

APPEAL,CAP

**U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00175-TJK-2**

Case title: USA v. NORDEAN et al

Magistrate judge case number: 1:21-mj-00126-RMM

Date Filed: 03/03/2021

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Assigned to: Judge Timothy J. Kelly

Appeals court case numbers: 21-3021,  
21-3097, 23-3161

**Defendant (2)**

**JOSEPH R. BIGGS**

represented by **John Daniel Hull , IV**  
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**Pending Counts**

18:371; CONSPIRACY TO DEFRAUD  
THE UNITED STATES; Conspiracy  
(1)

18 U.S.C. 1512(k); TAMPERING WITH  
WITNESS, VICTIM, OR AN  
INFORMANT; Conspiracy to Obstruct  
Official Proceeding  
(1s)

18 U.S.C. § 2384; SEDITIOUS  
CONSPIRACY; Seditious Conspiracy  
(1ss)

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

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

18 U.S.C. § 1512(k); TAMPERING WITH  
WITNESS, VICTIM, OR AN  
INFORMANT; Conspiracy to Obstruct an  
Official Proceeding  
(2ss)

18:231(A)(3), 2; CIVIL DISORDER;  
Obstruction of Law Enforcement During  
Civil Disorder and Aiding and Abetting  
(3)

18 U.S.C. 231(a)(3), 2; CIVIL  
DISORDER; Civil Disorder and Aiding  
and Abetting  
(3s)

18 U.S.C. 1512(c)(2), 2; TAMPERING  
WITH A WITNESS, VICTIM OR

**Disposition**

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

Defendant sentenced to two hundred four  
(204) months of Incarceration on Count 1ss,  
to run concurrently with Counts 2ss, 3ss, 4ss,  
5ss, and 6ss, followed by thirty-six (36)  
months of Supervised Release (with  
conditions) on Count 1ss to run concurrently  
with Counts 2ss, 3ss, 4ss, 5ss, and 6ss. \$100  
Special Assessment. JURY VERDICT OF  
GUILTY 5/4/2023.

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

Defendant sentenced to two hundred four  
(204) months of Incarceration on Count 2ss,  
to run concurrently with Counts 1ss, 3ss, 4ss,  
5ss, and 6ss, followed by thirty-six (36)  
months of Supervised Release (with  
conditions) on Count 2ss to run concurrently  
with Counts 1ss, 3ss, 4ss, 5ss, and 6ss. \$100  
Special Assessment. JURY VERDICT OF  
GUILTY 5/4/2023.

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

DISMISSED ON ORAL MOTION OF THE  
GOVERNMENT

Defendant sentenced to two hundred four  
(204) months of Incarceration on Count 3ss,

INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting (3ss)

to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 3ss to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18:1361, 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property and Aiding and Abetting (4)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

18 U.S.C. 1361, 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property and Aiding and Abetting (4s-5s)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

18 U.S.C. 372; CONSPIRE TO IMPEDE OR INJURE OFFICER; Conspiracy to Prevent an Officer from Discharging Any Duties (4ss)

Defendant sentenced to seventy-two (72) months of Incarceration on Count 4ss, to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 4ss to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (5)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

18 U.S.C. 231(a)(3), 2; CIVIL DISORDER; Civil Disorder and Aiding and Abetting (5ss)

Defendant sentenced to sixty (60) months of Incarceration on Count 5ss, to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 5ss to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss. \$100 Special Assessment. JURY VERDICT OF GUILTY 5/4/2023.

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly Conduct in a Restricted Building or Grounds (6)

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

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

DISMISSED ON ORAL MOTION OF THE GOVERNMENT

(6s–7s)

18 U.S.C. 1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS >;  
Destruction of Government Property and  
Aiding and Abetting  
(6ss)

Defendant sentenced to one hundred twenty  
(120) months of Incarceration on Count 6ss,  
to run concurrently with Counts 1ss, 2ss, 3ss,  
4ss, and 5ss, followed by thirty–six (36)  
months of Supervised Release (with  
conditions) on Count 6ss to run concurrently  
with Counts 1ss, 2ss, 3ss, 4ss, and 5ss. \$100  
Special Assessment. JURY VERDICT OF  
GUILTY 5/4/2023.

18 U.S.C. 1361, 2; GOVERNMENT  
PROPERTY OR CONTRACTS >;  
Destruction of Government Property and  
Aiding and Abetting  
(7ss)

MISTRIAL DECLARED BY COURT ON  
5/4/2023

18 U.S.C. 111(a)(1);  
ASSAULTING/RESISTING/IMPEDING  
OFFICERS/EMPLOYEES; Assaulting,  
Resisting, or Impeding Certain Officers  
(8ss)

MISTRIAL DECLARED BY COURT ON  
5/4/2023

18 U.S.C. 111(a)(1);  
ASSAULTING/RESISTING/IMPEDING  
OFFICERS/EMPLOYEES; Assaulting,  
Resisting, or Impeding Certain Officers  
(9ss)

JURY VERDICT OF NOT GUILTY ON  
5/4/2023

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

COMPLAINT in Violation of 18:1512(c),  
18:1752(a) and 40:5104(e)(2)(D) and (F)

**Disposition**

**Interested Party**

SANTHA SONENBERG

represented by **Santha Sonenberg**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

---

**Movant**

**CABLE NEWS NETWORK, INC.**

represented by **Charles D. Tobin**  
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**Movant**

**AMERICAN BROADCASTING  
COMPANIES, INC.**  
*doing business as*

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*

ABC NEWS

*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

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**Movant**

**ASSOCIATED PRESS**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

---

**Movant**

**BUZZFEED INC.**  
*doing business as*  
**BUZZFEED NEWS**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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*Designation: Retained*

**Maxwell S. Mishkin**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

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**Movant**

**CBS BROADCASTING INC.**  
*on behalf of*  
CBS NEWS

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**  
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*Designation: Retained*

---

**Movant**

**DOW JONES & COMPANY, INC.**  
*on behalf of*  
WALL STREET JOURNAL

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**Movant**

**E.W. SCRIPPS COMPANY**

represented by **Charles D. Tobin**  
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*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**Movant**

**GANNETT CO., INC.**  
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McLean, VA 22107

represented by **Charles D. Tobin**  
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**Maxwell S. Mishkin**  
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**Movant**

**GRAY MEDIA GROUP, INC.**

represented by **Charles D. Tobin**  
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*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**

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*LEAD ATTORNEY*  
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---

**Movant**

**LOS ANGELES TIMES  
COMMUNICATIONS LLC**  
*on behalf of*  
**THE LOS ANGELES TIMES**

represented by **Charles D. Tobin**  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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---

**Movant**

**NATIONAL PUBLIC RADIO, INC.**

represented by **Charles D. Tobin**  
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*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**  
(See above for address)  
*LEAD ATTORNEY*  
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*Designation: Retained*

---

**Movant**

**NBCUNIVERSAL MEDIA, LLC**  
*doing business as*  
**NBC NEWS**

represented by **Charles D. Tobin**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Lauren Russell**  
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**Maxwell S. Mishkin**  
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---

**Movant**

**NEW YORK TIMES COMPANY**

represented by **Charles D. Tobin**  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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---

**Movant**

**PRO PUBLICA, INC.**

represented by **Charles D. Tobin**  
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**Lauren Russell**  
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**Maxwell S. Mishkin**



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**Movant**

**TEGNA, INC.**

represented by **Charles D. Tobin**  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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---

**Movant**

**WP COMPANY LLC**  
*doing business as*  
**THE WASHINGTON POST**

represented by **Charles D. Tobin**  
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*LEAD ATTORNEY*  
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**Lauren Russell**  
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**Maxwell S. Mishkin**  
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**Movant**

**KENNY LIZARDO**

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---

**Movant**

**HENDRICK BLOCK**

represented by **Gregory Bruce English**  
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---

**Movant**

**LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS UNDER LAW**

represented by **Edward G. Caspar**  
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**USA**

represented by **Conor Mulroe**

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*TERMINATED: 10/15/2021*  
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*TERMINATED: 05/13/2022*  
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Date Filed	#	Docket Text
01/19/2021	<u>1</u>	SEALED COMPLAINT as to JOSEPH RANDALL BIGGS (1). (Attachments: # <u>1</u> Affidavit in Support) (zstd) [1:21-mj-00126-RMM] (Entered: 01/20/2021)
01/19/2021	<u>3</u>	MOTION to Seal Case by USA as to JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00126-RMM] (Entered: 01/20/2021)
01/19/2021	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to JOSEPH RANDALL BIGGS (1). Signed by Magistrate Judge Robin M. Meriweather on 1/19/2021. (zstd) [1:21-mj-00126-RMM] (Entered: 01/20/2021)
01/20/2021		Case unsealed as to JOSEPH RANDALL BIGGS (bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021)
01/20/2021	<u>5</u>	Rule 5(c)(3) Documents Received as to JOSEPH RANDALL BIGGS from US District Court Middle District of Florida Orlando Division Case Number 6:21-mj-1047-EJK (bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021)
01/20/2021		Arrest of JOSEPH RANDALL BIGGS in US District Court Middle District of Florida Orlando Division. (bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021)
01/20/2021	<u>38</u>	Arrest Warrant Returned Executed on 1/20/2021 as to JOSEPH RANDALL BIGGS. (ztl) (Entered: 03/28/2021)
02/09/2021	<u>6</u>	Joint MOTION to Toll Speedy Trial by USA as to JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Text of Proposed Order)(bb) [1:21-mj-00126-RMM] (Entered: 02/09/2021)
02/18/2021	<u>7</u>	ORDER Granting <u>6</u> Joint MOTION to Toll Speedy Trial by USA as to JOSEPH RANDALL BIGGS (1). Time between 2/9/2021 and 3/9/2021 (28 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Signed by Magistrate Judge Robin M. Meriweather on 2/19/2021. (zpt) (zpt). [1:21-mj-00126-RMM] (Entered: 02/19/2021)
03/05/2021	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE: John Daniel Hull, IV appearing for JOSEPH RANDALL BIGGS (Hull, John) [1:21-mj-00126-RMM] (Entered: 03/05/2021)

		03/05/2021)
03/09/2021		ORAL MOTION for Speedy Trial by USA as to JOSEPH RANDALL BIGGS. (ztl) (Entered: 03/28/2021)
03/09/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to JOSEPH RANDALL BIGGS held on 3/9/2021. Defendant present by video. Due Process Order given to the Government. Defendant placed on Standard Conditions of Release. Oral Motion by the Government for Speedy Trial as to as to JOSEPH RANDALL BIGGS (2); heard and granted. Defense concur. Speedy Trial Excluded from 3/9/2021 to 3/30/2021 in the Interest of Justice (XT). Preliminary Hearing set for 3/31/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:56:36-2:12:20]; Defense Attorney: John Hull; US Attorney: Jason McCullough; Pretrial Officer: Da'Shanta Valentine-Lewis. (ztl) (Entered: 03/28/2021)
03/09/2021	<u>39</u>	ORDER Setting Conditions of Release as to JOSEPH RANDALL BIGGS (2) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/9/2021. # <u>1</u> Appearance Bond (ztl). (Entered: 03/28/2021)
03/10/2021		Counts added: ETHAN NORDEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, JOSEPH RANDALL BIGGS (2) count(s) 1, 2, 3, 4, 5, 6, ZACHARY REHL (3) count(s) 1, 2, 3, 4, 5, 6, CHARLES DONOHOE (4) count(s) 1, 2, 3, 4, 5, 6 (zltp) (Entered: 03/19/2021)
03/17/2021	<u>10</u>	Receipt for Surrender of Passport as to JOSEPH RANDALL BIGGS. Passport Number 536415609 (zhjs) [1:21-mj-00126-RMM] (Entered: 03/19/2021)
03/20/2021	<u>31</u>	MOTION to Revoke <i>Pretrial Release</i> by USA as to JOSEPH RANDALL BIGGS. (Nelson, James) (Entered: 03/20/2021)
03/22/2021		NOTICE OF HEARING as to JOSEPH RANDALL BIGGS (2). VTC Arraignment set for 3/23/2021 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 03/22/2021)
03/23/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to ETHAN NORDEAN (1) as to Counts 1s, 2s, 3s, 4s, 5s, and 6s and JOSEPH RANDALL BIGGS (2) as to Counts 1, 2, 3, 4, 5, and 6 held on 3/23/2021. BOTH defendants appeared by video. Plea of NOT GUILTY entered by ETHAN NORDEAN (1) as to Counts 1s, 2s, 3s, 4s, 5s, and 6s and JOSEPH RANDALL BIGGS (2) as to Counts 1, 2, 3, 4, 5, and 6. Speedy Trial Excludable (XT) started 3/23/2021 through 4/1/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Response to <u>31</u> MOTION to Revoke <i>Pretrial Release</i> by Defendant JOSEPH RANDALL BIGGS (2) due by 3/29/2021. VTC Motion Hearing/Status Conference set for 4/1/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains on Personal Recognizance/HISP, 2-Remains on Personal Recognizance/HISP; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: James B. Nelson, Jason Bradley Adam McCullough, and Luke Matthew Jones. (zkh) (Entered: 03/23/2021)
03/28/2021		Terminate Deadlines and Hearings as to JOSEPH RANDALL BIGGS: Preliminary Hearing set for 3/31/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui is VACATED. (ztl) (Entered: 03/28/2021)



03/29/2021	<u>42</u>	Memorandum in Opposition by JOSEPH RANDALL BIGGS re <u>31</u> MOTION to Revoke <i>Pretrial Release</i> (Attachments: # <u>1</u> Exhibit Letter–email dated 03222020)(Hull, John) (Entered: 03/29/2021)
03/31/2021	<u>46</u>	REPLY TO OPPOSITION to Motion by USA as to JOSEPH RANDALL BIGGS re <u>31</u> MOTION to Revoke <i>Pretrial Release</i> (McCullough, Jason) (Entered: 03/31/2021)
04/01/2021	<u>47</u>	Amended Memorandum in Opposition by JOSEPH RANDALL BIGGS re <u>31</u> MOTION to Revoke <i>Pretrial Release Amended/Corrected</i> (Attachments: # <u>1</u> Exhibit Sweatt Email to Hull 03222021)(Hull, John) Modified event title on 4/30/2021 (znmw). (Entered: 04/01/2021)
04/01/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The VTC Motion Hearing set for 4/1/2021 is <b>RESCHEDULED</b> for 4/6/2021 at 11:30 AM before Judge Timothy J. Kelly. (zkh) (Entered: 04/01/2021)
04/06/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) held on 4/6/2021. Both defendants appeared by video. Oral argument on 30 MOTION to Revoke <i>Pretrial Release</i> and <u>31</u> MOTION to Revoke <i>Pretrial Release</i> , heard and taken under advisement. Speedy Trial Excludable (XT) started nunc pro tunc 4/1/2021 through 4/9/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Any supplemental memoranda due by 4/6/2021. VTC Oral Ruling set for 4/9/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains on Personal Recognizance/HISP, 2–Remains on Personal Recognizance/HISP; Court Reporter: Timothy Miller; Defense Attorneys: 1–David Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV; US Attorneys: James B. Nelson, Jason Bradley Adam McCullough, and Luke Matthew Jones; Pretrial Officer: John Copes. (zkh) (Entered: 04/06/2021)
04/06/2021	<u>51</u>	NOTICE of Delivery of Video Evidence by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re Motion Hearing,,,, Speedy Trial – Excludable Start,,,, Set Deadlines/Hearings,,, <u>46</u> Reply to opposition to Motion, <u>45</u> Reply to opposition to Motion (McCullough, Jason) (Entered: 04/06/2021)
04/06/2021	<u>53</u>	SUPPLEMENT by JOSEPH RANDALL BIGGS to Opposition to Motion to Revoke (Hull, John) (Entered: 04/06/2021)
04/09/2021		MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The Oral Ruling currently set for April 9, 2021, is hereby <b>VACATED</b> . Signed by Judge Timothy J. Kelly on 4/9/2021. (zkh) (Entered: 04/09/2021)
04/14/2021	<u>59</u>	<p>TRANSCRIPT OF MOTION HEARING in case as to JOSEPH RANDALL BIGGS before Judge Timothy J. Kelly held on 4–6–21; Page Numbers: 1–69; Date of Issuance: 4–14–21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court rep order 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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</p>



		<p>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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/5/2021. Redacted Transcript Deadline set for 5/15/2021. Release of Transcript Restriction set for 7/13/2021.(Miller, Timothy) (Entered: 04/14/2021)</p>
04/15/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Oral Ruling set for 4/16/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/15/2021)
04/16/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The VTC Oral Ruling currently set for 4/16/2021 is <b>RESCHEDULED</b> for 4/19/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/16/2021)
04/19/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Oral Ruling as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) held on 4/19/2021. BOTH defendants appeared by video. For the reasons stated on the record, Government's 30 and <u>31</u> MOTION to Revoke <i>Pretrial Release</i> , GRANTED. Conditions of release REVOKED for ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Order to be entered by the court. Oral Motion by defendants ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) for a temporary stay of detention order, heard and DENIED. Speedy Trial Excludable (XT) started nunc pro tunc 4/9/2021 through 5/4/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Status Conference set for 5/4/2021 at 11:30 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Conditions of Release REVOKED/Order Pending to Report, 2-Conditions of Release REVOKED/Order Pending to Report; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 04/19/2021)
04/19/2021	<u>64</u>	RESPONSE TO Court Order Issued during Oral Ruling on April 19, 2021 by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Filing in U.S. v. Pezzola, 1:21-cr-175, containing photograph)(Jones, Luke) Modified text on 5/21/2021 (zltp). (Entered: 04/19/2021)
04/20/2021	<u>66</u>	DETENTION ORDER as to JOSEPH RANDALL BIGGS (2). See Order for details. Signed by Judge Timothy J. Kelly on 4/20/2021. (lctjk1) (Entered: 04/20/2021)
04/21/2021	<u>67</u>	NOTICE OF APPEAL – Final Judgment by JOSEPH RANDALL BIGGS re <u>66</u> Order of Detention Pending Trial– Defendant HWOB. Filing fee \$ 505, receipt number ADCDC-8389908. Fee Status: Fee Paid. Parties have been notified. (Hull, John) (Entered: 04/21/2021)
04/22/2021	<u>68</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid on 4/21/2021 as to JOSEPH RANDALL BIGGS re <u>67</u> Notice of Appeal – Final Judgment. (zltp) (Entered: 04/22/2021)
04/23/2021	<u>72</u>	TRANSCRIPT OF ORAL RULING in case as to JOSEPH RANDALL BIGGS before Judge Timothy J. Kelly held on 4-19-21; Page Numbers: 1-83; Date of Issuance: 4-23-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111.

		<p>Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/14/2021. Redacted Transcript Deadline set for 5/24/2021. Release of Transcript Restriction set for 7/22/2021.(Miller, Timothy) (Entered: 04/23/2021)</p>
04/26/2021		USCA Case Number as to JOSEPH RANDALL BIGGS 21-3021 for <u>67</u> Notice of Appeal – Final Judgment filed by JOSEPH RANDALL BIGGS. (zltf) (Entered: 04/27/2021)
05/03/2021		NOTICE OF HEARING ( <b>Time Change</b> ) as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Status Conference set for 5/4/2021 at <b>12:00 PM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 05/03/2021)
05/04/2021	<u>82</u>	Unopposed MOTION for Protective Order by USA as to JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 05/04/2021)
05/04/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 5/4/2021. ALL defendants appeared by video. Speedy Trial Excludable (XT) started 5/4/2021 through 6/3/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). Government Response to 81 MOTION to Revoke due by 5/17/2021. Defendant DONOHOE (4) Reply due by 5/24/2021. VTC Status Conference set for 6/3/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 05/04/2021)
05/04/2021	<u>83</u>	ORDER granting the Government's <u>82</u> Unopposed Motion for Protective Order as to JOSEPH RANDALL BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 5/4/2021. (lctjk1) (Entered: 05/04/2021)
06/03/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 6/3/2021. Defendants NORDEAN (1) and BIGGS (2) appeared by video. For the reasons stated on the record, Defendant DONOHOE'S (4) appearance was WAIVED. Speedy Trial Excludable (XT) started 6/3/2021 through 7/15/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH

		RANDALL BIGGS (2), and CHARLES DONOHOE (4). VTC Motion Hearing set for 6/9/2021 at 11:00 AM before Judge Timothy J. Kelly for Defendant DONOHOE (4). VTC Status Conference set for 7/15/2021 at 2:00 PM before Judge Timothy J. Kelly for Defendants NORDEAN (1), BIGGS (2) and DONOHOE (4). Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 4–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–David Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV, 4–Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and Nadia Moore. (zkh) (Entered: 06/03/2021)
06/03/2021	<u>96</u>	NOTICE OF FILING by JOSEPH RANDALL BIGGS (Attachments: # <u>1</u> Exhibit Biggs 04032021 Acceptance of Protective Order)(Hull, John) (Entered: 06/03/2021)
06/25/2021	<u>107</u>	JUDGMENT of USCA (certified copy) as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re 69 Notice of Appeal – Final Judgment, <u>67</u> Notice of Appeal – Final Judgment. The district courts pretrial detention orders entered on April 20, 2021 is affirmed. USCA Case Number 21–3021; 21–3022. (zltf) (Entered: 07/02/2021)
07/01/2021		NOTICE OF HEARING ( <b>Time Change</b> ) as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). VTC Status Conference set for 7/15/2021 at <b>11:00 AM</b> before Judge Timothy J. Kelly. (zkh) (Entered: 07/01/2021)
07/01/2021	<u>105</u>	MOTION to Dismiss Case <i>Unopposed Motion to Join Nordean Motion to Dismiss</i> by JOSEPH RANDALL BIGGS. (Hull, John) (Entered: 07/01/2021)
07/13/2021	<u>117</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH RANDALL BIGGS before Judge Timothy J. Kelly held on 6–3–21; Page Numbers: 1–36; Date of Issuance: 7–13–21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 8/3/2021. Redacted Transcript Deadline set for 8/13/2021. Release of Transcript Restriction set for 10/11/2021.(Miller, Timothy) (Entered: 07/13/2021)</p>
07/14/2021	<u>119</u>	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 4/21/2021 Letter (All Defendants), # <u>2</u> 4/30/2021 Letter (Nordean), # <u>3</u> 5/5/2021 Letter (Rehl), # <u>4</u> 5/19/2021 Letter (Nordean), # <u>5</u> 6/2/2021 Letter (All Defendants), # <u>6</u> 6/2/2021 Letter (Nordean), # <u>7</u> 6/2/2021 Letter (Biggs), # <u>8</u> 6/2/2021 Letter (Rehl), # <u>9</u> 6/2/2021 Letter (Donohoe), # <u>10</u> 6/3/2021 Letter (Biggs, Rehl, Donohoe), # <u>11</u> 6/3/2021 Letter (Rehl), # <u>12</u> 7/1/2021 Letter (Nordean), # <u>13</u> 7/2/2021



		Letter (Biggs, Rehl, Donohoe), # <u>14</u> 7/2/2021 Letter (Nordean), # <u>15</u> 7/6/2021 Letter (All Defendants), # <u>16</u> 7/6/2021 Letter (Nordean), # <u>17</u> 7/7/2021 Letter (Nordean), # <u>18</u> 7/7/2021 Letter (All Defendants), # <u>19</u> 7/9/2021 Letter (All Defendants), # <u>20</u> 7/13/2021 Letter (All Defendants), # <u>21</u> 7/13/2021 Letter (All Defendants), # <u>22</u> 7/14/2021 Letter (All Defendants))(Jones, Luke) (Attachment 5 replaced on 7/14/2021) (zltp). (Entered: 07/14/2021)
07/14/2021	<u>120</u>	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Memorandum Regarding Status of Discovery)(Jones, Luke) (Entered: 07/14/2021)
07/15/2021		MINUTE ORDER as to JOSEPH RANDALL BIGGS (2) granting Defendant's <u>105</u> Unopposed Motion to Join Defendant Nordean's 94 Motion to Dismiss. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Timothy J. Kelly on 7/15/2021. (lctjk1) (Entered: 07/15/2021)
07/15/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 7/15/2021. ALL Defendants appeared by video. Oral argument heard on 88 MOTION to Compel and 89 MOTION for a Bill of Particulars, and taken under advisement. Speedy Trial Excludable (XT) started 7/15/2021 through 9/21/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). Joint Status Report as to Defendant NORDEAN (1) due by 7/26/2021. VTC Status Conference/Motion Hearing set for 9/21/2021 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 07/15/2021)
08/08/2021	<u>137</u>	MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f)</i> by JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Exhibit EMT 1, # <u>2</u> Exhibit EMT 2, # <u>3</u> Exhibit PB Bylaws)(Hull, John) (Entered: 08/08/2021)
08/08/2021	143	MOTION to Reopen Detention Hearing by JOSEPH RANDALL BIGGS. (See Docket Entry <u>137</u> to view document). (znmw) (Entered: 08/16/2021)
08/18/2021	<u>145</u>	MANDATE of USCA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re 69 Notice of Appeal – Final Judgment, <u>67</u> Notice of Appeal – Final Judgment. In accordance to the judgment of 6/25/2021, the district court's pretrial detention orders entered on April 20, 2021 be affirmed. USCA Case Number 21-3021, 21-3022. (Attachments: # <u>1</u> USCA Judgment of 6/25/2021)(zltp) (Entered: 08/19/2021)
08/23/2021	<u>148</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>137</u> MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f)</i> , 143 MOTION for Hearing by USA as to JOSEPH RANDALL BIGGS. (Attachments: # <u>1</u> Text of Proposed Order)(McCullough, Jason) (Entered: 08/23/2021)
08/24/2021		MINUTE ORDER as to JOSEPH RANDALL BIGGS (2) granting the parties' <u>148</u> Joint Motion for Extension of Time. It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that the parties' motion is GRANTED. It is further ORDERED that Defendant Biggs shall file his supplement to his <u>137</u> Motion to Reopen Detention Hearing today; the Government shall file its response to Biggs's <u>137</u> Motion to Reopen Detention Hearing and supplement by September 7, 2021; and Biggs shall file any

		reply by September 14, 2021. Signed by Judge Timothy J. Kelly on 8/24/2021. (lctjk1) (Entered: 08/24/2021)
09/01/2021	<u>155</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 7-15-21; Page Numbers: 1-88; Date of Issuance: 9-1-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 9/22/2021. Redacted Transcript Deadline set for 10/2/2021. Release of Transcript Restriction set for 11/30/2021.(Miller, Timothy) (Entered: 09/01/2021)</p>
09/08/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2): VTC Motion Hearing set for 9/13/2021 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 09/08/2021)
09/13/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) held on 9/13/2021. Defendant NORDEAN (1) appeared by telephone. Defendant BIGGS (2) appeared by video. Oral argument heard and taken under advisement as to 122 MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> filed by NORDEAN (1) and on <u>137</u> MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f)</i> filed by BIGGS (2). Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/13/2021)
09/14/2021		MINUTE ORDER as to JOSEPH R. BIGGS (2): As discussed at yesterday's hearing, it is hereby ORDERED, for good cause shown, that Defendant Biggs's unopposed request for an extension of time to file a reply in support of his <u>137</u> Motion for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f)</i> is GRANTED. It is further ORDERED that Biggs shall file any reply by September 16, 2021. Signed by Judge Timothy J. Kelly on 9/14/2021. (lctjk1) (Entered: 09/14/2021)
09/14/2021	<u>165</u>	NOTICE of Joining Motion to Receive September 13, 2021 Bail Hearing Transcript by JOSEPH R. BIGGS (Hull, John) (Entered: 09/14/2021)
09/15/2021		<b>ENTERED IN ERROR.....</b> MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) granting Nordean's 164 Motion to Access <i>Sealed Portion of 9/13/21 Hearing Transcript</i> , joined <u>165</u> by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed

		portion of the proceeding of September 13, 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/15/2021. (lctjk1) Modified to mark entry as error on 9/16/2021 (zkh). (Entered: 09/15/2021)
09/16/2021		MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) granting Nordean's 164 Motion to Access <i>Sealed Portion of 9/13/21 Hearing Transcript</i> , joined <u>165</u> by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed portion of the proceeding of September 13, 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/16/2021. (lctjk1) (Entered: 09/16/2021)
09/16/2021	<u>168</u>	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re <u>120</u> Notice (Other), (Attachments: # <u>1</u> Memorandum Regarding Status of Discovery in January 6, 2021 Cases)(McCullough, Jason) (Entered: 09/16/2021)
09/17/2021	<u>170</u>	NOTICE of Recent Authority Relevant to Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, CHARLES DONOHOE (Attachments: # <u>1</u> Exhibit Opinion and Order in U.S. v. Phomma (D. Or. Sept. 15, 2021))(Jones, Luke) (Entered: 09/17/2021)
09/17/2021	<u>171</u>	NOTICE of Correspondence to Defendants in Advance of September 21, 2021, Hearing on Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> Exhibit Sept. 17, 2021 Letter to Defense Counsel)(Jones, Luke) (Entered: 09/17/2021)
09/20/2021	<u>175</u>	NOTICE of Joining Nordean Response re: new DOJ section 231 argument and Notice re: issues raised by efforts to transfer Zach Rehl to DC Jail by JOSEPH R. BIGGS (Hull, John) (Entered: 09/20/2021)
09/20/2021	<u>177</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS re 174 and <u>175</u> Notice of Information Relevant to Bail Proceedings (ECF 174, 175) (Jones, Luke) Modified to add links on 9/21/2021 (znmw). (Entered: 09/20/2021)
09/20/2021	<u>179</u>	<p>REDACTED TRANSCRIPT OF MOTION HEARING in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 9-13-21; Page Numbers: 1-102; Date of Issuance: 9-20-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p>



		Redaction Request due 10/11/2021. Redacted Transcript Deadline set for 10/21/2021. Release of Transcript Restriction set for 12/19/2021.(Miller, Timothy) (Entered: 09/20/2021)
09/20/2021	<u>180</u>	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Attachments: # <u>1</u> 7/28/2021 Letter (All Defendants), # <u>2</u> 7/28/2021 Letter (All Defendants), # <u>3</u> 7/28/2021 Letter (All Defendants), # <u>4</u> 7/29/2021 Letter (All Defendants), # <u>5</u> 8/9/2021 Letter (Biggs), # <u>6</u> 8/24/2021 Letter (All Defendants), # <u>7</u> 9/9/2021 Letter (Biggs), # <u>8</u> 9/9/2021 Letter (Nordean, Donohoe), # <u>9</u> 9/11/2021 Letter (Nordean, Biggs, Donohoe), # <u>10</u> 9/16/2021 Letter (Nordean), # <u>11</u> 9/16/2021 Letter (Biggs, Rehl, Donohoe), # <u>12</u> 9/16/2021 Letter (Rehl), # <u>13</u> 9/16/2021 Letter (Rehl), # <u>14</u> 9/20/2021 Letter (All Defendants), # <u>15</u> 9/20/2021 Letter (Donohoe), # <u>16</u> 9/20/2021 Letter (Nordean, Biggs, Rehl))(Jones, Luke) (Entered: 09/20/2021)
09/21/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference/Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) held on 9/21/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHUE appeared by video. Defendant REHL's Appearance was Waived. Oral argument heard on Defendant Nordean's 94 First MOTION to Dismiss Case, and taken under advisement. Speedy Trial Excludable (XT) started 9/21/2021 through 10/26/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 10/26/2021 at 11:00 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 5/18/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and James Pearce; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/21/2021)
09/27/2021	<u>187</u>	SUPPLEMENT by JOSEPH R. BIGGS re <u>137</u> MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f) Second and Final Supplement to Motion to Reopen Hearing and for Release from Detention</i> (Hull, John) (Entered: 09/27/2021)
10/04/2021	<u>196</u>	SUPPLEMENT by JOSEPH R. BIGGS re <u>137</u> MOTION for Bond <i>and to Reopen Detention Hearing 18 USC 3142 (f) Biggs' Third Supplement to Motion to Reopen Hearing and for Release from Detention</i> (Hull, John) (Entered: 10/04/2021)
10/13/2021	<u>206</u>	NOTICE of Judge Lamberth's Contempt Order against Warden of D.C. Jail for Civil Rights Violation re January 6 Detainee by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE re 122 MOTION for Bond <i>and to reopen Detention Decision pursuant to § 3142(f)</i> (Smith, Nicholas) (Entered: 10/13/2021)
10/15/2021	<u>209</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Kenerson, Erik Michael added. (Kenerson, Erik) (Entered: 10/15/2021)
10/25/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4): It is hereby ORDERED that the status conferences scheduled for tomorrow, October 26, 2021, at 10:00 a.m. and 11:00 a.m. are VACATED. The parties shall contact the Courtroom Deputy at (202) 354-3495 to set a new date. Signed by Judge Timothy J. Kelly on 10/25/2021. (lctjk1)

		(Entered: 10/25/2021)
10/25/2021	<u>214</u>	STATUS REPORT <i>Regarding Discovery as of October 21, 2021</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 10/25/2021)
10/27/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): VTC Status Conference set for 11/3/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 10/27/2021)
11/02/2021	<u>216</u>	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 9/21/2021 Letter (All Defendants), # <u>2</u> 10/15/2021 Letter (All Defendants), # <u>3</u> 10/21/2021 Letter (All Defendants))(Jones, Luke) (Entered: 11/02/2021)
11/03/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 11/3/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. Scheduling Order to be entered by the court. Speedy Trial Excludable (XT) started nunc pro tunc 10/26/2021 through 12/7/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 12/7/2021 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 11/03/2021)
11/03/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), CHARLES DONOHOE (4): It is hereby ORDERED that the parties shall submit supplemental briefing on two issues related to the pending 94 First Motion to Dismiss. The parties' briefs shall address the following issues: First, as Defendant Nordean notes, several courts have construed "corruptly" to mean acting "with the intent to secure an unlawful advantage or benefit either for one's self or for another." <i>See</i> ECF No. 113 at 19 (citing cases); <i>see also United States v. Aguilar</i> , 515 U.S. 593, 616 (1995) (Scalia, J., concurring in part). Is this an appropriate definition of "corruptly" as the word is used in Section 1512(c)? And if the Court adopted that definition, would Section 1512(c)(2) cover the conduct alleged in the First Superseding Indictment? Second, the Government has argued that "corruptly" means acting "wrongfully" and "with an intent to obstruct." ECF No. 133-1 at 8. What does it mean to act "wrongfully"? Does someone act "wrongfully" merely acting "unlawfully," as the Government appears to suggest in its sur-reply, ECF No. 133-1 at 8, or is something more required? The Government shall submit its brief by November 17, 2021; Defendants shall file any response to the Government's brief by November 24, 2021; and the Government shall file any reply by December 3, 2021. Signed by Judge Timothy J. Kelly on 11/3/2021. (lctjk1) (Entered: 11/03/2021)
11/03/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): It is hereby ORDERED, for the reasons explained on the record at the status conference today, that the time period from October 26, 2021 to December 7, 2021 is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 <i>et seq.</i> The Court finds that the ends of justice served by this

		<p>continuance outweigh the best interests of the public and Defendants in a speedy trial under 18 U.S.C. § 3161(h)(7)(A), for the reasons explained on the record: (1) the Government's ongoing production of voluminous discovery to Defendants; and (2) the public health limitations on the Court's ability to try a multi-defendant, six-week trial, as reflected in Standing Order No. 21-62: <i>In Re: Updated Status of Court Operations, including Jury Trials, and Speedy Trial Act Exclusions in Light of the Current Circumstances Relating to the COVID-19 Pandemic</i>, the findings of which the Court adopts after consideration of the specific circumstances of this case, and the Court's Continuity of Operations Plan referenced in that Order. The Court also notes, as acknowledged by the parties, that time is also excluded under the Speedy Trial Act during this time, in light of the Court's request for additional briefing on the pending 94 First Motion to Dismiss. See 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Timothy J. Kelly on 11/3/2021. (lctjk1) (Entered: 11/03/2021)</p>
11/05/2021	<u>218</u>	<p>STATUS REPORT <i>Regarding Discovery as of November 5, 2021</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 11/05/2021)</p>
11/10/2021	<u>220</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 11-3-21; Page Numbers: 1-36; Date of Issuance: 11-10-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court rep order 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022.(Miller, Timothy) (Entered: 11/10/2021)</p>
11/17/2021	<u>224</u>	<p>SUPPLEMENT by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, CHARLES DONOHOE re 130 Memorandum in Opposition, 106 Memorandum in Opposition to 94 First Motion to Dismiss (Kenerson, Erik) (Entered: 11/17/2021)</p>
11/19/2021	<u>227</u>	<p>SUPPLEMENT by ZACHARY REHL as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re Order,,,,,, Set Deadlines,,,,,, <i>Supplemental Brief In Support Of 94 Ethan Nordeans Motion To Dismiss The First Superseding Indictment</i> (Attachments: # <u>1</u> Exhibit A: Memorandum of Attorney John Eastman, publicly released by CNN, requiring that Joint Session of Congress meet)(Moseley, Jonathon) Modified to include linkage on 11/30/2021 (zltp). (Entered: 11/19/2021)</p>
11/24/2021	<u>233</u>	<p>RESPONSE by JOSEPH R. BIGGS re <u>224</u> Supplement to any document <i>Defendant Biggs Response to Government Supplemental Brief on 18 U.S.C. Section 1512(c)(2)</i></p>



		(Hull, John) Modified text to remove unassociated defendants on 11/28/2021 (zltp). (Entered: 11/24/2021)
11/30/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4): The VTC Status Conference currently set for 12/7/2021 is <b>RESCHEDULED</b> for 12/14/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 11/30/2021)
12/03/2021	<u>236</u>	REPLY by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE <i>Reply To The Defendants' Responses To <u>224</u> The United States' Supplemental Brief On 18 U.S.C. § 1512(C)(2)</i> (Jones, Luke) Modified to include linkage on 12/7/2021 (zltp). (Entered: 12/03/2021)
12/14/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 12/14/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. For the reasons stated on the record, the 122 MOTION for Bond by defendant NORDEAN, <u>137</u> MOTION for Bond by defendant BIGGS, 190 MOTION for Release from Custody and 192 MOTION to Re-Open Detention Hearing both by defendant REHL, are all DENIED. Speedy Trial Excludable (XT) started 12/14/2021 through 1/11/2022, in the interest of justice, as to ALL defendants. Government Submission due by 12/21/2021. Defense Responses due by 12/30/2021. Government Reply due by 1/6/2022. VTC Status Conference set for 1/11/2022 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, Erik Michael Kenerson and James Pearce. (zkh) (Entered: 12/14/2021)
12/14/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), and ZACHARY REHL (3), denying Defendants' 122 <u>137</u> 190 Motions to Reopen Bail Proceedings. It is hereby ORDERED, for the reasons set forth on the record today and below, that Defendants Nordean, Biggs, and Rehl's motions to reopen bail proceedings are DENIED. Further, the Court notes that even if the conditions proposed by Nordean included a ban on his possession of electronic devices—a ban that could make it hard for him to review electronic evidence in the case—and even if he abided by that condition, he would still have access to less sophisticated means of communication, such as the use of a land-line telephone or the regular mail, that he could use to exercise leadership, conduct planning, and communicate with associates. Signed by Judge Timothy J. Kelly on 12/14/2021. (lctjk1) (Entered: 12/14/2021)
12/17/2021	<u>253</u>	TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS before Judge Timothy J. Kelly held on 12-14-21; Page Numbers: 1-47; Date of Issuance: 12-17-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>  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 re porter 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 1/7/2022. Redacted Transcript Deadline set for 1/17/2022. Release of Transcript Restriction set for 3/17/2022.(Miller, Timothy) (Entered: 12/17/2021)</p>
12/21/2021	<u>257</u>	NOTICE <i>Government's Submission Regarding Defendants' Ability to Confer with Counsel and Prepare for Trial</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Jones, Luke) (Entered: 12/21/2021)
12/27/2021	<u>261</u>	NOTICE OF APPEAL (Interlocutory) by JOSEPH R. BIGGS re Status Conference,,,,,, Speedy Trial – Excludable Start,,,,,, Set Deadlines/Hearings,,,,, Order on Motion for Bond,,,,, Order on Motion for Release from Custody,,,,, Order on Motion for Miscellaneous Relief,,,,,, Order on Motion for Hearing,,,,. Filing fee \$ 505, receipt number ADCDC-8950338. Fee Status: Fee Paid. Parties have been notified. (Hull, John) (Entered: 12/27/2021)
12/28/2021	<u>262</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4), denying Defendants' 94 <u>105</u> 128 225 Motion to Dismiss. See Order for details. Signed by Judge Timothy J. Kelly on 12/28/2021. (lctjk1) (Entered: 12/28/2021)
12/28/2021	<u>263</u>	MEMORANDUM OPINION as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4), in support of <u>262</u> ORDER denying Defendants' 94 <u>105</u> 128 225 Motion to Dismiss. Signed by Judge Timothy J. Kelly on 12/28/2021. (lctjk1) (Entered: 12/28/2021)
12/29/2021	<u>268</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid as to JOSEPH R. BIGGS re <u>261</u> Notice of Appeal – Interlocutory. (zltpt) (Entered: 12/29/2021)
12/30/2021	<u>270</u>	RESPONSE by JOSEPH R. BIGGS re <u>257</u> Notice (Other) <i>Biggs's Response to Government's 6th Amendment Submission</i> (Hull, John) Modified text to remove unassociated defendants on 1/26/2022 (zltpt). (Entered: 12/30/2021)
01/03/2022		USCA Case Number as to JOSEPH R. BIGGS 21-3097 for <u>261</u> Notice of Appeal – Interlocutory filed by JOSEPH R. BIGGS. (zltpt) (Entered: 01/04/2022)
01/06/2022	<u>272</u>	REPLY by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re: <u>257</u> <i>Regarding Defendants' Ability to Confer With Counsel and Prepare for Trial</i> (Jones, Luke) Modified text to include linkage on 1/26/2022 (zltpt). (Entered: 01/06/2022)
01/11/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 1/11/2022. Defendant NORDEAN (1) appeared by audio. Defendants BIGGS (2), and DONOHOE (4) appeared by video. Defendant REHL (3) NOT PRESENT. Oral argument heard and taken under advisement. VTC Status Conference set for 2/8/2022 at 10:00 AM before Judge

		<p>Timothy J. Kelly. Government's notification to defendants of any 404(b) evidence due by 2/11/2022. Pretrial Motions due by 3/16/2022. Responses due by 3/30/2022. Replies due by 4/6/2022. Pretrial Statement due by 4/13/2022. VTC Pretrial Conference set for 4/22/2022 at 9:30 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, Erik Michael Kenerson. (zkh) (Entered: 01/11/2022)</p>
01/11/2022	<u>274</u>	<p>TRANSCRIPT OF STATUS CONFERENCE/MOTION HEARING in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE before Judge Timothy J. Kelly held on 9-21-21; Page Numbers: 1-83; Date of Issuance: 1-11-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 2/1/2022. Redacted Transcript Deadline set for 2/11/2022. Release of Transcript Restriction set for 4/11/2022.(Miller, Timothy) (Entered: 01/11/2022)</p>
01/21/2022	<u>281</u>	<p>ORDER as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) denying Defendants Nordean and Biggs's 258 259 <u>270</u> renewed motions for release under 18 U.S.C. § 3142(i) and ordering that Nordean and Biggs be transported to the District of Columbia. See Order for details. Signed by Judge Timothy J. Kelly on 1/21/2022. (lctjk1) (Entered: 01/21/2022)</p>
01/21/2022	<u>282</u>	<p><b>PRETRIAL MOTIONS BRIEFING SCHEDULE VACATED PURSUANT TO ORDER FILED 3/9/2022.....</b> SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 1/21/2022. (lctjk1) Modified to vacate schedule on 3/9/2022 (zkh). (Entered: 01/21/2022)</p>
02/07/2022	<u>285</u>	<p>NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # <u>1</u> 11/30/2021 Letter (Nordean), # <u>2</u> 12/3/2021 Letter (Biggs), # <u>3</u> 12/13/2021 Letter (Donohoe), # <u>4</u> 12/14/2021 Letter (All Defendants), # <u>5</u> 12/17/2021 Letter (All Defendants), # <u>6</u> 12/23/2021 Letter (All Defendants), # <u>7</u> 12/27/2021 Letter (All Defendants), # <u>8</u> 1/14/2022 Letter (All Defendants), # <u>9</u> 1/21/2022 Letter (Rehl), # <u>10</u> 1/26/2022 Letter (Rehl), # <u>11</u> 1/28/2022 Letter (All Defendants), # <u>12</u> 1/30/2022 Letter (All Defendants), # <u>13</u> 1/31/2022 Letter (All Defendants), # <u>14</u> 2/1/2022 Letter</p>



		(All Defendants), # <u>15</u> 2/1/2022 Letter (All Defendants), # <u>16</u> 2/1/2022 Letter (All Defendants), # <u>17</u> 2/4/2022 Letter (All Defendants), # <u>18</u> 2/4/2022 Letter (All Defendants))(Jones, Luke) (Main Document 285 replaced on 2/8/2022) (zltp). (Entered: 02/07/2022)
02/08/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) held on 2/8/2022. ALL defendants appeared by video. Speedy Trial Excludable (XT) started 2/8/2022 through 3/8/2022, in the interest of justice, as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4). VTC Status Conference set for 3/8/2022 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones, Jason Bradley Adam McCullough, and Erik Michael Kenerson. (zkh) (Entered: 02/08/2022)
02/09/2022	<u>287</u>	MOTION for Order Limited Unsealing of Transcript for Provision to the Parties by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Luke) (Entered: 02/09/2022)
02/09/2022	<u>288</u>	MOTION to Continue <i>the Deadline to Submit Its Update on USMS Transport of Nordean and Biggs</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS. (Attachments: # <u>1</u> Text of Proposed Order)(McCullough, Jason) (Entered: 02/09/2022)
02/09/2022		MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) granting the Government's <u>288</u> Motion to Continue. It is hereby ORDERED, for good cause shown, that the Government's motion is GRANTED. It is further ORDERED that the Government shall provide an update on the status of the transport of Defendants Nordean and Biggs by February 11, 2022. Signed by Judge Timothy J. Kelly on 2/9/2022. (lctjk1) (Entered: 02/09/2022)
02/09/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) granting the Government's <u>287</u> Motion for Limited Unsealing of the Transcript of the Hearing on February 8, 2022. It is hereby ORDERED that, for good cause shown, the sealed transcript from the February 8, 2022, hearing is unsealed for the limited purpose of allowing the court reporter to provide copies of the sealed transcript to the parties in this case. It is further ORDERED that the transcript shall remain sealed for all other purposes. Signed by Judge Timothy J. Kelly on 2/9/2022. (lctjk1) (Entered: 02/09/2022)
02/10/2022	<u>290</u>	STATUS REPORT <i>Regarding Discovery as of February 9, 2022</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Jones, Luke) (Entered: 02/10/2022)
02/11/2022	<u>291</u>	NOTICE of Correspondence Pursuant To Federal Rule of Evidence 404(b) by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Kenerson, Erik) (Entered: 02/11/2022)
02/11/2022	<u>292</u>	STATUS REPORT <i>Regarding Transport of Defendants to the District of Columbia</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS (Jones, Luke) (Entered: 02/11/2022)
02/12/2022	<u>293</u>	

		NOTICE OF INTENTION TO JOIN NORDEAN MOTION AT ECF 266 by JOSEPH R. BIGGS (Hull, John) Modified text to remove unassociated defendants on 2/14/2022 (zltp). (Entered: 02/12/2022)
02/15/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2): Defendant Biggs filed a "Notice of Intention to Join Nordean Motion at ECF 266." ECF No. <u>293</u> . It is hereby ORDERED that, if Biggs wishes to join a co-defendant's motion, he shall file a motion to that effect. Signed by Judge Timothy J. Kelly on 2/15/2022. (lctjk1) (Entered: 02/15/2022)
03/02/2022	<u>297</u>	MOTION for Joinder <i>MOTION TO JOIN ETHAN NORDEANS MOTION FILED AT ECF 266</i> by JOSEPH R. BIGGS. (Hull, John) Modified text to remove unassociated defendants on 3/3/2022 (zltp). (Entered: 03/02/2022)
03/07/2022	<u>302</u>	NOTICE of Defendant Biggs' Waiver of Appearance at March 8 Status Conference and Opposition to Motion to Continue by JOSEPH R. BIGGS (Hull, John) Modified text to remove unassociated defendants on 3/7/2022 (zltp). (Entered: 03/07/2022)
03/07/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) granting in part and denying in part the Government's <u>299</u> Motion to Continue. The Government moved to continue the status conferences scheduled for March 8, 2022, to March 15, 2022. But Nordean's counsel is unavailable March 15, 2022. See ECF No. 300 at 2. Accordingly, it is hereby ORDERED that the status conferences scheduled for tomorrow, March 8, 2022, are VACATED and will be rescheduled promptly. Signed by Judge Timothy J. Kelly on 3/7/2022. (lctjk1) (Entered: 03/07/2022)
03/07/2022	<u>305</u>	SECOND SUPERSEDING INDICTMENT as to ETHAN NORDEAN (1) count(s) 1ss, 2ss, 3ss, 4ss-5ss, 6ss-7ss, JOSEPH R. BIGGS (2) count(s) 1s, 2s, 3s, 4s-5s, 6s-7s, ZACHARY REHL (3) count(s) 1s, 2s, 3s, 4s-5s, 6s-7s, CHARLES DONOHUE (4) count(s) 1s, 2s, 3s, 4s-5s, 6s-7s, ENRIQUE TARRIO (5) count(s) 1, 2, 3, 4-5, 6-7, DOMINIC J. PEZZOLA (6) count(s) 1, 2, 3, 4-5, 6-7, 8. (zltp) Modified on 3/8/2022 to correct counts.(ztnr) (Entered: 03/08/2022)
03/07/2022	<u>307</u>	MOTION to Seal Case by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) (Entered: 03/08/2022)
03/07/2022	<u>308</u>	ORDER granting <u>307</u> Motion to Seal Case as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6). Signed by Magistrate Judge Zia M. Faruqui on 3/7/2022. (zltp) (Entered: 03/08/2022)
03/08/2022		Case unsealed as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (zltp) (Entered: 03/08/2022)
03/09/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4): In light of the filing of the <u>305</u> Second Superseding Indictment, which joins several new Defendants and includes new allegations and charges, it is hereby ORDERED that the pretrial motions briefing schedule set in the <u>282</u> Scheduling Order is VACATED. Signed by Judge Timothy J. Kelly on 3/9/2022. (lctjk1) (Entered: 03/09/2022)
03/09/2022		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4). (zkh) (Entered: 03/09/2022)

		03/09/2022)
03/09/2022		Set/Reset Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4). VTC Pretrial Conference/Motion Hearing set for 4/22/2022 at 9:30 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 5/18/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. (zkh) (Entered: 03/09/2022)
03/13/2022	<u>311</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE before Judge Timothy J. Kelly held on 2-8-22; Page Numbers: 1-37; Date of Issuance: 3-13-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 4/3/2022. Redacted Transcript Deadline set for 4/13/2022. Release of Transcript Restriction set for 6/11/2022.(Miller, Timothy) (Entered: 03/13/2022)</p>
03/14/2022		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): VTC Arraignment/Status Conference set for 3/22/2022 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 03/14/2022)
03/21/2022	<u>314</u>	MOTION to Vacate <i>Trial Date</i> , MOTION to Exclude <i>Time under the Speedy Trial Act</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 03/21/2022)
03/22/2022	<u>315</u>	STATUS REPORT <i>BIGGS PRETRIAL DETENTION STATUS REPORT: BRIEF HISTORY, TRAVELOGUE AND CURRENT CONDITIONS</i> by JOSEPH R. BIGGS (Hull, John) Modified text to remove unassociated defendants on 3/30/2022 (zltp). (Entered: 03/22/2022)
03/22/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment/Status Conference as to JOSEPH R. BIGGS (2) as to Counts 1s, 2s, 3s, 4s-5s, and 6s-7s and CHARLES DONOHOE (4) as to Counts 1s, 2s, 3s, 4s-5s, and 6s-7s and DOMINIC J. PEZZOLA (6) as to Counts 1, 2, 3, 4-5, 6-7, and 8 held on 3/22/2022. Case called for Arraignment/Status Conference as to ENRIQUE TARRIO (5), but for the reasons stated on the record, Arraignment not held. ALL defendants appeared by video. Plea of NOT GUILTY entered by JOSEPH R. BIGGS (2) as to Counts 1s, 2s, 3s, 4s-5s, and 6s-7s and by CHARLES DONOHOE (4) as to Counts 1s, 2s, 3s, 4s-5s, and 6s-7s and by DOMINIC J. PEZZOLA (6) as to Counts 1, 2, 3,



		4-5, 6-7, and 8. Speedy Trial Excludable (XT) started 3/22/2022 through 4/5/2022, in the interest of justice, as to JOSEPH R. BIGGS (2), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Any response to Government's <u>314</u> MOTION to Vacate <i>Trial Date</i> due by 3/25/2022. Any reply by the government due by 3/29/2022. VTC Arraignment as to Defendant TARRIO (5) set for 3/30/2022 at 10:00AM. VTC Status Conference for ALL defendants set for 4/5/2022 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 2-Remains Committed, 4-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Ira Knight and Lisa S. Costner, 5-Nayib Hassan and Sabino Jauregui, 6-Martin Harold Tankleff; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 03/22/2022)
03/24/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). At the status conference held on Wednesday, March 23, 2022, for Defendants Ethan Nordean and Zachary Rehl, the Court granted the Government's oral motion for an extension of time to file a reply in support of its <u>314</u> motion. Thus, it is hereby ORDERED that the Government shall file any reply in support of its <u>314</u> motion by March 30, 2022. Signed by Judge Timothy J. Kelly on 3/24/2022. (lctjk1) (Entered: 03/24/2022)
03/24/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4): Defendants Nordean, Biggs, Rehl, and Donohoe have orally opposed the Government's <u>314</u> Motion to Vacate Trial Date. It is hereby ORDERED that these Defendants shall file by tomorrow, March 25, 2022, in addition to any written opposition to the motion they may file, a status report representing whether they would be prepared to go forward with trial on May 18, 2022, if the Court denied the Government's <u>314</u> Motion. Signed by Judge Timothy J. Kelly on 3/24/2022. (lctjk1) (Entered: 03/24/2022)
03/25/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): It is hereby ORDERED that Ms. Santha Sonenberg is appointed as a conflicts attorney to determine whether Mr. John Daniel Hull's representation of Defendant Biggs in the instant case and of Defendant Tarrio in other matters creates any conflict of interest and, if so, whether the conflict can be waived by any or all codefendants. It is further ORDERED that Ms. Sonenberg shall file a status report by April 7, 2022, proposing a deadline for her to submit a final report and recommendation. Signed by Judge Timothy J. Kelly on 3/25/2022. (lctjk1) (Entered: 03/25/2022)
03/25/2022	<u>317</u>	Second STATUS REPORT <i>UPDATED JOE BIGGS PRETRIAL DETENTION STATUS REPORT</i> by JOSEPH R. BIGGS (Hull, John) (Entered: 03/25/2022)
03/25/2022		Set/Reset Deadlines as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): Ms. Sonenberg's status report due by 4/7/2022. (zkh) (Entered: 03/25/2022)
03/25/2022	<u>319</u>	Memorandum in Opposition by JOSEPH R. BIGGS re <u>314</u> MOTION to Vacate <i>Trial Date</i> MOTION to Exclude <i>Time under the Speedy Trial Act</i> <i>DEFENDANT BIGGS OPPOSITION TO GOVERNMENT MOTION TO VACATE</i> (Hull, John) (Entered: 03/25/2022)
03/30/2022	<u>327</u>	REPLY in Support by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>314</u> MOTION to Vacate <i>Trial Date</i> MOTION to Exclude <i>Time under the Speedy Trial Act</i> (Kenerson, Erik) (Entered: 03/30/2022)



04/05/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 4/5/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. Presence waived for defendants NORDEAN (1), REHL (3), and DONOHUE (4). For the reasons stated on the record, order to be entered by the court vacating the current Jury Selection/Trial set for May 18, 2022. Speedy Trial Excludable (XT) started 4/5/2022 through 4/21/2022, in the interest of justice, as to ALL defendants. VTC Status Conference set for 4/21/2022 at 2:00 PM before Judge Timothy J. Kelly. Discovery due by 6/17/2022. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Nancy Meyer; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 4-Ira Knight and Lisa S. Costner, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Luke Matthew Jones, Erik Michael Kenerson, and Jason Bradley Adam McCullough. (zkh) (Entered: 04/05/2022)
04/06/2022	<u>332</u>	STATUS REPORT <i>Regarding Due Date for Report and Recommendation</i> by SANTHA SONENBERG as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Sonenberg, Santha) (Entered: 04/06/2022)
04/06/2022	<u>333</u>	TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, CHARLES DONOHUE before Judge Timothy J. Kelly held on 5-4-21; Page Numbers: 1-24; Date of Issuance: 4-6-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>  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.  <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a> .  Redaction Request due 4/27/2022. Redacted Transcript Deadline set for 5/7/2022. Release of Transcript Restriction set for 7/5/2022.(Miller, Timothy) (Entered: 04/06/2022)
04/07/2022	<u>334</u>	NOTICE <i>of Trial Availability</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Smith, Nicholas) (Entered: 04/07/2022)
04/12/2022	<u>338</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>314</u> Motion to Vacate Trial Date and to Exclude Time Under the Speedy Trial Act. See Order for details. Signed by Judge

		Timothy J. Kelly on 4/12/2022. (lctjk1) (Entered: 04/12/2022)
04/13/2022		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4), ENRIQUE TARRIO(5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/13/2022)
04/13/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): Upon consideration of Ms. Sonenberg's <u>332</u> Status Report, it is hereby ORDERED that Ms. Sonenberg shall submit her final conflicts report and recommendation by June 30, 2022. It is further ORDERED that in order to complete her report, Ms. Sonenberg is authorized to have direct communication with Joseph Biggs and Enrique Tarrio, who are represented parties under Rule of Professional Conduct 4.2. Accordingly, the Pretrial Services Agency is authorized to disclose contact information for both of these defendants to Ms. Sonenberg. Signed by Judge Timothy J. Kelly on 4/13/2022. (lctjk1) (Entered: 04/13/2022)
04/13/2022		Set/Reset Deadlines as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): Final conflicts report and recommendation due by 6/30/2022. (zkh) (Entered: 04/13/2022)
04/15/2022	<u>340</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE before Judge Timothy J. Kelly held on 1-11-22; Page Numbers: 1-59; Date of Issuance: 4-15-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/6/2022. Redacted Transcript Deadline set for 5/16/2022. Release of Transcript Restriction set for 7/14/2022.(Miller, Timothy) (Entered: 04/15/2022)</p>
04/21/2022	<u>345</u>	Third STATUS REPORT <i>UPDATED BIGGS JAIL CONDITIONS STATUS REPORT SHU AND TRIAL PREP ISSUES</i> by JOSEPH R. BIGGS (Hull, John) (Entered: 04/21/2022)
04/21/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 4/21/2022. Appearance by ALL defendants WAIVED. Scheduling order to be entered by the court. Speedy Trial Excludable (XT) started 4/21/2022 through 5/19/2022, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). VTC Control Status Hearing set for 5/19/2022 at 2:00 PM before Judge Timothy J. Kelly. VTC Pretrial Conference/Motion Hearing set for 7/13/2022 at 10:00 AM before

		Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 8/8/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–David Benjamin Smith and Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorney: Luke Matthew Jones, Erik Michael Kenerson, and Jason Bradley Adam McCullough. (zkh) (Entered: 04/21/2022)
04/22/2022	<u>346</u>	<b>VACATED PURSUANT TO ORDER FILED 6/24/2022.....</b> SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 4/22/2021. (lctjk1) Modified to vacate on 6/24/2022 (zkh). (Entered: 04/22/2022)
04/22/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Because Defendants in this case made their initial appearances in different district courts across the country, it is not clear based on the docket that the Government was given the warnings the Due Process Protections Act requires. Thus, pursuant to the Due Process Protections Act, the Court hereby 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 Timothy J. Kelly on 4/22/2022. (lctjk1) (Entered: 04/22/2022)
04/22/2022		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Joint Pretrial Statement due by 7/6/2022. (zkh) (Entered: 04/22/2022)
04/28/2022		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): VTC Discovery Hearing set for 5/2/2022 at 3:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/28/2022)
04/28/2022	<u>347</u>	TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 4–21–22; Page Numbers: 1–79; Date of Issuance: 4–28–22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354–3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>  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.  <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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



		<p>includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 5/19/2022. Redacted Transcript Deadline set for 5/29/2022. Release of Transcript Restriction set for 7/27/2022.(Miller, Timothy) (Entered: 04/28/2022)</p>
04/29/2022	<u>348</u>	<p>NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> 2/18/2022 Letter (All Defendants), # <u>2</u> 2/21/2022 Letter (All Defendants), # <u>3</u> 3/1/2022 Letter (All Defendants), # <u>4</u> 3/1/2022 Letter (All Defendants), # <u>5</u> 3/2/2022 Letter (All Defendants), # <u>6</u> 3/2/2022 Letter (All Defendants), # <u>7</u> 3/4/2022 Letter (All Defendants), # <u>8</u> 3/14/2022 Letter (All Defendants), # <u>9</u> 4/7/2022 Letter (All Defendants), # <u>10</u> 4/13/2022 Letter (All Defendants), # <u>11</u> 4/20/2022 Letter (Tarrío, Pezzola), # <u>12</u> 4/21/2022 Letter (All Defendants), # <u>13</u> 4/22/2022 Letter (All Defendants), # <u>14</u> 4/28/2022 Letter (All Defendants))(Jones, Luke) (Entered: 04/29/2022)</p>
05/02/2022		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Discovery Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 5/2/2022. Defendants NORDEAN (1), BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of REHL (3) was WAIVED. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Luke Matthew Jones, Erik Michael Kenerson, Jason Bradley Adam McCullough, and Emily Miller; USMS: Derek Haywood, Charles Miracle, and Lamont Ruffin. (zkh) (Entered: 05/02/2022)</p>
05/13/2022	<u>355</u>	<p>NOTICE OF WITHDRAWAL OF APPEARANCE <i>of Assistant U.S. Attorney Luke M. Jones</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Jones, Luke) (Entered: 05/13/2022)</p>
05/13/2022	<u>356</u>	<p>NOTICE OF ATTORNEY APPEARANCE Nadia Moore appearing for USA. (Moore, Nadia) (Entered: 05/13/2022)</p>
05/13/2022	<u>357</u>	<p>NOTICE OF ATTORNEY APPEARANCE Conor Mulroe appearing for USA. (Mulroe, Conor) (Entered: 05/13/2022)</p>
05/19/2022	<u>363</u>	<p>MOTION for Order to USMS to Provide Laptop Computer by JOSEPH R. BIGGS. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Hull, John) Modified text to remove unassociated defendants on 5/19/2022 (zltp). (Entered: 05/19/2022)</p>
05/19/2022		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Control Status Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 5/19/2022. Defendants NORDEAN (1), BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of REHL (3) was WAIVED. Oral argument heard on Defendant REHL's 344 MOTION to Compel, and taken under advisement. Speedy Trial Excludable (XT) started 5/19/2022 through 6/2/2022, in the interest of justice, as</p>



		to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). VTC Control Status Hearing set for 6/2/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Erik Michael Kenerson, Jason Bradley Adam McCullough, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/19/2022)
05/19/2022	<u>365</u>	MOTION for Order Order Directing the Government to Identify Brady Material by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 05/19/2022)
05/25/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): It is hereby ORDERED that, at the June 2, 2022, status conference, the parties shall be prepared to address a potential motion from Defendant Pezzola to substitute his counsel. Signed by Judge Timothy J. Kelly on 5/25/2022. (lctjk1) (Entered: 05/25/2022)
06/02/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Control Status Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/2/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of NORDEAN (1) and REHL (3) was WAIVED. Oral Motion by Defendants BIGGS (2), REHL (3), and PEZZOLA (6) to join Defendant NORDEAN's <u>365</u> MOTION for Order Directing the Government to Identify Brady Material, heard and GRANTED. Speedy Trial Excludable (XT) started 6/2/2022 through 6/9/2022, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). VTC Motion Hearing set for 6/9/2022 at 2:30 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Nadia Moore. (zkh) (Entered: 06/02/2022)
06/03/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): It is hereby ORDERED that, for the reasons explained on the record at the status conference yesterday, the time period from June 2, 2022, until June 9, 2022, is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 et seq. The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and Defendants in a speedy trial under 18 U.S.C. § 3161(h)(7)(A), for the reasons explained on the record, specifically the Government's ongoing production of voluminous discovery to Defendants. In addition, the Court finds that the period is part of a "reasonable period of delay" when the defendants are "joined for trial with a codefendant as to whom the time for trial as not run and no motion for severance has been granted." 18 U.S.C. § 3161(h)(6). Signed by Judge Timothy J. Kelly on 6/3/2022. (lctjk1) (Entered: 06/03/2022)

06/06/2022	<u>380</u>	THIRD SUPERSEDING INDICTMENT as to ETHAN NORDEAN (1) count(s) 1ss, 2sss, 3sss, 4sss, 5sss, 6sss-7sss, 8sss-9sss, JOSEPH R. BIGGS (2) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss-7ss, 8ss-9ss, ZACHARY REHL (3) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss-7ss, 8ss-9ss, ENRIQUE TARRIO (5) count(s) 1s, 2s, 3s, 4s, 5s, 6s-7s, 8s-9s, DOMINIC J. PEZZOLA (6) count(s) 1s, 2s, 3s, 4s, 5s, 6s-7s, 8s-9s, 10s. (zltp) (Entered: 06/08/2022)
06/07/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) denying as moot Biggs's <u>363</u> Motion for Order to USMS to Provide Laptop Computer. It is hereby ORDERED that, for the reasons explained on the record during the June 2, 2022 status conference, Biggs's motion is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 6/7/2022. (lctjk1) (Entered: 06/07/2022)
06/07/2022	<u>379</u>	REPLY TO OPPOSITION to Motion by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>365</u> MOTION for Order Order Directing the Government to Identify Brady Material (Smith, Nicholas) (Entered: 06/07/2022)
06/09/2022	<u>385</u>	MOTION for Leave to File <i>Sur Reply</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> United States Sur Reply in re ECF 379)(McCullough, Jason) (Entered: 06/09/2022)
06/09/2022	<u>386</u>	MOTION to Join Defendant Tarrio's Motion to Change Venue re 349 MOTION to Change Venue by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hull, John) Modified event type on 6/10/2022 (zltp). (Entered: 06/09/2022)
06/09/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to JOSEPH R. BIGGS (2) as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, and 9ss and as to ENRIQUE TARRIO (5) as to Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, and 9s and as to DOMINIC J. PEZZOLA (6) as to Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, and 10s held on 6/9/2022. ALL Defendants appeared by video. Plea of NOT GUILTY entered by JOSEPH R. BIGGS (2) as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, and 9ss, and by ENRIQUE TARRIO (5) as to Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, and 9s, and by DOMINIC J. PEZZOLA (6) as to Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, and 10s. Bond Status of Defendants: 2-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 2-John Daniel Hull, IV, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough and Conor Mulroe. (zkh) (Entered: 06/09/2022)
06/09/2022	<u>387</u>	Joint MOTION to Modify <i>Scheduling Order</i> by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hull, John) (Entered: 06/09/2022)
06/09/2022	<u>388</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>387</u> Joint MOTION to Modify <i>Scheduling Order</i> (McCullough, Jason) (Entered: 06/09/2022)
06/09/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/9/2022.

		Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearances of NORDEAN (1) and REHL (3) were WAIVED. Oral argument heard and taken under advisement as to defendant NORDEAN's <u>365</u> MOTION for Order Directing the Government to Identify Brady Material. Oral Motion by defendant REHL to renew his 344 MOTION to Compel. Speedy Trial Excludable (XT) started 6/9/2022 through 6/16/2022, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Government Response to 377 MOTION due by 6/13/2022. Defendant REHL's Reply due by 6/15/2022. VTC Control Status Hearing set for 6/16/2022 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough and Conor Mulroe. (zkh) (Entered: 06/10/2022)
06/10/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) granting Defendant's <u>386</u> Motion to Join Defendant Tarrio's Motion to Change Venue at ECF No. 349 . It is hereby ORDERED that, for good cause shown, Defendant's motion is GRANTED. It is further ORDERED that Biggs may join Tarrio's 349 motion. It is further ORDERED that Biggs must file any "additional points and authorities" by June 13, 2022, and the Government must file any response by June 20, 2022. Signed by Judge Timothy J. Kelly on 6/10/2022. (lctjk1) (Entered: 06/10/2022)
06/10/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Before the Court is the parties' <u>387</u> <u>388</u> request to modify the Court's scheduling order. Before the Court rules on that request, it must consider the nature of the pretrial motions the parties anticipate filing, and whether any such motion will require testimony to resolve. Thus, it is hereby ORDERED that the Government and each Defendant shall file, jointly or separately, by tomorrow, June 11, 2022, a status report or reports indicating what pretrial motions each party anticipates filing and whether the motion will require testimony. Signed by Judge Timothy J. Kelly on 6/10/2022. (lctjk1) (Entered: 06/10/2022)
06/11/2022	<u>393</u>	STATUS REPORT <i>Regarding Motions</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Kenerson, Erik) (Entered: 06/11/2022)
06/12/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The parties <u>387</u> <u>388</u> request that the Court modify its scheduling order in this case. But before it ruled on that request, the Court ordered the parties to file, jointly or separately, by yesterday, June 11, 2022, a status report or reports indicating what pretrial motions each party anticipates filing and whether the motion will require testimony. Only the Government and Tarrio have filed such a status report. It is hereby ORDERED that the <u>387</u> <u>388</u> request is HELD IN ABEYANCE until Defendants Nordean, Biggs, Rehl, and Pezzola comply with this Court's order. Signed by Judge Timothy J. Kelly on 6/12/2022. (lctjk1) (Entered: 06/12/2022)
06/12/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6)



		granting in part Defendant Biggs's <u>387</u> Joint Motion to Modify Scheduling Order. Based on Defendant Rehl's representation, <i>see</i> ECF No. 394 , that all Defendants joined Defendant Tarrio's 392 Joint Status Report, and for good cause shown, it is hereby ORDERED that the <u>387</u> motion is GRANTED IN PART. It is further ORDERED that the following dates set forth in the Government's <u>388</u> response to the motion, and agreed to by all parties, shall govern: Pretrial motions, including motions to suppress and motions in limine, shall be filed by June 29, 2022; oppositions to the motions shall be filed by July 11, 2022; and replies shall be filed by July 18, 2022. The Joint Pretrial Statement, <i>see</i> ECF No. <u>346</u> , shall be filed by July 20, 2022. The parties shall appear for a motions hearing and pretrial conference on July 27, 2022, at 11:00 a.m. in a courtroom to be determined. Finally, jury selection and trial shall commence on August 8, 2022, at 9:00 a.m. It is further ORDERED that if, contrary to Defendant Rehl's representation and the Court's understanding, Defendant Tarrio's 392 Joint Status Report does not represent the position of all Defendants, then any such Defendant shall so advise the Court immediately. Signed by Judge Timothy J. Kelly on 6/12/2022. (lctjk1) (Entered: 06/12/2022)
06/14/2022	<u>396</u>	ENTERED IN ERROR.....NOTICE OF ATTORNEY APPEARANCE: Norman A Pattis appearing for JOSEPH R. BIGGS (Pattis, Norman) Modified on 6/17/2022 (zltp). (Entered: 06/14/2022)
06/14/2022	<u>397</u>	NOTICE OF ATTORNEY APPEARANCE: Norman A Pattis appearing for JOSEPH R. BIGGS (Pattis, Norman) (Entered: 06/14/2022)
06/14/2022	<u>399</u>	Unopposed MOTION for Leave to File <i>Supplement on Change of Trial Venue</i> by JOSEPH R. BIGGS. (Attachments: # <u>1</u> Supplement)(Hull, John) (Entered: 06/14/2022)
06/14/2022		NOTICE OF ERROR as to JOSEPH R. BIGGS regarding <u>396</u> Notice of Attorney Appearance – Defendant. The following error(s) need correction: Incorrect court header. Corrected Notice of Attorney Appearance re–filed as docket entry <u>397</u> . (zltp) (Entered: 06/17/2022)
06/15/2022	<u>400</u>	<p>TRANSCRIPT OF STATUS CONFERENCE (held remotely via Zoom) in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before the Honorable Timothy J. Kelly held on 04/05/2022. Page Numbers: 1–43. Date of Issuance: 06/12/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by going to <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 7/6/2022. Redacted Transcript Deadline set for 7/16/2022. Release of Transcript Restriction set for 9/13/2022.(Meyer, Nancy) (Entered: 06/15/2022)</p>



		06/15/2022)
06/15/2022	<u>402</u>	<p>TRANSCRIPT OF DISCOVERY CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 5-2-22; Page Numbers: 1-66; Date of Issuance: 6-15-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 7/6/2022. Redacted Transcript Deadline set for 7/16/2022. Release of Transcript Restriction set for 9/13/2022.(Miller, Timothy) (Entered: 06/15/2022)</p>
06/16/2022		<p>MINUTE ORDER as to JOSEPH R. BIGGS (2) granting Biggs's <u>399</u> Consent Motion to File Supplement to Motion to Change Venue One Day Late. It is hereby ORDERED that, for good cause shown, Biggs's motion is GRANTED. It is further ORDERED that the Clerk of Court shall docket ECF No. 399-1 as Biggs's Supplement to 349 Motion to Change Venue. It is further ORDERED that the Government shall respond to the supplement by June 21, 2022. Signed by Judge Timothy J. Kelly on 6/16/2022. (lctjk1) (Entered: 06/16/2022)</p>
06/16/2022	<u>403</u>	<p>MOTION to Continue <i>Trial</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 06/16/2022)</p>
06/16/2022	<u>404</u>	<p>RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>403</u> MOTION to Continue <i>Trial</i> (Attachments: # <u>1</u> Exhibit Letter Dated June 15, 2022)(McCullough, Jason) (Entered: 06/16/2022)</p>
06/16/2022		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Control Status Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/16/2022. Defendants NORDEAN (1), BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearance of REHL (3) was WAIVED. VTC Motion Hearing set for 6/22/2022 at 1:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough and Nadia Moore. (zkh) (Entered: 06/16/2022)</p>
06/16/2022	<u>406</u>	

		SUPPLEMENT by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 349 MOTION to Change Venue (zltp) (Entered: 06/17/2022)
06/17/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): As discussed on the record yesterday, it is hereby ORDERED that any responses to Biggs and Pezzola's <u>403</u> Motion to Continue, including any related requests to sever, shall be filed by Monday, June 20, 2022. It is further ORDERED that any responses to those filings shall be filed by Tuesday, June 21, 2022. Signed by Judge Timothy J. Kelly on 6/17/2022. (lctjk1) (Entered: 06/17/2022)
06/17/2022	<u>407</u>	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> 5/12/22 letter, # <u>2</u> 6/17/22 letter)(Mulroe, Conor) (Entered: 06/17/2022)
06/20/2022	<u>409</u>	RESPONSE by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>403</u> MOTION to Continue <i>Trial</i> (Smith, Nicholas) (Entered: 06/20/2022)
06/21/2022	<u>413</u>	RESPONSE by USA as to JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO re <u>399</u> Unopposed MOTION for Leave to File <i>Supplement on Change of Trial Venue</i> , 384 MOTION for Joinder (Kenerson, Erik) (Entered: 06/21/2022)
06/21/2022	<u>414</u>	REPLY in Support by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>403</u> MOTION to Continue <i>Trial</i> (McCullough, Jason) (Entered: 06/21/2022)
06/21/2022	<u>415</u>	REPLY TO OPPOSITION to Motion by JOSEPH R. BIGGS re <u>403</u> MOTION to Continue <i>Trial Nordean/Tarrío/Rehl</i> (Hull, John) (Entered: 06/21/2022)
06/22/2022	<u>416</u>	RESPONSE by ENRIQUE TARRIO as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>403</u> MOTION to Continue <i>Trial</i> (Jauregui, Sabino) (Entered: 06/22/2022)
06/22/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 6/22/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearances of NORDEAN (1) and REHL (3) were WAIVED. For the reasons stated on the record, Defendant BIGGS' <u>403</u> MOTION to Continue is GRANTED. Order to be entered by the court. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough and Conor Mulroe. (zkh) (Entered: 06/22/2022)
06/22/2022	<u>418</u>	MOTION for Extension of Time to File <i>Report and Recommendation</i> by SANTHA SONENBERG as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Sonenberg,

		Santha) (Entered: 06/22/2022)
06/24/2022	<u>419</u>	MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting Biggs and Pezzola's <u>403</u> Motion to Continue Trial. See Order for details. Signed by Judge Timothy J. Kelly on 6/24/2022. (lctjk1) (Entered: 06/24/2022)
06/24/2022		Set/Reset Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Jury Selection/Trial set to commence on 12/12/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. (zkh) (Entered: 06/24/2022)
06/24/2022		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 06/24/2022)
06/24/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5) granting Santha Sonenberg's <u>418</u> Motion for Extension of Time Within Which To File Report an Recommendation. It is hereby ORDERED that, for good cause shown, Ms. Sonenberg's motion is GRANTED. It is further ordered that she shall file her report and recommendation by September 2, 2022. Signed by Judge Timothy J. Kelly on 6/24/2022. (lctjk1) (Entered: 06/24/2022)
06/29/2022	<u>420</u>	Joint STATUS REPORT <i>AND PROPOSED PRETRIAL SCHEDULE</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Text of Proposed Order)(McCullough, Jason) (Entered: 06/29/2022)
06/29/2022	<u>423</u>	ERRATA by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>420</u> Status Report filed by USA (McCullough, Jason) (Entered: 06/29/2022)
07/06/2022	<u>426</u>	SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 7/6/2022. (lctjk1) (Entered: 07/06/2022)
07/07/2022		Set/Reset Deadlines/Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Motions due by 8/19/2022. Responses due by 9/2/2022. Replies due by 9/12/2022. Motion in Limine due by 10/14/2022. Prior Convictions/Objections due by 10/28/2022. Proposed Jury Instructions/Verdict Form due by 10/28/2022. Pretrial Statement due by 10/28/2022. VTC Motion Hearings set for 9/29/2022 at 9:30 AM and 10/28/2022 at 9:30 AM before Judge Timothy J. Kelly. In Person Motion Hearing set for 11/14/2022 at 9:30 AM in Courtroom 11 before Judge Timothy J. Kelly. In Person Pretrial Conference/Motion Hearing set for 11/18/2022 at 9:30 AM in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 07/07/2022)
07/15/2022	<u>429</u>	TRANSCRIPT OF MOTION HEARING in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 6-9-22; Page Numbers: 1-85; Date of Issuance: 7-15-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u>



		<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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 8/5/2022. Redacted Transcript Deadline set for 8/15/2022. Release of Transcript Restriction set for 10/13/2022.(Miller, Timothy) (Entered: 07/15/2022)</p>
08/01/2022	<u>431</u>	MOTION for Release of Brady Materials by ENRIQUE TARRIO. (Hassan, Nayib) (Entered: 08/01/2022)
08/19/2022	<u>439</u>	MOTION to Dismiss Case <i>on First Amendment Grounds</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 08/19/2022)
08/25/2022	<u>444</u>	MOTION for Extension of Time to File Response/Reply as to <u>439</u> MOTION to Dismiss Case <i>on First Amendment Grounds</i> , <u>442</u> MOTION to Dismiss Count <i>Two and Count Three</i> , <u>437</u> MOTION to Dismiss Count <i>One, Two and Four</i> , <u>443</u> MOTION to Dismiss Count <i>One Failure to State an Offense, as Unconstitutionally Vague and under the Rule of Lenity</i> , <u>434</u> MOTION to Dismiss Count <i>One, Two, Three, Four, Five, Seven, Eight, and Nine of the Third Superseding Indictment and, in the Alternative, Motion for a Bill of Particulars</i> , <u>440</u> MOTION to Dismiss Case <i>for a Violation of the Presentment Clause of the Fifth Amendment</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 08/25/2022)
08/26/2022	<u>446</u>	MOTION for Joinder <i>MOTION TO JOIN NORDEAN MOTION TO DISMISS AT ECF 434</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 08/26/2022)
08/29/2022	<u>447</u>	MOTION for Joinder <i>MOTION TO JOIN ZACHARY REHL MOTION TO DISMISS ON FIRST AMENDMENT GROUNDS AT ECF 439</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 08/29/2022)
08/31/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) granting Defendants' <u>446</u> <u>447</u> Motions for Joinder. It is hereby ORDERED that, for good cause shown, Defendants' motions are GRANTED. Signed by Judge Timothy J. Kelly on 8/31/2022. (lctjk1) (Entered: 08/31/2022)
09/04/2022	<u>451</u>	MOTION for Joinder <i>BIGGS MOTION TO JOIN TARRIO BRADY MOTION AT ECF 431</i> by JOSEPH R. BIGGS. (Hull, John) Modified text to include linkage on 9/13/2022 (zltf). (Entered: 09/04/2022)
09/07/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) granting Defendant's <u>451</u> Motion for Joinder. It is hereby ORDERED that, for good cause shown, Defendant's motion is GRANTED. Signed by Judge Timothy J. Kelly on 9/7/2022. (lctjk1) Modified to correct typos on 9/7/2022 (zkh). (Entered: 09/07/2022)



09/07/2022	<u>454</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO re <u>439</u> Motion to Dismiss Case, 442 Motion to dismiss count(s), 437 Motion to dismiss count(s), 443 Motion to dismiss count(s), 434 Motion to dismiss count(s), 440 Motion to Dismiss Case (Attachments: # <u>1</u> Exhibit A – Jury Instructions)(Kenerson, Erik) (Entered: 09/07/2022)
09/07/2022	<u>455</u>	MOTION for Leave to File Excess Pages by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 09/07/2022)
09/08/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and ENRIQUE TARRIO (5) treating as opposed and granting the Government's <u>455</u> Motion for Leave to File Excess Pages re the United States' Response to Defendants' Motions to Dismiss Part or All of the Third Superseding Indictment. It is hereby ORDERED that, nunc pro tunc and for good cause shown, the Government's motion is GRANTED. Signed by Judge Timothy J. Kelly on 9/8/2022. (lctjk1) (Entered: 09/08/2022)
09/08/2022		<b>VACATED PURSUANT TO ORDER FILED 9/8/2022.....</b> MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): It is hereby ORDERED that Ms. Sonenberg's <u>450</u> Ex Parte Report and Recommendation be unsealed to counsel for these Defendants only. The Clerk of Court is directed to unseal ECF No. 450 to counsel for these Defendants only. It is further ORDERED that, by September 16, 2022, Ms. Sonenberg and Defense counsel shall, either jointly or separately, submit to the Court, at Kelly_Chambers@dcd.uscourts.gov, a version of Ms. Sonenberg's <u>450</u> Report and Recommendation with any proposed redactions so that a redacted version may be filed on the pubic docket. Signed by Judge Timothy J. Kelly on 9/8/2022. (lctjk1) Modified to vacate order on 9/9/2022 (zkh). (Entered: 09/08/2022)
09/08/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): Upon further consideration of Ms. Sonenberg's <u>450</u> Ex Parte Report and Recommendation, the Court hereby VACATES its previous September 8, 2022 Minute Order ordering the Clerk of Court to unseal ECF No. 450 to defense counsel for Biggs and Tarrio. Rather, it is ORDERED that by September 12, 2022, Ms. Sonenberg shall file under seal a redacted version of her <u>450</u> Report and Recommendation that the Court may order unsealed for counsel as to these defendants only. Signed by Judge Timothy J. Kelly on 9/8/2022. (lctjk1) (Entered: 09/08/2022)
09/14/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): As reflected in the <u>426</u> Scheduling Order, the Court will hear argument on various motions on September 29, 2022 and October 28, 2022, via videoconference. The Court understands that, despite the efforts of the parties and the Court, certain Defendants may not be able to appear remotely due to the policies or logistical limitations at their respective detention facilities. Counsel for each Defendant are hereby ORDERED to contact the Courtroom Deputy ten days before either hearing if they do not agree to waive their clients' presence for the hearing, should he be unable to appear remotely. Signed by Judge Timothy J. Kelly on 9/14/2022. (lctjk1) Modified to correct grammatical error on 9/14/2022 (zkh). (Entered: 09/14/2022)
09/15/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and ENRIQUE TARRIO (5) denying without prejudice Defendants' <u>431</u> Motion for Release of Brady Materials. On September 12, 2022, the Court heard argument on Defendant Tarrio's <u>431</u> Motion for Release of Brady Materials, which Defendants

		Biggs and Rehl have joined. For the reasons discussed at the hearing, it is hereby ORDERED that the motion is DENIED WITHOUT PREJUDICE. Also, as discussed at the hearing, it is further ORDERED that Defendant may file, under seal, a follow-up motion addressing the specific materials he seeks from the Government. Signed by Judge Timothy J. Kelly on 9/15/2022. (lctjk1) (Entered: 09/15/2022)
09/15/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2): It is hereby ORDERED that Ms. Sonenberg's <u>459</u> Ex Parte Report and Recommendation be unsealed for Defendant Biggs only. The Clerk of Court is directed to unseal ECF No. 459 for Defendant Biggs only. It is further ORDERED that, by September 22, 2022, Defendant Biggs shall submit to the Court, at Kelly_Chambers@dcd.uscourts.gov, a version of Ms. Sonenberg's <u>459</u> Report and Recommendation with any further proposed redactions so that one redacted version may be filed on the public docket. Signed by Judge Timothy J. Kelly on 9/15/2022. (lctjk1) (Entered: 09/15/2022)
09/21/2022	<u>464</u>	MOTION for Extension of Time to <i>Comply with September 15 Order Re: Sonenberg Conflicts Report and Recommendation</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 09/21/2022)
09/22/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5) granting Defendant Biggs's <u>464</u> Motion for Extension of Time and granting in part and denying in part Defendant Tarrio's 465 Motion for Extension of Time. It is hereby ORDERED that, for good cause shown, Defendant Biggs's <u>464</u> motion to extend the deadline to comply with the Court's September 15, 2022, order to submit further redactions to Ms. Sonenberg's <i>ex parte</i> Report and Recommendation is GRANTED. It is further ORDERED that Defendant Tarrio's 465 motion for the same is GRANTED to the extent he seeks an extension past September 22, 2022, and DENIED to the extent he seeks a September 29, 2022, deadline. It is further ORDERED that both Biggs and Tarrio shall submit proposed redactions to their respective versions of Ms. Sonenberg's report to the Court at Kelly_Chambers@dcd.uscourts.gov by September 27, 2022. Signed by Judge Timothy J. Kelly on 9/22/2022. (lctjk1) Modified to correct defendant's number on 9/22/2022 (zkh). (Entered: 09/22/2022)
09/29/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 9/29/2022. Defendants BIGGS (2), TARRIO (5), and PEZZOLA (6) appeared by video. The appearances of NORDEAN (1) and REHL (3) were waived. Oral arguments heard on Motions to Dismiss, and taken under advisement. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Lisa Bankins; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, Nadia Moore, and James Pearce. (zkh) (Entered: 09/29/2022)
09/29/2022	<u>470</u>	Consent MOTION for Extension of Time to <i>Update District of Columbia Jury Prejudice Data for Motion to Change Venue</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 09/29/2022)
10/03/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), AND DOMINIC J. PEZZOLA (6) granting Defendants' <u>470</u> Consent Motion for an Extension of Time. It is hereby ORDERED that, <i>nunc pro tunc</i> and for good cause shown, Defendants' motion is

		GRANTED. It is further ORDERED that Defendants shall file any supplement to the motion to change venue, ECF No. 349, by October 10, 2022. It is further ORDERED that the Government shall file any response by October 21, 2022, and Defendants shall reply by October 24, 2022. The October 28, 2022, hearing on the motion to change venue will proceed as scheduled. Signed by Judge Timothy J. Kelly on 10/3/2022. (lctjk1) (Entered: 10/03/2022)
10/07/2022	<u>474</u>	REDACTED REPORT AND RECOMMENDATION as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5) Regarding Single Attorney's Representation of One Defendant in a Criminal Case and of a Co-Defendant in Substantially Related Matters. Signed by Judge Timothy J. Kelly on 10/7/2022. (lctjk1) Modified to add defendant names on 10/7/2022 (zkh). (Entered: 10/07/2022)
10/07/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): Upon consideration of the <u>474</u> Redacted Report and Recommendation filed by court-appointed conflicts counsel Santha Sonenberg, it is hereby ORDERED that Ms. Sonenberg shall provide the Court with recommendations for independent counsel for each defendant by October 14, 2022. It is further ORDERED that parties shall file any response to the <u>474</u> Report and Recommendation by October 14, 2022. Signed by Judge Timothy J. Kelly on 10/7/2022. (lctjk1) (Entered: 10/07/2022)
10/07/2022	<u>475</u>	MOTION in Limine to <i>Admit Statements</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Mulroe, Conor) (Entered: 10/07/2022)
10/07/2022	<u>476</u>	NOTICE of <i>Expert Witness</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Expert Notice)(Kenerson, Erik) (Entered: 10/07/2022)
10/10/2022	<u>477</u>	SUPPLEMENT by JOSEPH R. BIGGS re <u>386</u> MOTION for Joinder <i>re: Motion to Transfer Venue</i> (Attachments: # <u>1</u> Exhibit Multi-District and Multi-Period Comparative Community Attitude Study)(Hull, John) (Entered: 10/10/2022)
10/13/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5): Upon consideration of the <u>474</u> Report and Recommendation by court-appointed conflicts counsel Santha Sonenberg, it is hereby ORDERED that the following attorneys are appointed as independent conflicts counsel for each defendant: Mr. Sebastian Norton shall be conflicts counsel for Joseph R. Biggs and Professor Ronald S. Sullivan shall be conflicts counsel for Enrique Tarrío. Ms. Sonenberg shall provide a copy of this order to each conflicts counsel, and each conflicts counsel shall advise his client on the potential issues presented by Mr. Hull's representation in this case. It is further ORDERED that the parties shall appear for a status conference to address conflicts issues on November 14, 2022, at 1:00 p.m. in Courtroom 11. It is further ORDERED that, by November 7, 2022, Ms. Sonenberg shall file, <i>ex parte</i> and under seal, proposed colloquies for Mr. Hull, Defendant Biggs, and Defendant Tarrío. Signed by Judge Timothy J. Kelly on 10/13/2022. (lctjk1) (Entered: 10/13/2022)
10/13/2022	<u>481</u>	NOTICE OF ATTORNEY APPEARANCE: Sebastian Marks Norton appearing for JOSEPH R. BIGGS (Norton, Sebastian) (Entered: 10/13/2022)
10/14/2022	<u>488</u>	MOTION for Extension of Time to <i>BIGGS MOTION FOR 3 DAY EXTENSION OF 10142022 SUBMISSIONS DEADLINE DUE TO DEPARTMENT OF VETERANS AFFAIRS BENEFITS</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 10/14/2022)
10/14/2022	<u>489</u>	



		First MOTION in Limine <i>to exclude proposed government exhibits</i> by ETHAN NORDEAN. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Smith, Nicholas) (Entered: 10/14/2022)
10/14/2022	<u>494</u>	MOTION in Limine ( <i>Omnibus</i> ) by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Mulroe, Conor) (Entered: 10/14/2022)
10/14/2022	<u>495</u>	MOTION in Limine <i>to Preclude Governments Use Against Him of Statements Protected by the First Amendment</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 10/14/2022)
10/15/2022	<u>496</u>	Amended MOTION for Extension of Time to <i>MOTION FOR 3-DAY EXTENSION OF 10/14/2022 SUBMISSIONS DEADLINE DUE TO DEPARTMENT OF VETERANS AFFAIRS BENEFITS HEARING AND OTHER EVENTS IMPEDING PRETRIAL COMPLIANCE</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 10/15/2022)
10/16/2022	<u>497</u>	MOTION to Clarify <i>Motion to Clarify December 2022 Trial Schedule</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 10/16/2022)
10/17/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) treating as opposed and granting Defendant's <u>488</u> and <u>496</u> Motion and Amended Motion for Extension of Time. It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that Defendant's motions are GRANTED. It is further ORDERED that Defendant shall file any pretrial motions formerly due by October 14, 2022, by October 17, 2022. The Government shall file any responses by October 24, 2022, and Defendant shall file any replies by November 7, 2022. Signed by Judge Timothy J. Kelly on 10/17/2022. (lctjk1) Modified to add defendant number on 10/17/2022 (zkh). (Entered: 10/17/2022)
10/17/2022	<u>498</u>	MOTION to Exclude " <i>Expert</i> " Testimony of ADL Activist Oren Segal by JOSEPH R. BIGGS. (Hull, John) (Entered: 10/17/2022)
10/21/2022	<u>502</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO to <u>477</u> <i>Supplement to Motion to Change Venue</i> (Attachments: # <u>1</u> Exhibit 1 – Excerpt of Transcript, # <u>2</u> Exhibit 2 – Jury Questionnaire from United States v. Rhodes, et. al.)(Kenerson, Erik) (Entered: 10/21/2022)
10/28/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 10/28/2022. Defendant TARRIO (5) appeared by video. The appearances of NORDEAN (1), BIGGS (2), REHL (3), and PEZZOLA (6) were waived. Oral argument heard on Defendants' 349 MOTION to Change Venue, and taken under advisement. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Remains Committed, 5–Remains Committed, 6–Remains Committed; Court Reporter: Nancy Meyer; Defense Attorneys: 1–Nicholas D. Smith, 2–Norman A Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Conor Mulroe. (zkh) (Entered: 10/28/2022)
10/28/2022	<u>511</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>498</u> Motion to Exclude, 490 Motion in Limine (McCullough, Jason) (Entered: 10/28/2022)



10/28/2022	<u>512</u>	REPLY TO OPPOSITION to Motion by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>475</u> MOTION in Limine to <i>Admit Statements</i> (McCullough, Jason) (Entered: 10/28/2022)
10/28/2022	<u>515</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 491 MOTION in Limine to <i>Exclude Proposed Government Exhibits</i> , <u>489</u> First MOTION in Limine to <i>exclude proposed government exhibits</i> (Attachments: # <u>1</u> Exhibit 1 – August exhibits transmittal email, # <u>2</u> Exhibit 2 – August Preliminary Exhibit List (redacted))(Mulroe, Conor) (Entered: 10/28/2022)
11/01/2022		<b>ENTERED IN ERROR.....</b> MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): On December 5, 2022, potential jurors will appear for a special panel in this case. Pursuant to the U.S. District Court for the District of Columbia's Jury Selection Plan, the Court will authorize the Clerk, "[e]xcept where the Clerk believes an exercise of judicial discretion is necessary...to exempt and excuse persons" listed in certain categories specified in 10–14 of the Jury Selection Plan, including to excuse jurors on the grounds of "undue hardship" or "extreme inconvenience" under 28 U.S.C. § 1866(c). U.S. District Court for the District of Columbia, <i>Jury Selection Plan for the Random Selection of Grand and Petit Jurors</i> (amended May 17, 2022), <a href="https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf">https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf</a> . Should any party wish to review such requests before the Clerk's office grants them, they may file a notice so informing the Court by Wednesday, November 2, 2022. Signed by Judge Timothy J. Kelly on 11/1/2022. (lctjk1) Modified to mark as error on 11/1/2022 (zkh). (Entered: 11/01/2022)
11/01/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): On December 5, 2022, potential jurors will appear for a special panel in this case. Pursuant to the U.S. District Court for the District of Columbia's Jury Selection Plan, the Court will authorize the Clerk, "[e]xcept where the Clerk believes an exercise of judicial discretion is necessary...to exempt and excuse persons" listed in certain categories specified in &para&para 10–14 of the Jury Selection Plan, including to excuse jurors on the grounds of "undue hardship" or "extreme inconvenience" under 28 U.S.C. § 1866(c). U.S. District Court for the District of Columbia, <i>Jury Selection Plan for the Random Selection of Grand and Petit Jurors</i> (amended May 17, 2022), <a href="https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf">https://www.dcd.uscourts.gov/sites/dcd/files/D.D.C.JurySelectionPlan-20220517.pdf</a> . Should any party wish to review such requests before the Clerk's office grants them, they may file a notice so informing the Court by Wednesday, November 2, 2022. Signed by Judge Timothy J. Kelly on 11/1/2022. (lctjk1) (Entered: 11/01/2022)
11/01/2022	<u>518</u>	Joint MOTION to Dismiss Count <i>One, Two and Four of the Third Superseding Indictment and Supplement to Motion to Change Venue</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 11/01/2022)
11/04/2022	<u>520</u>	TRANSCRIPT OF MOTION HEARING (via Zoom) in the case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before the Honorable Timothy J. Kelly held on 10/28/2022. Page Numbers: 1–71. Date of Issuance: 10/31/2022. Stenographic Court Reporter:

		<p>Nancy J. Meyer. Telephone Number: 202-354-3118. Transcripts may be ordered by going to <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 11/25/2022. Redacted Transcript Deadline set for 12/5/2022. Release of Transcript Restriction set for 2/2/2023.(Meyer, Nancy) (Entered: 11/04/2022)</p>
11/04/2022	<u>522</u>	REPLY in Support by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>494</u> MOTION in Limine ( <i>Omnibus</i> ) (Mulroe, Conor) (Entered: 11/04/2022)
11/06/2022	<u>525</u>	MOTION to Compel <i>Production of Defense Witness List, Exhibit List, and Rule 16 Discovery</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 11/06/2022)
11/09/2022	<u>531</u>	MEMORANDUM OPINION AND ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) denying without prejudice Defendants' 349 Motion to Transfer Venue. See Order for details. Signed by Judge Timothy J. Kelly on 11/8/2022. (lctjk1) Modified to correct entry on 11/9/2022 (zkh). (Entered: 11/09/2022)
11/10/2022	<u>532</u>	MOTION for Joinder <i>BIGGS MOTION TO JOIN NORDEAN AND TARRIO MOTIONS RE GOVERNMENT EXHIBITS AND TO JOIN NORDEAN OPPOSITION TO GOVERNMENT MOTION TO ADMIT COCONSPIRATOR STATEMENTS</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 11/10/2022)
11/10/2022	<u>533</u>	MOTION to Dismiss Case , MOTION for Sanctions by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 11/10/2022)
11/10/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The parties shall be prepared to address the issues raised in Defendant Rehl's <u>533</u> Motion at the hearing scheduled for Monday, November 14, 2022, at 9:30 A.M. The Government shall file any written response to the motion by November 13, 2022 at noon. Signed by Judge Timothy J. Kelly on 11/10/2022. (lctjk1) (Entered: 11/10/2022)
11/11/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) granting Defendant's <u>532</u> Motion for Joinder. It is hereby ORDERED that, for good cause shown, Defendant Biggs's motion to join Defendant Nordean's motions at ECF Nos. 489 and 499 and to join in part Defendant Tarrio's Motion at ECF No. 491 is GRANTED. Signed by Judge Timothy J. Kelly on 11/11/2022. (lctjk1) (Entered: 11/11/2022)

11/14/2022	<u>540</u>	MOTION for Joinder <i>Biggs Motion for Joinder to Dismiss Case and for Sanctions and Expedited Review</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 11/14/2022)
11/14/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 11/14/2022. The appearance of Defendant TARRIO (5) was waived. Oral argument heard on defendants' <u>533</u> 534 535 536 537 and <u>540</u> MOTIONS, and taken under advisement. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Remains Committed, 6–Committed/Commitment Issued; Court Reporter: Sara Wick; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–John Daniel Hull, IV (Stand In); US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, Nadia Moore, and Jocelyn Ballantine. (zkh) (Entered: 11/14/2022)
11/14/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Conflicts Hearing as to JOSEPH R. BIGGS (2) and ENRIQUE TARRIO (5) held on 11/14/2022. Defendant TARRIO (5) appeared by video. Bond Status of Defendants: 2–Committed/Commitment Issued, 5–Remains Committed; Court Reporter: Sara Wick; Defense Attorneys: 2–John Daniel Hull, IV, Norman A. Pattis, and Sebastian Marks Norton, 5–Nayib Hassan, Sabino Jauregui, and Ronald S. Sullivan, Jr.; US Attorney: Jason Bradley Adam McCullough; Conflicts Attorney: Santha Sonenberg. (zkh) (Entered: 11/14/2022)
11/14/2022	<u>541</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>518</u> Motion to dismiss count(s), (Kenerson, Erik) (Entered: 11/14/2022)
11/15/2022		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Motion Hearing set for 11/17/2022 at 9:30 AM in Courtroom 11 before Judge Timothy J. Kelly. <b>Because this proceeding will be held in person, no public telephone access will be available. The public is welcome to attend the proceeding in the E. Barrett Prettyman U.S. Courthouse, located at 333 Constitution Avenue, NW, Washington, DC.</b> (zkh) (Entered: 11/15/2022)
11/15/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>525</u> Motion to Compel. It is hereby ORDERED that the Government's <u>525</u> Motion to Compel Witness and Exhibit Lists is GRANTED. It is further ORDERED that Defendants shall, by November 28, 2022, (1) satisfy their reciprocal discovery obligations, if any, under Rule 16(b) (except as to experts, as described in the Court's <u>426</u> Scheduling Order); (2) produce to the Government a list of exhibits they anticipate they may introduce during their case-in-chief; and (3) produce to the Government a list identifying the witnesses they anticipate they may call during their case-in-chief. Only upon leave of court and a showing of good cause will Defendants be permitted to withhold a witnesss identity. Signed by Judge Timothy J. Kelly on 11/15/2022. (lctjk1) (Entered: 11/15/2022)
11/15/2022	<u>542</u>	MOTION to Access <i>Certain Sealed Records &amp; Transcript of Sealed Motions Hearing</i> by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC



		RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Tobin, Charles) (Entered: 11/15/2022)
11/17/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 11/17/2022. The appearances of Defendants REHL (3) and TARRIO (5) were waived. Oral argument heard on Government's <u>475</u> MOTION in Limine and Defendants' <u>489</u> and 491 MOTION in Limine, and taken under advisement. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Remains Committed, 5-Remains Committed, 6-Committed/Commitment Issued; Court Reporter: Maria Weinbeck; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 11/17/2022)
11/18/2022	<u>545</u>	MOTION for Joinder <i>re: certain defense filings for pretrial conference</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 11/18/2022)
11/18/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) granting Defendant's <u>545</u> Motion for Joinder. It is hereby ORDERED that, for good cause shown, Defendant's Motion to join the motions and oppositions at ECF Nos. 490, 495, and 505 is GRANTED. Signed by Judge Timothy J. Kelly on 11/18/2022. (lctjk1) (Entered: 11/18/2022)
11/18/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Pretrial Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 11/18/2022. Defendant TARRIO (5) appeared by video. Oral argument heard on Government's <u>494</u> MOTION and on Defendants' 473 MOTION and 492 MOTION, and taken under advisement. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Remains Committed, 6-Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan, 6-Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Press Coalition Attorney: Maxwell S. Mishkin. (zkh) (Entered: 11/18/2022)
11/21/2022	<u>546</u>	Memorandum in Opposition by JOSEPH R. BIGGS re <u>494</u> Motion in Limine to <i>Government's Intention to Offer Percipient "Tool" Evidence</i> (Pattis, Norman) (Entered: 11/21/2022)
11/23/2022	<u>550</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 547 Notice (Other), <u>546</u> <i>Memorandum in Opposition</i> (Attachments: # <u>1</u> Exhibit 1 – Proposed Trial Exhibit, # <u>2</u> Exhibit 2 – Proposed Trial Exhibit, # <u>3</u> Exhibit 3 – Proposed Trial Exhibit, # <u>4</u> Exhibit 4 – Proposed Trial Exhibit, # <u>5</u> Exhibit 5 – Proposed Trial Exhibit)(Kenerson, Erik) (Entered: 11/23/2022)



11/25/2022	<u>551</u>	Joint MOTION for Extension of Time to <i>Produce Witness and Exhibit Lists</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 11/25/2022)
11/28/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) treating as opposed and granting Defendants' <u>551</u> Joint Motion to Extend Time. It is hereby ORDERED that, for good cause shown, Defendants' motion is GRANTED. It is further ORDERED that Defendants shall, by December 2, 2022, produce to the Government a list identifying the witnesses they anticipate they may call during their case-in-chief. It is further ORDERED that Defendants shall, by December 8, 2022, satisfy their reciprocal discovery obligations, if any, under Rule 16(b) and produce to the Government a list of exhibits they anticipate they may introduce during their case-in-chief. Signed by Judge Timothy J. Kelly on 11/28/2022. (lctjk1) (Entered: 11/28/2022)
11/28/2022	<u>552</u>	MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) denying Defendants' <u>518</u> Motion to Dismiss Counts One, Two, and Four. See Order for details. Signed by Judge Timothy J. Kelly on 11/28/2022. (lctjk1) (Entered: 11/28/2022)
11/29/2022	<u>556</u>	<p>TRANSCRIPT OF PRETRIAL CONFERENCE (partially sealed – with redactions) in the case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before the Honorable Timothy J. Kelly held on 11/18/2022. Page Numbers: 1–163. Date of Issuance: 11/22/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by going to <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>. 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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/20/2022. Redacted Transcript Deadline set for 12/30/2022. Release of Transcript Restriction set for 2/27/2023.(Meyer, Nancy) Modified hearing date on 11/29/2022 (znmw). (Entered: 11/29/2022)</p>
11/29/2022	<u>559</u>	MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In order to facilitate the orderly resolution of remaining pretrial matters, the Court, <i>sua sponte</i> , proposes the attached Scheduling Order, including a one–week trial continuance until December 19, 2022. See Order for details. If the Government or any Defendant objects to this proposed Scheduling Order, they shall file a notice stating their objection by November 30, 2022, at 12:00 p.m. Signed by Judge Timothy J. Kelly on 11/29/2022. (lctjk1) (Entered: 11/29/2022)

11/30/2022		Set/Reset Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): VTC Status Conference set for 12/2/2022 at 9:30 AM before Judge Timothy J. Kelly. Oral Ruling set for 12/12/2022 at 1:00 PM in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 11/30/2022)
11/30/2022	<u>561</u>	MOTION to Modify <i>Scheduling Order</i> by JOSEPH R. BIGGS. (Pattis, Norman) (Entered: 11/30/2022)
11/30/2022	<u>562</u>	SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 11/30/2022. (lctjk1) (Entered: 11/30/2022)
12/02/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 12/2/2022. The appearance of ALL Defendants was WAIVED. Defense Submissions due by 12/5/2022. Government Responses due by 12/7/2022. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 5-Remains Committed, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/02/2022)
12/02/2022	<u>565</u>	MOTION to Access <i>Trial Exhibits</i> by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Tobin, Charles) (Entered: 12/02/2022)
12/02/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting in part Defendant Rehl's oral motion for extension of Defendants' deadline to disclose their witness lists. "[D]istrict court judges enjoy wide discretion in managing the discovery process," including "the latitude to set deadlines" and "resolve disputes." <i>Shatsky v. Syrian Arab Republic</i> , 312 F.R.D. 219, 223 (D.D.C. 2015). The Court previously ordered Defendants to provide their witness list to the Government and the Court by today, December 2, 2022, to assist in the <i>voir dire</i> process. The Court finds that such purpose can be accomplished by receiving their witness list by December 16, 2022. Thus, the Court ORDERS that Defendants shall disclose to the Government a list identifying the witnesses they may call during their case-in-chief by December 16, 2022. It is further ORDERED that Defendants shall, at the same time, provide their list to the Court at Kelly_Chambers@dcd.uscourts.gov. Finally, it is further ORDERED that the Government shall provide its witness list to the Court at Kelly_Chambers@dcd.uscourts.gov by December 3, 2022, for inclusion in the Juror Questionnaire. Signed by Judge Timothy J. Kelly on 12/2/2022. (lctjk1) (Entered: 12/02/2022)

		12/02/2022)
12/03/2022	<u>566</u>	<p>TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 12-2-22; Page Numbers: 1-80; Date of Issuance: 12-3-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></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><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 12/24/2022. Redacted Transcript Deadline set for 1/3/2023. Release of Transcript Restriction set for 3/3/2023.(Miller, Timothy) (Entered: 12/03/2022)</p>
12/05/2022	<u>569</u>	MOTION to Dismiss Case by ENRIQUE TARRIO. (Jauregui, Sabino) (Entered: 12/05/2022)
12/05/2022	<u>570</u>	MOTION for Joinder <i>Biggs Motion to Join Tarrio Motion to Dismiss Case at ECF 569</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 12/05/2022)
12/06/2022		MINUTE ORDER as to JOSEPH R. BIGGS (2) granting Defendant's <u>570</u> Motion for Joinder. It is hereby ORDERED that, for good cause shown, Defendant's motion is GRANTED. Signed by Judge Timothy J. Kelly on 12/6/2022. (lctjk1) (Entered: 12/06/2022)
12/07/2022	<u>577</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 558 MOTION for Order for Lesser-Included Offense Instruction on Section1512(d)(1) (Kenerson, Erik) (Entered: 12/07/2022)
12/09/2022	<u>582</u>	Second MOTION to Change Venue <i>and/or Expand Venire</i> by ENRIQUE TARRIO. (Jauregui, Sabino) (Entered: 12/09/2022)
12/10/2022	<u>584</u>	MOTION Join and Supplement Defendant Tarrio's Motion to Dismiss (ECF No 572) and Defendant Rehl's Motion to Dismiss (ECF No 581) by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) Modified event types on 12/29/2022 (zltp). Modified on 1/5/2023 (ztnr). (Entered: 12/10/2022)
12/11/2022	<u>585</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) denying Defendants' 434 , 437 , <u>439</u> , 440 , 442 , 443 , and 473 Motions to Dismiss. See Order for details. Signed by Judge Timothy J. Kelly on 12/11/2022. (lctjk1) (Entered: 12/11/2022)



12/11/2022	<u>586</u>	MEMORANDUM OPINION as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6) in support of <u>585</u> Order denying Defendants' 434 , 437 , <u>439</u> , 440 , 442 , 443 , and 473 Motions to Dismiss. Signed by Judge Timothy J. Kelly on 12/11/2022. (lctjk1) (Entered: 12/11/2022)
12/11/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the motions filed last week, including those filed on December 9, 2022, it is hereby ORDERED that the hearing scheduled for December 12, 2022 at 1:00 p.m. is CONTINUED until December 14, 2022 at 9:30 a.m. in Courtroom 11. It is further ORDERED that the parties shall be prepared to address the motions filed last week at the hearing. The Court will also rule on the pending motions <i>in limine</i> at that time. Signed by Judge Timothy J. Kelly on 12/11/2022. (lctjk1) (Entered: 12/11/2022)
12/13/2022	<u>588</u>	MOTION for Joinder <i>Biggs Motion for Joinder Re ECF 582 and Transfer of Trial to Eastern District of Virginia</i> , MOTION to Change Venue to U.S. District Court for the Eastern District of Virginia by JOSEPH R. BIGGS. (Hull, John) (Entered: 12/13/2022)
12/13/2022	<u>589</u>	Memorandum in Opposition by USA as to JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO re <u>588</u> Motion for Joinder, Motion to Change Venue, <u>582</u> Motion to Change Venue, 583 Motion for Miscellaneous Relief (Moore, Nadia) (Entered: 12/13/2022)
12/13/2022	<u>591</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Trial is set to commence in this matter on December 19, 2022. The attached Order sets forth various schedule, location, seating, access, media, masking, and other logistics. See Order for details. Signed by Judge Timothy J. Kelly on 12/13/2022. (lctjk1) (Entered: 12/13/2022)
12/14/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Oral Ruling/Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 12/14/2022. For the reasons stated on the records, the ruling on ECF <u>475</u> is RESRVED, ECF <u>489</u> is GRANTED in part, DENIED in part, and RESERVED ruling in part, ECF 491 is GRANTED in part, DENIED in part, and RESERVED ruling in part, ECF 492 is DENIED, ECF <u>494</u> is GRANTED in part and RESERVED ruling in part, ECF <u>495</u> is DENIED, ECF 567 is DENIED, ECF <u>582</u> is DENIED without prejudice, and ECF <u>588</u> is DENIED without prejudice. Bond Status of Defendant:s 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorney:s 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/14/2022)
12/15/2022	<u>592</u>	Joint MOTION to Clarify <i>that Opening Statements Will Be Made on or After January 3, 2023 (Government Joins Relief Sought by Motion)</i> by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Smith, Nicholas) (Entered: 12/15/2022)



12/16/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the parties' <u>592</u> Joint Motion for Clarification. For the reasons discussed on the record at the December 14, 2022, hearing, it is hereby ORDERED that opening statements in this matter will begin no earlier than January 3, 2023. Signed by Judge Timothy J. Kelly on 12/16/2022. (lctjk1) (Entered: 12/16/2022)
12/19/2022	<u>594</u>	<p>REDACTED TRANSCRIPT OF ORAL RULING &amp; STATUS CONFERENCE in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 12-14-22; Page Numbers: 1-169; Date of Issuance: 12-19-22; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 1/9/2023. Redacted Transcript Deadline set for 1/19/2023. Release of Transcript Restriction set for 3/19/2023.(Miller, Timothy) (Entered: 12/19/2022)</p>
12/19/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s, held on 12/19/2022. Jury Selection begun and continued to 12/20/2022 at 10:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/19/2022)
12/19/2022	<u>595</u>	TRIAL PROCEDURES ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 12/19/2022. (lctjk1) (Entered: 12/19/2022)
12/20/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s, held on

	<p>12/20/2022. Jury Selection resumed and continued to 12/21/2022 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/20/2022)</p>
12/21/2022	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/21/2022. Jury Selection resumed and continued to 12/22/2022 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorney: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/21/2022)</p>
12/22/2022	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/22/2022. Jury Selection resumed and continued to 12/23/2022 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/22/2022)</p>
12/23/2022	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 12/23/2022. Jury Selection resumed and continued to 1/3/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 12/23/2022)</p>
12/28/2022	

		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the pace of jury selection, it is hereby ORDERED that the Court's <u>595</u> Trial Procedures Order is amended as follows: the parties shall provide any exhibits, charts, summaries, or demonstratives intended for use in connection with their opening statements to all counsel no later than January 2, 2023 at 1:00 p.m. Any objection to any party's proposed use of an exhibit, chart, summary, or demonstrative in their opening statement must be submitted to the Court for resolution by January 3, 2023. Signed by Judge Timothy J. Kelly on 12/28/2022. (lctjk1) (Entered: 12/28/2022)
12/28/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): It is hereby ORDERED that by December 29, 2022, the Government shall produce to the Defendants, via USAfx, copies of all exhibits provided to the Court. It is further ORDERED that, by January 4, 2023, the Government shall produce one hard copy set of the same to any Defendant who so requests. Defense counsel are encouraged to confer about the possibility of sharing hard copy sets so as to minimize the number of sets that must be reproduced. Signed by Judge Timothy J. Kelly on 12/28/2022. (lctjk1) (Entered: 12/28/2022)
12/30/2022		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the parties' submissions at ECF Nos. 607 and 608, the Court's December 28, 2022 Minute Order requiring the Government to produce hard copy binders of its exhibits to defense counsel is hereby temporarily STAYED. It is further ORDERED that the parties shall appear for trial at 8:45 a.m. on Tuesday, January 3, 2023 to discuss this and other outstanding matters. Signed by Judge Timothy J. Kelly on 12/30/2022. (lctjk1) (Entered: 12/30/2022)
01/02/2023	<u>617</u>	Joint MOTION To Join Pezzola Motion to Increase Peremptory Strikes to Obtain Fair Jury by JOSEPH R. BIGGS. (Hull, John) (Entered: 01/02/2023)
01/02/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) treating as opposed and granting in part Defendants' 616 Joint Motion for Extension of Time. Upon consideration of Defendants' joint motion and the issues surrounding the Government's exhibit numbering conventions, it is hereby ORDERED that Defendants' motion is GRANTED in part. It is further ORDERED that Defendants shall, by January 6, 2023, furnish the Court with two sets of binders containing their exhibit lists and copies of their premarked exhibits. Signed by Judge Timothy J. Kelly on 1/2/2023. (lctjk1) (Entered: 01/02/2023)
01/03/2023		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Defendants' Exhibit Lists and copies of premarked exhibits due by 1/6/2023. (zkh) (Entered: 01/03/2023)
01/03/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s, held on 1/3/2023. Jury Selection resumed and continued to 1/4/2023 at 8:45 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued,



		3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/03/2023)
01/04/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/4/2023. Jury Selection resumed and continued to 1/5/2023 at 8:45 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/04/2023)
01/05/2023	<u>625</u>	MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and ENRIQUE TARRIO (5) denying Defendants' <u>569</u> , 572 , 581 , 611 , and 612 motions to dismiss and for other relief. See Order for details. Signed by Judge Timothy J. Kelly on 1/5/2023. (lctjk1) (Entered: 01/05/2023)
01/05/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/5/2023. For the reasons stated on the record, Defendant PEZZOLA's 598 MOTION for Additional Defense Peremptory Challenges, heard and DENIED. Jury Selection resumed and continued to 1/6/2023 at 8:45 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/05/2023)
01/06/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/6/2023. Jury Selection resumed and continued to 1/9/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis,



		3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/06/2023)
01/07/2023	<u>627</u>	ENTTERED IN ERROR.....MOTION to Quash by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (English, Gregory) Modified on 1/17/2023 (zltf). (Entered: 01/07/2023)
01/07/2023		NOTICE OF ERROR as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA regarding <u>627</u> MOTION to Quash . The following error(s) need correction: Leave to file not yet requested and/or granted. Counsel has been contacted with further instructions. (zltf) (Entered: 01/17/2023)
01/08/2023	<u>628</u>	Emergency MOTION Norman A. Pattis Motion for Order to Remain Member of DDC Federal Court by JOSEPH R. BIGGS. (Hull, John) (Entered: 01/08/2023)
01/09/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/9/2023. Jury Selection resumed and continued to 1/10/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller and Lisa Edwards; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/09/2023)
01/09/2023	<u>629</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re <u>628</u> Motion for Miscellaneous Relief (McCullough, Jason) (Entered: 01/09/2023)
01/10/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/10/2023. Jury Selection resumed and continued to 1/11/2023 at 09:00 AM in Courtroom 24A– In Person before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/10/2023)
01/11/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts

		1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s, held on 1/11/2023. Jury Selection resumed and continued to 1/12/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/11/2023)
01/12/2023		MINUTE ORDER: The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations all meals for said jury shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Approved by Judge Timothy J. Kelly on 1/12/2023. (zkh) (Entered: 01/12/2023)
01/12/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Selection/Trial resumed and held on 1/12/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Twelve (12) jurors and three (3) alternates selected and sworn. Jury Trial begun and continued to 1/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 01/12/2023)
01/13/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/17/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Lisa Edwards; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. Government Witness: Inspector Thomas Loyd (testimony begun and continued). (zkh) (Entered: 01/13/2023)
01/17/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/17/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/18/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status

	of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Inspector Thomas Loyd (testimony resumed and concluded). (zkh) (Entered: 01/17/2023)
01/18/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/18/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/19/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Nicholas Kaiser (testimony begun and concluded), MPD Investigator Joshua Koble (testimony begun and concluded), USSS Agent Lenelle Hawa (testimony begun and continued). (zkh) (Entered: 01/18/2023)
01/19/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/19/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/20/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: USSS Agent Lenelle Hawa (testimony resumed and concluded) and Nicholas Quested (testimony begun and continued). (zkh) (Entered: 01/19/2023)
01/20/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/20/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Initial filings by parties due by 5:00PM on 1/21/2023. Any Responses due by 1:00PM on 1/22/2023. Jury Trial continued to 1/23/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued,



		5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Nicholas Quested (testimony resumed and continued). (zkh) (Entered: 01/20/2023)
01/20/2023		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), AND DOMINIC J. PEZZOLA (6): Filings due by 1/21/2023. Responses due by 1/22/2023. (zkh) (Entered: 01/20/2023)
01/21/2023	<u>641</u>	MOTION to Exclude <i>Hearsay</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (McCullough, Jason) (Entered: 01/21/2023)
01/23/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/23/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: Nicholas Quested (testimony resumed and concluded) and FBI Special Agent Timothy Klapac (testimony begun and concluded). (zkh) (Entered: 01/23/2023)
01/24/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/25/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Matthew Greene (testimony begun and continued). (zkh) (Entered: 01/24/2023)
01/25/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/25/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to

		1/26/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. Government Witness: Matthew Greene (testimony resumed and continued). (zkh) (Entered: 01/25/2023)
01/26/2023		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The Jury Trial currently set for 1/26/2023 is <b>RESCHEDULED</b> for 1/30/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. (zkh) (Entered: 01/26/2023)
01/27/2023	<u>652</u>	NOTICE of Attorney Appearance by HENDRICK BLOCK as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 1/27/2023. (zltp) (Entered: 02/01/2023)
01/27/2023	<u>653</u>	MOTION for Leave to File by HENDRICK BLOCK as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 1/27/2023. (Attachments: # <u>1</u> Text of Proposed Order for Leave to File, # <u>2</u> Motion to Quash Subpoena, # <u>3</u> Text of Proposed Order to Quash Subpoena)(zltp) (Entered: 02/01/2023)
01/27/2023	<u>696</u>	MOTION to Quash by HENDRICK BLOCK as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 1/27/2023. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) (Entered: 03/14/2023)
01/28/2023	<u>644</u>	MOTION to Exclude <i>Improper Impeachment</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Kenerson, Erik) (Entered: 01/28/2023)
01/28/2023	<u>646</u>	MOTION in Limine to <i>Admit Telegram Exhibits</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Mulroe, Conor) (Entered: 01/28/2023)
01/30/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/30/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 1/31/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore;

		Government Witnesses: Matthew Greene (testimony resumed and concluded) and FBI Special Agent Kathryn Camiliere (testimony begun and continued). (zkh) (Entered: 01/30/2023)
01/31/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 1/31/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/1/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Kathryn Camiliere (testimony resumed and continued). (zkh) (Entered: 01/31/2023)
02/01/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/1/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/2/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Lorraine Herman; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Kathryn Camiliere (testimony resumed and concluded) and FBI Special Agent Elizabeth DeAngelo (testimony begun and continued). (zkh) (Entered: 02/01/2023)
02/02/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/2/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/6/2023 at 11:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Elizabeth DeAngelo (testimony resumed and concluded), FBI Special Agent Anne Borgertpoepping (testimony begun and concluded), and USCP Officer Shae Cooney (testimony begun and concluded). (zkh)



		(Entered: 02/02/2023)
02/06/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/6/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Defendant PEZZOLA (6) NOT PRESENT (appearance waived). Jury panel not present. Oral argument heard and taken under advisement. Jury Trial continued to 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 02/06/2023)
02/07/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/7/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/8/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: USCP Officer Shae Cooney (testimony begun and concluded), Former USCP Officer Mark Ode (testimony begun and concluded), and FBI Sr. Digital Forensic Examiner Jennifer "Kate" Cain (testimony begun and continued). (zkh) (Entered: 02/07/2023)
02/08/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/8/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/9/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Lisa Edwards (AM) and Jan Dickman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Sr. Digital Forensic Examiner Jennifer "Kate" Cain (testimony resumed and concluded) and FBI Special Agent Peter Dubrowski (testimony begun and continued). (zkh) (Entered: 02/08/2023)
02/09/2023		

	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/9/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/10/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/09/2023)
02/10/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/10/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/10/2023)
02/10/2023	MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the discussion on the record at the close of today's proceedings, it is hereby ORDERED that any Defendant who seeks to admit any portion of Government's Exhibit 613 on cross-examination of Special Agent Dubrowski shall identify those portions for the Government and the Court, via Kelly_Chambers@dcd.uscourts.gov, by February 12, 2023 at 12:00 noon, so that the Court may prepare to rule on their admissibility. Signed by Judge Timothy J. Kelly on 2/10/2023. (lctjk1) (Entered: 02/10/2023)
02/13/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/14/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui,

		6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/13/2023)
02/14/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/14/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/15/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/14/2023)
02/15/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/15/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/16/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Peter Dubrowski (testimony resumed and continued). (zkh) (Entered: 02/15/2023)
02/16/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/16/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Jury panel not present. For the reasons stated on the record, Defendant's 648 MOTION For Mistrial is DENIED. Jury Trial continued to 2/21/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 02/16/2023)
02/21/2023		



	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/21/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/22/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Peter Dubrowski (testimony resumed and concluded) and Jeremy Bertino (testimony begun and continued). (zkh) (Entered: 02/21/2023)
02/22/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/22/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/23/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and continued). (zkh) (Entered: 02/22/2023)
02/23/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/23/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Jury panel not present. Jury Trial continued to 2/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 02/23/2023)
02/24/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/27/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status

	of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and continued). (zkh) (Entered: 02/24/2023)
02/27/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 2/28/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lorraine Herman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and continued). (zkh) (Entered: 02/27/2023)
02/28/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 2/28/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/1/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Lisa Edwards (AM) and Maria Weinbeck (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: Jeremy Bertino (testimony resumed and concluded). (zkh) (Entered: 02/28/2023)
03/01/2023	Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/1/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/2/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam

		McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: Jason McIntyre (testimony begun and concluded) and USCP Officer David Riggleman (testimony begun and continued). (zkh) (Entered: 03/01/2023)
03/02/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/2/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/6/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Lorraine Herman (AM) and Maria Weinbeck (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: USCP Officer David Riggleman (testimony begun and concluded), Kevin McCumber (testimony begun and concluded), and Edgar C. Tippet (testimony begun and concluded). (zkh) (Entered: 03/02/2023)
03/03/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of evidentiary disputes raised on March 2, 2023 and upon consideration of the parties' joint proposal, it is hereby ORDERED that the parties shall meet and confer on the disputes at issue by Sunday, March 5, 2023. It is further ORDERED that the jury trial scheduled for Monday, March 6, 2023 is CONVERTED to a motions hearing at 10:00 a.m. in Courtroom 24. It is further ORDERED that trial will resume on Tuesday, March 7, 2023. Signed by Judge Timothy J. Kelly on 3/3/2023. (lctjk1) (Entered: 03/03/2023)
03/05/2023	<u>676</u>	MOTION for Order to Impose Additional Trial Procedures by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (McCullough, Jason) (Entered: 03/05/2023)
03/06/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/6/2023. Oral argument heard and taken under advisement. Jury Trial to resume on 3/7/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/06/2023)
03/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of Mr. Eddie Block's <u>653</u> and Mr. Kenny Lizardo's <u>651</u> motions to quash defendants' subpoenas, the latter of which is filed under seal, it is hereby ORDERED that, by March 9, 2023, any defendant intending to question either movant



	<p>shall file, <i>ex parte</i> and under seal, a proffer outlining the information the defendant intends to elicit from the movant. It is further ORDERED that, also by March 9, 2023, the Government shall file the same, <i>ex parte</i> and under seal, outlining information on which it would anticipate cross examining each movant. It is further ORDERED that, by the same date, both Mr. Block and Mr. Lizardo shall file, <i>ex parte</i> and under seal, a proffer outlining the factual basis supporting their Fifth Amendment privilege claims. Finally, it is further ORDERED that Mr. Block shall appear for a VTC hearing, <i>ex parte</i> and under seal, at 11:00 a.m. on Friday, March 10, 2023, and Mr. Lizardo shall appear for the same at 12:00 p.m. Signed by Judge Timothy J. Kelly on 3/7/2023. (lctjk1) (Entered: 03/07/2023)</p>
03/07/2023	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/7/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/8/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony begun and continued). (zkh) (Entered: 03/07/2023)</p>
03/08/2023	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/8/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/9/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and continued). (zkh) (Entered: 03/08/2023)</p>
03/09/2023	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/9/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Jury panel not present. Oral argument heard, including examination of witness, and taken under advisement. Jury Trial continued to 3/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense</p>

		Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller. (zkh) (Entered: 03/09/2023)
03/10/2023	<u>685</u>	MOTION to Continue <i>Deadline for Filings Regarding Scope of Cross–Examination</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Kenerson, Erik) (Entered: 03/10/2023)
03/10/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) treating as opposed and granting the Government's <u>685</u> Motion to Continue. It is hereby ORDERED that, for good cause shown, the Government's <u>685</u> motion to continue the deadline for filings regarding the scope of cross–examination of Special Agent Miller is GRANTED. It is further ORDERED that any party wishing to file any briefing related to the scope of cross–examination, per the Court's instruction on the record on March 9, 2023, shall do so by March 12, 2023 at 12:00 noon. Signed by Judge Timothy J. Kelly on 3/10/2023. (lctjk1) (Entered: 03/10/2023)
03/10/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the Government's <u>676</u> Motion for Order to Impose Additional Trial Procedures, it is hereby ORDERED that any Defendant who objects to the <u>676</u> motion shall file his opposition by Wednesday, March 15, 2023. Signed by Judge Timothy J. Kelly on 3/10/2023. (lctjk1) (Entered: 03/10/2023)
03/12/2023	<u>687</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA <i>to Court's Order Regarding Scope of Examination Filings</i> (Attachments: # <u>1</u> Exhibit A – Trulincs Login Banner)(Kenerson, Erik) (Entered: 03/12/2023)
03/12/2023	<u>690</u>	NOTICE of Corrected Brief by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Exhibit 1 – Corrected Brief, # <u>2</u> Exhibit A – Trulincs Login Banner)(Kenerson, Erik) (Entered: 03/12/2023)
03/13/2023	<u>695</u>	MOTION FOR COURT TO GIVE ON A DAILY BASIS ADMONITION TO JURORS RE: OUTSIDE COMMUNICATIONS, RESEARCH AND MEDIA by JOSEPH R. BIGGS. (Hull, John) (Entered: 03/13/2023)
03/13/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/14/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam

		McCullough, Erik Michael Kenerson, and Conor Mulroe; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and continued). (zkh) (Entered: 03/13/2023)
03/14/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6) denying as moot Eddie Block's <u>696</u> Motion to Quash his subpoena. Mr. Block's counsel has represented that the <u>696</u> motion is withdrawn. Thus, it is hereby ORDERED that it is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 3/14/2023. (lctjk1) (Entered: 03/14/2023)
03/14/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/14/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/15/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and continued). (zkh) (Entered: 03/14/2023)
03/15/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/15/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/16/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: FBI Special Agent Nicole Miller (testimony resumed and concluded). (zkh) (Entered: 03/15/2023)
03/16/2023	<u>702</u>	ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>676</u> Motion for Additional Trial Procedures. See Order for details. Signed by Judge Timothy J. Kelly on 3/16/2023. (lctjk1) (Entered: 03/16/2023)
03/16/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/16/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to



		3/17/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Jan Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witnesses: FBI Special Agent Peter Dubrowski (recall testimony begun and concluded) and USCP Officer Marc Carrion (testimony begun and continued). (zkh) (Entered: 03/16/2023)
03/17/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/17/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/20/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Government Witness: USCP Officer Marc Carrion (testimony resumed and concluded). (zkh) (Entered: 03/17/2023)
03/20/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/20/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Government rests its case–in–chief. Oral motion by ALL Defendants for Rule 29 Judgment of Acquittal, HEARD and ruling RESERVED. Jury Trial continued to 3/21/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witnesses: Michael Emanuel (Graves) (testimony begun and concluded) and Travis Nugent (testimony begun and concluded). (zkh) (Entered: 03/20/2023)
03/21/2023	<u>714</u>	MEMORANDUM ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting Kenneth Lizardo's <u>712</u> Motion to Quash his trial subpoena. See Order for details. Signed by Judge Timothy J. Kelly on 3/21/2023. (lctjk1) (Entered: 03/21/2023)
03/21/2023		

		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/21/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/22/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witness: Henrick Edward Block (testimony begun and continued). (zkh) (Entered: 03/22/2023)
03/22/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/22/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/23/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witness: Henrick Edward Block (testimony resumed and concluded). (zkh) (Entered: 03/22/2023)
03/22/2023	<u>716</u>	ENTERED IN ERROR.....MOTION TO COMPEL DISCLOSURE OF ALL FBI INTERVIEW REPORTS AND ALL DOJ MEMOS RELATING TO THE RECORDING AND REPORTING OF THE DEFENSE TEAM by ZACHARY REHL as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hernandez, Carmen) Modified on 3/22/2023 (zltp). (Entered: 03/22/2023)
03/22/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of Defendant Rehl's 717 Motion to Compel, which Rehl represents his codefendants join, it is hereby ORDERED that the Government shall file any response by 9:00 a.m. on March 23, 2023. Signed by Judge Timothy J. Kelly on 3/22/2023. (lctjk1) (Entered: 03/22/2023)
03/22/2023		NOTICE OF ERROR as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA regarding <u>716</u> MOTION TO COMPEL DISCLOSURE OF ALL FBI INTERVIEW REPORTS AND ALL DOJ MEMOS RELATING TO THE RECORDING AND REPORTING OF THE DEFENSE TEAM . The following error(s): Incorrect document/case/district. Counsel refiled amended motion as docket entry 717 . (zltp) (Entered: 03/22/2023)

03/22/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of Defendant Rehl's 717 Motion to Compel and the parties' proposals, the Government's deadline to respond to the motion is hereby EXTENDED to 1:00 p.m. tomorrow, March 23, 2023. It is further ORDERED that the jury trial scheduled for tomorrow, March 23, is CONVERTED to a motions hearing at 3:00 p.m. in Courtroom 24. It is further ORDERED that the trial will resume on Friday, March 24, 2023. Signed by Judge Timothy J. Kelly on 3/22/2023. (lctjk1) (Entered: 03/22/2023)
03/23/2023	<u>719</u>	MOTION to Access to the March 23, 2023 Hearing by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Attachments: # <u>1</u> Text of Proposed Order)(Tobin, Charles) (Entered: 03/23/2023)
03/23/2023	<u>721</u>	<p>TRANSCRIPT OF Jury Trial in case as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA before Judge Timothy J. Kelly held on 3/20/23; Page Numbers: 14509 – 14724. Date of Issuance:3/23/23. Court Reporter/Transcriber Stacy Heavenridge, Telephone number 2023543243, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> 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 <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 4/13/2023. Redacted Transcript Deadline set for 4/23/2023. Release of Transcript Restriction set for 6/21/2023.(Heavenridge, Stacy) (Entered: 03/23/2023)</p>
03/23/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/23/2023. Jury Trial set to resume on 3/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley



		Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/23/2023)
03/23/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): In light of the discussion on the record at today's hearing, it is hereby ORDERED that any Defendant with factual information that may aid the Court's resolution of the parties' dispute shall proffer that information--under seal and, if appropriate, <i>ex parte</i> --to the Court by 7:00 a.m. on March 24, 2023. Signed by Judge Timothy J. Kelly on 3/23/2023. (lctjk1) (Entered: 03/23/2023)
03/24/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/27/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Lisa Edwards; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Tarrío Witness: George Mesa (Ash Barkoziba)(testimony begun and continued). (zkh) (Entered: 03/24/2023)
03/27/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/28/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Jan Dickman; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Tarrío Witnesses: George Mesa (Ash Barkoziba) (testimony resumed and concluded) and Fernando Alonzo (testimony begun and concluded). (zkh) (Entered: 03/27/2023)
03/28/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/28/2023. Case called for Jury Trial but not held. Defendant REHL (3) NOT PRESENT. Jury panel not present. Jury Trial set to resume 3/29/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Remains Committed, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley

		Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/28/2023)
03/29/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/29/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/30/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Nordean Witness: Aaron (testimony begun and concluded) and Defendant Rehl Witness: USCP Sgt. Blane Endale (testimony begun and concluded). (zkh) (Entered: 03/29/2023)
03/30/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 3/30/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 3/31/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witnesses: Amanda Rehl (testimony begun and concluded), Jeffery Finley (testimony begun and concluded), and Anthony Guiffre (testimony begun and concluded). (zkh) (Entered: 03/30/2023)
03/31/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 3/31/2023. Case called for Jury Trial but not held. Jury panel not present. Jury Trial set to resume 4/3/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Jan Dickman; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 03/31/2023)
04/03/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on

		Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/4/2023, at 9:00 AM in Courtroom 24A– In Person before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Janice Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Jocelyn Balentine; Defendant Rehl Witness: Demetrious Robins. (ztg) (Entered: 04/03/2023)
04/04/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/4/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/5/2023, at 9:00 AM in Courtroom 24A– In Person before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl's Witnesses: Demetrious Robins (testimony resumed and concluded), Jonathon L. Nguyen, and Henry McGill; Defendant Pezzola's Witness: Patrick Reiley. (ztg) (Entered: 04/04/2023)
04/05/2023	<u>733</u>	MOTION to Access <i>April 5, 2023 Hearing</i> by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Tobin, Charles) (Entered: 04/05/2023)
04/05/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/5/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/6/2023, at 9:00 AM in Courtroom 24A– In Person before Judge Timothy J. Kelly. Press Coalition Motion, ECF 733, heard and denied. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Janice Dickman (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam



		McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola's Witness: Lisa Magee. (ztg) Modified to correct name of witness on 4/6/2023 (ztg). (Entered: 04/05/2023)
04/06/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/6/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/11/2023, at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Lisa Edwards (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola's Witness: Steven K. Hill; Defendant Tarrio's Witness: Jaclyn Kosinski (reader of exhibits into the record). (ztg) (Entered: 04/06/2023)
04/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the D.C. Circuit's opinion in <i>United States v. Fischer</i> , No. 22-3038, any party who wishes to supplement their arguments related to the Court's proposed jury instruction for 18 U.S.C. § 1512(c)(2) in light of that opinion may do so by Monday, April 10th at 12:00 noon. Signed by Judge Timothy J. Kelly on 4/7/2023. (lctjk1) (Entered: 04/07/2023)
04/08/2023	<u>743</u>	MOTION to Dismiss Count <i>the Obstruction Counts in Light of Intervening Decision of DC Circuit</i> by ZACHARY REHL. (Attachments: # <u>1</u> Text of Proposed Order)(Hernandez, Carmen) (Entered: 04/08/2023)
04/09/2023	<u>744</u>	MOTION for Joinder <i>BIGGS MOTION TO JOIN REHL MOTION FOR DISMISSAL AT ECF 743</i> by JOSEPH R. BIGGS. (Hull, John) (Entered: 04/09/2023)
04/10/2023	<u>750</u>	RESPONSE TO ORDER OF THE COURT by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re Order,, Set Deadlines, (Attachments: # <u>1</u> Proposed Jury Instruction)(McCullough, Jason) (Entered: 04/10/2023)
04/10/2023	<u>751</u>	Memorandum in Opposition by USA as to JOSEPH R. BIGGS, ZACHARY REHL re <u>744</u> Motion for Joinder, <u>743</u> Motion to dismiss count(s) , SUPPLEMENT by USA as to JOSEPH R. BIGGS, ZACHARY REHL (McCullough, Jason) (Entered: 04/10/2023)
04/11/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/11/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/12/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy

	<p>Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witnesses: David Jones (testimony begun and concluded) and Zachary Rehl (testimony begun and continued). (zkh) (Entered: 04/11/2023)</p>
04/12/2023	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/12/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/13/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witness: Zachary Rehl (testimony resumed and continued). (zkh) (Entered: 04/12/2023)</p>
04/13/2023	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/13/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. The appearances of Defendants NORDEAN (1), BIGGS (2), and PEZZOLA (6) were WAIVED. Jury panel not present. Other trial matters addressed. Jury Trial continued to 4/17/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Remains Committed, 2–Remains Committed, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Remains Committed; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/13/2023)</p>
04/17/2023	<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/17/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/18/2023 at 9:30 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witness: Zachary Rehl (testimony resumed and continued). (zkh) (Entered: 04/17/2023)</p>

04/18/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/18/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/19/2023 at 9:15 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Rehl Witness: Zachary Rehl (testimony resumed and concluded); Defendant Pezzola Witness: Dominic J. Pezzola (testimony begun and continued). (zkh) (Entered: 04/18/2023)
04/19/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/19/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/20/2023 at 9:15 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola Witness: Dominic J. Pezzola (testimony resumed and continued). (zkh) (Entered: 04/19/2023)
04/20/2023	<u>757</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 745 Motion to Strike, Motion for Declaration of Mistrial (Kenerson, Erik) (Entered: 04/20/2023)
04/20/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/20/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. The Defense rests its case. Jury Trial continued to 4/21/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Stacy Heavenridge (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore; Defendant Pezzola Witness: Dominic J. Pezzola (testimony resumed and concluded). (zkh) (Entered: 04/20/2023)
04/21/2023		



		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/21/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Government presents a joint stipulation for its rebuttal case and then rests. Defendants' renewed oral motion for Judgment of Acquittal, HEARD and ruling RESERVED by the Court. Jury Trial continued to 4/24/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Stacy Heavenridge (AM) and Sara Wick (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/21/2023)
04/21/2023	760	MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): As discussed at the close of today's proceedings, it is hereby ORDERED that, by April 22, 2023 at 5:00 p.m., the parties shall submit a joint proposed jury instruction on the use of statements to Kelly_Chambers@dcd.uscourts.gov. The Court will not entertain further argument on any other aspect of the jury instructions. Signed by Judge Timothy J. Kelly on 4/21/2023. (lctjk1) (Entered: 04/21/2023)
04/24/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/24/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury Trial continued to 4/25/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/24/2023)
04/25/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and held on 4/25/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same twelve (12) jurors and three (3) alternates. Jury trial concluded. Three (3) alternate jurors discharged. Jury Deliberations set to commence on 4/26/2023 at 9:00 AM in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporters: Timothy Miller (AM) and Sara Wick (PM); Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam

		McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/25/2023)
04/26/2023	<u>764</u>	ATTORNEYS' ACKNOWLEDGMENT OF TRIAL EXHIBITS as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/26/2023)
04/26/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial resumed and Deliberations begun and held on 4/25/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 4/27/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Roger Roots; US Attorney: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/26/2023)
04/26/2023	<u>765</u>	Jury Note #1 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/26/2023)
04/26/2023	<u>766</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #1. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 04/26/2023)
04/26/2023	<u>767</u>	Jury Instructions as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/26/2023)
04/26/2023	<u>768</u>	Court's Response to Jury Note <u>765</u> of April 26, 2023 at 4:35 PM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 4/26/2023. (Attachments: # <u>1</u> Attachment) (zkh) (Entered: 04/27/2023)
04/27/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): The parties have each provided their respective exhibits to the jury either digitally or in hard copy. The Government has requested that it be permitted to provide certain exhibits that have already been provided to the jury digitally in hard copy as well. This request is DENIED, except insofar as the parties agree that all parties will provide copies of all the exhibits in the alternative format. Signed by Judge Timothy J. Kelly on 4/27/2023. (lctjk1) (Entered: 04/27/2023)
04/27/2023	<u>769</u>	Jury Note #2 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/27/2023)

04/27/2023	<u>770</u>	<p><b>Signature Page of Foreperson</b></p> <p>as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #2. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 04/27/2023)</p>
04/27/2023	<u>771</u>	<p>Court's Response to Jury Note <u>769</u> of April 27, 2023 at 10:20 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 4/27/2023. (zkh) (Entered: 04/27/2023)</p>
04/27/2023	<u>772</u>	<p>Jury Note #3 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 04/27/2023)</p>
04/27/2023	<u>773</u>	<p><b>Signature Page of Foreperson</b></p> <p>as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #3. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 04/27/2023)</p>
04/27/2023	<u>774</u>	<p>Court's Response to Jury Note <u>772</u> of April 27, 2023 at 11:45 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 4/27/2023. (zkh) (Entered: 04/27/2023)</p>
04/27/2023		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Trial/Deliberation resumed and held on 4/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 4/28/2023 at 1:30 PM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/27/2023)</p>
04/28/2023		<p>Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 4/27/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/1/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino</p>



		Jauregui, 6–Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 04/28/2023)
05/01/2023	<u>777</u>	Jury Note #4 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/01/2023)
05/01/2023	<u>778</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #4. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/01/2023)
05/01/2023	<u>779</u>	Jury Note #5 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/01/2023)
05/01/2023	<u>780</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #5. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/01/2023)
05/01/2023	<u>781</u>	Court's Response to Jury Note <u>779</u> of May 1, 2023 at 3:19 PM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/1/2023. (zkh) (Entered: 05/01/2023)
05/01/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 5/1/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/2/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/01/2023)
05/02/2023	<u>782</u>	Jury Note #6 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/02/2023)
05/02/2023	<u>783</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #6. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/02/2023)

05/02/2023	<u>784</u>	Jury Note #7 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/02/2023)
05/02/2023	<u>785</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #7. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/02/2023)
05/02/2023	<u>786</u>	Court's Response to Jury Note <u>782</u> of May 2, 2023 at 10:47 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/2/2023. (zkh) (Entered: 05/02/2023)
05/02/2023	<u>787</u>	Court's Response to Jury Note <u>784</u> of May 2, 2023 at 11:54 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/2/2023. (zkh) (Entered: 05/02/2023)
05/02/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 5/2/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts 1s-10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/3/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-John Daniel Hull, IV and Norman A. Pattis, 3-Carmen D. Hernandez, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/02/2023)
05/03/2023	<u>788</u>	Jury Note #8 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/03/2023)
05/03/2023	<u>789</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #8. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/03/2023)
05/03/2023	<u>790</u>	Court's Response to Jury Note <u>788</u> of May 3, 2023 at 9:11 AM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). Signed by Judge Timothy J. Kelly on 5/3/2023. (Attachments: # 1) (zkh) (Entered: 05/03/2023)
05/03/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and held on 5/3/2023 as to ETHAN NORDEAN (1) on Counts 1sss-9sss, JOSEPH R. BIGGS (2) on Counts 1ss-9ss, ZACHARY REHL (3) on Counts 1ss-9ss, ENRIQUE TARRIO (5) on Counts 1s-9s, and DOMINIC J. PEZZOLA (6) on Counts

		1s–10s. Same panel of twelve (12) jurors deliberating. Jury Deliberation continued to 5/4/2023 at 9:00 AM. Any proceedings shall take place in Courtroom 24A before Judge Timothy J. Kelly. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/03/2023)
05/04/2023	<u>792</u>	MEMORANDUM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), DOMINIC J. PEZZOLA (6) regarding the Court's evidentiary rulings. See Memorandum for details. Signed by Judge Timothy J. Kelly on 5/4/2023. (lctjk1) (Entered: 05/04/2023)
05/04/2023	<u>794</u>	Jury Note #9 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/04/2023)
05/04/2023	<u>795</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #9. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/04/2023)
05/04/2023	<u>796</u>	Jury Note #10 as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/05/2023)
05/04/2023	<u>797</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) on Jury Note #10. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/05/2023)
05/04/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Jury Deliberation resumed and concluded on 5/4/2023 as to ETHAN NORDEAN (1) on Counts 1sss–9sss, JOSEPH R. BIGGS (2) on Counts 1ss–9ss, ZACHARY REHL (3) on Counts 1ss–9ss, ENRIQUE TARRIO (5) on Counts 1s–9s, and DOMINIC J. PEZZOLA (6) on Counts 1s–10s. Same panel of twelve (12) jurors deliberating. JURY VERDICT as to ETHAN NORDEAN (1) GUILTY on Counts 1sss, 2sss, 3sss, 4sss, 5sss, and 6sss. MISTRIAL DECLARED BY COURT on Counts 7sss and 8sss. NOT GUILTY on Count 9sss. JURY VERDICT as to JOSEPH R. BIGGS (2) GUILTY on Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. MISTRIAL DECLARED BY COURT on Counts 7ss and 8ss. NOT GUILTY on Count 9ss. JURY VERDICT as to ZACHARY REHL (3) GUILTY on Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. MISTRIAL DECLARED BY COURT on Counts 7ss and 8ss. NOT GUILTY on Count 9ss. JURY VERDICT as to ENRIQUE TARRIO (5) GUILTY on Counts 1s, 2s, 3s, 4s, 5s, and 6s. MISTRIAL DECLARED BY COURT on Counts 7s and 8s. NOT GUILTY on Count 9s. JURY VERDICT as to DOMINIC J. PEZZOLA (6) GUILTY on Counts 3s, 4s, 5s, 6s, 7s, 9s, and 10s. NOT GUILTY on Count 1s. MISTRIAL DECLARED BY COURT on Counts 2s and 8s. Jury polled with unanimous verdict. All twelve (12)



		jurors discharged without any further consideration of this case. Joint Proposed Scheduling Order due by 5/11/2023. Bond Status of Defendants: 1–Committed/Commitment Issued, 2–Committed/Commitment Issued, 3–Committed/Commitment Issued, 5–Committed/Commitment Issued, 6–Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1–Nicholas D. Smith, 2–John Daniel Hull, IV and Norman A. Pattis, 3–Carmen D. Hernandez, 5–Nayib Hassan and Sabino Jauregui, 6–Steven Alan Metcalf, II; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Nadia Moore. (zkh) (Entered: 05/05/2023)
05/04/2023	<u>798</u>	EXHIBIT LIST by USA as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). All admitted exhibits sent into jury 4/26/2023 at 2:45 PM. (zkh) (Entered: 05/05/2023)
05/04/2023	<u>800</u>	EXHIBIT LIST by JOSEPH R. BIGGS (2). All admitted exhibits sent into jury 4/26/2023 at 2:45 PM. (zkh) (Entered: 05/05/2023)
05/04/2023	<u>804</u>	VERDICT FORM as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/05/2023)
05/04/2023	<u>805</u>	<b>Signature Page of Foreperson</b>  as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) in Jury Verdict. (Access to the PDF Document is restricted pursuant to the E–Government Act. Access is limited to Counsel of Record and the Court.) (zkh) (Entered: 05/05/2023)
05/05/2023		MINUTE ORDER as to JOSEPH R. BIGGS (2), ZACHARY REHL (3), and DOMINIC J. PEZZOLA (6): Before the Court discharged the jury at the close of yesterday's proceedings, counsel for Defendants Biggs, Rehl, and Pezzola sought leave to speak with the jurors after their discharge pursuant to Local Criminal Rule of Procedure 24.2(b). Upon consideration of their oral motions, it is hereby ORDERED that their request for leave to speak with the jurors in this matter is DENIED. Signed by Judge Timothy J. Kelly on 5/5/2023. (lctjk1) (Entered: 05/05/2023)
05/11/2023	<u>806</u>	NOTICE of Government's Proposed Post–Trial Schedule by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Kenerson, Erik) (Entered: 05/11/2023)
05/16/2023	<u>808</u>	SCHEDULING ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6). See Order for details. Signed by Judge Timothy J. Kelly on 5/16/2023. (lctjk1) (Entered: 05/16/2023)
05/17/2023		Terminate Deadlines and Hearings as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4), ENRIQUE TARRIO (5), AND DOMINIC J. PEZZOLA (6). (zkh) (Entered: 05/17/2023)
05/31/2023	<u>809</u>	Application For Access To Trial Exhibits by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. "Leave to file GRANTED" by Judge Timothy J. Kelly on 5/31/2023. (Attachments: # <u>1</u> Text of Proposed Order)(zltp) (Entered: 06/02/2023)

06/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of Defendant Rehl's 811 motion for an extension of time to file post-trial motions, the Government's 815 initial response, and Defendant Pezzola's 813 motion for an extension of time to do the same, it is hereby ORDERED that today's deadline for all defendants to file post-trial motions is STAYED. It is further ORDERED that the Government shall file its supplemental response regarding the conflict posed by Attorney Patis's simultaneous representation of codefendants Biggs and Rehl for purposes of post-trial motions and sentencing by June 9, 2023. It is further ORDERED that Attorney Patis shall file any response to the Government's filing by June 12, 2023. It is further ORDERED that the parties shall file a joint status report proposing, jointly or individually, a schedule or schedules for post-trial proceedings in this matter in light of Attorney Patis's conflict by June 12, 2023. Signed by Judge Timothy J. Kelly on 6/7/2023. (lctjk1) (Entered: 06/07/2023)
06/07/2023		Set/Reset Deadlines as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Joint Status Report due by 6/12/2023. (zkh) (Entered: 06/07/2023)
06/12/2023	<u>817</u>	RESPONSE TO ORDER OF THE COURT by JOSEPH R. BIGGS, ZACHARY REHL as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re Order,,,,, Set Deadlines,,,, (Patis, Norman) (Entered: 06/12/2023)
06/15/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the Government's and Defendants' recent filings, ECF Nos. 816, 817, 818, and 819, it is hereby ORDERED that the Government and Defendants Biggs and Rehl shall appear for a hearing on the potential conflict presented by Attorney Patis's representation of Rehl on Wednesday, June 21, 2023 at 9:30 a.m. in Courtroom 11. It is further ORDERED that the post-trial briefing schedule for Defendants Nordean, Tarrio, and Pezzola is modified as follows: Defendants shall file any post-trial motions, including any motions under Fed. R. Crim. P. 29 and 33, by June 21, 2023; the Government shall file its opposition(s) by July 12, 2023; and Defendants shall reply by July 28, 2023. The Court does not anticipate any further extensions to this briefing schedule. It is further ORDERED that the post-trial briefing deadlines for Defendants Biggs and Rehl shall remain STAYED pending the conflicts hearing on June 21. Signed by Judge Timothy J. Kelly on 6/15/2023. (lctjk1) (Entered: 06/15/2023)
06/16/2023		Terminate Deadlines and Hearings as to JOSEPH R. BIGGS (2). (zkh) (Entered: 06/16/2023)
06/20/2023		NOTICE OF HEARING as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3): The Conflicts Hearing currently schedule for 6/21/2023 is <b>RESCHEDULED</b> for 6/23/2023 at 11:00 AM in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 06/20/2023)
06/22/2023		NOTICE OF HEARING ( <b>Time Change</b> ) as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3): Conflicts Hearing set for 6/23/2023 at <b>11:30 AM</b> in Courtroom 11 before Judge Timothy J. Kelly. (zkh) (Entered: 06/22/2023)
06/23/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Conflicts Hearing as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3) held on 6/23/2023. Order to

		be entered by the court. Joint Proposed Post-Trial Motion Schedule due by 6/27/2023. Bond Status of Defendants: 2-Committed/Commitment Issued, 3-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 2-Norman A. Pattis, 3-Carmen D. Hernandez; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, Conor Mulroe, and Jocelyn Ballantine. (zkh) (Entered: 06/23/2023)
06/26/2023	<u>825</u>	STATUS REPORT <i>regarding Post-Trial Motions Schedule</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (McCullough, Jason) (Entered: 06/26/2023)
06/27/2023	<u>826</u>	ORDER as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3) granting Defendant Rehl's 811 Motion to Withdraw and 812 Motion for Leave to Appear. See Order for details. Signed by Judge Timothy J. Kelly on 6/27/2023. (lctjk1) (Entered: 06/27/2023)
06/27/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): Upon consideration of the Government's <u>825</u> status report proposing a revised briefing schedule for posttrial motions and Defendants' consent thereto, it is hereby ORDERED that Defendants Biggs and Rehl shall file any posttrial motions by July 6, 2023; the Government shall respond to all posttrial motions filed by all defendants by July 20, 2023; and Defendants shall reply by August 4, 2023. Signed by Judge Timothy J. Kelly on 6/27/2023. (lctjk1) (Entered: 06/27/2023)
06/27/2023		Set/Reset Deadlines as to JOSEPH R. BIGGS (2) and ZACHARY REHL (3): Post-trial Motions due by 7/6/2023. (zkh) (Entered: 06/27/2023)
07/05/2023	<u>828</u>	MOTION for Acquittal , MOTION for New Trial <i>on counts in which they were convicted in the event Motion for Judgment of Acquittal is denied as to any or all counts</i> by JOSEPH R. BIGGS, ZACHARY REHL. (Pattis, Norman) (Entered: 07/05/2023)
07/17/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): To allow sufficient time for the Court to resolve all necessary matters and hear all relevant testimony in advance of imposing sentence on defendants, it is hereby ORDERED that the parties shall appear for a hearing on Tuesday, August 29, 2023 at 9:30 a.m. in Courtroom 24. It is further ORDERED that the hearing shall proceed as follows: first, the Court will orally rule on outstanding post-trial motions; second, the Court will hear any victim impact statements or testimony applicable to all defendants; third, the Court will hear argument on significant disputes raised in the parties' sentencing memoranda related to the application of the U.S. Sentencing Guidelines that are common to all defendants. Signed by Judge Timothy J. Kelly on 7/17/2023. (lctjk1) (Entered: 07/17/2023)
07/20/2023	<u>832</u>	MOTION for Extension of Time to File Response/Reply as to 824 MOTION for Acquittal <i>and New Trial</i> , and 822 , 823 , <u>828</u> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (McCullough, Jason) (Entered: 07/20/2023)
07/20/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the Government's <u>832</u> Motion to Extend Time and for Relief from Local



		Criminal Rule 47(e). Before the Court is the Government's <u>832</u> motion for a one-day extension to respond to Defendants' posttrial motions and for relief from Local Criminal Rule 47(e), which limits any opposition to a motion to 45 pages. For good cause shown, and because the Government represents that each defendant besides Defendant Nordean (from whom it has not heard back) consents, it is hereby ORDERED that the Government's <u>832</u> motion is GRANTED. It is further ORDERED that the Government may file its opposition to the Defendants' posttrial motions by tomorrow, July 21, 2023, and it shall not be bound by LCrR 47(e). Signed by Judge Timothy J. Kelly on 7/20/2023. (lctjk1) (Entered: 07/20/2023)
07/21/2023	<u>833</u>	Memorandum in Opposition by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA re 823 Motion for Joinder, Motion for Rule, 824 Motion for Acquittal, <u>828</u> Motion for Acquittal, Motion for New Trial, 822 Motion for Acquittal (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(McCullough, Jason) (Entered: 07/21/2023)
08/07/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting Defendants' 840 Unopposed Motion to Extend Time. Upon consideration of Defendant Pezzola's 840 unopposed motion for a two-day extension of time to file a reply in support of his 824 motion for judgment of acquittal and for a new trial, which he represents the other defendants join with respect to their own motions, it is hereby ORDERED, <i>nunc pro tunc</i> , that the motion is GRANTED. Any such reply filed by August 6, 2023 is timely. Signed by Judge Timothy J. Kelly on 8/7/2023. (lctjk1) (Entered: 08/07/2023)
08/17/2023	<u>854</u>	SENTENCING MEMORANDUM by JOSEPH R. BIGGS, ZACHARY REHL (Pattis, Norman) (Entered: 08/17/2023)
08/17/2023	<u>855</u>	SENTENCING MEMORANDUM by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, ENRIQUE TARRIO, DOMINIC J. PEZZOLA (Attachments: # <u>1</u> Attachment A (Tarrío Additional Arguments), # <u>2</u> Attachment B (Nordean), # <u>3</u> Attachment C (Biggs), # <u>4</u> Attachment D (Rehl), # <u>5</u> Attachment E (Pezzola))(McCullough, Jason) (Entered: 08/17/2023)
08/17/2023	<u>858</u>	NOTICE of Sentencing Exhibits by USA as to JOSEPH R. BIGGS re <u>855</u> Sentencing Memorandum, (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(McCullough, Jason) (Entered: 08/17/2023)
08/23/2023	<u>868</u>	REPLY by ZACHARY REHL as to JOSEPH R. BIGGS, ZACHARY REHL re <u>855</u> SENTENCING MEMORANDUM (Pattis, Norman) Modified text to include link on 9/6/2023 (zltp). (Entered: 08/23/2023)
08/24/2023	<u>874</u>	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA <i>Sentencing Memoranda (ECF 853, 854, 861, 862)</i> (McCullough, Jason) (Entered: 08/24/2023)
08/28/2023		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6): It is hereby ORDERED that, pursuant to the Court's Minute Order of July 17, 2023, the Court will hear argument on the following Sentencing Guidelines disputes at tomorrow's hearing: (1) the most analogous guideline to apply to the conspiracy convictions on Counts 1 and 4, pursuant U.S.S.G. § 2X5.1; (2) whether and to which offenses the Court should apply the terrorism adjustment under U.S.S.G. § 3A1.4; and

		(3) whether to apply the aggravated assault guideline, U.S.S.G. § 2A2.2, to Defendants' convictions on Count 5 pursuant to the cross-reference provision in § 2A2.4. Signed by Judge Timothy J. Kelly on 8/28/2023. (lctjk1) (Entered: 08/28/2023)
08/29/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Omnibus Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) held on 8/29/2023. For the reasons stated on the record, Defendant TARRIO's 823 MOTION for Joinder is GRANTED and the Defendants' Rule 29 MOTIONS are all DENIED. Bond Status of Defendants: 1-Committed/Commitment Issued, 2-Committed/Commitment Issued, 3-Committed/Commitment Issued, 5-Committed/Commitment Issued, 6-Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorneys: 1-Nicholas D. Smith, 2-Norman A. Pattis, 3-Norman A. Pattis, 5-Nayib Hassan and Sabino Jauregui, 6-Steven Alan Metcalf, II and Roger Roots; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Conor Mulroe; Government Speakers: USCP Officer Shae Cooney and USCP Inspector Thomas Loyd. (zkh) (Entered: 08/30/2023)
08/31/2023		Minute Entry for proceedings held before Judge Timothy J. Kelly: Sentencing held on 8/31/2023 as to JOSEPH R. BIGGS (2) as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. <b>Count 1ss:</b> Defendant sentenced to two hundred four (204) months of Incarceration on Count 1ss, to run concurrently with Counts 2ss, 3ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 1ss to run concurrently with Counts 2ss, 3ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 2ss:</b> Defendant sentenced to two hundred four (204) months of Incarceration on Count 2ss, to run concurrently with Counts 1ss, 3ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 2ss to run concurrently with Counts 1ss, 3ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 3ss:</b> Defendant sentenced to two hundred four (204) months of Incarceration on Count 3ss, to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 3ss to run concurrently with Counts 1ss, 2ss, 4ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 4ss:</b> Defendant sentenced to seventy-two (72) months of Incarceration on Count 4ss, to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 4ss to run concurrently with Counts 1ss, 2ss, 3ss, 5ss, and 6ss. \$100 Special Assessment. <b>Count 5ss:</b> Defendant sentenced to sixty (60) months of Incarceration on Count 5ss, to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 5ss to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 6ss. \$100 Special Assessment. <b>Count 6ss:</b> Defendant sentenced to one hundred twenty (120) months of Incarceration on Count 6ss, to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 5ss, followed by thirty-six (36) months of Supervised Release (with conditions) on Count 6ss to run concurrently with Counts 1ss, 2ss, 3ss, 4ss, and 5ss. \$100 Special Assessment. ALL Remaining Counts DISMISSED ON ORAL MOTION OF THE GOVERNMENT. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Timothy Miller; Defense Attorney: Norman A. Pattis; US Attorneys: Jason Bradley Adam McCullough, Erik Michael Kenerson, and Conor Mulroe; Prob Officer: Renee Moses-Gregory. (zkh) (Entered: 08/31/2023)
09/06/2023	<u>887</u>	ENTERED IN ERROR.....MOTION by JOSEPH R. BIGGS as to JOSEPH R. BIGGS, ZACHARY REHL. (Attachments: # <u>1</u> Exhibit)(Pattis, Norman) Modified on 9/6/2023 (zltp). (Entered: 09/06/2023)

09/06/2023		NOTICE OF ERROR as to JOSEPH R. BIGGS, ZACHARY REHL regarding <u>887</u> MOTION . The following error(s) need correction: Incorrect event. Please refile using NOTICE (OTHER) event type. (zltpt) (Entered: 09/06/2023)
09/06/2023	<u>888</u>	NOTICE of Filing Plea Offers by JOSEPH R. BIGGS as to JOSEPH R. BIGGS, ZACHARY REHL (Attachments: # <u>1</u> Plea letter)(Pattis, Norman) (Entered: 09/06/2023)
09/12/2023	<u>893</u>	ENTERED IN ERROR.....NOTICE OF APPEAL CRIMINAL by JOSEPH R. BIGGS (Pattis, Norman) Modified on 9/18/2023 (zltpt). (Entered: 09/12/2023)
09/12/2023	<u>895</u>	NOTICE OF APPEAL – Final Judgment by JOSEPH R. BIGGS Filing fee \$ 505, receipt number ADCDC-10343762. Fee Status: Fee Paid. Parties have been notified. (Pattis, Norman) (Entered: 09/12/2023)
09/12/2023		NOTICE OF ERROR as to JOSEPH R. BIGGS regarding <u>893</u> Notice (Other). The following error(s): Incorrect event. Counsel refiled as docket entry <u>895</u> . (zltpt) (Entered: 09/18/2023)
09/15/2023	<u>902</u>	JUDGMENT as to JOSEPH R. BIGGS. Statement of Reasons Not Included. Signed by Judge Timothy J. Kelly on 9/15/2023. (zltpt) (Entered: 09/18/2023)
09/15/2023	<u>903</u>	STATEMENT OF REASONS as to JOSEPH R. BIGGS. re <u>902</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 Timothy J. Kelly on 9/15/2023. (zltpt) (Entered: 09/18/2023)
09/18/2023	<u>904</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid as to JOSEPH R. BIGGS re <u>895</u> Notice of Appeal – Final Judgment. (zltpt) (Entered: 09/18/2023)
09/25/2023		USCA Case Number as to JOSEPH R. BIGGS 23–3161 for <u>895</u> Notice of Appeal – Final Judgment filed by JOSEPH R. BIGGS. (zltpt) (Entered: 10/02/2023)
10/05/2023	<u>918</u>	MOTION Motion to 'Join' ECF No. 809 to Release Admitted Trial Exhibits or In Alternative for Clarification re <u>809</u> MOTION to Access by JOSEPH R. BIGGS as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE, ENRIQUE TARRIO, DOMINIC J. PEZZOLA. (Hull, John) (Entered: 10/05/2023)
10/10/2023		<b>ENTERED IN ERROR.....</b> MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the <u>809</u> Application for Access to Trial Exhibits and Defendant Biggs's <u>918</u> Motion to Join that application. Upon consideration of the application for access to trial exhibits by Conrad Smith, Danny McElroy, Byron Evans, Governor Latson, Melissa Marshall, Michael Fortune, Jason DeRoche, and Reginald Cleveland ("Applicants"), it is hereby ORDERED that the application is GRANTED. It is further ORDERED that Defendant Biggs's motion is GRANTED. It is further ORDERED that the Government may make exhibits available to Applicants and Defendant Biggs using the "drop box" technical solution described in In re: Media Access to Video Exhibits in Pretrial Hearings During the COVID–19 Pandemic, Standing Order No. 21–28 (BAH) (May 14, 2021). Signed by Judge Timothy J. Kelly on 10/10/2023. (lctjk1) Modified to mark as error entry on 10/11/2023 (zkh). (Entered: 10/10/2023)
10/11/2023		



		<p>MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), ENRIQUE TARRIO (5), and DOMINIC J. PEZZOLA (6) granting the <u>809</u> Application for Access to Trial Exhibits and Defendant Biggs's <u>918</u> Motion to Join that application. Upon consideration of the application for access to trial exhibits by Conrad Smith, Danny McElroy, Byron Evans, Governor Latson, Melissa Marshall, Michael Fortune, Jason DeRoche, and Reginald Cleveland ("Applicants"), it is hereby ORDERED that the application is GRANTED. It is further ORDERED that Defendant Biggs's motion is GRANTED. It is further ORDERED that the Government may make exhibits available to Applicants and Defendant Biggs using the "drop box" technical solution described in In re: Media Access to Video Exhibits in Pretrial Hearings During the COVID-19 Pandemic, Standing Order No. 21-28 (BAH) (May 14, 2021). Signed by Judge Timothy J. Kelly on 10/11/2023. (lctjk1) (Entered: 10/11/2023)</p>
10/16/2023	<u>922</u>	<p>NOTICE OF APPEAL – Final Judgment by USA as to JOSEPH R. BIGGS re <u>903</u> Statement of Reasons, <u>902</u> Judgment. Fee Status: No Fee Paid. Parties have been notified. (McCullough, Jason) (Main Document 922 replaced on 10/17/2023) (zltp). (Entered: 10/16/2023)</p>

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

JOSEPH R. BIGGS

Criminal No. 21-CR-175-2 (TJK)

NOTICE OF APPEAL

Name and address of appellant:

United States of America

Name and address of appellant's attorney:

Jason McCullough, Assistant US Attorney  
Office of the US Attorney for DC  
601 D Street, NW Room 5.118  
Washington, DC 20253

Offense: 18 USC secs. 231(a)(3), 2; 372; 1361, 2; 1512(c)(2), 2; 1512(k); 2384

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

Judgment, entered on September 15, 2023, sentencing defendant to a total 204 months' incarceration, followed by a total 36 months' supervised release; assessment of \$600

Name and institution where now confined, if not on bail: Philadelphia FDC

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

October 16, 2023

DATE

United States of America

APPELLANT

Jason McCullough

ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE



CJA, NO FEE

☐

PAID USDC FEE

☐

PAID USCA FEE

☐

Does counsel wish to appear on appeal?

YES ☐

NO ☒

Has counsel ordered transcripts?

YES ☐

NO ☒

Is this appeal pursuant to the 1984 Sentencing Reform Act?

YES ☐

NO ☒

## UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

JOSEPH R. BIGGS

## JUDGMENT IN A CRIMINAL CASE

Case Number: 21-CR-175-2 (TJK)

USM Number: 26257-509

John Daniel Hull, IV and Norman A Pattis  
Defendant's Attorney

## THE DEFENDANT:

- ☐ pleaded guilty to count(s) \_\_\_\_\_
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☒ was found guilty on count(s) 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss of the Third Superseding Indictment filed 6/6/2022  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 2384	Seditious Conspiracy	1/6/2021	1ss
18 USC § 1512(k)	Conspiracy to Obstruct an Official Proceeding	1/6/2021	2ss
18 USC § 1512(c)(2), 2	Obstruction of an Official Proceeding and Aiding & Abetting	1/6/2021	3ss

The defendant is sentenced as provided in pages 2 through 9 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) 9ss of the Third Superseding Indictment filed 6/6/2022
- ☒ Count(s) All Remaining Counts ☐ 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.

8/31/2023

Date of Imposition of Judgment

Signature of Judge

Timothy J. Kelly, U.S. District Judge

Name and Title of Judge

9/15/23

Date



AO 245B (Rev. 09/19) Judgment in a Criminal Case  
Sheet 1A

Judgment—Page 2 of 8

DEFENDANT: JOSEPH R. BIGGS  
CASE NUMBER: 21-CR-175-2 (TJK)

**ADDITIONAL COUNTS OF CONVICTION**

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 372	Conspiracy to Prevent an Officer from Discharging Any Duties	1/6/2021	4ss
18 USC § 231(a)(3), 2	Civil Disorder and Aiding and Abetting	1/6/2021	5ss
18 USC § 1361, 2	Destruction of Government Property and Aiding and Abetting	1/6/2021	6ss

DEFENDANT: JOSEPH R. BIGGS  
CASE NUMBER: 21-CR-175-2 (TJK)

### IMPRISONMENT

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

Two Hundred Four (204) months as to each of Count 1ss, 2ss, and 3ss; Seventy-two (72) months as to Count 4ss; Sixty (60) months as to Count 5ss; and One Hundred Twenty (120) months as to Count 6ss.  
ALL Counts to run concurrently for a total term of Two Hundred Four (204) months.

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

Defendant be housed, in order of preference, at (1) Coleman FCC or (2) Fort Dix FCI.

☒ 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: JOSEPH R. BIGGS  
CASE NUMBER: 21-CR-175-2 (TJK)

### SUPERVISED RELEASE

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

Thirty-six (36) months as to each of Counts 1ss, 2ss, 3ss, 4ss, 5ss, and 6ss. ALL counts 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: JOSEPH R. BIGGS  
CASE NUMBER: 21-CR-175-2 (TJK)**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](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: JOSEPH R. BIGGS  
CASE NUMBER: 21-CR-175-2 (TJK)

### SPECIAL CONDITIONS OF SUPERVISION

**Substance Abuse Testing** - You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

**Contact Restriction** - You must not associate, communicate, or otherwise interact with any person or any organization that advocates violence against the government. If you inadvertently associate, communicate, or otherwise interact with any such person or organization, you must report that to the probation officer.

**Social Media Restriction** - You must seek the approval of the probation officer if you wish to access, view or use any online social media. You must not download any social media apps to your phone or computer. You must not access social media on any other device not approved by the probation office. Social media includes social media sites, chat services, blogs, instant messages, SMS, MMS, digital photos, video sharing websites, emails or any other interactive, online, or electronic communication applications or sites.

**Propaganda Restriction** - You must not access, view, use or possess any material provided by any person or produced by any person or organization that advocates violence against the government. If you inadvertently access, view, use or possess such material you must immediately report this to the probation officer.

**Computer Monitoring/Search** - To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. You must allow the probation officer to install computer monitoring software on any computer. This includes desktops, laptops, mobile devices, smartwatches, gaming systems, private servers, or any other high-speed data processing device performing logical, arithmetic, or storage functions. These searches shall be conducted to determine whether the computer contains any prohibited data prior to installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

- You must not use any services designed to encrypt disguise, mask, or anonymize your online activity, such as TOR, I2P, Freenet, Freepto, Tox, Virtual Private Networks or other anonymizing applications, services, or sites.
- You shall not use any online gaming services or systems, including mobile device applications.

**Telecommunications** - You shall not use any telecommunications application software product, such as Skype, Discord, TeamSpeak, Battle.net, Steam, Xbox Network, PlayStation Network, Nintendo Switch Online or any other software that specializes in providing chat and voice calls between computers, tablets, mobile devices, gaming consoles and smartwatches.

**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.

**Re-entry Progress Hearing** - Within forty-five days of release from incarceration you will appear before the Court for a re-entry progress hearing. The United States Probation Office in the district in which you are supervised will submit a progress report to the court within the thirty days of the commencement of supervision; and upon receipt of the progress report, the Court will determine if your appearance is required.

DEFENDANT: JOSEPH R. BIGGS  
CASE NUMBER: 21-CR-175-2 (TJK)**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>
<b>TOTALS</b>	\$ 600.00	\$	\$	\$	\$

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

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

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

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the United States			
District Court for the District of Columbia			
for disbursement to the following victims:			

Architect of the Capitol

**TO BE DETERMINED**

Office of the Chief Financial Officer

Ford House Office Building

Room H2-205B

Washington, DC 20515

<b>TOTALS</b>	\$	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: JOSEPH R. BIGGS  
CASE NUMBER: 21-CR-175-2 (TJK)**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 \$ 600.00 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

- ☐ 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.