

APPEAL,CAP,CAT A,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00060-CKK-1**

Case title: USA v. RIVERA

Magistrate judge case number: 1:21-mj-00118-ZMF

Date Filed: 02/01/2021

Assigned to: Judge Colleen
Kollar-Kotelly

Defendant (1)

JESUS D. RIVERA

also known as

JD RIVERA

also known as

JESUS DELAMORA RIVERA

represented by **Guy L. Womack**
GUY L. WOMACK, ATTORNEY AT LAW
609 Heights Blvd.
Houston, TX 77007
713-224-8815
Fax: 713-224-8812
Email: guy.womack@usa.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

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

(1)

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

(1s)

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

(2)

Disposition

Eight (8) Months incarceration followed by
Twelve (12) Months term of Supervised Release
and a Special Assessment of \$25.00 imposed

18.1752 (a)(2); TEMPORARY
RESIDENCE OF THE
PRESIDENT; Disorderly and
Disruptive Conduct in a Restricted
Building.
(2s)

Eight (8) Months incarceration followed by
Twelve (12) Months term of Supervised Release
and a Special Assessment of \$25.00 to run
concurrently with Count 1ss.

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

40:5104(e)(2)(D); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Violent Entry and
Disorderly Conduct in a Capitol
Building.
(3s)

Six (6) Months incarceration to run concurrently
with Counts 1s and 2s and a Special Assessment of
\$10.00.

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

40:5104(e)(2)(G); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Parading,
Demonstrating, or Picketing in a
Capitol Building.
(4s)

Six (6) Months incarceration to run concurrently
with Counts 1s, 2s, 3s and a Special Assessment of
\$10.00. Total Special Assessment of \$70.00.

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

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

Disposition

Plaintiff**USA**

represented by **Barry Kent Disney , I**
 DOJ-CRM
 1331 F Street NW
 Washington, DC 20005
 202-305-4367
 Email: barry.disney@usdoj.gov
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

Carolina Nevin
 UNITED STATES ATTORNEY'S
 OFFICE
 Criminal Section
 601 D Street NW
 Washington, DC 20001
 202-803-1612
 Email: carolina.nevin@usdoj.gov
TERMINATED: 10/26/2022
Designation: Assistant U.S. Attorney

John Witherspoon Borchert
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 Criminal Division
 555 Fourth Street, NW
 Washington, DC 20001
 (202) 252-7679
 Fax: (202) 307-2304
 Email: john.borchert@usdoj.gov
TERMINATED: 04/01/2022
Designation: Assistant U.S. Attorney

Date Filed	#	Page	Docket Text
01/19/2021	<u>1</u>		SEALED COMPLAINT as to JESUS RIVERA (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00118-ZMF] (Entered: 01/19/2021)

01/19/2021	<u>3</u>		MOTION to Seal Case by USA as to JESUS RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00118-ZMF] (Entered: 01/19/2021)
01/19/2021	<u>4</u>		ORDER granting <u>3</u> Motion to Seal Case as to JESUS RIVERA (1). Signed by Magistrate Judge Zia M. Faruqui on 1/19/2021. (zstd) [1:21-mj-00118-ZMF] (Entered: 01/19/2021)
01/20/2021			Case unsealed as to JESUS RIVERA (bb) [1:21-mj-00118-ZMF] (Entered: 01/26/2021)
01/22/2021	<u>10</u>		Arrest Warrant Returned Executed on 1/22/2021 as to JESUS D. RIVERA (1). (zpt) (Entered: 04/12/2021)
01/22/2021			Arrest of JESUS D. RIVERA (1) in Northern District of Florida. (zpt) (Entered: 04/12/2021)
02/01/2021	<u>5</u>		INFORMATION as to JESUS RIVERA (1) count(s) 1, 2, 3, 4. (zstd) (Entered: 02/01/2021)
03/04/2021	<u>7</u>		NOTICE OF ATTORNEY APPEARANCE: Guy L. Womack appearing for JESUS D. RIVERA (Womack, Guy) (Entered: 03/04/2021)
03/23/2021			MINUTE ORDER as to Defendant JESUS D. RIVERA : It is hereby ORDERED that Defendant JESUS D. RIVERA appear for an initial appearance and arraignment on Tuesday, April 6, 2021 at 1:00 p.m. before Magistrate Judge G. Michael Harvey. 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 202-354-3114; So Ordered by Magistrate Judge G. Michael Harvey on 3/23/2021. (kk) (Entered: 03/23/2021)
04/06/2021			MINUTE ORDER as to JESUS D. RIVERA (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 4/6/2021. (zpt) (Entered: 04/06/2021)
04/06/2021			ORAL MOTION for Speedy Trial Waiver by USA as to JESUS D. RIVERA (1). (zpt) (Entered: 04/13/2021)
04/06/2021	<u>11</u>		ORDER Setting Conditions of Release as to JESUS D. RIVERA (1) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 4/6/2021. (Attachments: # <u>1</u> Appearance Bond) (zpt) (Entered: 04/13/2021)
04/09/2021	<u>2</u>		Unopposed MOTION to Continue <i>and</i> , Unopposed MOTION to Exclude <i>Time</i> by USA as to JESUS D. RIVERA. (Borchert, John) (Entered: 04/09/2021)
04/12/2021			MINUTE ORDER: The Court has received and reviewed the government's <u>2</u> Unopposed Motion to Continue and to Exclude Time Under the Speedy Trial Act. As an initial matter, the requested continuance of 60 days would give the

		government more time to provide Defendant with the extensive discovery in this case. Moreover, the proposed continuance would also benefit Defendant and his counsel, by giving them additional time to more thoroughly review the extensive discovery in this case. To ensure Defendant's consent to this requested relief and to develop a more complete record, Defendant shall file a signed statement indicating his consent to the government's <u>2</u> Motion by or before APRIL 16, 2021. The Court will rule on the <u>2</u> Motion thereafter. Signed by Judge Colleen Kollar-Kotelly on April 12, 2021. (lcckk1) (Entered: 04/12/2021)
04/13/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing/Arraignment as to JESUS D. RIVERA (1) Count 1,2,3,4 held on 4/13/2021. Not Guilty Plea entered by JESUS D. RIVERA (1) as to all counts. Government does not seek the Defendant's pretrial detention. Oral Motion by the Government for Speedy Trial Waiver as to JESUS D. RIVERA (1) Heard and Granted. Time between 4/6/2021 and 5/4/2021 (28 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Next Control Status Hearing shall be vacated upon parties' ascertainment of a Court date before Judge Colleen Kollar-Kotelly. Control Status Hearing set for 5/4/2021 01:00 PM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Placed on Personal Recognizance; Court Reporter: FTR-Gold FTR Time Frame: CTRM 6 [1:19:35-1:41:54]; Defense Attorney: Guy Womack; US Attorney: Jacob Steiner for John Borchart; Pretrial Officer: Dashanta ValentineLewis; (zpt) (Entered: 04/13/2021)
04/14/2021	<u>12</u>	WAIVER of Right to a Speedy Trial by JESUS D. RIVERA. (Womack, Guy) Modified Text on 4/14/2021 (zhsj). (Entered: 04/14/2021)
04/14/2021	<u>13</u>	ORDER granting <u>2</u> Motion to Continue. Signed by Judge Colleen Kollar-Kotelly on April 14, 2021. (lcckk1) (Entered: 04/14/2021)
04/14/2021		Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 6/7/2021 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 04/15/2021)
06/03/2021	<u>14</u>	BRADY ORDER. Signed by Judge Colleen Kollar-Kotelly on June 3, 2021. (lcckk1) (Entered: 06/03/2021)
06/04/2021	<u>16</u>	MOTION for Protective Order <i>Regarding Discovery</i> by USA as to JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(Borchert, John) (Entered: 06/04/2021)
06/04/2021		MINUTE ORDER: The Court has received and reviewed the government's <u>16</u> Motion for a Protective Order. That motion indicates that defense counsel objects to the limitation in paragraph 6 of the protective order which applies only to Highly Sensitive materials. By or before Monday June 7, 2021 at 9:00 AM ET, Defendant shall file a brief notice clarifying the basis for this objection. Signed by Judge Colleen Kollar-Kotelly on June 4, 2021. (lcckk1) (Entered: 06/04/2021)
06/07/2021	<u>17</u>	NOTICE of No Objections by JESUS D. RIVERA re <u>16</u> MOTION for Protective Order <i>Regarding Discovery</i> (Womack, Guy) (Entered: 06/07/2021)
06/07/2021	<u>18</u>	PROTECTIVE ORDER.Signed by Judge Colleen Kollar-Kotelly on June 7, 2021. (lcckk1) (Entered: 06/07/2021)

06/07/2021		<p>MINUTE ORDER: The Court held a status hearing in this case on June 7, 2021. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery, as well as the status of plea negotiations in this case. The government indicated that a formal plea offer has been made and rejected by Defendant at this time. The Court has scheduled another status hearing for AUGUST 31, 2021 at 10:00 AM ET. Defendant has consented to this forthcoming status hearing proceeding remotely via videoconference.</p> <p>During the June 7, 2021 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, August 31, 2021. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between June 7, 2021 and the date of the next status hearing on August 31, 2021, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This continuance will provide Defendant and his counsel additional time to review the ongoing discovery being produced in this matter. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is NOVEMBER 9, 2021. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on June 7, 2021. (lcckk1) (Entered: 06/07/2021)</p>
06/07/2021		Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 8/31/2021 at 10:00 AM via Zoom before Judge Colleen Kollar-Kotelly. (dot) (Entered: 06/07/2021)
06/07/2021		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 6/7/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 6/7/2021 to 8/31/2021. Status Conference set for 8/31/2021 at 10:00 AM via Zoom before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 06/07/2021)
07/13/2021	<u>19</u>	STATUS REPORT <i>Regarding Discovery</i> by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Exhibit)(Borchert, John) (Entered: 07/13/2021)
08/30/2021	<u>21</u>	STATUS REPORT <i>Regarding Discovery</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 08/30/2021)
08/31/2021		MINUTE ORDER as to JESUS D. RIVERA: The Court held a status hearing in this case on August 31, 2021. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery, as well as the status of plea negotiations in this case. The parties again indicated that a formal plea offer has been made by the government and rejected by Defendant at this time. The Court has scheduled another status hearing for OCTOBER 27, 2021 at 2:30 PM ET.

		<p>During the August 31, 2021 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, October 27, 2021. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between August 31, 2021 and the date of the next status hearing on October 27, 2021, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This continuance will allow Defendant and his counsel to additional time to review the ongoing discovery being produced in this matter and participate in potential negotiations with the government. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is JANUARY 5, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given the he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on August 31, 2021. (lcckk1) (Entered: 08/31/2021)</p>
08/31/2021		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 8/31/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 8/31/2021 to 10/27/2021. Status Conference set for 10/27/2021 at 2:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 09/01/2021)</p>
09/28/2021	<u>22</u>	<p>STATUS REPORT <i>Regarding Discovery as of September 14, 2021</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 09/28/2021)</p>
10/27/2021	<u>24</u>	<p>STATUS REPORT <i>Regarding Discovery as of October 21, 2021</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 10/27/2021)</p>
10/27/2021		<p>MINUTE ORDER: The Court held a status hearing in this case on October 27, 2021. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery, as well as the status of plea negotiations in this case. The parties indicated that discovery remains ongoing and that the defendant has declined the plea deal offered by the government. The Court has scheduled another status hearing for JANUARY 6, 2022 at 1:30 PM ET. Defendant has consented to proceeding with the next hearing by videoconference. The parties shall also submit a completed trial scheduling template no later than DECEMBER 17, 2021.</p> <p>During the October 27, 2021 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, January 6, 2022. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between October 27, 2021 and the date of the next status hearing on January 6, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This continuance will allow Defendant and his counsel to have additional time to review the ongoing discovery being produced in this matter and consider a pretrial schedule. Taking into account this continuance, the Court has calculated</p>

		that Defendant's new 70-day deadline is MARCH 17, 2022 . The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial. Signed by Judge Colleen Kollar-Kotelly on October 27, 2021. (lcckk1) (Entered: 10/27/2021)
10/27/2021		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 10/27/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 10/27/2021 to 1/6/2022. Status Conference set for 1/6/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 10/28/2021)
11/19/2021	<u>25</u>	STATUS REPORT <i>Regarding Discovery as of November 5, 2021</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 11/19/2021)
12/17/2021	<u>26</u>	NOTICE of Proposed Order (<i>Joint Pretrial Scheduling Order</i>) by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Text of Proposed Order)(Borchert, John) (Entered: 12/17/2021)
12/21/2021	<u>27</u>	PRETRIAL SCHEDULING ORDER as to JESUS D. RIVERA. Nonevidentiary pretrial motions due December 28, 2021. Responses and replies thereto due January 3, 2022, and January 11, 2022, respectively. Expert notices and reports due January 13, 2022. Evidentiary pretrial motions due January 17, 2022. Responses and replies thereto due January 24, 2022, and January 31, 2022, respectively. Joint notice of stipulations due February 28, 2022. <i>Giglio</i> and <i>Jencks</i> material, voir dire and jury instructions, and witness and exhibit lists due March 7, 2022. The parties shall appear in Courtroom 28-A for trial on March 14, 2022. Signed by Judge Colleen Kollar-Kotelly on December 21, 2021. (lcckk1) (Entered: 12/21/2021)
12/21/2021		Set/Reset Deadlines/Hearings as to JESUS D. RIVERA: Nonevidentiary pretrial motions due 12/28/2021; Responses and replies thereto due 1/3/2022, and 1/11/2022; Expert notices and reports due 1/13/2022; Evidentiary pretrial motions due 1/17/2022; Responses and replies thereto due 1/24/2022, and 1/31/2022; Notice due 2/29/2022; <i>Giglio</i> and <i>Jencks</i> material, voir dire and jury instructions, and witness and exhibit lists due 3/7/2022. Jury Selection/Jury Trial set for 3/14/2022 at 9:00 AM, in Courtroom 28A, before Judge Colleen Kollar-Kotelly. (kt) (Entered: 12/21/2021)
12/22/2021	<u>28</u>	Unopposed MOTION to Continue by JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(Womack, Guy) (Entered: 12/22/2021)
12/27/2021	<u>29</u>	ORDER granting in part and denying in part <u>28</u> Motion to Continue as to JESUS D. RIVERA (1). The parties shall file a revised proposed pretrial scheduling order on or before January 5, 2022 pursuant to the instructions herein. Signed by Judge Colleen Kollar-Kotelly on December 27, 2021. (lcckk1) (Entered: 12/27/2021)
12/27/2021		Set/Reset Deadlines as to JESUS D. RIVERA: Pretrial Scheduling Order due by 1/5/2022. (kt) (Entered: 12/27/2021)

01/04/2022			MINUTE ORDER as to JESUS D RIVERA: This matter is set for a status hearing on January 6, 2022 at 1:30 PM. On January 3, 2022, Chambers informed the parties of unavoidable scheduling conflicts that would necessitate a one-day continuance of the status hearing. Counsel for Defendant represented to Chambers that Defendant himself consents to such a continuance. The Government also indicated its consent. Accordingly, it is hereby ORDERED that the status hearing set for January 6, 2022 at 1:30 PM is CONTINUED to January 7, 2022 at 1:30 PM ET. The status hearing shall be conducted via videoconference. The Court finds that a continuance of Defendants Speedy Trial rights from January 6, 2022 to January 7, 2022 serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial to the extent that either might be prejudiced by a one-day continuance. 18 U.S.C. § 3161(h)(7)(A). Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is MARCH 18, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant as he has been released pending trial. Signed by Judge Colleen Kollar-Kotelly on January 4, 2022. (lcckk1) (Entered: 01/04/2022)
01/04/2022			Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 1/7/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 01/04/2022)
01/05/2022	<u>30</u>		Amended PROPOSED BRIEFING SCHEDULE AND PROPOSED TRIAL DATE by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Text of Proposed Order)(Borchert, John) (Entered: 01/05/2022)
01/07/2022			Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 1/7/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 1/7/2022 to 6/14/2022. Jury Trial tentatively set for 6/14/2022 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Further States Conferences set for: Status Conference set for 2/22/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Status Conference set for 4/1/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Status Conference set for 5/13/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 01/07/2022)
01/10/2022			<p>MINUTE ORDER as to JESUS D. RIVERA: The Court held a status hearing in this case on January 7, 2022. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed pretrial scheduling matters. The Court explained the logistical challenges to pretrial scheduling given the District Court's pandemic-related safety precautions. The Court scheduled future status hearings for the following dates and times: February 22, 2022 at 11:00 AM ET; April 1, 2022 at 10:00 AM ET; and May 13, 2022 at 10:00 AM ET. Defendant has consented to proceeding with the next hearing by videoconference. A detailed pretrial scheduling order shall follow this Minute Order.</p> <p>During the January 7, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his</p>

		<p>speedy trial rights until the date of the next status hearing, February 22, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights to the date of the next status hearing, February 22, 2022, serves the "ends of justice" and is in the best interest of the community and Defendants, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 21-79 (BAH) (D.D.C. Dec. 13, 2021), and because the continuance will allow the parties to prepare for trial, tentatively set for June 14, 2022. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is May 3, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial. Signed by Judge Colleen Kollar-Kotelly on January 10, 2022. (lcckk1) (Entered: 01/10/2022)</p>
01/10/2022	<u>32</u>	<p>PRETRIAL SCHEDLING ORDER as to JESUS D. RIVERA. Signed by Judge Colleen Kollar-Kotelly on January 10, 2022. (lcckk1) (Entered: 01/10/2022)</p>
02/22/2022		<p>MINUTE ORDER: The Court held a status hearing in this case on February 22, 2022. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, discuss trial preparations and the parties compliance with the Courts <u>32</u> Pretrial Scheduling Order. The Court CONTINUED the status hearing set for May 13, 2022 to May 18, 2022 at 11:00 AM ET. Defendant has consented to the next status hearing, set for April 1, 2022, proceeding remotely via videoconference.</p> <p>During the February 22, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, April 1, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between February 22, 2022 and the date of the next status hearing on April 1, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is May 3, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on February 22, 2022. (lcckk1) (Entered: 02/22/2022)</p>
02/22/2022		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 2/22/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 2/22/2022 to 4/1/2022. Status Conference set for 4/1/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Further Status Conference set for 5/18/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy Womack; US Attorney: John W. Borchert. (dot) (Entered: 02/22/2022)</p>
03/25/2022		<p>MINUTE ORDER as to JESUS D. RIVERA: Due to a scheduling conflict and per discussions with the parties, the status conference set for April 1, 2022 at 10:00 AM ET is CONTINUED to 1:30 PM ET. Signed by Judge Colleen</p>

			Kollar-Kotelly on March 25, 2022. (lcckk1) (Entered: 03/25/2022)
03/25/2022			Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 4/1/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 03/25/2022)
03/29/2022	<u>34</u>		NOTICE OF ATTORNEY APPEARANCE Mona Furst appearing for USA. (Furst, Mona) (Entered: 03/29/2022)
04/01/2022	<u>36</u>		NOTICE OF WITHDRAWAL OF APPEARANCE <i>John W. Borchert</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 04/01/2022)
04/01/2022			Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 4/1/2022. Speedy Trial (XT) tolled in the Interest of Justice from 4/1/2022 to 5/18/2022. Status Conference set for 5/18/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Pretrial Conference set for 6/9/2022 at 10:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Guy L. Womack; US Attorney: Mona Furst. (dot) (Entered: 04/04/2022)
04/04/2022	<u>37</u>		NOTICE OF ATTORNEY APPEARANCE Barry Kent Disney, I appearing for USA. (Disney, Barry) (Entered: 04/04/2022)
04/04/2022			<p>MINUTE ORDER as to JESUS RIVERA: The Court held a status hearing in this case on April 1, 2022. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the parties discussed certain deadlines in the <u>32</u> Pretrial Scheduling Order as well as renewed plea negotiations in this case. The Court granted certain relief from various deadlines, and that relief will be reflected in an amended pretrial scheduling order to follow. Defendant has consented to the next status hearing, set for May 18, 2022, proceeding remotely via videoconference. Additionally, the Court set an in-person pretrial conference for June 9, 2022 at 10:00 AM ET. The in-person pretrial conference shall begin in Courtroom 28-A.</p> <p>During the April 1, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, May 18, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between April 1, 2022 and the date of the next status hearing on May 18, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial and to continue plea discussions. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is July 27, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on April 4, 2022. (lcckk1) (Entered: 04/04/2022)</p>
04/04/2022	<u>38</u>		

		AMENDED PRETRIAL SCHEDULING ORDER. Signed by Judge Colleen Kollar-Kotelly on April 4, 2022. (lcckk1) (Entered: 04/04/2022)
04/04/2022	<u>39</u>	SUPERSEDING INFORMATION as to JESUS D. RIVERA (1) count(s) 1s, 2s, 3s, 4s. (zhsj) (Entered: 04/05/2022)
04/19/2022	<u>41</u>	MOTION in Limine <i>To Limit Cross-Examination of Secret Service Agency Witnesses</i> by USA as to JESUS D. RIVERA. (Disney, Barry) (Entered: 04/19/2022)
04/19/2022	<u>42</u>	MOTION in Limine <i>Regarding Evidence About The Specific Locations of U.S. Capitol Police Surveillance Cameras</i> by USA as to JESUS D. RIVERA. (Disney, Barry) (Entered: 04/19/2022)
04/19/2022		MINUTE ORDER as to JESUS D. RIVERA: The Court is in receipt of the Government's <u>41</u> and <u>42</u> Motions in Limine. Defendant shall file his opposition(s) thereto on or before May 3, 2022. The Government may file its reply(ies) on or before May 10, 2022. Signed by Judge Colleen Kollar-Kotelly on April 19, 2022. (lcckk1) (Entered: 04/19/2022)
04/19/2022		Set/Reset Deadlines as to JESUS D. RIVERA: Responses to <u>41</u> , <u>42</u> due by 5/3/2022. Replies to <u>41</u> , <u>42</u> due by 5/10/2022. (dot) (Entered: 04/20/2022)
04/26/2022		MINUTE ORDER: The Court is in receipt of counsel for Defendant's representation to Chambers that Defendant intends to waive his right to a jury trial and proceed directly to a bench trial. Accordingly, the parties shall appear for a status hearing on May 2, 2022 at 1:00 PM ET. The status hearing shall proceed via videoconference. Signed by Judge Colleen Kollar-Kotelly on April 26, 2022. (lcckk1) (Entered: 04/26/2022)
04/26/2022		Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 5/2/2022 at 1:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 05/01/2022)
04/29/2022	<u>43</u>	NOTICE of No Objections by JESUS D. RIVERA re <u>42</u> MOTION in Limine <i>Regarding Evidence About The Specific Locations of U.S. Capitol Police Surveillance Cameras</i> , <u>41</u> MOTION in Limine <i>To Limit Cross-Examination of Secret Service Agency Witnesses</i> (Womack, Guy) (Entered: 04/29/2022)
04/29/2022	<u>44</u>	MOTION in Limine <i>TO ADMIT INTO TRIAL THE ADOPTIVE STATEMENT OF DEFENDANT</i> by USA as to JESUS D. RIVERA. (Furst, Mona) (Entered: 04/29/2022)
05/02/2022		MINUTE ORDER as to JESUS RIVERA: On May 2, 2022 the Court held a status hearing in this matter. Defendant represented that he intended to waive his right to a jury trial and proceed to a bench trial. After an interlocutory discussion between the Court and Defendant himself, the Court found that his waiver was knowing and voluntary, that Defendant was competent to waive his right to a jury trial, and that the Government consented to waiver. Accordingly, the Court accepted Defendant's waiver CONDITIONAL upon the filing of a written waiver with Defendant's wet signature. The Court ORDERED Defendant to file that written waiver before the next status hearing on May 18, 2022 . Chambers will provide the parties with a form waiver via email. Additionally, the Court noted that Defendant does not oppose the Government's <u>41</u> and <u>42</u> motions in limine. Accordingly, the <u>41</u> and <u>42</u> Motions are GRANTED .

		<p>Also pending before the Court is the Government's <u>44</u> Motion in Limine. The Government seeks to admit what it terms an "adoptive statement" and relies on their transcription of Defendant's wife's "broadcast live over the internet." To assist in the resolution of the <u>44</u> Motion, the Government shall, on or before May 20, 2022, provide the Court with a copy of that "broadcast" for <i>in camera</i> review.</p> <p>Signed by Judge Colleen Kollar-Kotelly on May 2, 2022. (lcckk1) (Entered: 05/02/2022)</p>
05/02/2022		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 5/2/2022. Status Conference set for 5/18/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: Mona Furst and Barry K. Disney, I. (dot) (Entered: 05/02/2022)</p>
05/09/2022	<u>46</u>	<p>WAIVER of Trial by Jury as to JESUS D. RIVERA. Approved by Judge Colleen Kollar-Kotelly on 5/9/22. (dot) (Main Document 46 replaced on 5/20/2022) (zdot). (Entered: 05/19/2022)</p>
05/18/2022		<p>MINUTE ORDER as to JESUS D. RIVERA: The Court held a status hearing in this case on May 18, 2022. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the parties discussed certain deadlines in the <u>38</u> Amended Pretrial Scheduling Order and trial preparations. The Court further ORDERED Defendant to file his opposition to the Government's <u>44</u> Motion in Limine on or before May 20, 2022, and the Government to file its reply in support of its <u>44</u> Motion on or before May 24, 2022. The Court also set another status hearing for JUNE 6, 2022 at 1:30 PM ET. Defendant has consented to the next status hearing proceeding remotely via videoconference. The Court further VACATED the in-person pretrial conference set for June 9, 2022 at 10:00 AM ET.</p> <p>During the May 18, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, June 6, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between May 18, 2022 and the date of the next status hearing on June 6, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial and to continue plea discussions. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is August 15, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on May 18, 2022. (lcckk1) (Entered: 05/18/2022)</p>
05/18/2022		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 5/18/2022.</p>

		Defendant's opposition to <u>44</u> due by 5/20/2022. Government's Reply to <u>44</u> due by 5/24/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 5/18/2022 to 6/6/2022. Status Conference set for 6/6/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bench Trial set for 6/14/2022 at 9:00 AM in Courtroom 28A– In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Elizabeth Saint–Loth Defense Attorney: Guy L. Womack; US Attorney: Mona Furst and Barry K. Disney, I. (dot) (Entered: 05/19/2022)
05/20/2022	<u>47</u>	MOTION in Limine by JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(Womack, Guy) (Entered: 05/20/2022)
05/20/2022		ORDER as to JESUS D. RIVERA: The Court is in receipt of Defendant's <u>47</u> "Motion in Limine." Although styled as such, the filing appears to be an opposition to the Government's <u>44</u> Motion in Limine, and the Court shall treat it as such. The Court further reminds the parties that, pursuant to the <u>38</u> Amended Pretrial Scheduling Order, the deadline for all motions in limine was April 29, 2022. Accordingly, and pursuant to the Court's May 18, 2022 Minute Order, the Government's reply in support of its <u>44</u> Motion in Limine remains due on May 24, 2022. Signed by Judge Colleen Kollar-Kotelly on May 20, 2022. (lcckk1) (Entered: 05/20/2022)
05/27/2022	<u>48</u>	Proposed Jury Instructions by USA as to JESUS D. RIVERA (Disney, Barry) (Entered: 05/27/2022)
05/31/2022		MINUTE ORDER as to JESUS RIVERA: Upon review of the Government's <u>44</u> Motion to Admit Into Trial the Adoptive Statement of Defendant, Defendant's <u>47</u> opposition, and the video and statements at issue, it is hereby ORDERED that the Government's <u>44</u> Motion is HELD IN ABEYANCE , to be resolved at trial. Signed by Judge Colleen Kollar-Kotelly on May 31, 2022. (lcckk1) (Entered: 05/31/2022)
06/03/2022		MINUTE ORDER as to JESUS RIVERA: Per the Court's <u>38</u> Amended Pretrial Scheduling Order, the parties' witness and exhibit lists were due May 31, 2022, and the parties' joint notice of stipulations, if any, was due May 6, 2022. To date, neither witness and exhibit lists nor stipulations have been filed. Accordingly, the parties shall file their witness and exhibit lists and any stipulations prior to the next status hearing, set for June 6, 2022 at 1:30 PM ET. Signed by Judge Colleen Kollar-Kotelly on June 3, 2022. (lcckk1) (Entered: 06/03/2022)
06/03/2022	<u>49</u>	EXHIBIT LIST by USA as to JESUS D. RIVERA (Disney, Barry) (Entered: 06/03/2022)
06/03/2022	<u>50</u>	ENTERED IN ERROR.....WITNESS LIST by USA as to JESUS D. RIVERA (Disney, Barry) Modified on 6/6/2022 (zhsj). (Entered: 06/03/2022)
06/03/2022	<u>51</u>	WITNESS LIST by JESUS D. RIVERA (Womack, Guy) (Entered: 06/03/2022)
06/03/2022		NOTICE OF ERROR as to JESUS D. RIVERA regarding <u>50</u> Witness List. The following error(s) need correction: Invalid attorney signature– signature on document must match PACER login. Please refile. (zhsj) (Entered: 06/06/2022)
06/06/2022	<u>52</u>	STIPULATION <i>OF THE PARTIES</i> by USA (Disney, Barry) (Entered: 06/06/2022)
06/06/2022	<u>53</u>	

		TRIAL PROCEDURES ORDER as to JESUS RIVERA. Signed by Judge Colleen Kollar-Kotelly on June 6, 2022. (lcckk1) (Entered: 06/06/2022)
06/06/2022	<u>54</u>	COVID PROCEDURES ORDER as to JESUS RIVERA. Signed by Judge Colleen Kollar-Kotelly on June 6, 2022. (lcckk1) (Entered: 06/06/2022)
06/06/2022		<p>MINUTE ORDER as to JESUS RIVERA: The Court held a status hearing in this case on June 6, 2022. With consent, Defendant was present via videoconference and represented by counsel. The Court discussed trial preparations and two orders governing trial procedures. Defendant requested that the Court permit some of Defendant's witnesses to testify by videoconference at trial. The Court ORDERED Defendant to file a motion to permit certain witnesses to appear via videoconference by June 7, 2022 at 5:00 PM ET and the Government to file its response thereto by June 8, 2022 at 5:00 PM ET. Defendant also represented that he would not file an exhibit list and instead rely on the Government's exhibit list. The parties shall appear for trial on June 14, 2022 at 8:30 AM ET in Courtroom 28-A.</p> <p>During the June 6, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of trial, June 14, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between June 6, 2022 and trial on June 14, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is August 23, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on June 6, 2022. (lcckk1) (Entered: 06/06/2022)</p>
06/06/2022	<u>56</u>	WITNESS LIST by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Government's Witness List)(Disney, Barry) (Entered: 06/06/2022)
06/06/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 6/6/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 6/6/22 to 6/14/2022. Bench Trial set for 6/14/2022 at 8:30 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: Barry K Disney, I and Mona Furst. (dot) (Entered: 06/07/2022)
06/13/2022	<u>57</u>	EXHIBIT LIST by USA as to JESUS D. RIVERA (Furst, Mona) (Entered: 06/13/2022)
06/13/2022	<u>58</u>	EXHIBIT LIST by USA as to JESUS D. RIVERA (Furst, Mona) (Entered: 06/13/2022)
06/14/2022		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial as to JESUS D. RIVERA held on 6/14/2022 and continued. Oral Rule 29 Motion to Dismiss by Defendant as to Counts 2, 3, and 4; heard and taken under

		advisement. Plaintiff rest. Defendant rest. Bench Trial set for 6/15/2022 at 9:30 AM in Courtroom 28A– In Person before Judge Colleen Kollar–Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst; Witnesses: Government Witnesses: Inspector Lanelle Hawa, Captain Carneysha Mendoza, Special Agent Nicholas Chan and Special Agent Alex Nogueiras, Jr. (dot) (Entered: 06/14/2022)
06/15/2022		Minute Entry for proceedings held before Judge Colleen Kollar–Kotelly:Bench Trial as to JESUS D. RIVERA resumed and held on 6/15/2022. Bench Trial concluded and submitted to the Court. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst. (dot) (Entered: 06/15/2022)
06/15/2022	<u>59</u>	EXHIBIT LIST by USA as to JESUS D. RIVERA. (dot) (Main Document 59 replaced on 6/15/2022) (zdot). (Entered: 06/15/2022)
06/16/2022		MINUTE ORDER as to JESUS RIVERA: Pursuant to Federal Rule of Criminal Procedure 43, a defendant's presence is required at "the return of the verdict" absent waiver by the defendant. The Court is preparing the verdict and is nearing completion of its findings of fact and conclusions of law. Defendant shall file a notice, by no later than June 17, 2022 at 12:00 PM ET , whether Defendant waives presence and consents to receiving the verdict and written findings by posting to the docket as well as a Zoom hearing to render the verdict at that point, or whether Defendant does not waive in–person presence and wants the verdict returned in person (in which case the Court will schedule an in–person hearing). Signed by Judge Colleen Kollar–Kotelly on June 16, 2022. (lcckk1) (Entered: 06/16/2022)
06/17/2022	<u>60</u>	NOTICE of Waiver of Personal Appearance by JESUS D. RIVERA (Womack, Guy) (Entered: 06/17/2022)
06/17/2022	<u>61</u>	MEMORANDUM OPINION AND ORDER granting <u>44</u> Motion in Limine as to JESUS D. RIVERA. Signed by Judge Colleen Kollar–Kotelly on June 17, 2022. (Entered: 06/17/2022)
06/17/2022	<u>62</u>	FINDINGS OF FACT AND CONCLUSIONS OF LAW as to JESUS D. RIVERA. Signed by Judge Colleen Kollar–Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)
06/17/2022		ORDER as to JESUS D. RIVERA denying oral Rule 29 motion for judgment of acquittal. Signed by Judge Colleen Kollar–Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)
06/17/2022	<u>63</u>	ORDER as to JESUS D. RIVERA denying oral Rule 29 motion for judgment of acquittal. Signed by Judge Colleen Kollar–Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)
06/17/2022		MINUTE ORDER as to JESUS D. RIVERA: The Court having found Defendant guilty of Counts 1s, 2s, 3s, and 4s of the <u>39</u> Information, the parties shall appear for a status hearing on June 22, 2022 at 1:00 PM ET for a more formal reading of the verdict and to discuss sentencing. As counsel for Defendant has indicated that Defendant waives his right to an in–person reading of the verdict, the parties shall appear via Zoom. Additionally, counsel for

		Defendant shall file, on or before June 21, 2022 a waiver signed by Defendant himself further attesting to that waiver. Signed by Judge Colleen Kollar-Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)
06/21/2022		MINUTE ORDER as to JESUS D. RIVERA: Due to a scheduling conflict, the status hearing set for June 22, 2022 at 1:00 PM is CONTINUED to June 22, 2022 at 2:00 PM ET (same day, different time). Signed by Judge Colleen Kollar-Kotelly on June 21, 2022. (lcckk1) (Entered: 06/21/2022)
06/21/2022		Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 6/22/2022 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 06/21/2022)
06/22/2022		<p>MINUTE ORDER as to JESUS RIVERA: Pursuant to Federal Rule of Criminal Procedure 43, a defendant's presence is required at "the return of the verdict" and at sentencing. On June 17, 2022, the Court ordered defense counsel to file a waiver signed by Defendant himself confirming that Defendant waived his right to receive the verdict in-person and instead via Zoom and posting to the docket. No such signed waiver has been filed. Counsel for Defendant shall file that waiver on or before July 27, 2022.</p> <p>Additionally, counsel for Defendant shall file, on or before July 27, 2022, a waiver signed by Defendant himself to proceed with sentencing via Zoom rather than an in-person hearing. Signed by Judge Colleen Kollar-Kotelly on June 22, 2022. (lcckk1) (Entered: 06/22/2022)</p>
06/22/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 6/22/2022. The Court held a formal reading of the verdict. The Court found the Defendant guilty as to Counts 1s, 2s, 3s, and 4s of the Information. Presentence Report due by 9/23/2022. Parties Sentencing Memorandum due by 10/17/2022. Sentencing set for 11/3/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst. (dot) (Entered: 06/23/2022)
06/27/2022	<u>64</u>	<p>TRANSCRIPT OF BENCH TRIAL in the case as to JESUS D. RIVERA before the Honorable Colleen Kollar-Kotelly. held on 06/14/2022. Page Numbers: 1-181. Date of Issuance: 06/22/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. Transcripts may be ordered by going to www.dcd.uscourts.gov. 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 21 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 7/18/2022. Redacted Transcript Deadline set for 7/28/2022. Release of Transcript Restriction set for 9/25/2022.(Meyer, Nancy) (Entered: 06/27/2022)
06/27/2022	<u>65</u>	<p>TRANSCRIPT OF BENCH TRIAL in the case as to JESUS D. RIVERA before the Honorable Colleen Kollar-Kotelly held on 06/15/2022. Page Numbers: 182–224. Date of Issuance: 06/22/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by going to www.dcd.uscourts.gov. 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 21 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 7/18/2022. Redacted Transcript Deadline set for 7/28/2022. Release of Transcript Restriction set for 9/25/2022.(Meyer, Nancy) (Entered: 06/27/2022)</p>
10/17/2022	<u>69</u>	SENTENCING MEMORANDUM by USA as to JESUS D. RIVERA (Disney, Barry) (Entered: 10/17/2022)
10/17/2022	<u>70</u>	ENTERED IN ERROR.....SENTENCING MEMORANDUM by USA as to JESUS D. RIVERA (Disney, Barry) Modified on 10/18/2022 (zhsj). (Entered: 10/17/2022)
10/17/2022	<u>71</u>	SENTENCING MEMORANDUM by JESUS D. RIVERA (Attachments: # <u>1</u> Exhibit Letters in Support)(Womack, Guy) (Entered: 10/17/2022)
10/17/2022		NOTICE OF ERROR as to JESUS D. RIVERA regarding <u>70</u> Sentencing Memorandum. The following error(s) need correction: Incorrect format (Letter)– correspondence is not permitted (LCrR 49(f)(4)). Please refile. (zhsj) (Entered: 10/18/2022)
10/19/2022	<u>72</u>	SENTENCING MEMORANDUM by JESUS D. RIVERA (Womack, Guy) (Entered: 10/19/2022)
10/19/2022	<u>73</u>	NOTICE of Filing by USA as to JESUS D. RIVERA re <u>69</u> Sentencing Memorandum (Attachments: # <u>1</u> Table of Cases for Sentencing Memorandum (ECF 69))(Disney, Barry) (Entered: 10/19/2022)
10/20/2022		MINUTE ORDER as to JESUS RIVERA: The Court is in receipt of the Government's <u>69</u> Sentencing Memorandum. In relevant part, the Government objects to the United States Probation Officer's application of Guideline 2B2.3 to Count 2. The Government argues that Guideline 2A2.4 applies instead. ECF No. 69 at 12. On or before October 26, 2022 , the United States Probation Officer shall file a response to the Government's argument indicating whether the United States Probation Officer agrees with the Government and, if so, an amended presentence report with the new guideline calculation. If not, the

		Probation Officer shall file a brief concisely stating the grounds for the disagreement and why the Guideline used by the Probation Officer is correctly applied. Signed by Judge Colleen Kollar-Kotelly on October 10, 2022. (lcckk1) (Entered: 10/20/2022)
10/26/2022	<u>76</u>	NOTICE OF ATTORNEY APPEARANCE Carolina Nevin appearing for USA. (Attachments: # <u>1</u> Certificate of Service)(Nevin, Carolina) (Entered: 10/26/2022)
10/26/2022	<u>77</u>	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Certificate of Service)(Nevin, Carolina) (Entered: 10/26/2022)
11/03/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Sentencing held on 11/3/2022 as to JESUS D. RIVERA (1), as to Count(s) 1s, Defendant sentenced to Eight (8) Months incarceration followed by Twelve (12) Months term of Supervised Release and a Special Assessment of \$25.00 imposed; as to Count(s) 2s, Defendant sentenced to Eight (8) Months incarceration followed by Twelve (12) Months term of Supervised Release and a Special Assessment of \$25.00 to run concurrently with Count 1s; as to Count(s) 3s, Defendant sentenced to Six (6) Months incarceration to run concurrently with Counts 1s and 2s and a Special Assessment of \$10.00; as to Count(s) 4s, Defendant sentenced to Six (6) Months incarceration to run concurrently with Counts 1s, 2s, 3s and a Special Assessment of \$10.00. Total Special Assessment of \$70.00. Bond Status of Defendant: Personal Recognizance; Court Reporter: Elizabeth Saint-Loth; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst; Prob Officer: Ami L. Landon. (dot) (Entered: 11/10/2022)
11/08/2022	<u>79</u>	NOTICE OF APPEAL – Final Judgment by JESUS D. RIVERA Fee Status: No Fee Paid. Parties have been notified. (Womack, Guy) (Entered: 11/08/2022)
11/08/2022	<u>80</u>	MOTION To Proceed In Forma Pauperis and for Appointment of Counsel re <u>79</u> Notice of Appeal – Final Judgment by JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit CJA 23)(Womack, Guy) (Entered: 11/08/2022)
11/10/2022	<u>81</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee remains to be paid and another notice will be transmitted when the fee has been paid in the District Court or motion to proceed In Forma Pauperis has been decided as to JESUS D. RIVERA re <u>79</u> Notice of Appeal – Final Judgment. (zhsj) (Entered: 11/10/2022)
11/10/2022	<u>82</u>	JUDGMENT as to JESUS D. RIVERA. Statement of Reasons Not Included. Signed by Judge Colleen Kollar-Kotelly on 11/10/2022. (zhsj) (Entered: 11/15/2022)
11/10/2022	<u>83</u>	STATEMENT OF REASONS as to JESUS D. RIVERA re <u>82</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 Colleen Kollar-Kotelly on 11/10/2022. (zhsj) (Entered: 11/15/2022)

UNITED STATES DISTRICT COURT

District of Columbia



UNITED STATES OF AMERICA

v.

JESUS D. RIVERA

JUDGMENT IN A CRIMINAL CASE

Case Number: 21CR060-01 (CKK)

USM Number: 26264-509

Guy L. Womack

Defendant's Attorney

FILED

NOV 10 2022

Clerk, U.S. District and
Bankruptcy Courts

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) One (1s), Two (2s), Three (3s), and Four (4s) of the Superseding Information.
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 § 1752(a)(1)	Entering and Remaining in a Restricted Building or Grounds	1/6/2021	1s
18 USC § 1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building or Grounds	1/6/2021	2s

The defendant is sentenced as provided in pages 2 through 8 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.

11/3/2022

Date of Imposition of Judgment

Signature of Judge

Colleen Kollar-Kotelly, United States District Judge

Name and Title of Judge

Date

Nov 10, 2022

DEFENDANT:

CASE NUMBER: 21CR060-01 (CKK)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
40 USC § 5104(e)(2)(D)	Violent Entry and Disorderly Conduct in a Capitol Building	1/6/2021	3s
40 USC § 5104(e)(2)(G)	Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	4s

DEFENDANT:

CASE NUMBER: 21CR060-01 (CKK)

IMPRISONMENT

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

Eight (8) Months on Count One (1) and Two (2), to run concurrently with Count One (1) and Six (6) Months on Count Three (3) and Four (4) to run concurrently with Counts One (1), Two (2), and Three (3).

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

That Defendant's sentence be served at FCI Pensacola, FL.

That Defendant not surrender before January 9, 2023.

☐ 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:

CASE NUMBER: 21CR060-01 (CKK)

SUPERVISED RELEASE

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

Twelve (12) Months on Count (1s) and Twelve (12) Months on Count Two (2s) to run concurrently to Count One (1s) of the Superseding Information.

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:

CASE NUMBER: 21CR060-01 (CKK)

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:

CASE NUMBER: 21CR060-01 (CKK)

SPECIAL CONDITIONS OF SUPERVISION

Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from area over which you have access or control until the term of supervision expires.

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 until restitution and special assessment is paid in full.

Restitution Obligation - You must pay the balance of any restitution owed at a rate of no less than \$25 each month to commence 30 days after release from incarceration.

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:

CASE NUMBER: 21CR060-01 (CKK)

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	\$ 70.00	\$ 500.00	\$ 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>
Architect of the Capitol		\$500.00	
Office of the Chief Financial Officer			
Ford House Office Building,			
Room H2-205B			
Washington, DC 20515			

TOTALS	\$	<u>0.00</u>	\$	<u>500.00</u>
---------------	----	-------------	----	---------------

☐ 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:

CASE NUMBER: 21CR060-01 (CKK)

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 \$ 70.00 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 Court finds that you do not have the ability to pay a fine and, therefore, waives imposition of a fine in this case. 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

- ☐ 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) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.