

APPEAL,CAP,CAT A,CAT B,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00044-CJN-1**

Case title: USA v. PHIPPS

Magistrate judge case number: 1:21-mj-00125-RMM

Date Filed: 01/29/2021

Assigned to: Judge Carl J. Nichols

Defendant (1)

DANIEL DINK PHIPPS

represented by **Ubong E. Akpan**
FEDERAL PUBLIC DEFENDER FOR
THE DISTRICT OF COLUMBIA
625 Indiana Avenue, NW
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LEAD ATTORNEY
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*Designation: Public Defender or Community
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David Walker Bos
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TERMINATED: 06/14/2022

*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

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

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

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

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

18:231(a)(3); CIVIL DISORDER; Civil
Disorder
(2s)

18 U.S.C. 231(a)(3); CIVIL DISORDER;
Civil Disorder
(2ss)

40:5104(e)(2)(D); FEDERAL
STATUTES, OTHER; Violent Entry and
Disorderly Conduct in a Capitol Building
(3)

18:1752(a)(1); TEMPORARY
RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted
Building or Grounds
(3s)

Disposition

Defendant sentenced to Twenty–Seven (27) Months of Incarceration to run concurrent to all counts; followed by a term of Thirty–Six (36) Months of Supervised Release to run concurrent with all counts. Defendant further Ordered to pay Special Assessment of \$100. No Fine Imposed.

Defendant sentenced to Twenty–Seven (27) Months of Incarceration to run concurrent to all counts; followed by a term of Thirty–Six (36) Months of Supervised Release to run concurrent with all counts. Defendant further Ordered to pay Special Assessment of \$100. No Fine Imposed.

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (3ss)

Defendant sentenced to Twelve (12) Months of Incarceration to run concurrent to all counts; followed by a term of Twelve (12) Months of Supervised Release to run concurrent with all counts. Defendant further Ordered to pay Special Assessment of \$25. No Fine Imposed.

40:5104(e)(2)(G); FEDERAL STATUTES, OTHER; Parading, Demonstrating, or Picketing in a Capitol Building (4)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (4s)

Defendant sentenced to Twelve (12) Months of Incarceration to run concurrent to all counts; followed by a term of Twelve (12) Months of Supervised Release to run concurrent with all counts. Defendant further Ordered to pay Special Assessment of \$25. No Fine Imposed.

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (4ss)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building (5s)

40 U.S.C. 5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct on Capital Grounds or in a Capitol Building (5ss)

Defendant sentenced to Six (6) Months of Incarceration to run concurrent with all counts. No Supervised Release imposed. Defendant further Ordered to pay Special Assessment of \$10. No Fine Imposed.

40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (6s)

40 U.S.C. 5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (6ss)

Defendant sentenced to Six (6) Months of Incarceration to run concurrent with all counts. No Supervised Release imposed. Defendant further Ordered to pay Special Assessment of \$10. No Fine Imposed.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

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

Disposition**Plaintiff**

USA

represented by **Michael Charles Liebman**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
01/19/2021	<u>1</u>	SEALED COMPLAINT as to DANIEL D PHIPPS (1). (Attachments: # <u>1</u> Statement of Facts) (bb) [1:21-mj-00125-RMM] (Entered: 01/20/2021)
01/19/2021	<u>3</u>	MOTION to Seal Case by USA as to DANIEL D PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order)(bb) [1:21-mj-00125-RMM] (Entered: 01/20/2021)
01/19/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to DANIEL D PHIPPS (1). Signed by Magistrate Judge Robin M. Meriweather on 1/19/2021. (bb) [1:21-mj-00125-RMM] (Entered: 01/20/2021)
01/26/2021		Case unsealed as to DANIEL D PHIPPS (bb) [1:21-mj-00125-RMM] (Entered: 01/26/2021)
01/26/2021		Arrest of Defendant DANIEL D. PHIPPS in the Southern District of Texas. (kk) (Entered: 03/16/2021)
01/29/2021	<u>5</u>	INFORMATION as to DANIEL D. PHIPPS (1) count(s) 1, 2, 3, 4. (bb) (Entered: 02/01/2021)
01/31/2021		

		MINUTE ORDER as to Defendant DANIEL D. PHIPPS : It is hereby ORDERED that Defendant DANIEL D. PHIPPS appear for an initial appearance on Tuesday, February 9, 2021 at 1:00 p.m. before Magistrate Judge Robin M. Meriweather. The hearing will be conducted by video teleconference; call-in instructions will be provided to counsel prior to the hearing. Counsel for the United States is directed to ensure that counsel for Defendant has received this Order and will provide the information to Defendant. If Defendant does not have counsel, counsel for the United States is directed to contact the Office of the Federal Public Defender for the District of Columbia and provide their office with the information contained in this Order. If the parties have questions about this Order or the scheduled hearing, please contact the Courtroom Deputy at 202-354-3083; So Ordered by Magistrate Judge Robin M. Meriweather on 1/31/2021. (kk) [1:21-mj-00125-RMM] (Entered: 01/31/2021)
02/09/2021	<u>11</u>	Arrest Warrant, dated 1/19/2021, returned executed in the U.S. District Court for the District of Columbia on 2/9/2021 as to Defendant DANIEL D. PHIPPS. (kk) (zstd). (Entered: 03/16/2021)
02/09/2021		ORAL MOTION by Defendant DANIEL D. PHIPPS to Appoint Counsel. (kk) (Entered: 03/16/2021)
02/09/2021		JOINT ORAL MOTION by Defendant DANIEL D. PHIPPS and USA to Exclude Time Under the Speedy Trial Act from 2/9/2021 until 2/17/2021. (kk) (Entered: 03/17/2021)
02/09/2021		Minute Entry for Initial Appearance as to DANIEL D. PHIPPS held by video before Magistrate Judge Robin M. Meriweather on 2/9/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agreed to appear by video. Oral Motion by Defendant to Appoint Counsel, heard and granted. Assistant Federal Public Defender David Walker Bos appointed to represent DANIEL D. PHIPPS. An Information was filed on 1/29/2021, but Defendant was not arraigned today. Status Hearing set before Judge Carl J. Nichols on 2/17/2021 at 2:00 PM. Joint Oral Motion by Defendant and USA to Exclude Time Under the Speedy Trial Act from 2/9/2021 until 2/17/2021, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 24A; FTR Time Frames: 1:38:31 - 1:52:58 and 3:23:59 - 3:41:24. Defense Attorney: David Bos; U.S. Attorney: Kelly Smith for Michael Liebman; Pretrial Officer: Andre Sidbury. (kk) (Entered: 03/17/2021)
02/13/2021	<u>9</u>	ORDER Setting Conditions of Release as to DANIEL D. PHIPPS (1) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 2/13/2021. (ztl) (Additional attachment(s) added on 4/22/2021: # <u>1</u> Appearance Bond) (zkk). (Entered: 02/16/2021)
02/17/2021		Set/Reset Hearings as to DANIEL D. PHIPPS: Arraignment / Initial Status Conference RESET for 2/19/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 02/17/2021)
02/19/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Initial Status Conference/Arraignment as to DANIEL D. PHIPPS (1) as to Counts 1,2,3, and 4 held on 2/19/2021. Not Guilty Plea entered. Speedy Trial as to DANIEL D. PHIPPS is Excluded from 2/19/2021 to 4/27/2021, in the Interest of Justice, XT. Status Conference set for 4/27/2021 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: David Bos; US Attorney:

		Michael Liebman. (zcal) (Entered: 02/19/2021)
04/23/2021	<u>12</u>	FIRST SUPERSEDING INDICTMENT as to DANIEL DINK PHIPPS (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s. (zstd) Modified on 12/2/2021 (zltf). (Entered: 04/26/2021)
04/27/2021		MINUTE ORDER. Pursuant to the Due Process Protections Act, the Court ORDERS that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Carl J. Nichols on April 27, 2021. (lccjn2) (Entered: 04/27/2021)
04/27/2021	<u>16</u>	Unopposed MOTION for Protective Order <i>governing discovery</i> by USA as to DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order governing discovery)(Liebman, Michael) (Entered: 04/27/2021)
04/27/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Status Conference/Arraignment as to DANIEL DINK PHIPPS (1): Count 1s,2s,3s,4s,5s,6s held on 4/27/2021. Not Guilty Plea as to all counts. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 4/27/2021 to 6/28/2021, in the Interest of Justice, XT. Status Conference set for 6/28/2021 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: David Bos; US Attorney: Michael Leibman; Pretrial Officer: Christine Schuck. (zcal) (Entered: 04/27/2021)
04/28/2021		MINUTE ORDER. After review of the government's <u>16</u> Motion for Protective Order, it is hereby ORDERED that the Motion is DENIED without prejudice. While the Court is otherwise prepared to approve the proposed Protective Order, paragraph 4.d, for the filing of documents under seal, appears to be inconsistent with Local Rule of Criminal Procedure 49(f)(6)(i), which requires an accompanying motion for leave to file under seal. Signed by Judge Carl J. Nichols on April 28, 2021. (lccjn2) (Entered: 04/28/2021)
06/28/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to DANIEL DINK PHIPPS held on 6/28/2021. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 6/28/2021 to 8/25/2021, in the Interest of Justice, XT. Status Conference set for 8/25/2021 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lisa Bankins; Defense Attorney: David Bos; US Attorney: Michael Liebman; Pretrial Officer: Christine Schuck. (zcal) (Entered: 06/28/2021)
08/20/2021		Set/Reset Hearings as to DANIEL DINK PHIPPS: Status Conference RESET for 8/25/2021 at 02:30 PM in Telephonic/VTC before Judge Carl J. Nichols. Note time change. (zcal) (Entered: 08/20/2021)
08/20/2021	<u>19</u>	Unopposed MOTION for Protective Order <i>governing discovery</i> by USA as to DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order governing discovery)(Liebman, Michael) (Entered: 08/20/2021)
08/23/2021	<u>20</u>	ORDER granting <u>19</u> Motion for Protective Order as to DANIEL DINK PHIPPS. Signed by Judge Carl J. Nichols on August 23, 2021. (lccjn2) (Entered: 08/23/2021)
08/25/2021		

		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to DANIEL DINK PHIPPS held on 8/25/2021. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 8/25/2021 to 11/9/2021, in the Interest of Justice, XT. Status Conference set for 11/9/2021 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: David Bos; US Attorney: Michael Liebman. (zcal) (Entered: 08/25/2021)
11/05/2021	<u>22</u>	Consent MOTION to Vacate <i>and reschedule status hearing</i> by USA as to DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order vacating and rescheduling status hearing)(Liebman, Michael) (Entered: 11/05/2021)
11/06/2021	<u>23</u>	NOTICE of discovery by USA as to DANIEL DINK PHIPPS (Liebman, Michael) (Entered: 11/06/2021)
11/06/2021	<u>24</u>	NOTICE of discovery by USA as to DANIEL DINK PHIPPS (Liebman, Michael) (Entered: 11/06/2021)
11/08/2021		MINUTE ORDER. Upon review of the <u>22</u> Government's Motion to Reschedule the Status Hearing set for November 9, 2021 at 11:00am, it is ORDERED that the Motion is GRANTED. The Parties shall appear for a telephonic status hearing on November 22, 2021 at 11:00am. Signed by Judge Carl J. Nichols on November 8, 2021. (lccjn2) Modified on 11/8/2021 (zcal). (Entered: 11/08/2021)
11/08/2021		Set/Reset Hearings as to DANIEL DINK PHIPPS:Status Conference RESET for 11/22/2021 at 11:00 AM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 11/08/2021)
11/22/2021		Minute Entry for proceedings held before Judge Carl J. Nichols: Status Conference as to DANIEL DINK PHIPPS held on 11/22/2021. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 11/22/2021 to 2/2/2022, in the Interest of Justice, XT. Status Conference set for 2/2/2022 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: David Bos; US Attorney: Michael Liebman. (zcal) (Entered: 11/22/2021)
12/01/2021	<u>26</u>	SECOND SUPERSEDING INDICTMENT as to DANIEL DINK PHIPPS (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss. (zltf) (Entered: 12/02/2021)
02/01/2022	<u>28</u>	NOTICE of discovery by USA as to DANIEL DINK PHIPPS (Attachments: # <u>1</u> Exhibit discovery materials)(Liebman, Michael) (Entered: 02/01/2022)
02/02/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to DANIEL DINK PHIPPS held on 2/2/2022. Status Conference/ Arraignment as to DANIEL DINK PHIPPS (1): Counts 1ss,2ss,3ss,4ss,5ss,6ss held on 2/2/2022. Not Guilty Plea as to all counts. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 2/2/2022 to 2/15/2022, in the Interest of Justice, XT. Status Conference/ Plea Agreement Hearing set for 3/15/2022 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Jan Dickman; Defense Attorney: David Bos; US Attorney: Michael Liebman. (zcal) Modified on 2/2/2022 to enter plea info (zcal). (Entered: 02/02/2022)
02/11/2022	<u>29</u>	NOTICE of status of discovery by USA as to DANIEL DINK PHIPPS (Liebman, Michael) (Entered: 02/11/2022)

03/15/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video/Telephone Status Conference as to DANIEL DINK PHIPPS held on 3/15/2022. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 3/15/2022 to 4/21/2022, in the Interest of Justice, XT. Plea Agreement Hearing/ Status Conference set for 4/21/2022 at 01:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: David Bos; US Attorney: Michael Liebman. (zcal) (Entered: 03/15/2022)
04/19/2022	<u>31</u>	Unopposed MOTION to Continue <i>Status Hearing</i> by DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order)(Bos, David) (Entered: 04/19/2022)
04/19/2022		MINUTE ORDER. Upon review of the <u>31</u> Unopposed Motion to Continue the Status Hearing, it is ORDERED that the Motion is GRANTED. The Status Hearing scheduled for 1:00pm on Thursday, April, 21, 2022 will now take place on Thursday, May 19, 2022 at 1:00pm. It is further ORDERED, with the consent of the Defendant, that the time from April 21, 2022 until May 19, 2022 shall be excluded under the Speedy Trial Act. Signed by Judge Carl J. Nichols on April 19, 2022. (lccjn2) (Entered: 04/19/2022)
05/19/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to DANIEL DINK PHIPPS held on 5/19/2022. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 5/19/2022 to 6/23/2022, in the Interest of Justice, XT. Plea Documents due by 6/21/2022. Status Conference set for 6/23/2022 at 03:30 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Sara Wick; Defense Attorney: David Bos; US Attorney: Michael Liebman. (zcal) (Entered: 05/19/2022)
06/14/2022	<u>34</u>	NOTICE OF SUBSTITUTION OF COUNSEL Attorney Akpan, Ubong E. added. (Akpan, Ubong) (Entered: 06/14/2022)
06/23/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: VTC Status Conference as to DANIEL DINK PHIPPS held on 6/23/2022. Defendant appeared by video. Speedy Trial Excludable (XT) started 6/23/2022 through 8/18/2022, in the interest of justice. Plea Agreement Documentation, if any, due by 8/16/2022. VTC Status Conference set for 8/18/2022 at 11:30 AM before Judge Carl J. Nichols. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Cathryn Jones; US Attorney: Michael Charles Liebman; Prob Officer: Ubong E. Akpan. (zkh) (Entered: 06/23/2022)
08/18/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Video Status Conference as to DANIEL DINK PHIPPS held on 8/18/2022. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 8/18/2022 to 10/6/2022, in the Interest of Justice, XT. Status Conference set for 10/6/2022 at 12:30 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lisa Griffith; Defense Attorney: Ubong Akpan; US Attorney: Michael Liebman. (zcal) (Entered: 08/18/2022)
09/23/2022	<u>37</u>	Unopposed MOTION to Continue <i>Advance Status Conference</i> by DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order)(Akpan, Ubong) (Entered: 09/23/2022)
09/29/2022		MINUTE ORDER as to DANIEL PHIPPS. Upon review of Defendant's <u>37</u> Unopposed Motion to Advance Status Conference, it is ORDERED that the Motion is GRANTED. The Parties shall appear for a video status conference on October 6, 2022 at 10:00 AM. Signed by Judge Carl J. Nichols on September 29, 2022. (lccjn2) (Entered: 09/29/2022)

09/29/2022		Set/Reset Hearings as to DANIEL DINK PHIPPS: Status Conference reset for 10/6/2022 at 10:00 AM in Telephonic/VTC before Judge Carl J. Nichols. Note time change. (zcal) (Entered: 10/05/2022)
10/06/2022		NOTICE OF HEARING as to DANIEL DINK PHIPPS: Status Conference RESET for 10/14/2022 at 01:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 10/06/2022)
10/09/2022	<u>39</u>	Consent MOTION to Continue <i>status conference</i> by USA as to DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order granting motion)(Liebman, Michael) (Entered: 10/09/2022)
10/13/2022		MINUTE ORDER. Upon review of the Government's <u>39</u> Unopposed Motion to Continue Status Conference, it is ORDERED that the Motion is GRANTED. The status conference scheduled for October 14, 2022 at 1:00 PM is VACATED. It is further ORDERED that the Parties shall appear by video for a status conference on October 21, 2022 at 1:00 PM. Signed by Judge Carl J. Nichols on October 13, 2022. (lccjn2) (Entered: 10/13/2022)
10/13/2022		Set/Reset Hearings as to DANIEL DINK PHIPPS: Status Conference RESET for 10/21/2022 at 01:00 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 10/13/2022)
10/21/2022		Set/Reset Hearings as to DANIEL DINK PHIPPS: Status Conference reset for 10/28/2022 at 01:15 PM in Telephonic/VTC before Judge Carl J. Nichols. (zcal) (Entered: 10/21/2022)
10/28/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to DANIEL DINK PHIPPS held on 10/28/2022. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 10/6/2022 to 12/14/2022, in the Interest of Justice, XT. Pretrial Conditions modified to include abiding by all court orders. Further Order to be issued by the Court. Status Conference set for 12/14/2022 at 12:30 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Ubong Akpan; US Attorney: Michael Liebman. (zcal) (Entered: 10/28/2022)
10/28/2022	<u>41</u>	ORDER MODIFYING CONDITIONS OF RELEASE as to DANIEL DINK PHIPPS.. Signed by Judge Carl J. Nichols on 10/28/2022. (Attachments: # <u>1</u> Appearance Bond) (zcal) (Entered: 11/01/2022)
11/26/2022	<u>42</u>	NOTICE OF ATTORNEY APPEARANCE: William Lee Shipley, Jr appearing for DANIEL DINK PHIPPS (Shipley, William) (Entered: 11/26/2022)
11/28/2022	<u>43</u>	ENTERED IN ERROR..... MOTION to Continue Status Conference by DANIEL DINK PHIPPS. (Shipley, William) Modified on 11/29/2022 (zstd). (Entered: 11/28/2022)
11/28/2022		NOTICE OF ERROR as to DANIEL DINK PHIPPS regarding <u>43</u> MOTION to Continue <i>Status Conference</i> . The following error(s) need correction: Incorrect case number. Please refile. (zstd) (Entered: 11/29/2022)
11/29/2022	<u>44</u>	MOTION to Continue <i>Status Conference</i> by DANIEL DINK PHIPPS. (Shipley, William) (Entered: 11/29/2022)
11/30/2022		MINUTE ORDER as to DANIEL DINK PHIPPS. Upon review of Defendant's <u>44</u> Motion to Continue Status Conference and Exclude Time, it is ORDERED that the

		Motion is GRANTED. The telephonic status conference scheduled for December 14, 2022 is rescheduled for December 16, 2022 at 1:00 PM. It is further ORDERED that the period from December 14, 2022 to December 16, 2022 be excluded from computing the time within which a trial must commence under the Speedy Trial Act because the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial. Signed by Judge Carl J. Nichols on November 30, 2022. (lccjn2) (Entered: 11/30/2022)
12/16/2022		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to DANIEL DINK PHIPPS held on 12/16/2022. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 12/16/2022 to 1/20/2023, in the Interest of Justice, XT. Status Conference set for 1/20/2023 at 03:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: William Shipley, Jr.; US Attorney: Michael Liebman. (zcam) (Entered: 12/16/2022)
01/20/2023		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to DANIEL DINK PHIPPS held on 1/20/2023. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 1/20/2023 to 2/24/2023, in the Interest of Justice, XT. Status Conference set for 2/24/2023 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: William Shipley, Jr.; US Attorney: Michael Liebman. (zcam) (Entered: 01/20/2023)
01/31/2023		MINUTE ORDER as to DANIEL DINK PHIPPS. It is ORDERED that the parties shall appear for a telephonic status conference on February 2, 2023, at 1:00 PM. Signed by Judge Carl J. Nichols on January 31, 2023. (lccjn2) (Entered: 01/31/2023)
01/31/2023		MINUTE ORDER as to DANIEL DINK PHIPPS. It is ORDERED that the February 2, 2023 telephonic status conference is RESCHEDULED for February 8, 2023, at 3:00 PM. Signed by Judge Carl J. Nichols on January 31, 2023. (lccjn2) (Entered: 01/31/2023)
02/08/2023		Minute Entry for proceedings held before Judge Carl J. Nichols: Telephone Status Conference as to DANIEL DINK PHIPPS held on 2/8/2023. Speedy Trial as to DANIEL DINK PHIPPS is Excluded from 2/8/2023 to 8/11/2023, in the Interest of Justice. Proposed Schedule due by 3/3/2023. Jury Selection set for 8/11/2023 at 09:00 AM in Courtroom 17– In Person before Judge Carl J. Nichols. Jury Trial set for 8/14/2023 at 09:00 AM in Courtroom 17– In Person before Judge Carl J. Nichols. Status Conference set for 4/7/2023 at 04:00 PM in Telephonic/VTC before Judge Carl J. Nichols. Bond Status of Defendant: Defendant remains on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: William Shipley, Jr.; US Attorney: Michael Liebman. (zcam) (Entered: 02/08/2023)
03/03/2023	<u>48</u>	Joint Proposed Scheduling Order by USA as to DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order (scheduling)(Liebman, Michael) Modified text on 3/3/2023 (zstd). (Entered: 03/03/2023)
03/16/2023	<u>49</u>	SCHEDULING ORDER as to DANIEL DINK PHIPPS. Signed by Judge Carl J. Nichols on March 16, 2023. (lccjn2) (Entered: 03/16/2023)
03/16/2023		Set/Reset Deadlines/Hearings as to DANIEL DINK PHIPPS: Exhibit List due by 7/17/2023. Motions due by 6/5/2023. Proposed Voir Dire due by 7/17/2023. Proposed Jury Instructions due by 7/17/2023. Responses due by 6/19/2023 Replies due by 6/26/2023. Witness List due by 7/17/2023. Pretrial Conference set for 8/2/2023 at

	11:00 AM in Courtroom 17– In Person before Judge Carl J. Nichols. (zcam) (Entered: 03/17/2023)
03/29/2023	Set/Reset Hearings as to DANIEL DINK PHIPPS: Status Conference RESET for 4/12/2023 at 02:00 PM in Telephonic/VTC before Judge Carl J. Nichols due to the Court's availability. (zcam) (Entered: 03/29/2023)
04/12/2023	Minute Entry for proceedings held Telephonically before Judge Carl J. Nichols:Telephonic Status Conference as to DANIEL DINK PHIPPS held on 4/12/2023. Defendant Consents To This Hearing Being Held Telephonically. Defendant Informs The Court That The Plea Offer Was Declined. Government Withdraws Plea Offer. Parties Inform The Court That They Will Proceed With A Bench Trial. Bench Trial set for 8/14/2023 at 9:00 AM in Courtroom 17– In Person before Judge Carl J. Nichols. Parties Legal Instructions due by 7/17/2023. Parties To Meet And Confer And Will Submit Pre Trial Order by 4/28/2023 Bond Status of Defendant: APPEARED TELEPHONICALY – REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LORRAINE HERMAN; Defense Attorney: WILLIAM SHIPLEY/RYAN MARSHALL; US Attorney: MICHAEL LIEBMAN; (mac) (Entered: 04/13/2023)
04/19/2023	MINUTE ORDER as to DANIEL DINK PHIPPS. It is ORDERED that the Parties shall appear for a plea hearing on April 27, 2023 at 10:00 AM in Courtroom 17. It is further ORDERED that the Parties shall submit the signed jury waiver, the factual basis for the guilty plea, and any other relevant written materials to the Courtroom Deputy on or before April 25, 2023. Signed by Judge Carl J. Nichols on April 19, 2023. (lccjn2) (Entered: 04/19/2023)
04/24/2023	MINUTE ORDER as to DANIEL DINK PHIPPS. In light of the plea hearing on April 27, 2023, the Defendant is ORDERED to respond to the Government's <u>51</u> Petition to Disclose Certain Grand Jury Matters on or before April 25, 2023. The response should address whether the Petition is now moot. Signed by Judge Carl J. Nichols on April 24, 2023. (lccjn2) (Entered: 04/24/2023)
04/24/2023	Set/Reset Deadlines as to DANIEL DINK PHIPPS:Defendant Response To The Government's <u>51</u> Petition To Disclose Certain Grand Jury Matters due by 4/25/2023 (mac) (Entered: 04/24/2023)
04/26/2023	Set/Reset Hearings as to DANIEL DINK PHIPPS: Change Of Plea Hearing set for 5/3/2023 at 11:00 AM in Courtroom 17– In Person before Judge Carl J. Nichols. (mac) (Entered: 04/26/2023)
05/01/2023	NOTICE OF HEARING as to DANIEL DINK PHIPPS Change Of Plea Hearing set for 5/4/2023 at 10:00 AM in Courtroom 17– In Person before Judge Carl J. Nichols. PLEASE NOTE THE DATE AND TIME CHANGE(mac) (Entered: 05/01/2023)
05/04/2023	Minute Entry for proceedings held before Judge Carl J. Nichols:Change Of Plea Hearing as to DANIEL DINK PHIPPS held on 5/4/2023. Defendant Is Sworn. The Court Has Colloquy With The Defendant. Plea Of Not Guilty Withdrawn As To 1ss,2ss,3ss,4ss,5ss, and 6ss By DANIEL DINK PHIPPS. Plea Of GUILTY Entered by DANIEL DINK PHIPPS as to Count 1ss,2ss,3ss,4ss,5ss, and 6ss. The Court Will Accept The Defendant's Guilty Plea. CASE IS REFERRED TO U.S. PROBATION OFFICE FOR PRESENTENCE INVESTIGATION REPORT. Parties Sentencing Memorandum due by 7/28/2023. Sentencing set for 8/3/2023 at 2:00 PM in Courtroom 17– In Person before Judge Carl J. Nichols. Existing Pre Trial Release Conditions Will Remain In Place. The Court Will Vacate PreTrial Deadlines/Hearings. Bond Status of

		Defendant: PERSONAL RECOGNIZANCE; Court Reporter: LORRAINE HERMAN; Defense Attorney: WILLIAM SHIPLEY; US Attorney: MICHAEL LIEBMAN; (mac) (Entered: 05/04/2023)
05/04/2023		Terminate Deadlines and Hearings as to DANIEL DINK PHIPPS: (mac) (Entered: 05/04/2023)
05/04/2023	<u>52</u>	FACTUAL BASIS FOR GUILTY PLEA TO ALL COUNTS by DANIEL DINK PHIPPS. (mac) (Entered: 05/04/2023)
05/04/2023	<u>53</u>	WAIVER of Trial by Jury as to DANIEL DINK PHIPPS. Approved by Judge Carl J. Nichols on 05/04/23. (mac) (Entered: 05/04/2023)
05/05/2023		MINUTE ORDER as to DANIEL DINK PHIPPS. In light of Defendant's change of plea, it is ORDERED that the August 11, 2023 trial date, and all other deadlines reflected in the <u>49</u> Scheduling Order, are VACATED. It is further ORDERED that the Government's <u>51</u> Sealed Motion is DENIED AS MOOT. Signed by Judge Carl J. Nichols on May 5, 2023. (lccjn2) (Entered: 05/05/2023)
07/25/2023	<u>57</u>	MOTION to Continue <i>Sentencing</i> by DANIEL DINK PHIPPS. (Shiple, William) (Entered: 07/25/2023)
07/26/2023		MINUTE ORDER as to DANIEL DINK PHIPPS. Upon review of the Defendant's <u>57</u> Motion to Continue Sentencing, it is ORDERED that the Motion is GRANTED. The sentencing hearing scheduled for August 3, 2023 is CONTINUED to August 10, 2023 at 11:00 AM in Courtroom 17. It is further ORDERED that the July 28, 2023 deadline for the Parties to file sentencing memoranda is CONTINUED to August 3, 2023. Signed by Judge Carl J. Nichols on July 26, 2023. (lccjn2) (Entered: 07/26/2023)
07/30/2023	<u>60</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to DANIEL DINK PHIPPS before Judge Carl J. Nichols held on May 4, 2023; Page Numbers: 1–28. Date of Issuance: July 31, 2023. Court Reporter: Lorraine Herman. Email: lorraine_herman@dcd.uscourts.gov. 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 8/20/2023. Redacted Transcript Deadline set for 8/30/2023. Release of Transcript Restriction set for 10/28/2023.(Herman, Lorraine) (Entered: 07/30/2023)</p>
07/31/2023	<u>61</u>	SENTENCING MEMORANDUM by USA as to DANIEL DINK PHIPPS (Liebman, Michael) (Entered: 07/31/2023)
08/04/2023	<u>62</u>	

		SENTENCING MEMORANDUM by DANIEL DINK PHIPPS (Shipley, William) (Entered: 08/04/2023)
08/10/2023		Minute Entry for proceedings held before Judge Carl J. Nichols: Sentencing held on 8/10/2023 as to DANIEL DINK PHIPPS (1). Defendant sentenced to Twenty–Seven (27) Months of Incarceration on Counts 1ss and 2ss, Twelve (12) Months of Incarceration on Counts 3ss and 4ss, and Six (6) Months of Incarceration on Counts 5ss and 6ss, to run concurrent on all counts. Followed by a term of Thirty–Six (36) Months of Supervised Release on Counts 1ss and 2ss and Twelve (12) Months of Supervised Release on Counts 3ss and 4ss to run concurrent with all counts. No Supervised Release imposed on Counts 5ss–6ss. Defendant further Ordered to pay Special Assessment of \$100 on counts 1ss and 2ss, \$25 on Counts 3ss and 4ss, and \$10 on Counts 5ss and 6ss (Total \$270.00). No Fine Imposed. Bond Status of Defendant: Defendant Sentenced; Court Reporter: Jeff Hook; Defense Attorney: William Shipley, Jr; US Attorney: Michael Liebman; Probation Officer: Andre Wilson. (zcam) (Entered: 08/10/2023)
08/11/2023	<u>64</u>	JUDGMENT as to DANIEL DINK PHIPPS. Statement of Reasons Not Included. Signed by Judge Carl J. Nichols on 8/11/2023. (zstd) (Entered: 08/11/2023)
08/11/2023	<u>65</u>	STATEMENT OF REASONS as to DANIEL DINK PHIPPS re <u>64</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 8/11/2023. (zstd) (Entered: 08/11/2023)
08/11/2023	<u>66</u>	MOTION to Dismiss Count (<i>Information and First Superseding Indictment</i>) by USA as to DANIEL DINK PHIPPS. (Attachments: # <u>1</u> Text of Proposed Order)(Liebman, Michael) (Entered: 08/11/2023)
08/23/2023	<u>67</u>	NOTICE OF APPEAL – Final Judgment by DANIEL DINK PHIPPS re <u>64</u> Judgment. Fee Status: No Fee Paid. Parties have been notified. (zstd) (Entered: 08/24/2023)

United States District Court
District of Columbia (Washington, DC)

UNITED STATES OF AMERICA,)
) C/A: 1:21-cr-00044-CJN-1
v.)
)
DANIEL DINK PHIPPS,)
Defendant.)
_____)

NOTICE OF APPEAL

Notice is hereby given on this date, 21 day of August, 2023, that the defendant, Daniel Dink Phipps, hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the judgment of this Court entered on August 11, 3023.

Respectfully submitted,


Daniel Dink Phipps



UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA
v.
Daniel Dink Phipps

JUDGMENT IN A CRIMINAL CASE

Case Number: CR 21-044 (CJN)

USM Number: 27604-509

William Shipley, Jr
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 1ss-6ss of Second Superceding Indictment filed 12/1/2021
- 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>
18§ 111(a)(1)	ASSAULTING/RESISTING/IMPEDING OFFICERS/ EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers and Physical Contact	1/6/2021	1ss

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

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the United States.

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

8/10/2023

Date of Imposition of Judgment


Signature of Judge

Carl J. Nichols U.S. District Judge

Name and Title of Judge

8/11/2023

Date

DEFENDANT: Daniel Dink Phipps
CASE NUMBER: CR 21-044 (CJN)**ADDITIONAL COUNTS OF CONVICTION**

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18§ 231(a)(3)	CIVIL DISORDER; Civil Disorder	1/6/2021	2ss
18§ 1752(a)(1)	TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds	1/6/2021	3ss
18§ 1752(a)(2)	TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds	1/6/2021	4ss
40§ 5104(e)(2)(D)	VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct on Capital Grounds or in a Capitol Building	1/6/2021	5ss
40§ 5104(e)(2)(G)	VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	6ss

DEFENDANT: Daniel Dink Phipps
CASE NUMBER: CR 21-044 (CJN)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
Counts 1ss-2ss: Twenty-Seven (27) Months
Counts 3ss-4ss: Twelve (12) Months
Counts 5ss-6ss: Six (6) Months
To run concurrently

The court makes the following recommendations to the Bureau of Prisons:
FCI SEAGOVILLE, 2113 North Hwy 175, Seagoville, TX 75159

Residential Drug Abuse Program

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: Daniel Dink Phipps
CASE NUMBER: CR 21-044 (CJN)

SUPERVISED RELEASE

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

Counts 1ss & 2ss: Thirty-Six (36) Months

Counts 3ss & 4ss: Twelve (12) Months
to run concurrently

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the 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: Daniel Dink Phipps
CASE NUMBER: CR 21-044 (CJN)

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: Daniel Dink Phipps
 CASE NUMBER: CR 21-044 (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	\$ 270.00	\$ _____	\$ _____	\$ _____	\$ _____

- 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>
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TOTALS	\$ _____	0.00	\$ _____	0.00
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- Restitution amount ordered pursuant to plea agreement \$ _____
- 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: Daniel Dink Phipps
CASE NUMBER: CR 21-044 (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 \$ 270.00 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.