

APPEAL,CAP,CAT A,CLOSED

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00103-CJN All Defendants

Case title: USA v. PACKER

Magistrate judge case number: 1:21-mj-00039-RMM

Date Filed: 02/10/2021

Assigned to: Judge Carl J. Nichols

Defendant (1)

ROBERT KEITH PACKER

represented by **Stephen F. Brennwald**
BRENNWALD & ROBERTSON, LLP
922 Pennsylvania Avenue, SE
Washington, DC 20003
(301) 928-7727
Fax: (202) 544-7626
Email: sfbrennwald@cs.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

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

40:5104(e)(2); FEDERAL
STATUTES; Violent Entry and
Disorderly Conduct and Parading,
Demonstrating, or Picketing in a
Capitol Building
(2)

Disposition

Dismissed on Motion of the Government

Defendant sentenced to seventy-five (75) days of
Incarceration. Defendant further sentenced to
Restitution of \$500.00 and Special Assessment of
\$10.00. No fine imposed.

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints**Disposition**COMPLAINT in VIOLATION of
18 U.S.C. 1752(a)(1); 40 U.S.C.
5104(e)(2)**Plaintiff**

USA

represented by **Molly Gulland Gaston**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-7803
 Email: molly.gaston@usdoj.gov
TERMINATED: 02/18/2021
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Mona Furst
 DOJ-USAO
 Office of the United States Attorney
 301 North Main
 Suite 1200
 Wichita, KS 67052
 316-269-6481
 Email: mona.furst@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Page	Docket Text
01/12/2021	<u>1</u>		SEALED COMPLAINT as to ROBERT KEITH PACKER (1). (Attachments: # <u>1</u> Affidavit in Support) (zltp) [1:21-mj-00039-RMM] (Entered: 01/13/2021)
01/12/2021	<u>3</u>		MOTION to Seal Case by USA as to ROBERT KEITH PACKER. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) [1:21-mj-00039-RMM] (Entered: 01/13/2021)
01/12/2021	<u>4</u>		ORDER granting <u>3</u> Motion to Seal Case as to ROBERT KEITH PACKER (1). Signed by Magistrate Judge Robin M. Meriweather on 1/12/2021. (zltp) [1:21-mj-00039-RMM] (Entered: 01/13/2021)
01/13/2021			Arrest of ROBERT KEITH PACKER in Eastern District of Virginia. (zpt) [1:21-mj-00039-RMM] (Entered: 01/26/2021)

01/19/2021	<u>6</u>	Arrest Warrant, dated 1/12/2021, Returned Executed in the U.S. District Court for the District of Columbia on 1/19/2021 as to Defendant ROBERT KEITH PACKER (1). (zpt) [1:21-mj-00039-RMM] (Entered: 01/26/2021)
01/19/2021		ORAL MOTION to Appoint Counsel by ROBERT KEITH PACKER. (zpt) [1:21-mj-00039-RMM] (Entered: 01/26/2021)
01/19/2021		ORAL MOTION for Speedy Trial Waiver by USA as to ROBERT KEITH PACKER. (zpt) [1:21-mj-00039-RMM] (Entered: 01/26/2021)
01/19/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing as to ROBERT KEITH PACKER (1) held on 1/19/2021. Oral Motion to Appoint Counsel by ROBERT KEITH PACKER (1) Heard and Granted. Oral Motion by the Government for Speedy Trial Waiver as to ROBERT KEITH PACKER (1) Heard and Granted. Time between 1/19/2021 and 2/11/2021 (23 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Government does not request the Defendant's pretrial detention. Preliminary Hearing set for 2/11/2021 at 02:00 PM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Placed on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorney: Stephen Brennwald; US Attorney: Molly Gaston; Pretrial Officer: Christine Schuck; (zpt) [1:21-mj-00039-RMM] (Entered: 01/26/2021)
01/19/2021		MINUTE ORDER as to ROBERT KEITH PACKER (1). As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge G. Michael Harvey on 1/19/2021. (zpt) [1:21-mj-00039-RMM] (Entered: 01/26/2021)
01/19/2021	<u>7</u>	ORDER Setting Conditions of Release as to ROBERT KEITH PACKER (1) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 1/19/2021. (Attachments: # <u>1</u> Appearance Bond) (zpt) [1:21-mj-00039-RMM] (Entered: 02/08/2021)
01/26/2021		Case unsealed as to ROBERT KEITH PACKER. (ztnr) [1:21-mj-00039-RMM] (Entered: 01/26/2021)
01/26/2021	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Stephen F. Brennwald appearing for ROBERT KEITH PACKER (Brennwald, Stephen) [1:21-mj-00039-RMM] (Entered: 01/26/2021)
02/10/2021	<u>8</u>	INFORMATION as to ROBERT KEITH PACKER (1) count(s) 1, 2. (zstd) (Entered: 02/10/2021)
02/10/2021	<u>10</u>	NOTICE OF ATTORNEY APPEARANCE: Stephen F. Brennwald appearing for ROBERT KEITH PACKER (Brennwald, Stephen) (Entered: 02/10/2021)
02/10/2021		MINUTE ORDER: Given that the Magistrate Case for defendant ROBERT KEITH PACKER has closed and merged into Criminal Number 21-103, and an information has been filed, the preliminary hearing previously scheduled for February 11, 2021 before Magistrate Judge Meriweather is hereby VACATED. The parties are respectfully directed to address any scheduling request to the

		Chambers of the presiding district judge, Judge Carl J. Nichols. SO ORDERED by Magistrate Judge Robin M. Meriweather. (ztl) (Entered: 02/11/2021)
02/10/2021		Terminate Deadlines and Hearings as to ROBERT KEITH PACKER: Preliminary Hearing previously scheduled for February 11, 2021 before Magistrate Judge Meriweather is hereby VACATED. (ztl) (Entered: 02/11/2021)
02/18/2021		MINUTE ORDER as to ROBERT KEITH PACKER: Arraignment / Status Conference set for 2/24/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. So Ordered by Judge Carl J. Nichols on February 18, 2021. (zcal) (Entered: 02/18/2021)
02/18/2021	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE Mona Furst appearing for USA. (Attachments: # <u>1</u> Certificate of Service)(Furst, Mona) (Entered: 02/18/2021)
02/24/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference / Arraignment as to ROBERT KEITH PACKER (1): Count 1 and 2 held on 2/24/2021. Not Guilty Plea entered. Speedy Trial as to ROBERT KEITH PACKER is Excluded from 2/24/2021 to 4/27/2021, in the Interest of Justice, XT. Status Conference set for 4/27/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Stephen Brennwald; US Attorney: Mona Furst. (zcal) (Entered: 02/24/2021)
03/17/2021	<u>13</u>	Unopposed MOTION for Protective Order by USA as to ROBERT KEITH PACKER. (Attachments: # <u>1</u> Text of Proposed Order)(Furst, Mona) (Entered: 03/17/2021)
03/17/2021	<u>14</u>	NOTICE of Filing Discovery Correspondence by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Discovery Letter)(Furst, Mona) (Entered: 03/17/2021)
03/29/2021	<u>15</u>	Unopposed MOTION for Disclosure of Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials by USA as to ROBERT KEITH PACKER. (Attachments: # <u>1</u> Text of Proposed Order)(Furst, Mona) (Entered: 03/29/2021)
04/12/2021	<u>16</u>	ORDER granting <u>13</u> Motion for Protective Order. Signed by Judge Carl J. Nichols on April 12, 2021. (lccjn1) (Entered: 04/12/2021)
04/12/2021		MINUTE ORDER. After review of the government's <u>15</u> Motion to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that the United States may provide in discovery materials protected by Federal Rule of Criminal Procedure 6(e) and sealed materials. Signed by Judge Carl J. Nichols on April 12, 2021. (lccjn1) (Entered: 04/12/2021)
04/14/2021	<u>17</u>	NOTICE of Filing Discovery by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Discovery Letter)(Furst, Mona) (Entered: 04/14/2021)
04/21/2021	<u>18</u>	Unopposed MOTION to Continue , Unopposed MOTION to Exclude Time Under the Speedy Trial Act by USA as to ROBERT KEITH PACKER. (Attachments: # <u>1</u> Text of Proposed Order)(Furst, Mona) (Entered: 04/21/2021)

04/23/2021	<u>19</u>		NOTICE of Filing Discovery Correspondence by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Discovery Letter)(Furst, Mona) (Entered: 04/23/2021)
04/27/2021	<u>21</u>		ORDER granting <u>18</u> Motion to Continue and to Exclude Time under the Speedy Trial Act as to ROBERT KEITH PACKER (1). Signed by Judge Carl J. Nichols on April 27, 2021. (lccjn1) (Entered: 04/27/2021)
04/27/2021			Set/Reset Hearings as to ROBERT KEITH PACKER: Status Conference RESET for 6/22/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 04/27/2021)
06/22/2021			Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to ROBERT KEITH PACKER held on 6/22/2021. Speedy Trial as to ROBERT KEITH PACKER is Excluded from 6/22/2021 to 8/24/2021, in the Interest of Justice, XT. Status Conference set for 8/24/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Stephen Brennwald; US Attorney: Mona Furst. (zcal) (Entered: 06/22/2021)
06/25/2021	<u>23</u>		NOTICE of Filing Discovery Correspondence by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Discovery Letter)(Furst, Mona) (Entered: 06/25/2021)
07/02/2021	<u>24</u>		NOTICE of Filing Discovery Correspondence by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Discovery Letter)(Furst, Mona) (Entered: 07/02/2021)
07/12/2021	<u>25</u>		Memorandum Regarding Status of Discovery by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Exhibit A)(Furst, Mona) Modified text on 7/12/2021 (zstd). (Entered: 07/12/2021)
07/12/2021	<u>26</u>		Amended Memorandum Regarding Status of Discovery by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Exhibit A)(Furst, Mona) Modified text on 7/13/2021 (zstd). (Entered: 07/12/2021)
08/16/2021	<u>27</u>		NOTICE of Filing Discovery Correspondence by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Discovery E-Mail (dated August 3, 2021), # <u>2</u> Discovery E-Mail (dated August 14, 2021))(Furst, Mona) (Entered: 08/16/2021)
08/24/2021			Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to ROBERT KEITH PACKER held on 8/24/2021. Speedy Trial as to ROBERT KEITH PACKER is Excluded from 8/24/2021 to 10/26/2021, in the Interest of Justice, XT. Status Conference set for 10/26/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Stephen Brennwald; US Attorney: Mona Furst. (zcal) (Entered: 08/25/2021)
08/26/2021	<u>29</u>		NOTICE of United States' Memorandum Regarding Status of Discovery as of August 23, 2021 by USA as to ROBERT KEITH PACKER (Furst, Mona) (Entered: 08/26/2021)
09/16/2021	<u>30</u>		ENTERED IN ERROR.....NOTICE of United States' Memorandum Regarding Status of Discovery as of September 14, 2021 by USA as to ROBERT KEITH

			PACKER (Furst, Mona) Modified on 9/16/2021 (zstd). (Entered: 09/16/2021)
09/16/2021			NOTICE OF CORRECTED DOCKET ENTRY: as to ROBERT KEITH PACKER re <u>30</u> Notice (Other) was entered in error. The document was filed in the incorrect case. (zstd) (Entered: 09/16/2021)
09/16/2021	<u>31</u>		NOTICE of <i>United States' Memorandum Regarding Status of Discovery as of September 14, 2021</i> by USA as to ROBERT KEITH PACKER (Furst, Mona) (Entered: 09/16/2021)
09/30/2021	<u>32</u>		NOTICE of <i>Filing Discovery Correspondence</i> by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Discovery 13 E-mail (dated September 11, 2021), # <u>2</u> Discovery 14 E-mail (dated September 11, 2021), # <u>3</u> Discovery 15 Letter (dated September 25, 2021))(Furst, Mona) (Entered: 09/30/2021)
10/26/2021			Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to ROBERT KEITH PACKER held on 10/26/2021. Speedy Trial as to ROBERT KEITH PACKER is Excluded from 10/26/2021 to 12/22/2021, in the Interest of Justice, XT. Status Conference set for 12/22/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Stephen Brennwald; US Attorney: Mona Furst. (zcal) (Entered: 10/26/2021)
11/06/2021	<u>34</u>		NOTICE of <i>United States' Memorandum Regarding Status of Discovery as of October 21, 2021</i> by USA as to ROBERT KEITH PACKER (Furst, Mona) (Entered: 11/06/2021)
11/06/2021	<u>35</u>		NOTICE of <i>United States' Memorandum Regarding Status of Discovery as of November 5, 2021</i> by USA as to ROBERT KEITH PACKER (Furst, Mona) (Entered: 11/06/2021)
12/22/2021			Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to ROBERT KEITH PACKER held on 12/22/2021. Speedy Trial as to ROBERT KEITH PACKER is Excluded from 12/22/2021 to 1/26/2022, in the Interest of Justice, XT. Status Conference/Plea Agreement Hearing set for 1/26/2022 at 10:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Stephen Brennwald; US Attorney: Mona Furst. (zcal) (Entered: 12/22/2021)
01/26/2022			Minute Entry for proceedings held before Judge Carl J. Nichols: Video Plea Agreement Hearing as to ROBERT KEITH PACKER held on 1/26/2022. GUILTY Plea entered by ROBERT KEITH PACKER (1): Count 2. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to ROBERT KEITH PACKER. Sentencing Memorandum due by 4/1/2022. Sentencing set for 4/7/2022 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Stephen Brennwald; US Attorney: Mona Furst. (zcal) (Entered: 01/26/2022)
01/26/2022	<u>37</u>		PLEA AGREEMENT as to ROBERT KEITH PACKER. (zcal) (Entered: 02/10/2022)
01/26/2022	<u>38</u>		

		STATEMENT OF OFFENSE by USA as to ROBERT KEITH PACKER. (zcal) (Entered: 02/10/2022)
02/10/2022	<u>39</u>	NOTICE of <i>United States' Memorandum Regarding Status of Discovery as of February 9, 2022</i> by USA as to ROBERT KEITH PACKER (Furst, Mona) (Entered: 02/10/2022)
02/24/2022	<u>40</u>	Consent MOTION to Continue <i>Sentencing</i> by ROBERT KEITH PACKER. (Attachments: # <u>1</u> Text of Proposed Order)(Brennwald, Stephen) (Entered: 02/24/2022)
02/28/2022		MINUTE ORDER as to ROBERT KEITH PACKER. Upon consideration of Defendant's <u>40</u> Motion to Continue Sentencing, it is ORDERED that the Motion is GRANTED. It is further ORDERED that the sentencing hearing currently scheduled for April 7, 2022 is RESCHEDULED for May 23, 2022 at 1:00 P.M. Signed by Judge Carl J. Nichols on February 28, 2022. (lccjn1) (Entered: 02/28/2022)
02/28/2022		Set/Reset Hearings as to ROBERT KEITH PACKER: Sentencing RESET for 5/23/2022 at 01:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 02/28/2022)
03/09/2022		ENTERED IN ERROR.....Set/Reset Hearings as to ROBERT KEITH PACKER: Status Conference RESET for 3/14/2022 at 03:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) Modified on 3/9/2022, entered in incorrect case (zcal). (Entered: 03/09/2022)
03/09/2022		NOTICE OF CORRECTED DOCKET ENTRY: Setting of Status Conference as to ROBERT KEITH PACKER was entered in error. Please disregard. (zcal) (Entered: 03/09/2022)
03/11/2022		MINUTE ORDER as to ROBERT KEITH PACKER. It is ORDERED that sentencing memoranda are due May 16, 2022. Signed by Judge Carl J. Nichols on March 11, 2022. (lccjn1) (Entered: 03/11/2022)
03/11/2022		Set/Reset Deadlines as to ROBERT KEITH PACKER: Sentencing Memorandum due by 5/16/2022 (zcal) (Entered: 03/11/2022)
05/16/2022	<u>44</u>	SENTENCING MEMORANDUM by USA as to ROBERT KEITH PACKER (Attachments: # <u>1</u> Supplement)(Furst, Mona) (Entered: 05/16/2022)
05/17/2022	<u>45</u>	NOTICE of <i>Filing of Exhibits Pursuant To Local Criminal Rule 49 and Standing Order 21-28</i> by USA as to ROBERT KEITH PACKER (Furst, Mona) (Entered: 05/17/2022)
05/17/2022	<u>46</u>	Unopposed MOTION to Continue <i>Sentencing</i> by ROBERT KEITH PACKER. (Attachments: # <u>1</u> Text of Proposed Order)(Brennwald, Stephen) (Entered: 05/17/2022)
05/19/2022		MINUTE ORDER as to ROBERT KEITH PACKER (1). Upon consideration of the Defendant's <u>46</u> Unopposed Motion to Continue Sentencing, it is ORDERED that the Motion is GRANTED. It is further ORDERED that the sentencing hearing is CONTINUED until June 22, 2022 at 3:00 P.M. and will be conducted by videoconference. Signed by Judge Carl J. Nichols on May 19, 2022. (lccjn1) (Entered: 05/19/2022)

05/19/2022			Set/Reset Hearings as to ROBERT KEITH PACKER: Sentencing RESET for 6/22/2022 at 03:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 05/19/2022)
06/17/2022	<u>47</u>		Joint MOTION to Continue <i>Sentencing</i> by ROBERT KEITH PACKER. (Brennwald, Stephen) (Entered: 06/17/2022)
06/20/2022			MINUTE ORDER as to ROBERT KEITH PACKER. Upon consideration of the <u>47</u> Joint Motion to Continue Sentencing, it is ORDERED that the Motion is GRANTED. It is further ORDERED that the sentencing hearing currently scheduled for June 22, 2022, is CONTINUED until July 29, 2022, at 1 P.M. and will be conducted by videoconference. Signed by Judge Carl J. Nichols on June 20, 2022. (lccjn1) (Entered: 06/20/2022)
06/21/2022			Set/Reset Hearings as to ROBERT KEITH PACKER: VTC Sentencing set for 7/29/2022 at 1:00 PM before Judge Carl J. Nichols. (zkh) (Entered: 06/21/2022)
07/19/2022	<u>48</u>		Unopposed MOTION to Continue <i>Sentencing</i> by ROBERT KEITH PACKER. (Attachments: # <u>1</u> Text of Proposed Order)(Brennwald, Stephen) (Entered: 07/19/2022)
07/21/2022			MINUTE ORDER as to ROBERT KEITH PACKER (1). Upon consideration of the <u>48</u> Motion to Continue Sentencing, it is ORDERED that the Motion is GRANTED. It is further ORDERED that sentencing memoranda are due August 18, 2022. It is further ORDERED that sentencing is RESCHEDULED for August 25, 2022 at 2 P.M. and will be conducted by videoconference. Signed by Judge Carl J. Nichols on July 21, 2022. (lccjn1) (Entered: 07/21/2022)
07/21/2022			Set/Reset Deadlines/Hearings as to ROBERT KEITH PACKER: Sentencing Memorandum due by 8/18/2022. Sentencing RESET for 8/25/2022 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 07/21/2022)
08/19/2022	<u>49</u>		Unopposed MOTION to Continue <i>Sentencing</i> by ROBERT KEITH PACKER. (Brennwald, Stephen) (Entered: 08/19/2022)
08/19/2022			MINUTE ORDER as to ROBERT KEITH PACKER. Upon consideration of the <u>49</u> Unopposed Motion to Continue Sentencing, it is ORDERED that the Motion is GRANTED. It is further ORDERED that sentencing is RESCHEDULED for September 15, 2022 at 12:30 P.M. and will be conducted by videoconference. It is further ORDERED sentencing memoranda are due September 8, 2022. Signed by Judge Carl J. Nichols on August 19, 2022. (lccjn1) (Entered: 08/19/2022)
08/19/2022			Set/Reset Deadlines/Hearings as to ROBERT KEITH PACKER: Sentencing Memorandum due by 9/8/2022. Sentencing continued to 9/15/2022 at 12:30 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 08/19/2022)
09/10/2022	<u>50</u>		SENTENCING MEMORANDUM by ROBERT KEITH PACKER (Attachments: # <u>1</u> Exhibit)(Brennwald, Stephen) (Entered: 09/10/2022)
09/15/2022			Minute Entry for proceedings held before Judge Carl J. Nichols: Video Sentencing held on 9/15/2022 as to ROBERT KEITH PACKER (1): Count 1. Count 2 Dismissed on Motion of the Government. Defendant sentenced to seventy-five (75) days of Incarceration. Defendant further sentenced to Restitution of \$500.00 and Special Assessment of \$10.00. No fine imposed. Bond Status of Defendant: Defendant sentenced to 75 days of Incarceration; Court Reporter: Jan Dickman; Defense Attorney: Stephen Brennwald; US

		Attorney: Mona Furst; Probation Officer: Kelli Willett for Sherry Baker. (zcal) (Entered: 09/16/2022)
09/19/2022	<u>54</u>	JUDGMENT as to ROBERT KEITH PACKER. Statement of Reasons Not Included. Signed by Judge Carl J. Nichols on 9/19/2022. (zstd) (Entered: 09/20/2022)
09/19/2022	<u>55</u>	STATEMENT OF REASONS as to ROBERT KEITH PACKER re <u>54</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Carl J. Nichols on 9/19/2022. (zstd) (Entered: 09/20/2022)
09/29/2022	<u>56</u>	NOTICE OF APPEAL – Final Judgment by ROBERT KEITH PACKER Fee Status: No Fee Paid. Parties have been notified. (Brennwald, Stephen) (Main Document 56 replaced on 9/30/2022) (zstd). (Entered: 09/29/2022)

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

Robert Keith Packer

Criminal No. 21-103(CJN)

NOTICE OF APPEAL

Name and address of appellant:

Robert Keith Packer
c/o Stephen F. Brennwald (see address below)

Name and address of appellant's attorney:

Stephen F. Brennwald
922 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Offense: Parading, Demonstrating, Picketing (40 USC 5401(e)(2))

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

Sentence of court was 75 days in prison on September 15, 2022

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

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

9/29/22
DATE

Robert Keith Packer
APPELLANT

Stephen F. Brennwald
ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE ☐

CJA, NO FEE ☒

PAID USDC FEE ☐

PAID USCA FEE ☐

Does counsel wish to appear on appeal?

YES ☐

NO ☒

Has counsel ordered transcripts?

YES ☐

NO ☒

Is this appeal pursuant to the 1984 Sentencing Reform Act?

YES ☒

NO ☐

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

Robert Keith Packer

JUDGMENT IN A CRIMINAL CASE

Case Number: CR 21-103 (CJN)

USM Number: 26171-083

Stephen Brennwald

Defendant's Attorney

THE DEFENDANT:☒ pleaded guilty to count(s) 2 of the Information filed☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
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>
40 § 5104(e)(2)(G)	FEDERAL STATUTES; Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	2

The defendant is sentenced as provided in pages 2 through 4 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) 1 ☒ is ☐ are dismissed on the motion of the United States.

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

9/15/2022

Date of Imposition of Judgment

Signature of Judge



Carl J. Nichols U.S. District Judge

Name and Title of Judge

9/19/2022

Date

DEFENDANT: Robert Keith Packer
CASE NUMBER: CR 21-103 (CJN)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
Seventy-Five (75) Days

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

☐ 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: Robert Keith Packer
CASE NUMBER: CR 21-103 (CJN)

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	\$ 10.00	\$ 500.00	\$	\$	\$

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

TOTALS	\$	0.00	\$	500.00
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☒ Restitution amount ordered pursuant to plea agreement \$ 500.00

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

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

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

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

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

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

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

DEFENDANT: Robert Keith Packer
 CASE NUMBER: CR 21-103 (CJN)

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 \$ 510.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
 The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

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

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

☐ Joint and Several

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

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