

APPEAL,CAP,CAT B,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00107-RDM-1**

Case title: USA v. CUA

Magistrate judge case number: 1:21-mj-00187-ZMF

Date Filed: 02/10/2021

Assigned to: Judge Randolph D. Moss

Defendant (1)

BRUNO JOSEPH CUA

represented by **Jonathan Jeffress**
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Pending Counts

18 U.S.C. 231(a)(3); CIVIL DISORDER;
Civil Disorder
(1)

18:231(a)(3); CIVIL DISORDER; Civil
Disorder
(1s)

18:231(a)(3); CIVIL DISORDER; Civil
Disorder

Disposition

Dismissed on Oral Motion by the
Government

(1ss)

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

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

2/24/23: Directed Verdict of Guilty. One (1) Year and a day followed by Thirty-six (36) Months of Supervised Release and a Special Assessment of \$100.00.

18 U.S.C. 111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(3)

18:111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(3s)

18:111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(3ss)

2/24/23: Directed Verdict of Guilty. One (1) Year and a day to run concurrently with Count 2ss followed by Thirty-six (36) Months of Supervised Release to run concurrently with Count 2ss and a Special Assessment of \$100.00 for a total of \$200.00

18 U.S.C. 1752(a)(1) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
(4)

18:1752(a)(1) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
(4s)

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

Dismissed on Oral Motion by the Government

Deadly or Dangerous Weapon
(4ss)

18 U.S.C. 1752(a)(2) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE
PRESIDENT; Disorderly and Disruptive
Conduct in a Restricted Building or
Grounds
(5)

18:1752(a)(2) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE
PRESIDENT; Disorderly and Disruptive
Conduct in a Restricted Building or
Grounds
(5s)

18:1752(a)(2) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE
PRESIDENT; Disorderly and Disruptive
Conduct in a Restricted Building or
Grounds
(5ss)

Dismissed on Oral Motion by the
Government

18 U.S.C. 1752(a)(4) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE
PRESIDENT; Engaging in Physical
Violence in a Restricted Building or
Grounds
(6)

18:1752(a)(4) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE
PRESIDENT; Engaging in Physical
Violence in a Restricted Building or
Grounds
(6s)

18:1752(a)(4) and (b)(1)(A);
TEMPORARY RESIDENCE OF THE
PRESIDENT; Engaging in Physical
Violence in a Restricted Building or
Grounds
(6ss)

Dismissed on Oral Motion by the
Government

40 U.S.C. 5104(e)(2)(A); FEDERAL
STATUTES, OTHER; Entering and
Remaining on the Floor of Congress
(7)

40:5104(e)(2)(A); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Entering and
Remaining on the Floor of Congress
(7s)

40:5104(e)(2)(A); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Entering and Remaining on the Floor of Congress (7ss)

Dismissed on Oral Motion by the Government

40 U.S.C. 5104(e)(2)(B); FEDERAL STATUTES, OTHER; Entering and Remaining in the Gallery of Congress (8)

40:5104(e)(2)(B); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Entering and Remaining in the Gallery of Congress (8s)

40:5104(e)(2)(B); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Entering and Remaining in the Gallery of Congress (8ss)

Dismissed on Oral Motion by the Government

40 U.S.C. 5104(e)(2)(C); FEDERAL STATUTES, OTHER; Entering and Remaining in Certain Rooms in the Capitol Building (9)

40:5104(e)(2)(C); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Entering and Remaining in Certain Rooms in the Capitol Building (9s)

40:5104(e)(2)(C); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Entering and Remaining in Certain Rooms in the Capitol Building (9ss)

Dismissed on Oral Motion by the Government

40 U.S.C. 5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a Capitol Building (10)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building (10s)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly

Dismissed on Oral Motion by the Government

Conduct in a Capitol Building
(10ss)

40 U.S.C. 5104(e)(2)(F); FEDERAL
STATUTES, OTHER; Act of Physical
Violence in the Capitol Grounds or
Building

(11)

40:5104(e)(2)(F); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical
Violence in the Capitol Grounds or
Buildings

(11s)

40:5104(e)(2)(F); VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical
Violence in the Capitol Grounds or
Buildings

(11ss)

Dismissed on Oral Motion by the
Government

40 U.S.C. 5104(e)(2)(G); FEDERAL
STATUTES, OTHER; Parading,
Demonstrating, or Picketing in a Capitol
Building

(12)

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

(12s)

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

(12ss)

Dismissed on Oral Motion by the
Government

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of
18:111(a)(1), 18:231(a)(3), 18:1512(c)(2),
18:1752(a)(1), (2) and (4) and
40:5104(e)(2)(A), (B), (C), (D), (F), and
(G)

Disposition

Movant

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POLICE**

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Plaintiff

USA

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Date Filed	#	Docket Text
01/29/2021	<u>1</u>	SEALED COMPLAINT as to BRUNO JOSEPH CUA (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00187-ZMF] (Entered: 01/30/2021)
01/29/2021	<u>3</u>	MOTION to Seal Case by USA as to BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00187-ZMF] (Entered: 01/30/2021)
01/29/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to BRUNO JOSEPH CUA (1). Signed by Magistrate Judge Zia M. Faruqui on 1/29/2021. (zstd) [1:21-mj-00187-ZMF] (Entered: 01/30/2021)
02/05/2021		Case unsealed as to BRUNO JOSEPH CUA (bb) [1:21-mj-00187-ZMF] (Entered: 02/08/2021)
02/05/2021		Arrest of BRUNO JOSEPH CUA in US DISTRICT COURT OF THE NORTHERN DISTRICT OF GEORGIA. (zltf) [1:21-mj-00187-ZMF] (Entered: 02/17/2021)
02/10/2021	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: William E. Zapf appearing for BRUNO JOSEPH CUA (Zapf, William) [1:21-mj-00187-ZMF] (Entered: 02/10/2021)
02/10/2021	<u>7</u>	INDICTMENT as to BRUNO JOSEPH CUA (1) count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. (zltf) (Entered: 02/17/2021)
02/16/2021	<u>6</u>	Rule 5(c)(3) Documents Received as to BRUNO JOSEPH CUA from US DISTRICT COURT OF THE NORTHERN DISTRICT OF GEORGIA Case Number 1:21-MJ-129-AJB (zltf) [1:21-mj-00187-ZMF] (Entered: 02/17/2021)
02/25/2021	<u>9</u>	Unopposed MOTION for Protective Order by USA as to BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order Protective Order for Sensitive Materials re Capitol Investigation)(Paschall, Kimberly) (Entered: 02/25/2021)
02/26/2021	<u>10</u>	NOTICE OF ATTORNEY APPEARANCE: Jonathan Jeffress appearing for BRUNO JOSEPH CUA (Jeffress, Jonathan) (Entered: 02/26/2021)
02/26/2021	<u>11</u>	Emergency MOTION for Release from Custody <i>and Request for Detention Hearing</i> by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Zapf, William) (Entered: 02/26/2021)
03/01/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Mr. Cua's Emergency Motion for Release from Custody and Request for Detention Hearing, Dkt. <u>11</u> , it is hereby ORDERED that (1) the Government shall file its response to Mr. Cua's Motion on or before March 2, 2021 at 7:00 p.m.; and (2) the parties shall appear for a hearing to address Mr. Cua's Motion on March 3, 2021 at 11:00 a.m. Eastern Time. The hearing shall occur by video teleconference and the Courtroom Deputy Clerk shall provide the parties with the relevant video teleconference access information. Signed by Judge Randolph D. Moss on 3/1/2021. (lcrdm3) (Entered: 03/01/2021)
03/01/2021		NOTICE OF HEARING as to BRUNO JOSEPH CUA: Arraignment set for 3/3/2021, at 11:00 AM, by video, before Judge Randolph D. Moss. Video conference

		instructions will be circulated to the parties.(kt) (Entered: 03/01/2021)
03/02/2021	<u>12</u>	Memorandum in Opposition by USA as to BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody <i>and Request for Detention Hearing</i> (Attachments: # <u>1</u> Exhibit Transcript of Magistrate Hearing 02.10.21, # <u>2</u> Exhibit Transcript of Magistrate Hearing 02.12.21)(Paschall, Kimberly) (Entered: 03/02/2021)
03/03/2021	<u>13</u>	NOTICE of Supplemental Information by BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody <i>and Request for Detention Hearing</i> (Attachments: # <u>1</u> Exhibit)(Zapf, William) (Entered: 03/03/2021)
03/03/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: Pursuant to the Due Process Protections Act, it is hereby ORDERED 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 Randolph D. Moss on 3/3/2021. (lcrdm3) (Entered: 03/03/2021)
03/03/2021	<u>14</u>	PROTECTIVE ORDER: Upon consideration of the unopposed motion for protective order, Dkt. <u>9</u> , it is hereby ORDERED that the motion is GRANTED. See document for details. Signed by Judge Randolph D. Moss on 3/3/2021. (lcrdm3) Modified on 3/3/2021 to add "protective" in front of "order" (kt). (Entered: 03/03/2021)
03/03/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment/Motion Hearing as to BRUNO JOSEPH CUA held on 3/3/2021. Defendant consented to proceeding by video. Defendant arraigned on Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. Plea of Not Guilty entered by BRUNO JOSEPH CUA as to ALL Counts. Due Process Protections Act Order read into the record by the Court. <u>11</u> Emergency MOTION for Release from Custody <i>and Request for Detention Hearing</i> filed by BRUNO JOSEPH CUA, HEARD and TAKEN UNDER ADVISEMENT. For the reasons stated on the record, the Government shall file additional documents by end of day tomorrow. The parties shall hold 5/10/2021 for commencement of a jury trial, until confirmation of the date can be verified by the Courtroom Deputy Clerk. A further Status Conference is set for 4/2/2021, at 2:00 PM, by video, before Judge Randolph D. Moss. The parties shall utilize the same link previously provided to connect to the video conference. Speedy Trial (XT) is tolled in the interest of justice from 3/3/2021 to 4/2/2021. Bond Status of Defendant: Defendant remains committed; Court Reporter: Nancy Meyer; Defense Attorneys: William E. Zapf and Jonathan Jeffress; U.S. Attorney: Kimberly L. Paschall; Pretrial Officer: Christine Schuck. (kt) Modified on 3/5/2021 to correct spelling of name(kt). (Entered: 03/03/2021)
03/03/2021	<u>15</u>	NOTICE of Supplemental Information by BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody <i>and Request for Detention Hearing</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Zapf, William) (Entered: 03/03/2021)
03/04/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: In light of the current court-wide jury trial calendar, the Court hereby sets Jury Trial in this matter to commence on May 12, 2021, at 9:30 a.m., in the Ceremonial Courtroom, before Judge Randolph D. Moss. Signed by Judge Randolph D. Moss on 3/4/2021. (kt) (Entered: 03/04/2021)

03/04/2021	<u>16</u>	NOTICE of Supplemental Information by BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody and Request for Detention Hearing (Attachments: # <u>1</u> Exhibit)(Zapf, William) (Entered: 03/04/2021)
03/04/2021	<u>17</u>	NOTICE of Supplemental Information by BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody and Request for Detention Hearing (Attachments: # <u>1</u> Exhibit)(Zapf, William) (Entered: 03/04/2021)
03/05/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: Pretrial Services is hereby ORDERED to provide its views to the Court, no later than 7:00 p.m. today, whether Defendant's parents are suitable third-party custodians. Signed by Judge Randolph D. Moss on 3/5/2021. (lcrdm3) (Entered: 03/05/2021)
03/05/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: Defense counsel have requested in an email to the Court that, should the Court find Mr. Cua's parents not to be suitable custodians, the Court consider alternate custodians. Defense counsel are directed to, if they choose, formally request the appointment of alternate custodians in a motion or notice to the Court filed on the docket so Pretrial Services and the government can tender their views as to whether those custodians are appropriate. Any alternative, proposed custodians should be available to appear by video conference to address any questions the Court may have. Signed by Judge Randolph D. Moss on 3/5/2021. (lcrdm3) (Entered: 03/05/2021)
03/05/2021	<u>20</u>	NOTICE of Availability of Alternative Third-Party Custodians (Redacted) by BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody and Request for Detention Hearing (Attachments: # <u>1</u> Exhibit)(Zapf, William) (Entered: 03/05/2021)
03/07/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Mr. Cua's Sealed Motion for Leave to File Document Under Seal, Dkt. <u>19</u> , it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that attachments 1 and 2 to Dkt. <u>19</u> —an unredacted version of Mr. Cua's notice of availability of alternative third-party custodians and an exhibit accompanying that notice—are hereby deemed FILED UNDER SEAL. The Court agrees that "[t]he privacy interests of the proposed alternate third-party custodians outweigh [the] public interest in disclosure of their identities." Dkt. <u>19</u> at 1. Signed by Judge Randolph D. Moss on 3/7/2021. (lcrdm3) (Entered: 03/07/2021)
03/08/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: The Court was informed this morning that Mr. Cua has tested positive for COVID-19. The parties are hereby ORDERED, on or before 4:00p.m. today, to provide their views on when, how, and under what conditions Mr. Cua can be safely released from the facility at which he is currently detained in a manner that avoids further spread of the virus. Counsel should also indicate, after having confirmed with Mr. Cua, whether Mr. Cua would waive his presence so that the Court can hold a telephonic status conference to address how to proceed in light of the current circumstances. Signed by Judge Randolph D. Moss on 3/8/2021. (lcrdm3) (Entered: 03/08/2021)
03/08/2021	<u>21</u>	NOTICE of Supplemental Information and Response to the Court's Minute Order by BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody and Request for Detention Hearing (Zapf, William) (Entered: 03/08/2021)
03/08/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: It is hereby ORDERED that the parties shall appear for a telephonic status conference on March 9, 2021, at 9:00AM. Defense counsel represents that Mr. Cua has waived his right to appear at this

		conference. Dkt. <u>21</u> at 3. The Courtroom Deputy Clerk shall provide the parties with the relevant telephonic dial-in information. Signed by Judge Randolph D. Moss on 3/8/2021. (lcrdm3) (Entered: 03/08/2021)
03/08/2021	<u>22</u>	SUPPLEMENT by USA as to BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody <i>and Request for Detention Hearing</i> (Paschall, Kimberly) (Entered: 03/08/2021)
03/09/2021	<u>23</u>	SUPPLEMENT by USA as to BRUNO JOSEPH CUA re <u>11</u> Emergency MOTION for Release from Custody <i>and Request for Detention Hearing</i> (Attachments: # <u>1</u> Exhibit Exhibit for Detention Motion)(Paschall, Kimberly) (Entered: 03/09/2021)
03/09/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Telephonic Status Conference as to BRUNO JOSEPH CUA held on 3/9/2021. Defendant's presence waived. Defense counsel consented to proceeding telephonically. As stated on the record, the Court will GRANT, with conditions, Defendant's <u>11</u> Emergency MOTION for Release from Custody; Opinion and Order forthcoming. Bond Status of Defendant: Defendant remains committed; Court Reporter: Jeff Hook; Defense Attorneys: William E. Zapf and Jonathan Jeffress; U.S. Attorney: Kimberly L. Paschall; Pretrial Officer: Christine Schuck. (kt) (Entered: 03/09/2021)
03/10/2021	<u>25</u>	MEMORANDUM OPINION AND ORDER as to BRUNO JOSEPH CUA: It is hereby ORDERED that Defendant Bruno Joseph Cua's Emergency Motion for Release from Custody, Dkt. <u>11</u> , is GRANTED subject to certain conditions. It is further ORDERED that (1) Bruno Joseph Cua ("Cua") shall be released from custody on March 16, 2021 and shall immediately upon his release abide by the conditions set forth below and in Attachment A to this Memorandum Opinion and Order; (2) Cua shall report to the United States Probation Office for the Northern District of Georgia ("N.D. Ga. Probation Office") immediately upon his return to Georgia, and in no event later than March 17, 2021; (3) the N.D. Ga. Probation Office shall, at its initial meeting with Cua, provide him a copy of Attachment A; (4) Cua shall, at his initial meeting with the N.D. Ga. Probation Office, sign Attachment A and provide the signed copy of the Attachment to the N.D. Ga. Probation Office; and (5) Cua's mother, Dr. Alise Cua, shall on Monday of each week beginning March 22, 2021, complete, sign, and (through her son's counsel) submit to the Court Attachment B, attesting under penalty of perjury to Cua's compliance with the conditions of his pretrial release. See documents for details. Signed by Judge Randolph D. Moss on 3/10/2021. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B) (lcrdm3) Modified on 3/10/2021 to change document type to opinion (kt). (Main Document 25 replaced on 3/10/2021 to correct typo) (kt). (Entered: 03/10/2021)
03/22/2021	<u>26</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration)(Zapf, William) (Entered: 03/22/2021)
03/26/2021	<u>27</u>	Consent MOTION for Disclosure <i>Order to Disclose 6(e) and Sealed Materials</i> by USA as to BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Paschall, Kimberly) Modified relief on 3/30/2021 (znmw). (Entered: 03/26/2021)
03/29/2021	<u>28</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration)(Zapf, William) (Entered: 03/29/2021)
04/02/2021	<u>29</u>	MINUTE ORDER as to BRUNO JOSEPH CUA (1): Upon consideration of the government's Consent Motion for Disclosure Order to Disclose 6(e) and Sealed Materials, Dkt. <u>27</u> , it is hereby ORDERED that the Motion is GRANTED. It is

		further ORDERED that: (1) the United States may provide in discovery materials protected by Federal Rule of Criminal Procedure 6(e); (2) the United States may provide in discovery sealed materials, pursuant to the previously entered protective order governing discovery; and (3) this Order also applies to the disclosure of the materials described above to any co-defendants who may later be joined. See document for details. Signed by Judge Randolph D. Moss on 4/2/2021. (lcrdm3) (Entered: 04/02/2021)
04/02/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to BRUNO JOSEPH CUA held on 4/2/2021. All parties consented to proceeding by video. The Jury Selection/Jury Trial set to commence on 5/12/2021 is VACATED. A further Status Conference is set for 6/2/2021, at 10:00 AM, by video, before Judge Randolph D. Moss. The parties shall utilize the same link previously provided to connect to the video conference. Speedy Trial (XT) is tolled in the interest of justice from 4/2/2021 to 6/2/2021. Bond Status of Defendant: Defendant remains on PR with Location Monitoring in Third-Party Custody; Court Reporter: Jeff Hook; Defense Attorneys: William E. Zapf and Jonathan Jeffress; U.S. Attorney: Kimberly L. Paschall. (kt) (Entered: 04/02/2021)
04/02/2021		Terminate Hearings as to BRUNO JOSEPH CUA: Jury Trial VACATED. (kt) (Entered: 04/06/2021)
04/05/2021	<u>30</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration)(Zapf, William) (Entered: 04/05/2021)
04/06/2021	<u>31</u>	MOTION to Clarify Conditions of Release by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 04/06/2021)
04/09/2021	<u>32</u>	SUPERSEDING INDICTMENT as to BRUNO JOSEPH CUA (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, 10s, 11s, 12s. (zstd) (Entered: 04/10/2021)
04/12/2021	<u>34</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration)(Zapf, William) (Entered: 04/12/2021)
04/12/2021	<u>35</u>	ORDER: For the reasons stated herein, it is hereby ORDERED that Defendant Bruno Joseph Cua's Motion to Clarify the Conditions of his Release, Dkt. <u>31</u> , is GRANTED in part and DENIED in part. It is further ORDERED that the Dr. Alise Cua is not required to remain with Cua during any work that Cua engages in outside the home, to the extent that (1) Cua is supervised by an adult who shall complete, sign, and provide to Cua's counsel Attachment A, attesting under penalty of perjury to Cua's compliance with the conditions of his pretrial release; and (2) any such attestations shall be filed by Cua's counsel with the Court within two days of the completion of each week during which Cua was employed by any individual outside Cua's home. See documents for details. Signed by Judge Randolph D. Moss on 4/12/2021. (lcrdm3) (Entered: 04/12/2021)
04/19/2021	<u>36</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration)(Zapf, William) (Entered: 04/19/2021)
04/26/2021	<u>37</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer)(Zapf, William) (Entered: 04/26/2021)
05/03/2021	<u>38</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u>

		Declarations of Employers)(Zapf, William) (Entered: 05/03/2021)
05/05/2021	<u>39</u>	NOTICE of Discovery by USA as to BRUNO JOSEPH CUA (Attachments: # <u>1</u> Notice to Counsel/Party Discovery Letter #1)(Paschall, Kimberly) (Entered: 05/05/2021)
05/10/2021	<u>40</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer)(Zapf, William) (Entered: 05/10/2021)
05/17/2021	<u>41</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer, # <u>3</u> Declaration of Employer)(Zapf, William) (Entered: 05/17/2021)
05/24/2021	<u>42</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer, # <u>3</u> Declaration of Employer, # <u>4</u> Declaration of Employer)(Zapf, William) (Entered: 05/24/2021)
05/24/2021	<u>43</u>	NOTICE of Filing of Declaration of Third-Party Custodian (CORRECTED) by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer, # <u>3</u> Declaration of Employer, # <u>4</u> Declaration of Employer)(Zapf, William) (Entered: 05/24/2021)
05/28/2021	<u>44</u>	MOTION to Modify Conditions of Release by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 05/28/2021)
05/31/2021	<u>45</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer, # <u>3</u> Declaration of Employer)(Zapf, William) (Entered: 05/31/2021)
06/01/2021		NOTICE OF HEARING as to BRUNO JOSEPH CUA: Arraignment set for 6/2/2021, at 10:00 AM, by video, before Judge Randolph D. Moss. The parties shall use the same video link to participate remotely.(kt) (Entered: 06/01/2021)
06/02/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment/Status Conference as to BRUNO JOSEPH CUA held on 6/2/2021. Defendant consented to proceeding by video. Defendant arraigned on Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, 10s, 11s, and 12s of the Superseding Indictment. Plea of Not Guilty entered by BRUNO JOSEPH CUA as to ALL Counts. The Court will GRANT Defendant's pending <u>44</u> Motion to Modify Conditions of Release; Order forthcoming. A further Status Conference is set for 8/24/2021, at 3:30 PM, by video, before Judge Randolph D. Moss. Speedy Trial (XT) is tolled in the interest of justice from 6/2/2021 to 8/24/2021. The parties shall use the same link for connecting remotely to the hearing. Bond Status of Defendant: Defendant remains on PR with Location Monitoring in Third-Party Custody; Court Reporter: Jeff Hook; Defense Attorneys: William E. Zapf and Jonathan Jeffress; U.S. Attorney: Kimberly L. Paschall; Pretrial Officer: Shannon Brewer (GA Pretrial Services). (kt) Modified on 6/2/2021 to add video (zoom) (kt). (Entered: 06/02/2021)
06/02/2021	<u>46</u>	ORDER granting <u>44</u> Motion to Modify Conditions of Release as to BRUNO JOSEPH CUA. (See document for details.) Signed by Judge Randolph D. Moss on 6/2/2021. (kt) (Entered: 06/02/2021)

06/07/2021	<u>47</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer, # <u>3</u> Declaration of Employer)(Zapf, William) (Entered: 06/07/2021)
06/14/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: It is hereby ORDERED that the parties shall, on or before June 15, 2021 at 6:00PM, file any response to the pending Motion for Order in case 21-mc-74, Dkt. 1, which seeks release of all "video recordings that were submitted to the Court in this matter." Signed by Judge Randolph D. Moss on 6/14/2021. (lcrdm3) (Entered: 06/14/2021)
06/14/2021	<u>48</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer)(Zapf, William) (Entered: 06/14/2021)
06/15/2021	<u>49</u>	ENTERED IN ERROR.....RESPONSE by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) Modified on 7/27/2021 (zstd). (Entered: 06/15/2021)
06/15/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to BRUNO JOSEPH CUA re <u>49</u> Response to document was entered in error and counsel was instructed to refile said pleading in the Miscellaneous case 21-mc-74. (zstd) (Entered: 07/27/2021)
06/21/2021	<u>50</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 06/21/2021)
06/28/2021	<u>51</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 06/28/2021)
07/05/2021	<u>52</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 07/05/2021)
07/08/2021	<u>53</u>	MOTION to Modify Conditions of Release by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 07/08/2021)
07/09/2021	<u>54</u>	ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendant's motion to modify conditions of release, Dkt. <u>53</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Court's order setting conditions of release entered on March 10, 2021, Dkt. <u>25</u> , as amended and modified, <i>see</i> Dkt. <u>35</u> ; Dkt. <u>46</u> , is hereby AMENDED and MODIFIED further as follows: (1) Defendant is permitted to drive himself to and from work sites for employment that has been pre-approved by Pretrial Services without being accompanied by his third-party custodian, and (2) Subject to advance approval from Pretrial Services and Defendant's other conditions of release, Defendant's father, Joseph Cua, may serve as an alternate third-party custodian. See document for additional details. Signed by Judge Randolph D. Moss on 7/9/2021. (lcrdm2) (Main Document 54 replaced on 7/9/2021 to remove "Proposed" in front of "Order" in document title) (kt). (Entered: 07/09/2021)
07/12/2021	<u>55</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer, # <u>3</u> Declaration of Employer)(Zapf, William) (Entered: 07/12/2021)

07/19/2021	<u>56</u>	NOTICE of Filing of Declarations of Third-Party Custodians and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declarations of Alise and Joseph Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 07/19/2021)
07/26/2021	<u>57</u>	NOTICE of Filing of Declarations of Third-Party Custodians and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declarations of Alise and Joseph Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 07/26/2021)
08/03/2021	<u>58</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer)(Zapf, William) (Entered: 08/03/2021)
08/09/2021	<u>59</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 08/09/2021)
08/16/2021	<u>60</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer, # <u>3</u> Declaration of Employer)(Zapf, William) (Entered: 08/16/2021)
08/20/2021	<u>61</u>	Unopposed MOTION to Modify Conditions of Release by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Exhibit)(Zapf, William) (Entered: 08/20/2021)
08/23/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendant Bruno Joseph Cua's unopposed motion to modify the conditions of his release, Dkt. <u>61</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Mr. Cua may, subject to the other conditions of his release and with pre-approval from Pretrial Services, travel within the geographic bounds of the Northern District of Georgia. Signed by Judge Randolph D. Moss on 08/23/2021. (lcrdm3) (Entered: 08/23/2021)
08/23/2021	<u>62</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Joseph Cua, # <u>2</u> Declaration of Employer)(Zapf, William) (Entered: 08/23/2021)
08/24/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to BRUNO JOSEPH CUA held on 8/24/2021. Defendant consented to proceeding by video. A further Status Conference is set for 11/10/2021, at 10:45 AM, by video, before Judge Randolph D. Moss. The parties shall utilize the same link for connecting to the hearing. If the parties wish to convert the status conference to a plea agreement hearing, they shall provide the plea paperwork one week in advance to the Courtroom Deputy Clerk. Speedy Trial (XT) is tolled in the interest of justice from 8/24/2021 to 11/10/2021. Bond Status of Defendant: Defendant remains on PR with Location Monitoring in Third-Party Custody; Court Reporter: Jeff Hook; Defense Attorneys: William Zapf and Jonathan Jeffress; U.S. Attorney: Kimberly Paschall. (kt) (Entered: 08/24/2021)
08/30/2021	<u>64</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 08/30/2021)
09/06/2021	<u>65</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 09/06/2021)

09/13/2021	<u>66</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer)(Zapf, William) (Entered: 09/13/2021)
09/17/2021	<u>67</u>	NOTICE of Discovery by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 09/17/2021)
09/17/2021	<u>68</u>	NOTICE of Discovery by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 09/17/2021)
09/20/2021	<u>69</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 09/20/2021)
09/27/2021	<u>70</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 09/27/2021)
10/04/2021	<u>71</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 10/04/2021)
10/04/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: Due to a conflict in the Court's schedule, the status conference set for November 10, 2021 is VACATED and RESCHEDULED for October 26, 2021, at 12 noon, by video, before Judge Randolph D. Moss. Signed by Judge Randolph D. Moss on 10/4/2021. (kt) (Entered: 10/04/2021)
10/11/2021	<u>72</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Employer)(Zapf, William) (Entered: 10/11/2021)
10/18/2021	<u>73</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 10/18/2021)
10/25/2021	<u>74</u>	NOTICE of Discovery Status by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 10/25/2021)
10/25/2021	<u>75</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 10/25/2021)
10/26/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to BRUNO JOSEPH CUA held on 10/26/2021. Defendant consented to appearing by video. Defendant's motion/brief as to the Indictment due by 12/1/2021; Government's opposition due by 12/15/2021; Defendant's reply due by 12/29/2021. Oral motion by Defendant to modify his release conditions, HEARD and HELD IN ABEYANCE; Defendant's motion for any modification of release conditions due by 11/3/2021; Government's response due by 11/10/2021; Any reply due by 11/15/2021. A further Status Conference is set for 1/14/2022 at 9:00 AM, by video, before Judge Randolph D. Moss. Speedy Trial (XT) is tolled in the interest of justice from 11/10/2021 to 1/14/2022. Bond Status of Defendant: Defendant remains on PR Bond with Location Monitoring in Third-Party Custody; Court Reporter: Jeff Hook; Defense Attorney: William Zapf; U.S. Attorney: Kimberly Paschall. (kt) (Entered: 10/26/2021)

11/02/2021	<u>76</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employers by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employers)(Zapf, William) (Entered: 11/02/2021)
11/03/2021	<u>77</u>	MOTION to Modify Conditions of Release by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(Zapf, William) (Entered: 11/03/2021)
11/05/2021	<u>78</u>	NOTICE of Discovery Status by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 11/05/2021)
11/08/2021	<u>79</u>	NOTICE of Filing of Declarations of Third-Party Custodian and Employer by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declarations of Employer)(Zapf, William) (Entered: 11/08/2021)
11/09/2021	<u>80</u>	NOTICE of Filing of Declaration of Employer (Supplemental) by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Employer)(Zapf, William) (Entered: 11/09/2021)
11/12/2021	<u>81</u>	NOTICE of Intent to File a Preliminary Brief in Support of a Motion to Dismiss Count 2 by BRUNO JOSEPH CUA (Zapf, William) (Entered: 11/12/2021)
11/15/2021	<u>82</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 11/15/2021)
11/15/2021	<u>83</u>	Memorandum in Opposition by USA as to BRUNO JOSEPH CUA re <u>77</u> MOTION to Modify Conditions of Release (Paschall, Kimberly) (Entered: 11/15/2021)
11/16/2021	<u>84</u>	MOTION to Adopt, Conform, and Supplement Motions to Dismiss Counts Alleging Violation of 18 U.S.C. § 1512(c)(2) Filed In Other Cases Before This Court by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 11/16/2021)
11/23/2021		<p>MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendant Bruno Joseph Cua's motion to modify the conditions of his pretrial release, Dkt. <u>77</u> , it is hereby ORDERED that the motion is GRANTED in part and DENIED in part. On March 10, 2021, this Court granted Cua's motion for release from custody, subject to certain conditions of pretrial release. <i>See</i> Dkt. 25. Cua now seeks modification of two of the those conditions. Cua's first request is that the Court permit him to "travel to obtain materials and supplies for his work without being accompanied by this third-party custodian." Dkt. 77 at 1. Cua represents that neither pretrial services nor the government opposes that request. <i>See id.</i>; <i>see also</i> Dkt. 83 at 1. The Court hereby grants that unopposed modification to the conditions of Cua's pretrial release.</p> <p>Cua's second request is that the Court "remove the requirement that he submit to location monitoring." Dkt. 77 at 1. In support of this request, Cua submits a psychological evaluation from a licensed clinical psychologist. <i>See</i> Dkt. 86-1. That report attests, among other things, that Cua represents "a very low risk of violence." <i>Id.</i> at 22. Cua represents that pretrial services does not object to this request. <i>See</i> Dkt. 77 at 1. The government, however, opposes removal of location monitoring. <i>See</i> Dkt. 83 at 1.</p>

		<p>For the reasons explained below, the Court hereby denies Cua's request to remove location monitoring from his the conditions of his pretrial release. Although Cua has, to date, admirably complied with all of the conditions imposed by the Court, and although there is no evidence that he has engaged in any improper or illegal conduct since his arrest, the Court cannot disregard Cua's conduct prior to his arrest as it relates to the safety of the community. That conduct includes his carrying of a baton on January 6, 2021, under circumstances that are difficult to square with the contention that he carried the baton solely for purposes of self-defense, Dkt. 25 at 2 & n.1, and his decision to "shove a plain-clothed officer three times in his effort to force his way into the Senate Chamber," <i>id.</i> at 7. That conduct further includes social media messages in the days following the 2020 Presidential election indicating Cua's interest in "find[ing] an AR to buy <i>under the table</i>," along with social media posts before the events of January 6, 2021, announcing an "OPEN CARRY MISSION" in which "PATRIOTS" were to "BREAK DOWN [Congress's] DOORS AND TAKE OUR COUNTRY BACK BY FORCE." <i>Id.</i> at 10–11 (<i>italics added</i>). Even after January 6, 2021, Cua posted on social media that "[e]veryone who works in [C]ongress is a traitor to the people and deserves a public execution." <i>Id.</i> at 11. In light of this highly troubling behavior, the Court concludes that continued location monitoring is appropriate to ensure the safety of the community.</p> <p>Signed by Judge Randolph D. Moss on 11/23/2021. (lcrdm3) (Entered: 11/23/2021)</p>
11/29/2021	<u>88</u>	NOTICE of Filing of Declarations of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua, # <u>2</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 11/29/2021)
12/01/2021	<u>90</u>	SECOND SUPERSEDING INDICTMENT as to BRUNO JOSEPH CUA (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss, 12ss. (zstd) (Entered: 12/01/2021)
12/02/2021		NOTICE OF HEARING as to BRUNO JOSEPH CUA: Arraignment set for 12/6/2021, at 10:15 AM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting to the hearing.(kt) (Entered: 12/02/2021)
12/06/2021	<u>93</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 12/06/2021)
12/06/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment as to BRUNO JOSEPH CUA held on 12/6/2021. Defendant consented to proceeding by video. Defendant arraigned on Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss, and 12ss of the Second Superseding Indictment. Plea of Not Guilty entered on ALL Counts. Speedy Trial (XT) is tolled from 12/6/2021 to 1/14/2022. Bond Status of Defendant: PR Bond with Loation Monitoring; Court Reporter: Nancy Meyer; Defense Attorney: William Zapf; U.S. Attorney: Kimberly Paschall. (kt) Modified on 12/6/2021 to add consent language (kt). (Entered: 12/06/2021)
12/07/2021	<u>94</u>	MOTION to Adopt, Conform, and Supplement Motions to Dismiss Counts Alleging Violation of 18 U.S.C. § 1512(c)(2) Filed In Other Cases Before This Court as Applicable to Count 2 of the Second Superseding Indictment in This Case re <u>84</u> MOTION to Adopt, Conform, and Supplement Motions to Dismiss Counts Alleging Violation of 18 U.S.C. § 1512(c)(2) Filed In Other Cases Before This Court by BRUNO JOSEPH CUA. (Zapf, William) (Entered: 12/07/2021)

12/07/2021		MINUTE ORDER as to BRUNO JOSEPH CUA: In light of the second superseding indictment, Dkt. <u>90</u> , and Defendant's motion to dismiss as to Count Two of the second superseding indictment, Dkt. <u>94</u> , it is hereby ORDERED that Defendant's motion to dismiss as to the first superseding indictment, Dkt. <u>84</u> , is DENIED without prejudice as MOOT. The Court will consider all of the previously submitted briefs and materials in deciding the more recently filed motion to dismiss Count Two of the second superseding indictment, Dkt. <u>90</u> , which is now the operative charging document. The government's opposition remains due on or before December 15, 2021. Signed by Judge Randolph D. Moss on 12/7/2021. (lrcdm3) (Entered: 12/07/2021)
12/09/2021	<u>95</u>	REPLY in Support by BRUNO JOSEPH CUA re <u>77</u> MOTION to Modify Conditions of Release (<i>Redacted</i>) (Attachments: # <u>1</u> Exhibit 1 (redacted), # <u>2</u> Exhibit 2 (redacted))(Zapf, William) (Entered: 12/09/2021)
12/13/2021	<u>96</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 12/13/2021)
12/15/2021	<u>98</u>	Memorandum in Opposition by USA as to BRUNO JOSEPH CUA re <u>94</u> MOTION to Adopt, Conform, and Supplement Motions to Dismiss Counts Alleging Violation of 18 U.S.C. § 1512(c)(2) Filed In Other Cases Before This Court as Applicable to Count 2 of the Second Superseding Indictment in This Case re <u>84</u> MOTION t (Paschall, Kimberly) (Entered: 12/15/2021)
12/20/2021	<u>99</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 12/20/2021)
12/27/2021	<u>101</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 12/27/2021)
12/29/2021	<u>103</u>	REPLY in Support by BRUNO JOSEPH CUA re <u>94</u> MOTION to Adopt, Conform, and Supplement Motions to Dismiss Counts Alleging Violation of 18 U.S.C. § 1512(c)(2) Filed In Other Cases Before This Court as Applicable to Count 2 of the Second Superseding Indictment in This Case re <u>84</u> MOTION t (Zapf, William) (Entered: 12/29/2021)
01/03/2022	<u>104</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 01/03/2022)
01/10/2022	<u>106</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 01/10/2022)
01/14/2022		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to BRUNO JOSEPH CUA held on 1/14/2022. Defendant consented to proceeding by video. The parties shall file a Joint Status Report on or before 12noon on 3/15/2022 proposing next steps and addressing speedy trial going forward. Speedy Trial (XT) is tolled from 1/14/2022 to 3/15/2022. Bond Status of Defendant: PR Bond with location monitoring; Court Reporter: Jeff Hook; Defense Attorney: Jonathan Jeffress; U.S. Attorney: Kimberly Paschall. (kt) (Entered: 01/14/2022)

01/17/2022	<u>109</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 01/17/2022)
01/24/2022	<u>111</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 01/24/2022)
01/31/2022	<u>113</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 01/31/2022)
02/07/2022	<u>115</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 02/07/2022)
02/14/2022	<u>120</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 02/14/2022)
02/17/2022	<u>123</u>	NOTICE Regarding Status of Discovery by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 02/17/2022)
02/21/2022	<u>124</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 02/21/2022)
02/28/2022	<u>126</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 02/28/2022)
03/07/2022	<u>128</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 03/07/2022)
03/14/2022	<u>130</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 03/14/2022)
03/15/2022	<u>132</u>	Joint STATUS REPORT by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 03/15/2022)
03/15/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the joint status report, Dkt. <u>132</u> , it is hereby ORDERED that (1) the parties shall submit a further status report on or before May 16, 2022; and (2) time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. 3161, from March 15, 2022, until May 16, 2022. The parties represent that the government has recently produced discovery and anticipates producing more discovery in the near future. Dkt. 132 at 2. The parties further represent that, though a plea offer is not currently outstanding, plea negotiations may resume soon. <i>Id.</i> "Given the additional discovery recently produced, outstanding global discovery expected in the coming weeks, and possible re-entry into plea negotiations, the parties ask for an additional 60 days to work towards a resolution in this matter." <i>Id.</i> In light of these representations, the ongoing production of discovery, and the potential for plea negotiations to resume, the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial under 18 U.S.C.

		3161(h)(7)(A). Signed by Judge Randolph D. Moss on 03/15/2022. (lcrdm3) (Entered: 03/15/2022)
03/21/2022	<u>134</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 03/21/2022)
03/28/2022	<u>136</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 03/28/2022)
04/04/2022	<u>138</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 04/04/2022)
04/11/2022	<u>140</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 04/11/2022)
04/18/2022	<u>142</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 04/18/2022)
04/19/2022	<u>144</u>	Consent MOTION to Travel by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 04/19/2022)
04/19/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the motion to travel, Dkt. <u>144</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant may travel with his family to Ohio to attend a family wedding, so long as (1) Defendant departs no earlier than May 19, 2022, and returns no later than May 22, 2022; (2) Defendant receives advance approval of his travel itinerary from pretrial services; and (3) Defendant complies with any other conditions specified by pretrial services. Signed by Judge Randolph D. Moss on 04/19/2022. (lcrdm3) (Entered: 04/19/2022)
04/25/2022	<u>146</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 04/25/2022)
04/27/2022	<u>148</u>	Unopposed MOTION to Modify Conditions of Release by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Zapf, William) (Entered: 04/27/2022)
05/02/2022	<u>149</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 05/02/2022)
05/05/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendant's unopposed motion to modify, Dkt. <u>148</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the conditions of Defendant's pretrial release are modified as follows: (1) Defendant is no longer required to submit to location monitoring; and (2) Defendant is not required to make further payments toward the cost of the location monitoring program. All other conditions of Defendant's pretrial release remain in place without modification, including the restrictions of travel. Signed by Judge Randolph D. Moss on 05/05/2022. (lcrdm3) (Entered: 05/05/2022)

05/09/2022	<u>151</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 05/09/2022)
05/16/2022	<u>153</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 05/16/2022)
05/16/2022	<u>155</u>	Joint STATUS REPORT by BRUNO JOSEPH CUA (Zapf, William) (Entered: 05/16/2022)
05/16/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the parties' joint status report, Dkt. <u>155</u> , it is hereby ORDERED that (1) the parties shall submit a further status report on or before June 15, 2022; and (2) time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. 3161, from May 16, 2022, to June 15, 2022. The parties represent that "over 34,000 documents and over 24,000 video files have been disclosed to the defense in global discovery," and that "[t]he government expects such productions will continue as additional evidence in the government's possession, custody and control is identified." Dkt. 155 at 1. The parties further represent that they have re-entered into plea negotiations, but that "[n]o agreement has been reached thus far and a plea does not appear imminent." <i>Id.</i> at 1-2. "Given the additional discovery recently produced, outstanding global discovery expected in the coming weeks, and the parties' re-entry into plea negotiations, the parties ask for an additional 30 days to work towards a resolution in this matter." <i>Id.</i> at 2. Finally, the parties represent that they "are in agreement that, due to outstanding discovery and ongoing plea negotiations, the ends of justice would be served by exclusion of time under The Speedy Trial Act until the next filing before this Court on June 15, 2022." <i>Id.</i> In light of these representations, the ongoing production of discovery in this complex case, and the parties' pending plea discussions, the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial under 18 U.S.C. 3161(h)(7)(A). Signed by Judge Randolph D. Moss on 05/16/2022. (lcrdm3) (Entered: 05/16/2022)
05/23/2022	<u>156</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 05/23/2022)
05/30/2022	<u>158</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 05/30/2022)
06/06/2022	<u>160</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 06/06/2022)
06/13/2022	<u>162</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 06/13/2022)
06/15/2022	<u>164</u>	Joint STATUS REPORT by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 06/15/2022)
06/16/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the parties' joint status report, Dkt. <u>164</u> , it is hereby ORDERED that the parties shall appear for

		a status conference on July 20, 2022, at 2:30 p.m., to occur via Zoom. It is further ORDERED that counsel for Defendant Cua shall confer with government counsel and the Courtroom Deputy Clerk regarding a potential trial date in advance of the status conference. It is further ORDERED that time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. 3161, from June 16, 2022, to July 20, 2022. The parties represent that, "due to outstanding discovery and ongoing plea negotiations, the ends of justice would be served by exclusion of time under The Speedy Trial Act." Dkt. <u>164</u> at 2–3. The parties further represent that Defendant "waives his rights under the Speedy Trial Act and agrees to the exclusion of time." <i>Id.</i> at 3. In light of these representations, the volume of discovery in this matter, and Defendant's desire to "exhaust plea negotiations," the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A). Signed by Judge Randolph D. Moss on 6/16/2022. (lcrdm2) (Entered: 06/16/2022)
06/17/2022		Set/Reset Hearings as to BRUNO JOSEPH CUA: Status Conference set for 7/20/2022, at 2:30 PM, by video, before Judge Randolph D. Moss. (kt) (Entered: 06/17/2022)
06/21/2022	<u>165</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 06/21/2022)
06/27/2022	<u>167</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 06/27/2022)
07/05/2022	<u>169</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 07/05/2022)
07/11/2022	<u>171</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 07/11/2022)
07/13/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Due to a conflict in the Court's calendar, it is hereby ORDERED that the status conference set for July 20, 2022, is VACATED and RESCHEDULED for June 21, 2022, at 10:00 a.m., to occur via Zoom. Signed by Judge Randolph D. Moss on 07/13/2022. (lcrdm3) (Entered: 07/13/2022)
07/14/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: At the request of Government counsel, and by consent of the parties, the status conference set for July 21, 2022 is VACATED and RESCHEDULED for July 19, 2022, at 9:00 a.m., by video, before Judge Randolph D. Moss. Signed by Judge Randolph D. Moss on 7/14/2022. (kt) (Entered: 07/14/2022)
07/18/2022	<u>173</u>	MOTION to Withdraw as Attorney for Bruno Cua by Jonathan Jeffress and William Zapf. by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 07/18/2022)
07/18/2022	<u>174</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 07/18/2022)

07/19/2022		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to BRUNO JOSEPH CUA held on 7/19/2022. Defendant consented to proceeding by video. For the reasons stated on the record, a Faretta Hearing is set for 7/28/2022, at 11:00 AM, in Courtroom 8, before Judge Randolph D. Moss. Speedy Trial is tolled in the interest of justice from 7/20/2022 (original end date) to 7/28/2022. Bond Status of Defendant: PR Bond with location monitoring; Court Reporter: Jeff Hook; Defense Attorneys: Jonathan Jeffress and William Zapf; U.S. Attorney: Kimberly Paschall. (kt) (Entered: 07/19/2022)
07/19/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: In light of the Court's order setting an in-person hearing in this matter, it is hereby ORDERED that (1) Mr. Cua may travel to and from Washington, D.C. for the purposes of attending the hearing on July 28, 2022; and (2) Mr. Cua must inform his pretrial officer on or before Monday, July 25, 2022 about the details of his travel itinerary and any relevant plans while traveling or while in Washington, D.C. Signed by Judge Randolph D. Moss on 07/19/2022. (lcrdm3) (Entered: 07/19/2022)
07/22/2022	<u>176</u>	MOTION to Withdraw Document <u>173</u> MOTION to Withdraw as Attorney for Bruno Cua by Jonathan Jeffress and William Zapf. and to Cancel or Convert Faretta Hearing by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 07/22/2022)
07/22/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the motion to withdraw document <u>173</u> and to cancel or convert the <i>Faretta</i> hearing, Dkt. <u>176</u> , it is hereby ORDERED that Counsel's Motion to Withdraw as Attorney, Dkt. <u>173</u> , is DENIED as moot. It is further ORDERED that Defendant's motion to cancel or convert the <i>Faretta</i> hearing, Dkt. <u>176</u> , is GRANTED IN PART and DENIED IN PART and that the parties shall appear for a status conference on July 28, 2022, at 11:00 a.m., to occur via Zoom. Signed by Judge Randolph D. Moss on 07/22/2022. (lcrdm3) (Entered: 07/22/2022)
07/22/2022		Set/Reset Hearings as to BRUNO JOSEPH CUA: Status Conference set for 7/28/2022, at 11:00 AM, by video, before Judge Randolph D. Moss. (kt) (Entered: 07/22/2022)
07/25/2022	<u>177</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 07/25/2022)
07/28/2022		Minute Entry for videoconference proceedings held before Judge Randolph D. Moss: Status Conference as to BRUNO JOSEPH CUA held on 7/28/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 7/28/2022 to 2/13/23. Joint Status Report due by 8/26/2022. Jury Trial set for 2/13/2023 at 9:00 AM in Ceremonial Courtroom before Judge Randolph D. Moss. Bond Status of Defendant: Personal Recognizance; Court Reporter: Janice Dickman; Defense Attorney: Jonathan Jeffress and William E. Zapf; US Attorney: Kimberly Paschall. (dot) (Entered: 07/28/2022)
08/01/2022	<u>181</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Joseph Cua)(Zapf, William) (Entered: 08/01/2022)
08/08/2022	<u>183</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 08/08/2022)

08/15/2022	<u>185</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 08/15/2022)
08/18/2022	<u>187</u>	Joint PROPOSED BRIEFING SCHEDULE and Pretrial Order by USA as to BRUNO JOSEPH CUA (Paschall, Kimberly) (Entered: 08/18/2022)
08/22/2022		<p>MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the parties' joint proposed briefing schedule, Dkt. <u>187</u> , it is hereby ORDERED that the parties shall adhere to the following schedule: The parties shall submit any pretrial motions, other than motions in limine, on or before November 21, 2022; any oppositions shall be filed on or before December 7, 2022; and any reply shall be filed on or before December 14, 2022. The parties shall make any required expert disclosures pursuant to Fed. R. Crim. P. 16 on or before November 21, 2022; any oppositions to proposed experts shall be filed on or before December 7, 2022; any replies shall be filed on or before December 14, 2022. The Government shall notify Defendant of its intention to introduce any Rule 404(b) evidence not already disclosed on or before December 19, 2022; oppositions shall be filed on or before January 6, 2023; and replies shall be filed on or before January 13, 2023. Except as otherwise noted in this Order, motions in limine shall be filed on or before January 9, 2023; oppositions shall be filed on or before January 23, 2023; and replies shall be filed on or before January 30, 2023. The government shall produce grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief on or before January 23, 2023. Any <i>Brady</i> material not already disclosed shall be disclosed to Defendant expeditiously and, in any event, no later than January 23, 2023.</p> <p>The government shall also provide defense counsel with a courtesy copy of its proposed witness list and exhibit list, as well as a courtesy copy of each exhibit from the list, on or before January 25, 2023; Defense counsel shall notify the government in writing of any specific objections to the admissibility or authenticity of any such exhibit on or before February 1, 2023; and Defense counsel maintains the right to file further motions in limine upon receipt of the exhibit list and witness list, provided that any such motion is based on information or evidence not previously made available to the defense. It is further ORDERED that, on or before January 30, 2023, counsel shall file a further Joint Pretrial Statement that contains the parties' positions on the need for an order under Local Criminal Rule 57.7(c), a neutral statement of the case, to be read to prospective jurors, proposed or modified voir dire questions, proposed jury instructions, and a proposed verdict form.</p> <p>It is further ORDERED that a pretrial motions hearing and pretrial conference is hereby SCHEDULED for February 2, 2023, at 10:00 a.m., in Courtroom 8. Signed by Judge Randolph D. Moss on 08/22/2022. (lcrdm3) (Entered: 08/22/2022)</p>
08/22/2022	<u>188</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 08/22/2022)
08/29/2022	<u>190</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 08/29/2022)
09/06/2022	<u>192</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 09/06/2022)

		09/06/2022)
09/12/2022	<u>195</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 09/12/2022)
09/19/2022	<u>197</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 09/19/2022)
09/26/2022	<u>199</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 09/26/2022)
10/03/2022	<u>201</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 10/03/2022)
10/10/2022	<u>203</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 10/10/2022)
10/12/2022	<u>205</u>	NOTICE OF ATTORNEY APPEARANCE Kaitlin Klamann appearing for USA. (Klamann, Kaitlin) (Entered: 10/12/2022)
10/17/2022	<u>206</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 10/17/2022)
10/24/2022	<u>209</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Zapf, William) (Entered: 10/24/2022)
10/31/2022	<u>212</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 10/31/2022)
11/07/2022	<u>214</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 11/07/2022)
11/11/2022	<u>216</u>	Consent MOTION for Extension of Time to <i>File and Brief Certain Pretrial Submissions</i> by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 11/11/2022)
11/11/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendants' consent motion to extend pretrial deadlines, Dkt. <u>216</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the governing pretrial schedule is modified as follows: The parties shall submit any pretrial motions, other than motions in limine, on or before December 5, 2022; any oppositions shall be filed on or before December 19, 2022; and any reply shall be filed on or before December 30, 2022. The parties shall make any required expert disclosures pursuant to Fed. R. Crim. P. 16 on or before December 5, 2022; any oppositions to proposed experts shall be filed on or before December 19, 2022; any replies shall be filed on or before December 30, 2022. Signed by Judge Randolph D. Moss on 11/11/2022. (lcrdm3) (Entered: 11/11/2022)

11/16/2022	<u>217</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Joseph Cua)(Zapf, William) (Entered: 11/16/2022)
11/21/2022	<u>219</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 11/21/2022)
11/28/2022	<u>222</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 11/28/2022)
12/05/2022	<u>226</u>	NOTICE OF ATTORNEY APPEARANCE Carolina Nevin appearing for USA. (Attachments: # <u>1</u> Certificate of Service)(Nevin, Carolina) (Entered: 12/05/2022)
12/05/2022	<u>227</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Dr. Alise Cua)(Zapf, William) (Entered: 12/05/2022)
12/05/2022	<u>229</u>	NOTICE of Disclosure Pursuant to Fed. R. Crim. P. 12.2(b)(1) and 16(b)(1)(C) by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Exhibit 1)(Zapf, William) (Entered: 12/05/2022)
12/05/2022	<u>230</u>	MOTION to Dismiss Count One of the Second Superseding Indictment by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Exhibit 1)(Zapf, William) (Entered: 12/05/2022)
12/05/2022	<u>231</u>	NOTICE of Motion to Dismiss Count Two and Supplemental Brief by BRUNO JOSEPH CUA re <u>94</u> MOTION to Adopt, Conform, and Supplement Motions to Dismiss Counts Alleging Violation of 18 U.S.C. § 1512(c)(2) Filed In Other Cases Before This Court as Applicable to Count 2 of the Second Superseding Indictment in This Case re <u>84</u> MOTION t (Zapf, William) (Entered: 12/05/2022)
12/05/2022	<u>232</u>	MOTION to Dismiss Count Counts Four, Five, and Six of the Second Superseding Indictment by BRUNO JOSEPH CUA. (Zapf, William) (Entered: 12/05/2022)
12/12/2022	<u>233</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 12/12/2022)
12/19/2022	<u>235</u>	RESPONSE by USA as to BRUNO JOSEPH CUA re <u>230</u> MOTION to Dismiss Count One of the Second Superseding Indictment (Klamann, Kaitlin) (Entered: 12/19/2022)
12/19/2022	<u>236</u>	RESPONSE by USA as to BRUNO JOSEPH CUA re <u>231</u> Notice (Other), RESPONSE in Opposition to Motion to Dismiss Count Two (Klamann, Kaitlin) (Entered: 12/19/2022)
12/19/2022	<u>237</u>	RESPONSE by USA as to BRUNO JOSEPH CUA re <u>232</u> MOTION to Dismiss Count Counts Four, Five, and Six of the Second Superseding Indictment (Klamann, Kaitlin) (Entered: 12/19/2022)
12/19/2022	<u>238</u>	MOTION to Exclude Expert Testimony by USA as to BRUNO JOSEPH CUA. (Klamann, Kaitlin) (Entered: 12/19/2022)
12/19/2022	<u>239</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 12/19/2022)

12/26/2022	<u>241</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 12/26/2022)
12/27/2022	<u>243</u>	Consent MOTION for Extension of Time to File Replies in Support of Pretrial Motions and Reply in Support of Rule 16 Expert Disclosure by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 12/27/2022)
12/27/2022		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Mr. Cua's consent motion to extend pretrial deadlines, Dkt. <u>243</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Mr. Cua shall file any replies in support of his pretrial motions and in support of his expert disclosures on or before January 4, 2023. Signed by Judge Randolph D. Moss on 12/27/2022. (lcrdm3) (Entered: 12/27/2022)
01/02/2023	<u>244</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 01/02/2023)
01/04/2023	<u>246</u>	REPLY in Support by BRUNO JOSEPH CUA re <u>230</u> MOTION to Dismiss Count One of the Second Superseding Indictment (Zapf, William) (Entered: 01/04/2023)
01/04/2023	<u>247</u>	REPLY in Support by BRUNO JOSEPH CUA re <u>94</u> MOTION to Adopt, Conform, and Supplement Motions to Dismiss Counts Alleging Violation of 18 U.S.C. § 1512(c)(2) Filed In Other Cases Before This Court as Applicable to Count 2 of the Second Superseding Indictment in This Case re <u>84</u> MOTION t (Zapf, William) (Entered: 01/04/2023)
01/04/2023	<u>248</u>	REPLY in Support by BRUNO JOSEPH CUA re <u>232</u> MOTION to Dismiss Count Counts Four, Five, and Six of the Second Superseding Indictment (Zapf, William) (Entered: 01/04/2023)
01/04/2023	<u>249</u>	RESPONSE by BRUNO JOSEPH CUA re <u>238</u> MOTION to Exclude Expert Testimony (Attachments: # <u>1</u> List of Testimony of Dr. Daniel Murrie)(Zapf, William) (Entered: 01/04/2023)
01/09/2023	<u>250</u>	MOTION in Limine Regarding Evidence by USA as to BRUNO JOSEPH CUA. (Klamann, Kaitlin) Modified text and event type on 1/9/2023 (zltf). (Entered: 01/09/2023)
01/09/2023	<u>251</u>	MOTION in Limine Regarding Cross-Examination by USA as to BRUNO JOSEPH CUA. (Klamann, Kaitlin) Modified text and event type on 1/9/2023 (zltf). (Entered: 01/09/2023)
01/09/2023	<u>252</u>	Consent MOTION to Waive Jury Trial by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Waiver of Jury Trial)(Zapf, William) (Entered: 01/09/2023)
01/09/2023	<u>253</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 01/09/2023)
01/09/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Mr. Cua's consent motion to waive jury trial, Dkt. <u>252</u> , and his waiver of jury trial, <i>see id.</i> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that (1) this trial shall proceed as a bench trial; (2) the parties need not submit proposed voir

		dire and jury instructions, but shall submit pretrial briefs on or before January 30, 2023; (3) the pretrial conference scheduled on February 2, 2023, at 10:00 a.m. is hereby VACATED and RESCHEDULED as a motions hearing for January 25, 2023, at 10:00 a.m., in Courtroom 8; and (4) the trial will proceed as scheduled, starting on February 13, 2023, at 9:00 a.m., in Courtroom 8. Signed by Judge Randolph D. Moss on 1/9/2023. (lcrdm3) (Entered: 01/09/2023)
01/09/2023	<u>255</u>	MOTION in Limine by BRUNO JOSEPH CUA. (Zapf, William) (Entered: 01/09/2023)
01/10/2023		Terminate Hearings as to BRUNO JOSEPH CUA: Pretrial Conference and Jury Trial VACATED. (kt) (Entered: 01/10/2023)
01/10/2023	<u>257</u>	WAIVER of Trial by Jury as to BRUNO JOSEPH CUA. Approved by Judge Randolph D. Moss on 1/9/2023. (kt) (Entered: 01/10/2023)
01/16/2023	<u>258</u>	MOTION for Leave to File <i>Motion to Dismiss Count Three of the Second Superseding Indictment or, in the Alternative, for a Pretrial Determination Regarding 18 U.S.C. § 111(a)</i> , Consent MOTION for Expedited Briefing Schedule by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Proposed Motion, # <u>2</u> Text of Proposed Order, # <u>3</u> Text of Proposed Order)(Zapf, William) (Entered: 01/16/2023)
01/16/2023	<u>259</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 01/16/2023)
01/17/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Mr. Cua's motion for leave to file a motion to dismiss Count Three, Dkt. <u>258</u> , it is hereby ORDERED that the motion is GRANTED and that the motion to dismiss, Dkt. [258-1] shall be DEEMED filed. It is further ORDERED that (1) the government shall respond to the motion to dismiss on or before January 23, 2023; and (2) Mr. Cua shall file a reply, if any, on or before January 26, 2023. Signed by Judge Randolph D. Moss on 1/17/2023. (lcrdm3) (Entered: 01/17/2023)
01/17/2023	<u>269</u>	MOTION to Dismiss Count Three of the Second Superseding Indictment by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(zltf) (Entered: 01/27/2023)
01/18/2023	<u>261</u>	REPLY in Support by USA as to BRUNO JOSEPH CUA re <u>238</u> MOTION to Exclude <i>Expert Testimony</i> (Klamann, Kaitlin) (Entered: 01/18/2023)
01/19/2023	<u>262</u>	Consent MOTION to Continue <i>Motions Hearing</i> , MOTION to Excuse Defendant from Attending Motions Hearing in Person , Consent MOTION for Extension of Time to File <i>Trial Briefs</i> by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 01/19/2023)
01/19/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Mr. Cua's consent motion to reschedule motions hearing, to excuse defendant from attending, and for extension of time, Dkt. <u>262</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that (1) the motions hearing set in this matter for January 25, 2023, at 10:00 a.m. is hereby VACATED and RESCHEDULED for January 30, 2023, at 2:00 p.m., in Courtroom 8; (2) Mr. Cua may attend the aforementioned motion hearing by telephone or videoconference; and (3) the parties shall file their pretrial briefs on or before February 3, 2023. Signed by Judge Randolph D. Moss on 1/19/2023. (lcrdm3) (Entered: 01/19/2023)

01/23/2023	<u>263</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 01/23/2023)
01/23/2023	<u>265</u>	RESPONSE by USA as to BRUNO JOSEPH CUA re <u>258</u> MOTION for Leave to File <i>Motion to Dismiss Count Three of the Second Superseding Indictment or, in the Alternative, for a Pretrial Determination Regarding 18 U.S.C. § 111(a)</i> Consent MOTION for Expedited Briefing Schedule (Klamann, Kaitlin) (Entered: 01/23/2023)
01/23/2023	<u>266</u>	RESPONSE by USA as to BRUNO JOSEPH CUA re <u>255</u> MOTION in Limine (Klamann, Kaitlin) (Entered: 01/23/2023)
01/23/2023	<u>267</u>	RESPONSE by BRUNO JOSEPH CUA re <u>251</u> MOTION in Limine, <u>250</u> MOTION in Limine (Zapf, William) (Entered: 01/23/2023)
01/26/2023	<u>268</u>	REPLY in Support by BRUNO JOSEPH CUA re <u>258</u> MOTION for Leave to File <i>Motion to Dismiss Count Three of the Second Superseding Indictment or, in the Alternative, for a Pretrial Determination Regarding 18 U.S.C. § 111(a)</i> Consent MOTION for Expedited Briefing Schedule (Zapf, William) (Entered: 01/26/2023)
01/30/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Motion Hearing as to BRUNO JOSEPH CUA held on 1/30/2023. Defendant waives right to appear in-person and consents to appearing via Zoom. For the reasons stated on the record, the parties are to submit Supplement Briefs on or before 2/1/2023. A Motion Hearing is set for 2/7/2023 at 10:00 AM in Courtroom 8 before Judge Randolph D. Moss. Defendants oral request to appear via Zoom at the 2/7/23 hearing is granted. Bond Status of Defendant: Continued PR; Court Reporter: Jeff Hook; Defense Attorney: Jonathan Jeffress and William Zapf; US Attorney: Kaitlin Klamann and Carolina Nevin. (zglw) (Entered: 01/30/2023)
01/31/2023	<u>270</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 01/31/2023)
02/01/2023	<u>272</u>	Consent MOTION for Extension of Time to <i>Serve Specific Objections to the Government's Trial Exhibits</i> by BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(Zapf, William) (Entered: 02/01/2023)
02/01/2023	<u>273</u>	SUPPLEMENT by USA as to BRUNO JOSEPH CUA re: <u>265</u> <i>RESPONSE IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS COUNT THREE</i> (Klamann, Kaitlin) Modified text to include link on 2/1/2023 (zltf). (Entered: 02/01/2023)
02/01/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendant's consent motion for extension of time, Dkt. <u>272</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Mr. Cua shall notify the government in writing of any specific objections to the admissibility or authenticity of the government's trial exhibits on or before February 3, 2023. Signed by Judge Randolph D. Moss on 2/1/2023. (lcrdm3) (Entered: 02/01/2023)
02/01/2023	<u>274</u>	SUPPLEMENT by BRUNO JOSEPH CUA re <u>258</u> MOTION for Leave to File <i>Motion to Dismiss Count Three of the Second Superseding Indictment or, in the Alternative, for a Pretrial Determination Regarding 18 U.S.C. § 111(a)</i> Consent MOTION for Expedited Briefing Schedule , <u>269</u> MOTION to Dismiss Count (Zapf, William) (Entered: 02/01/2023)

02/02/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: In light of the parties' communications with the Court regarding the possibility of a stipulated trial, the parties are hereby ORDERED to appear for a video status conference in this matter on February 2, 2023, at 2:00 p.m., via Zoom. Signed by Judge Randolph D. Moss on 2/2/2023. (lcrdm3) (Entered: 02/02/2023)
02/02/2023		Minute Entry for Status Conference as to BRUNO JOSEPH CUA held on 2/2/2023 before Judge Randolph D. Moss. Bench Trial set for 2/9/2023 at 10:00 AM in Courtroom 8– In Person before Judge Randolph D. Moss. Court vacates Motions hearing set for 2/7/2023. Bond Status of Defendant: Personal Recognizance; Court Reporter: Jeff Hook; Defense Attorney: Jonathan Jeffress and William Zapf; US Attorney: Carolina Nevin and Kaitlin Klamann. (zjch,) Modified on 2/2/2023 (zjch,). (Entered: 02/02/2023)
02/02/2023	<u>275</u>	Joint MOTION to Vacate <i>Trial Date and Trial Deadlines</i> by USA as to BRUNO JOSEPH CUA. (Klamann, Kaitlin) (Entered: 02/02/2023)
02/02/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the parties' joint motion to vacate trial date and trial deadlines, Dkt. <u>275</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that (1) the pretrial deadlines previously set in this matter are hereby VACATED; (2) the stipulated bench trial scheduled in this matter for February 9, 2023, at 10:00 a.m. is hereby VACATED and RESCHEDULED for February 13, 2023, at 10:00 a.m., in Courtroom 8 and (3) the bench trial currently scheduled in this matter to begin on February 13, 2023, at 9:00 a.m. is hereby VACATED. Signed by Judge Randolph D. Moss on 2/2/2023. (lcrdm3) (Entered: 02/02/2023)
02/07/2023	<u>276</u>	NOTICE of of Filing of Declaration of Third–Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third–Party Custodian)(Zapf, William) (Entered: 02/07/2023)
02/10/2023		<p>MINUTE ORDER as to BRUNO JOSEPH CUA: For purposes of the upcoming (partially) stipulated trial, the Court must decide how best to define term "assault," as used in 18 U.S.C. 111(a). "[A]bsent other indication," Courts typically assume that "Congress intends to incorporate the well–settled meaning of the common–law terms it uses," <i>United States v. Castleman</i>, 572 U.S. 157, 162 (2014) (internal quotation marks omitted); <i>see also Fed. Express Corp. v. U.S. Dep't of Commerce</i>, 39 F.4th 756, 770–71 (D.C. Cir. 2022), and the D.C. Circuit has, in the context of 18 U.S.C. 111 specifically, looked to the common–law definition of "assault," as articulated in the Model Penal Code, <i>see United States v. Duran</i>, 96 F.3d 1495 (D.C. Cir. 1996). Here, the parties have agreed that the term "assault," as it is used in 18 U.S.C. 111(a)(1), means "any intentional attempt or threat to inflict injury upon someone else, when coupled with an apparent present ability to do so." Dkt. <u>273</u> at 1. Based on the Court's own research, that definition is consistent with the common law, and it is thus consistent with the statute.</p> <p>The Court is unsure, however, that the parties have correctly described what the term "injury" means in this context. The government points the Court to the definition of "bodily harm" contained in the Sentencing Guidelines, Dkt. <u>273</u> at 2 (quoting Application Note 1 to Guideline Section 1B1.1), and Defendant concurs in that understanding of the relevant standard, <i>see</i> Dkt. <u>274</u> at 4. The Sentencing Guidelines define "bodily injury" to "mean any significant injury; e.g., an injury that is painful and obvious, or is of a type for which medical attention ordinarily is sought." <i>Id.</i> The</p>

		<p>Court is unpersuaded for three reasons. First, the phases "injury" and "bodily injury" are not necessarily synonymous. Indeed, the Guidelines definition of "bodily injury" requires a "significant injury," as opposed merely an "injury," as the common law definition of assault provides. Second, the Sentencing Guidelines do not purport to construe 18 U.S.C. 111(a) or to articulate the common law meaning of "injury" for purposes of the law of assault. Third, even if the Court were called upon to define "bodily injury," as opposed to "injury," other sources suggests that the Guidelines definition may be overly restrictive. 18 U.S.C. 1365, for example, which 18 U.S.C. 113(b) cross-references for purposes of defining the phrase "serious bodily injury," defines "bodily injury" to include any "injury to the body, no matter how temporary." 18 U.S.C. 1365(h)(4)(E). That definition, of course, still leaves unanswered the question posed in this case: what constitutes an "injury" for purposes of an assault.</p> <p>Absent any other indication, the Court must, once again, return to the "well-settled meaning of the common-law terms" at issue. <i>Castleman</i>, 572 U.S. at 162. Although the Court has not conducted an exhaustive review of the common law, and will, instead, rely on the parties to do so, one need look no further than D.C. law to confirm that the definition of "bodily injury" contained the Sentencing Guideline is not controlling. The D.C. Criminal Jury instructions provide, for example, that "[i]njury" in the context of attempted-battery assault or intent-to-frighten assault "means any physical injury, however small, including a touching offensive to a person of reasonable sensibility." D.C. Criminal Jury Instructions, Instruction 4.100 (Assault).</p> <p>Because the relevant meaning of "injury" could have a substantial bearing on the only disputed question of fact that the parties intend to address at the (partially) stipulated trial next week, and because the Court is — at least this time — unpersuaded that the Sentencing Guidelines or the Tenth Circuit pattern instructions provide meaningful guidance on that question, the parties should be prepared to address the issue on the morning of February 13, 2023. To the extent that the parties will ask this Court to apply the definition found in the Sentencing Guidelines or Tenth Circuit pattern instructions, they should be prepared to cite caselaw in support of that proposition and should exchange any such caselaw with one another no later than 5 p.m. on February 12. Signed by Judge Randolph D. Moss on 2/10/2023. (lcrdm3) (Entered: 02/10/2023)</p>
02/12/2023	<u>278</u>	TRIAL BRIEF by BRUNO JOSEPH CUA (Zapf, William) (Entered: 02/12/2023)
02/12/2023	<u>279</u>	MEMORANDUM REGARDING STIPULATED TRIAL by USA as to BRUNO JOSEPH CUA (Nevin, Carolina) Modified text on 2/13/2023 (zltf). (Entered: 02/12/2023)
02/13/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Stipulated Bench Trial as to counts 1ss–12ss as to BRUNO JOSEPH CUA held on 2/13/2023. For the reasons stated on the record Oral Order denying <u>94</u> Motion to Dismiss Count 2ss; <u>230</u> Motion to Dismiss Count 1ss; and <u>232</u> Motion to Dismiss Counts 4ss, 5ss and 6ss. Court reserves ruling on the Stipulated Bench Trial. Parties shall file any Supplemental Briefings on or before 2/17/2023 and any Replies on or before 2/21/2023. Speedy Trial (XT) is tolled in the interest of justice from 2/13/23 to 2/24/2023. Court Oral Ruling set for 2/24/2023 at 10:30 AM in Courtroom 8– In Person before Judge Randolph D. Moss. Bond Status of Defendant: Continued PR; Court Reporter: Jeff Hook Defense Attorney: Jonathan Jeffress and William Zapf; US Attorney: Carolina Nevin & Kaitlin Klamann. (zglw) (Entered: 02/13/2023)

02/13/2023	<u>280</u>	AGREEMENT AND WAIVER of Trial by Jury as to BRUNO JOSEPH CUA. Approved by Judge Randolph D. Moss on 2/13/23. (zglw) (Entered: 02/13/2023)
02/13/2023	<u>281</u>	STATEMENT OF FACTS FOR STIPULATED TRIAL by USA as to BRUNO JOSEPH CUA (zglw) (Entered: 02/13/2023)
02/13/2023	<u>282</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 02/13/2023)
02/17/2023	<u>285</u>	SUPPLEMENT by USA as to BRUNO JOSEPH CUA Regarding Definition of Assault (Klamann, Kaitlin) (Entered: 02/17/2023)
02/17/2023	<u>286</u>	TRIAL BRIEF by BRUNO JOSEPH CUA (Zapf, William) (Entered: 02/17/2023)
02/21/2023	<u>287</u>	REPLY by BRUNO JOSEPH CUA re <u>285</u> Supplement to any document (Zapf, William) (Entered: 02/21/2023)
02/22/2023	<u>288</u>	MEMORANDUM OPINION and ORDER as to BRUNO JOSEPH CUA: For the reasons stated herein, Mr. Cua's motion to dismiss Count Three of the Second Superseding Indictment, Dkt. <u>269</u> , is hereby DENIED. See document for details. Signed by Judge Randolph D. Moss on 2/22/2023. (lcrdm3) (Entered: 02/22/2023)
02/23/2023	<u>289</u>	NOTICE of Supplemental Authority by BRUNO JOSEPH CUA re <u>278</u> Trial Brief (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Zapf, William) (Entered: 02/23/2023)
02/23/2023	<u>290</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 02/23/2023)
02/24/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Stipulated Bench Trial Continued for Oral Ruling as to BRUNO JOSEPH CUA held on 2/24/2023. Court finds the defendant Guilty as to Count 2ss and 3ss. REFERRAL TO PROBATION OFFICE for Presentence Investigation. Sentencing set for 5/12/2023 at 09:30 AM in Courtroom 8 before Judge Randolph D. Moss. Bond Status of Defendant: Continued on PR; Court Reporter: Sherri Grubbs; Defense Attorney: William Zapf and Jonathan Jeffress; US Attorney: Carolina Nevin and Kaitlin Klamann. (zglw) (Entered: 02/24/2023)
02/24/2023		Set/Reset Hearings as to BRUNO JOSEPH CUA: Sentencing set for 5/12/2023 at 09:30 AM in Courtroom 8 before Judge Randolph D. Moss. (zglw) (Entered: 02/24/2023)
02/24/2023	<u>292</u>	EXHIBIT LIST by USA as to BRUNO JOSEPH CUA (zglw) (Entered: 02/24/2023)
02/24/2023	<u>293</u>	EXHIBIT LIST by BRUNO JOSEPH CUA (zglw) (Entered: 02/24/2023)
02/27/2023	<u>294</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 02/27/2023)
02/28/2023	<u>297</u>	TRANSCRIPT OF STIPULATED BENCH TRIAL in case as to BRUNO JOSEPH CUA before Judge Randolph D. Moss held on February 13, 2023. Page Numbers: 1 – 85. Date of Issuance: February 28, 2023. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the Transcript Order Form

		<p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 3/21/2023. Redacted Transcript Deadline set for 3/31/2023. Release of Transcript Restriction set for 5/29/2023.(Hook, Jeff) (Entered: 02/28/2023)</p>
03/02/2023	<u>298</u>	NOTICE OF FILING TRIAL EXHIBITS INTRODUCED INTO EVIDENCE by USA as to BRUNO JOSEPH CUA (Klamann, Kaitlin) (Entered: 03/02/2023)
03/03/2023	<u>299</u>	NOTICE of Submission of Exhibits by BRUNO JOSEPH CUA (Zapf, William) (Entered: 03/03/2023)
03/06/2023	<u>300</u>	NOTICE of Filing of Declaration of Third–Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third–Party Custodian)(Zapf, William) (Entered: 03/06/2023)
03/13/2023	<u>302</u>	NOTICE of Filing of Declaration of Third–Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third–Party Custodian)(Zapf, William) (Entered: 03/13/2023)
03/21/2023	<u>304</u>	<p>TRANSCRIPT OF STIPULATED BENCH TRIAL – ORAL ARGUMENTS AND RULING in case as to BRUNO JOSEPH CUA before Judge Randolph D. Moss held on February 24, 2023. Page Numbers: 1 – 75. Date of Issuance: March 21, 2023. Court Reporter: Sherri Grubbs. Telephone number: 405–609–5203. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 4/11/2023. Redacted Transcript Deadline set for 4/21/2023. Release of Transcript Restriction set for 6/19/2023.(Hook, Jeff) (Entered: 03/21/2023)</p>

03/21/2023	<u>305</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 03/21/2023)
03/27/2023	<u>307</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 03/27/2023)
04/03/2023	<u>309</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 04/03/2023)
04/10/2023	<u>312</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 04/10/2023)
04/10/2023	<u>314</u>	<p>TRANSCRIPT OF MOTION HEARING in case as to BRUNO JOSEPH CUA before Judge Randolph D. Moss held on January 30, 2023. Page Numbers: 1 – 50. Date of Issuance: April 10, 2023. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 5/1/2023. Redacted Transcript Deadline set for 5/11/2023. Release of Transcript Restriction set for 7/9/2023.(Hook, Jeff) (Entered: 04/10/2023)</p>
04/10/2023	<u>315</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to BRUNO JOSEPH CUA before Judge Randolph D. Moss held on February 2, 2023. Page Numbers: 1 – 24. Date of Issuance: April 10, 2023. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our</p>

		website at www.dcd.uscourts.gov . Redaction Request due 5/1/2023. Redacted Transcript Deadline set for 5/11/2023. Release of Transcript Restriction set for 7/9/2023.(Hook, Jeff) (Entered: 04/10/2023)
04/17/2023	<u>316</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 04/17/2023)
04/24/2023	<u>321</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 04/24/2023)
04/24/2023	<u>325</u>	Application for Access to Video Exhibits by UNITED STATES CAPITOL POLICE as to BRUNO JOSEPH CUA. (Attachments: # <u>1</u> Text of Proposed Order)(zntp) (Entered: 05/02/2023)
05/01/2023	<u>323</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 05/01/2023)
05/02/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the application for access to video exhibits, Dkt. <u>325</u> , it is hereby ORDERED that the parties shall notify the Court of their positions on the application on or before May 9, 2023. Signed by Judge Randolph D. Moss on 5/2/2023. (lcrdm3) (Entered: 05/02/2023)
05/05/2023	<u>328</u>	SENTENCING MEMORANDUM by USA as to BRUNO JOSEPH CUA (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Klamann, Kaitlin) (Entered: 05/05/2023)
05/08/2023	<u>330</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 05/08/2023)
05/09/2023	<u>332</u>	RESPONSE TO ORDER OF THE COURT by USA as to BRUNO JOSEPH CUA re Order,, Set Deadlines, regarding the application for access to video exhibits (Nevin, Carolina) (Entered: 05/09/2023)
05/09/2023	<u>333</u>	MOTION to Withdraw Document in Part (Motion to Seal <u>329</u>) by BRUNO JOSEPH CUA. (Zapf, William) (Entered: 05/09/2023)
05/09/2023	<u>334</u>	SENTENCING MEMORANDUM by BRUNO JOSEPH CUA (Zapf, William) (Entered: 05/09/2023)
05/09/2023	<u>335</u>	RESPONSE TO ORDER OF THE COURT by BRUNO JOSEPH CUA re Order,, Set Deadlines, regarding the application for access to video exhibits (Zapf, William) (Entered: 05/09/2023)
05/09/2023	<u>337</u>	MOTION for Downward Departure by BRUNO JOSEPH CUA. (See docket entry <u>334</u> to view document.) (zntp) (Entered: 05/11/2023)
05/11/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Due to a conflict in the Court's schedule, it is hereby ORDERED that the Sentencing Hearing scheduled in this matter for May 12, 2023, at 9:30 a.m. is hereby VACATED and RESCHEDULED for July 10, 2023, at 2:00 p.m., in Courtroom 8. Signed by Judge Randolph D. Moss

		on 5/11/2023. (lcrdm3) (Entered: 05/11/2023)
05/15/2023	<u>338</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 05/15/2023)
05/15/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of the application for access to video exhibits filed in this matter by Conrad Smith, Danny McElroy, Byron Evans, G.L., Melissa Marshall, Michael Fortune, Jason DeRoche, and Reginald Cleveland ("Applicants"), it is hereby ORDERED that the application is GRANTED. It is further ORDERED that, consistent with Standing Order 21-28, the government shall make available video exhibits 101-110, 201-212, 214, 301-306, and DX1 available to Applicants by way of an electronic drop-box. Signed by Judge Randolph D. Moss on 5/15/2023. (lcrdm3) (Entered: 05/15/2023)
05/22/2023	<u>341</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 05/22/2023)
05/22/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Mr. Cua's consent motion for leave to file under seal, Dkt. <u>329</u> , and his subsequent motion to withdraw that document in part, Dkt. <u>333</u> , it is hereby ORDERED that the motion to file under seal, Dkt. <u>329</u> is GRANTED in part and deemed WITHDRAWN in part and that the motion to withdraw, Dkt. <u>333</u> , is GRANTED. It is further ORDERED that the exhibits attached to Mr. Cua's sentencing memorandum, see Dkt. <u>329</u> , shall be DEEMED FILED under seal. Signed by Judge Randolph D. Moss on 5/22/2023. (lcrdm3) (Entered: 05/22/2023)
05/29/2023	<u>343</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 05/29/2023)
06/05/2023	<u>345</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 06/05/2023)
06/12/2023	<u>347</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 06/12/2023)
06/19/2023	<u>350</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Zapf, William) (Entered: 06/19/2023)
06/26/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Mr. Cua's most recent notice of filing the declaration of a third-party custodian, Dkt. <u>350</u> , is missing the relevant attachment. Accordingly, it is hereby ORDERED that the defense shall file the declaration of the third-party custodian on or before June 27, 2023. Signed by Judge Randolph D. Moss on 6/26/2023. (lcrdm3) (Entered: 06/26/2023)
06/26/2023	<u>352</u>	NOTICE of Filing of Declaration of Third-Party Custodian (CORRECTED) by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 06/26/2023)
06/26/2023	<u>353</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 06/26/2023)

07/03/2023	<u>355</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 07/03/2023)
07/03/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: In light of a conflict in the Court's schedule, it is hereby ORDERED that the Sentencing Hearing scheduled in this matter for July 10, 2023, at 2:00 p.m. is hereby VACATED and RESCHEDULED for July 25, 2023, at 2:00 p.m., in Courtroom 8. Signed by Judge Randolph D. Moss on 7/3/2023. (lcrdm3) (Entered: 07/03/2023)
07/10/2023	<u>357</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 07/10/2023)
07/17/2023	<u>359</u>	NOTICE of Filing of Declaration of Third-Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third-Party Custodian)(Zapf, William) (Entered: 07/17/2023)
07/21/2023	<u>361</u>	RESPONSE by BRUNO JOSEPH CUA re <u>328</u> to the Government's Memorandum in Aid of Sentencing and Final Presentence Investigation Report (Attachments: # <u>1</u> Exhibit)(Jeffress, Jonathan) Modified text to include link on 7/26/2023 (zltf). (Entered: 07/21/2023)
07/24/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendant's consent motion to file under seal his notice and accompanying materials, Dkt. <u>362</u> , it is hereby ORDERED that the motion is GRANTED. Signed by Judge Randolph D. Moss on 07/24/2023. (lcrdm3) (Entered: 07/24/2023)
07/24/2023		The parties are hereby advised that if the Court concludes that the certification of electoral votes by Congress does not constitute the "administration of justice" as contemplated by U.S.S.G. 2J1.2(b)(1)(B) and (b)(2), the Court will consider whether an upward departure is appropriate on the grounds that interfering with the certification of the electoral vote by the United States Congress raises concerns of equal or greater magnitude to interference with the "administration of justice." Signed by Judge Randolph D. Moss on 07/24/2023. (lcrdm3) (Entered: 07/24/2023)
07/24/2023	<u>363</u>	NOTICE of persuasive authority by USA as to BRUNO JOSEPH CUA (Attachments: # <u>1</u> Exhibit USA v. Rhodes sentencing transcript)(Nevin, Carolina) (Entered: 07/24/2023)
07/25/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: Upon consideration of Defendant's consent motion to file under seal his notice and accompanying materials, Dkt. <u>364</u> , it is hereby ORDERED that the motion is GRANTED. Signed by Judge Randolph D. Moss on 07/25/2023. (lcrdm3) (Entered: 07/25/2023)
07/25/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Sentencing held and continued to 7/26/2023 at 09:00 AM in Courtroom 8- In Person before Judge Randolph D. Moss. Bond Status of Defendant: Continued PR; Court Reporter: Tammie Sefranek; Defense Attorney: Wiliam Zapf & Jonathan Jeffress; US Attorney: Kaitlin Klamann & Carolina Nevin. (zglw) (Entered: 07/26/2023)
07/26/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Sentencing held on 7/26/2023 as to BRUNO JOSEPH CUA (1). Count(s) 1ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss, 12ss, Dismissed on Oral Motion by the Government. Count(s) 2ss, 2/24/23: Directed Verdict of Guilty. Defendant sentenced to One (1) Year and a day

		followed by Thirty–six (36) Months of Supervised Release and a Special Assessment of \$100.00; Count(s) 3ss, 2/24/23: Directed Verdict of Guilty, Defendant sentenced to One (1) Year and a day to run concurrently with Count 2ss followed by Thirty–six (36) Months of Supervised Release to run concurrently with Count 2ss and a Special Assessment of \$100.00 for a total of \$200.00. Bond Status of Defendant: Personal Recognizance; Court Reporter: Tammi Sefranek; Defense Attorney: Jonathan Jeffress and William E. Zapf; US Attorney: Carolina Nevin and Kaitlin Klamann; Prob Officer: Jessica Reicher and Kelli Willett. (dot) (Entered: 07/26/2023)
07/26/2023		MINUTE ORDER as to BRUNO JOSEPH CUA: The Court has received at least one press request for the government's sentencing exhibits in this case. It is hereby ORDERED that the government shall make available to the media its exhibits from the sentencing hearing in this matter. Interested members of the media should reach out to the U.S. Attorney's Office for access. Signed by Judge Randolph D. Moss on 7/26/2023. (lcrdm2) (Entered: 07/26/2023)
07/31/2023	366	NOTICE of Filing of Declarations of Third–Party Custodian by BRUNO JOSEPH CUA (Attachments: # 1 Declaration of Third–Party Custodian, # 2 Declaration of Third–Party Custodian)(Zapf, William) (Entered: 07/31/2023)
08/04/2023	376	JUDGMENT as to BRUNO JOSEPH CUA. Statement of Reasons Not Included. Signed by Judge Randolph D. Moss on 8/4/2023. (zltf) (Entered: 08/22/2023)
08/04/2023	377	STATEMENT OF REASONS as to BRUNO JOSEPH CUA. re 376 Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Randolph D. Moss on 8/4/2023. (zltf) (Entered: 08/22/2023)
08/07/2023	368	NOTICE of Filing of Declaration of Third–Party Custodian by BRUNO JOSEPH CUA (Attachments: # 1 Declaration of Third–Party Custodian)(Zapf, William) (Entered: 08/07/2023)
08/14/2023	370	NOTICE of Filing of Declaration of Third–Party Custodian by BRUNO JOSEPH CUA (Attachments: # 1 Declaration of Third–Party Custodian)(Zapf, William) (Entered: 08/14/2023)
08/15/2023	372	<p>TRANSCRIPT OF SENTENCING (DAY 1) in case as to BRUNO JOSEPH CUA before Judge Randolph D. Moss held on 07/25/23; Page Numbers: 1–110. Date of Issuance:08/15/23. Court Reporter/Transcriber Tamara (Tammi) Sefranek, Telephone number 2023543246, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p>

		Redaction Request due 9/5/2023. Redacted Transcript Deadline set for 9/15/2023. Release of Transcript Restriction set for 11/13/2023.(Sefranek, Tamara) (Entered: 08/15/2023)
08/15/2023	<u>373</u>	<p>TRANSCRIPT OF SENTENCING (DAY 2) in case as to BRUNO JOSEPH CUA before Judge Randolph D. Moss held on 07/26/23; Page Numbers: 111–233. Date of Issuance:08/15/23. Court Reporter/Transcriber Tamara (Tammi) Sefranek, Telephone number 2023543246, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/5/2023. Redacted Transcript Deadline set for 9/15/2023. Release of Transcript Restriction set for 11/13/2023.(Sefranek, Tamara) (Entered: 08/15/2023)</p>
08/21/2023	<u>374</u>	NOTICE of Filing of Declaration of Third–Party Custodian by BRUNO JOSEPH CUA (Attachments: # <u>1</u> Declaration of Third–Party Custodian)(Zapf, William) (Entered: 08/21/2023)
08/22/2023	<u>378</u>	NOTICE OF APPEAL – Final Judgment by BRUNO JOSEPH CUA re <u>376</u> Judgment. Filing fee \$ 505, receipt number ADCDC–10295279. Fee Status: Fee Paid. Parties have been notified. (Zapf, William) (Entered: 08/22/2023)

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

UNITED STATES OF AMERICA

v.

BRUNO JOSEPH CUA

Criminal Action No. 21-00107 (RDM)

NOTICE OF APPEAL

Notice is hereby given that Defendant Bruno Joseph Cua in the above-captioned case appeals to the United States Court of Appeals for the District of Columbia Circuit from the final judgment and sentence entered in this action on August 22, 2023 (ECF No. 376), and all orders and judgments merged or subsumed therein, including without limitation the Court's finding of guilt as to Counts 2 and 3 of Second Superseding Indictment at a stipulated bench trial on February 24, 2023, and orders denying Mr. Cua's motions to dismiss Counts 2 and 3. *See, e.g.*, ECF No. 288 & Feb. 24, 2023 Hr'g. Tr.

Respectfully submitted,

DATED: August 22, 2023

/s/ William E. Zapf
Jonathan Jeffress (D.C. Bar No. 479074)
William E. Zapf (D.C. Bar No. 987213)
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wzapf@kaiserdillon.com

Attorneys for Bruno Joseph Cua

CERTIFICATE OF SERVICE

I hereby certify that on this 22d day of August, 2023, I filed the foregoing with the Clerk of the United States District Court for the District of Columbia by using the CM/ECF system, which system I understand has provided electronic notice counsel of record.

/s/ William E. Zapf

William E. Zapf

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

BRUNO JOSEPH CUA

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-107-01 (RDM)

USM Number: 29167-509

Jonathan Jeffress and William E. Zapf

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____

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

was found guilty on count(s) Two (2) and Three (3) of the Second Superseding Indictment
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1512(c)(2) & (2)	Obstruction of an Official Proceeding and Aiding and Abetting	1/6/2021	2
18 USC § 111(a)(1)	Assaulting, Resisting, or Impeding Certain Officers	1/6/2021	3

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

Count(s) 1ss, and 4ss - 12ss is are dismissed on the motion of the United States.

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

7/26/2023

Date of Imposition of Judgment

Signature of Judge

Randolph D. Moss, United States District Judge

Name and Title of Judge

Date

8/4/23

DEFENDANT: BRUNO JOSEPH CUA
CASE NUMBER: 21-107-01 (RDM)

IMPRISONMENT

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

One (1) year and One (1) day on Count Two (2ss) of the Second Superseding Indictment. One (1) year and One (1) day on Count Three (3ss) of the Second Superseding Indictment to run concurrently to Count Two (2ss).

The court makes the following recommendations to the Bureau of Prisons:
That Defendant's sentence be served at FCI Montgomery in Alabama; FCI Pensacola in Florida; or FCI Tallahassee in Florida.

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

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

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

as notified by the United States Marshal.

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

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

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

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: BRUNO JOSEPH CUA
CASE NUMBER: 21-107-01 (RDM)

SUPERVISED RELEASE

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

Thirty-six (36) Months on Count Two (2ss) of the Second Superseding Indictment. Thirty-six (36) Months on Count Three (3ss) of the Second Superseding Indictment, to run concurrently with Count Two (2ss).

MANDATORY CONDITIONS

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

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

DEFENDANT: BRUNO JOSEPH CUA
CASE NUMBER: 21-107-01 (RDM)

STANDARD CONDITIONS OF SUPERVISION

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

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

U.S. Probation Office Use Only

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

Defendant's Signature _____

Date _____

DEFENDANT: BRUNO JOSEPH CUA
CASE NUMBER: 21-107-01 (RDM)

SPECIAL CONDITIONS OF SUPERVISION

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

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

Re-entry Progress Hearing - Within sixty days of release from incarceration or placement on supervision, you will appear before the Court for a re-entry progress hearing. Prior to the hearing, the probation officer will submit a report summarizing your status and compliance with release conditions. If you are supervised by a district outside of the Washington DC metropolitan area, the United States Probation Office in that district will submit a progress report to the court within 60 days of the commencement of supervision; upon receipt of the progress report, the Court will determine if your appearance is required.

Restitution Obligation – You must pay the balance of any restitution owed at a rate of no less than \$50 each month.

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

DEFENDANT: BRUNO JOSEPH CUA
CASE NUMBER: 21-107-01 (RDM)

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200.00	\$ 2,000.00	\$ 0.00	\$ 0.00	\$ 0.00

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

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

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

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the United States District Court for the District of Columbia for disbursement to the following victims: Architect of the Capitol		\$2,000.00	
Office of the Chief Financial Officer Ford House Office Building Room H2-205B Washington, DC 20515 Attn.: Kathy Sherrill, CPA			
TOTALS	\$ 0.00	\$ 2,000.00	

Restitution amount ordered pursuant to plea agreement \$ 2,000.00

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

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

the interest requirement is waived for the fine restitution.

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

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

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

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

DEFENDANT: BRUNO JOSEPH CUA
CASE NUMBER: 21-107-01 (RDM)

SCHEDULE OF PAYMENTS

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

- A Lump sum payment of \$ 2,200.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full. Restitution Obligation – You must pay the balance of any restitution owed at a rate of no less than \$50.00 per month.

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

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

Joint and Several

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

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