

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : Case No. 21-cr-332-PLF  
 :  
 PAUL RUSSELL JOHNSON, *et al.*, :  
 :  
 Defendants. :

**JOINT STATUS REPORT REGARDING BRIEFING SCHEDULE AND EVIDENTIARY  
HEARING IN RESPONSE TO THE COURT'S DECEMBER 14, 2021 ORDER**

Paul Russell Johnson and the government, by and through undersigned counsel, file this Joint Status Report, pursuant to the Court's December 14, 2021 Order (ECF No. 72) ("Order"), requesting a briefing schedule, proposed hearing dates, and the number and names of the witnesses required for the suppression motion hearing. Order at 3. The defense and the government state as follows:

1. Counsel for Mr. Johnson conferred with counsel for the government last week and this week. Together, they agreed upon the following briefing and argument schedule:

- Defense Opening Brief due: January 21, 2022,
- Government's Opposition due: February 11, 2022,
- Defense Reply due: February 18, 2022, and
- Proposed Suppression Motion Hearing Dates: March 1, 2, or 4, 2022 at 9:00 a.m. (in person).

2. However, the government and the defense do not agree on whether government witnesses should be called for the suppression motion hearing.

3. The government maintains that no factual witnesses, aside from Mr. Johnson, are needed to resolve the new legal issues raised in the Defendant's Reply. Accordingly, the government respectfully requests that the Court resolve, prior to the hearing, the issue of whether witness testimony is necessary for the Court to decide any of the Defendant's latest assertions.

Should the Court, in advance of any hearing, determine that witness testimony is relevant, however, the government will be prepared to call the following witnesses from the Federal Bureau of Investigation:

- Special Agent Desirae Maldonado,
- Special Agent David Mitchell, and
- Special Agent Stacy Sullivan.

If the Court determines that government witness testimony is relevant to the new legal issues raised in the Defendant's Reply, then the government respectfully requests that the hearing be conducted in person.

4. The defense agrees with the Court's Order. That Order resolved the witness issue on December 14, 2021. There are "factual disputes that will require testimony in order for the Court to resolve Mr. Johnson's motion to suppress." Order at 3. The defense maintains that witnesses are necessary to address the factual disputes—not new legal issues—raised in the initial briefing of his Motion to Suppress Electronic Evidence or, in the Alternative, Appoint a Special Master (ECF No. 66), Reply In Support of Paul Russell Johnson's Motion to Suppress Electronic Evidence or, in the Alternative, to Appoint a Special Master (ECF No. 71), and his forthcoming supplemental briefing. In addition to the above-mentioned government witnesses, the defense anticipates calling:

- Paul Russell Johnson.

To the extent that the above-mentioned government witnesses are not prepared to address the factual disputes raised by the suppression motion litigation, the defense requests that the Court enforce its Order against the government regarding witnesses.

Dated: December 23, 2021

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of this pleading was served on all counsel of record via the Court’s electronic filing service.

*/s/ Kobie Flowers*  
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Kobie Flowers

Date: December 23, 2021