automatic reinstatement of a member, with no further discipline, once noncompliance with the standard is cured.

## **Section 7. Voluntary Inactive Status**

It is the policy of the Fraternity to accommodate members to the greatest extent possible. The Fraternity understands that it is possible that a brother could be placed in a position where his membership in the Fraternity could cause legal harm to the member or could be inconsistent with his legal obligations. For this reason, any member of the Fraternity who is a brother may request that his chapter place him on voluntary inactive status. A member seeking to return from voluntary inactive status must simply notify his prior chapter, or the president of any chapter to which he has transferred his membership, and pay any then due financial assessments of the chapter.

## **Section 8. Good Standing**

A brother is considered in good standing unless he is suspended, expelled, or on voluntary inactive status.

## **Section 9. Privileges of Membership.**

All brothers who are in good standing shall enjoy all of the privileges of membership granted by this Constitution and Bylaws or as may be granted by the Elders Chapter. They may attend any meeting of any Proud Boys chapter. They may address, vote, and hold office in their home chapter. They may purchase and wear the name, insignia, and colors of the Fraternity.



## **Article VI**

### **Degrees of Initiation and Traditions**

#### **Section 1. Rites of Initiation**

- (a) The first degree of initiation shall be a video or personal appearance at a meeting in which the probationer (a) states his true legal name; (b) states his desire to be a Proud Boy; and (c) recites the Fraternity Creed. Upon completion of the first degree of initiation, a person is considered a “probationer” and shall submit to his local chapter for vetting so as to ensure suitability for membership.
- (b) The second degree of initiation shall follow the following procedure:
  - i. The second degree of initiation shall be explained fully to the probationer. After an explanation of the second degree, the brother supervising the second degree will ask the probationer if he understands what is about to happen to him.
  - ii. Upon receiving an answer in the affirmative, the supervising brother shall inform the probationer that it is not the desire of any brother that he suffer physical injury during the second degree, but a possibility exists that he may be injured. He shall then ask the probationer if he understands.
  - iii. Upon receiving an answer in the affirmative, the supervising brother shall inform the probationer that, upon completion of his second degree, he will be a brother for life and shall ensure that the probationer understands the implications of this fact (including his continued obligation to obey these bylaws).
  - iv. Once probationer has responded in such a manner as to ensure that the probationer understands the second degree and the implications thereof, the probationer shall be surrounded by a minimum of five brothers, instructed to stand with his arms at his sides with his hands protecting his genitals, and to recite the Fraternity together with the supervising brother.
  - v. Immediately after reciting the Fraternity Creed, the supervising brother shall instruct to probationer to name five breakfast cereals. At that time, the five brothers surrounding the probationer shall begin punching the probationer *only* in the arms and torso area of his body until such a time as he recites the names of five breakfast cereals. The supervising brother shall count the cereals aloud and the punching shall immediately cease once either (a) the fifth breakfast cereal is reached; or (b) the probationer indicates through words or actions that he is unable to continue and wishes to withdraw from the Fraternity. It is the responsibility of the supervising brother to protect the probationer undergoing his second degree from serious injury.
  - vi. Immediately following the second degree, the new brother should get a hug from the supervising brother and told “Welcome Aboard”. The same should then be done by all others who participated in the ritual of the second degree.

- vii. A chapter is *strictly prohibited* from performing a second degree on such individuals and in such circumstances where the performance of the ritual would subject the probationer, or any other participant, to unreasonable danger or risk of physical injury. If a probationer suffers from a medical condition that would make the performance of a standard second degree ritual unreasonably dangerous, the chapter shall inform the Elders Chapter. Upon receipt of such notification, the Elders Chapter shall either proscribe an alternative ritual or enter an order exempting the probationer from the second degree of initiation.
- (c) The third degree of initiation shall be a tattoo stating "Proud Boy" or "Proud Boys". The *recommended* format for the tattoo is attached to these bylaws as Exhibit "B" and incorporated by reference herein. The third degree is meant to symbolize the commitment of a member to truly being a brother for life
- (d) No chapter shall add to or detract from the degrees of initiation set forth herein without the express written permission of the Elders Chapter. Permission for deviations shall only be granted in extraordinary circumstances.

## **Section 2. Fourth Degree of Initiation.**

- (a) The fourth degree of initiation is purely honorary in nature. It symbolizes a formal recognition of a material sacrifice or service by a brother. The nature of such sacrifice or service may be for this Fraternity, for a brother in this Fraternity, or for the brother's country or community. Any requirement that a brother commit a violent or illegal act as a condition precedent to receiving a fourth degree is, by this bylaw, abolished.
- (b) Local chapters may award the fourth degree of initiation at their discretion, provided that their reasons for doing so are consistent with this Article VI, Section 2(a). No chapter may attempt to circumvent these bylaws by adopted a local requirement that any brother commit an illegal or violent act is a condition precedent to receiving the fourth degree.
- (c) As the founder of this fraternity, the fourth degree of initiation may be awarded *sua sponte* by Gavin McInnes at his discretion.

## **Section 3. Traditions**

- (a) **Creed.** The Fraternity Creed is "I am a western chauvinist, and I refuse to apologize for creating the modern world"
- (b) **Colors.** The official fraternity colors shall be black and yellow.
- (c) **Crest.** The crest of the Fraternity shall be as shown on the document attached hereto as Exhibit "C" and incorporated by reference herein.
- (d) **Song.** The official song of the Fraternity is "Proud of Your Boy", with music by Alan Menken and lyrics by Howard Ashman.



- (e) **Dress Code.** The dress code for all brothers of the Fraternity shall be a black polo style shirt with two lines of yellow piping on the collar and the arms, long pants or jeans, and closed toe shoes or boots. Probationers shall dress in a “casual” manner, but may not wear a prohibited item.
- (f) **Prohibited Items.** No member of the Fraternity shall wear flip flops, fedoras, or cargo shorts at any meeting or function of the Fraternity.
- (g) **No Wanks.** No heterosexual brother of the Fraternity shall masturbate more than one time in any calendar month the act occurs during a consensual sexual contact with a female who is not a prostitute. All members shall abstain from pornography.
- (h) **Founder and Founder’s Day.** Gavin McInnes shall be recognized as the founder of our Fraternity. Each chapter shall observe Founder’s Day on the seventeenth (17<sup>th</sup>) day of July and shall hold a Founder’s Day celebration on or around that day in honor of our Founder, the Fraternity, and its ideals.

## **Article VII**

### **Minimum Standards of Conduct**

#### **Section 1. Preamble.**

Proud Boys is not a gang; it is a fraternity. Although the Elder’s Chapter has no right to discipline any member of the fraternity, it does have the right to set minimum standards of conduct for brothers in the fraternity. It also has the right to impose collective discipline on chapters that fail to discipline their members due to lack of proper vetting and/or poor Sharia Court procedures. Accordingly, the rules set forth in Article VII, Section 2 of these bylaws shall govern all chapters, members, and probationers of this fraternity.

#### **Section 2. Proud Boy Law.**

- (a) No member shall violate these bylaws.
- (b) No member shall assist another member in violating these bylaws.
- (c) No member shall engage in any conduct, or become a member of any group, that would make him ineligible for membership in this fraternity under Article V, Section 1 of these bylaws.
- (d) No member shall engage in sexual conduct with, or attempt to engage in sexual conduct, with the spouse, girlfriend, or boyfriend of any other member.
- (e) No member shall engage in any act of unlawful sexual contact or sexual misconduct.
- (f) No member shall cheat, steal from, or defraud any other member.

- (g) No member shall consume opiates, opioids, or crystalized methamphetamine. It is an exception to this bylaw if the brother is using the substance pursuant to a lawful prescription.
- (h) No member shall conspire with any other member to commit any criminal act against the laws of their state or country.
- (i) No member shall sell, use, or distribute illegal drugs at fraternity functions.
- (j) No member shall engage in any conduct that may reasonably be construed as an attack on another member's home, family, or employment.
- (k) No member shall unlawfully engage in violent conduct against a member or non-member. If a member is unlawfully attacked, that member and other members assisting him may only use such force as is reasonable and necessary under the circumstances to stop the other's unlawful use of force against the member who was attacked.
- (l) Members who are attending a fraternity function outside of their home state shall have a duty to attempt to retreat from any potentially violent situation, provided that they can do so without subjecting themselves to further danger.

## **Article VIII Miscellaneous**

### **Section 1. Fiscal Year.**

The fiscal year of the Company shall be from January 1 – December 31.

### **Section 2. Amendments.**

These Bylaws may be amended or supplemented by 3/4 vote of all members of the Elders Chapter then in office

### **Section 3. "10<sup>th</sup> Amendment" Provision.**

Any matter not addressed by these bylaws is, by default, left to the discretion of the individual chapters with the intention that they operate as autonomously as possible.

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IT IS HEREBY RESOLVED that, on the 25th day of November, 2018, these bylaws were ADOPTED with the votes tallied as follows;

86     -     Aye  
35     -     Nay



Attorney for Proud Boys International LLC