

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

UNITED STATES OF AMERICA

v.

ETHAN NORDEAN,
also known as “Rufio Panman,”

Defendant.

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Case No. 21-cr-175 (TJK)

UNDER SEAL

EX PARTE MOTION TO CONTINUE THE ARRAIGNMENT

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this *ex parte* Motion to Continue the Arraignment.

The bases for this motion are as follows:

1. On March 3, 2021, a federal grand jury sitting in the District of Columbia returned an Indictment charging Defendant with Obstruction of an Agency Proceeding, in violation of Title 18, United States Code, Sections 1512(c)(2), and 2; Destruction of Property in violation of Title 18 United States Code, Sections 1361, and 2; Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); and Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2). (Docket Entry 24).

2. On March 8, 2021, the Court scheduled a hearing for March 16, 2021, in order to arraign Defendant on that indictment.

3. On March 10, 2021, a federal grand jury sitting in the District of Columbia returned a Superseding Indictment charging Defendant, and three co-defendants (two of whom were not previously charged), with Conspiracy, in violation of 18 U.S.C. § 371; Obstruction of an Agency Proceeding, in violation of 18 U.S.C. §§ 1512(c)(2), and 2; Obstructing Law Enforcement During a Civil Disorder, in violation of 18 U.S.C. §§ 231(a)(3), and 2; 18 U.S.C. §§ 1361, and 2; Entering

and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); and Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2).

4. The Superseding Indictment is under seal, pending the arrest of newly charged defendants and the execution of search warrants. Law Enforcement anticipates executing the arrests and search warrants of the new defendants in a coordinated operation on Wednesday, March 17, 2021. Once the arrests are executed, the Superseding Indictment will be unsealed.

5. Because the initial indictment charging the Defendant has now been superseded, it is no longer necessary to arraign the Defendant on the initial charges. To ensure that the Defendant and others are not made aware of the existence of the Superseding Indictment until the arrest and search warrants are executed, the United States respectfully requests that the scheduled arraignment be continued until a date after March 17, 2021.

6. The United States is submitting this motion and accompanying proposed order *ex parte* and under seal to ensure that the Defendant and others are not made aware of the existence of the Superseding Indictment at this time. The United States requests that this motion and the proposed order remain sealed and *ex parte* until the Superseding Indictment is unsealed, at which time the motion and proposed order may be unsealed and filed on the public docket. The United States likewise requests that, if the Court grants this motion, any order continuing the arraignment not reference this motion or the Superseding Indictment.

Respectfully submitted,

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