

APPEAL,CAP,CAT A,CLOSED

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

Case title: USA v. RIVERA

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

Date Filed: 02/01/2021

Assigned to: Judge Colleen
Kollar-Kotelly

Appeals court case number:
22-3088

Defendant (1)

JESUS D. RIVERA

also known as

JD RIVERA

also known as

JESUS DELAMORA RIVERA

represented by **Guy L. Womack**

GUY L. WOMACK, ATTORNEY AT LAW

609 Heights Blvd.

Houston, TX 77007

713-224-8815

Fax: 713-224-8812

Email: guy.womack@usa.net

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

John M. Pierce

JOHN PIERCE LAW P.C.

21550 Oxnard Street

Suite 3rd Floor OMB #172

Woodland Hills, CA 91367

213-400-0725

Email: jpierce@johnpiercelaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

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

(1s)

Disposition

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

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

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

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

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

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

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

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

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

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

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

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

Disposition

Highest Offense Level
(Terminated)

Misdemeanor

Complaints

Disposition

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

Plaintiff

USA

represented by **Barry Kent Disney , I**
DOJ-CRM
1331 F Street NW
Washington, DC 20005
202-305-4367
Email: barry.disney@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

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

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

John Witherspoon Borchert
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
Criminal Division

555 Fourth Street, NW
 Washington, DC 20001
 (202) 252-7679
 Fax: (202) 307-2304
 Email: john.borchert@usdoj.gov
 TERMINATED: 04/01/2022
 Designation: Assistant U.S. Attorney

Date Filed	#	Page	Docket Text
01/19/2021	<u>1</u>		SEALED COMPLAINT as to JESUS RIVERA (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) [1:21-mj-00118-ZMF] (Entered: 01/19/2021)
01/19/2021	<u>3</u>		MOTION to Seal Case by USA as to JESUS RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) [1:21-mj-00118-ZMF] (Entered: 01/19/2021)
01/19/2021	<u>4</u>		ORDER granting <u>3</u> Motion to Seal Case as to JESUS RIVERA (1). Signed by Magistrate Judge Zia M. Faruqui on 1/19/2021. (zstd) [1:21-mj-00118-ZMF] (Entered: 01/19/2021)
01/20/2021			Case unsealed as to JESUS RIVERA (bb) [1:21-mj-00118-ZMF] (Entered: 01/26/2021)
01/22/2021	<u>10</u>		Arrest Warrant Returned Executed on 1/22/2021 as to JESUS D. RIVERA (1). (zpt) (Entered: 04/12/2021)
01/22/2021			Arrest of JESUS D. RIVERA (1) in Northern District of Florida. (zpt) (Entered: 04/12/2021)
02/01/2021	<u>5</u>		INFORMATION as to JESUS RIVERA (1) count(s) 1, 2, 3, 4. (zstd) (Entered: 02/01/2021)
03/04/2021	<u>7</u>		NOTICE OF ATTORNEY APPEARANCE: Guy L. Womack appearing for JESUS D. RIVERA (Womack, Guy) (Entered: 03/04/2021)
03/23/2021			MINUTE ORDER as to Defendant JESUS D. RIVERA : It is hereby ORDERED that Defendant JESUS D. RIVERA appear for an initial appearance and arraignment on Tuesday, April 6, 2021 at 1:00 p.m. before Magistrate Judge G. Michael Harvey. The hearing will be conducted by video teleconference; call-in instructions will be provided to counsel prior to the hearing. Counsel for the United States is directed to ensure that counsel for Defendant has received this Order and will provide the information to Defendant. If Defendant does not have counsel, counsel for the United States is directed to contact the Office of the Federal Public Defender for the District of Columbia and provide their office with the information contained in this Order. If the parties have questions about this Order or the scheduled hearing, please contact the Courtroom Deputy at 202-354-3114; So Ordered by Magistrate Judge G. Michael Harvey on 3/23/2021. (kk) (Entered: 03/23/2021)
04/06/2021			MINUTE ORDER as to JESUS D. RIVERA (1). As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge G. Michael Harvey on 4/6/2021. (zpt) (Entered: 04/06/2021)

04/06/2021			ORAL MOTION for Speedy Trial Waiver by USA as to JESUS D. RIVERA (1). (zpt) (Entered: 04/13/2021)
04/06/2021	<u>11</u>		ORDER Setting Conditions of Release as to JESUS D. RIVERA (1) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 4/6/2021. (Attachments: # <u>1</u> Appearance Bond) (zpt) (Entered: 04/13/2021)
04/09/2021	<u>2</u>		Unopposed MOTION to Continue <i>and</i> , Unopposed MOTION to Exclude <i>Time</i> by USA as to JESUS D. RIVERA. (Borchert, John) (Entered: 04/09/2021)
04/12/2021			MINUTE ORDER: The Court has received and reviewed the government's <u>2</u> Unopposed Motion to Continue and to Exclude Time Under the Speedy Trial Act. As an initial matter, the requested continuance of 60 days would give the government more time to provide Defendant with the extensive discovery in this case. Moreover, the proposed continuance would also benefit Defendant and his counsel, by giving them additional time to more thoroughly review the extensive discovery in this case. To ensure Defendant's consent to this requested relief and to develop a more complete record, Defendant shall file a signed statement indicating his consent to the government's <u>2</u> Motion by or before APRIL 16, 2021. The Court will rule on the <u>2</u> Motion thereafter. Signed by Judge Colleen Kollar-Kotelly on April 12, 2021. (lcckk1) (Entered: 04/12/2021)
04/13/2021			Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing/Arrestment as to JESUS D. RIVERA (1) Count 1,2,3,4 held on 4/13/2021. Not Guilty Plea entered by JESUS D. RIVERA (1) as to all counts. Government does not seek the Defendant's pretrial detention. Oral Motion by the Government for Speedy Trial Waiver as to JESUS D. RIVERA (1) Heard and Granted. Time between 4/6/2021 and 5/4/2021 (28 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Next Control Status Hearing shall be vacated upon parties' ascertainment of a Court date before Judge Colleen Kollar-Kotelly. Control Status Hearing set for 5/4/2021 01:00 PM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Placed on Personal Recognizance; Court Reporter: FTR-Gold FTR Time Frame: CTRM 6 [1:19:35-1:41:54]; Defense Attorney: Guy Womack; US Attorney: Jacob Steiner for John Borchart; Pretrial Officer: Dashanta ValentineLewis; (zpt) (Entered: 04/13/2021)
04/14/2021	<u>12</u>		WAIVER of Right to a Speedy Trial by JESUS D. RIVERA. (Womack, Guy) Modified Text on 4/14/2021 (zhsj). (Entered: 04/14/2021)
04/14/2021	<u>13</u>		ORDER granting <u>2</u> Motion to Continue. Signed by Judge Colleen Kollar-Kotelly on April 14, 2021. (lcckk1) (Entered: 04/14/2021)
04/14/2021			Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 6/7/2021 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 04/15/2021)
06/03/2021	<u>14</u>		BRADY ORDER. Signed by Judge Colleen Kollar-Kotelly on June 3, 2021. (lcckk1) (Entered: 06/03/2021)
06/04/2021	<u>16</u>		MOTION for Protective Order <i>Regarding Discovery</i> by USA as to JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(Borchert, John) (Entered: 06/04/2021)

06/04/2021			MINUTE ORDER: The Court has received and reviewed the government's <u>16</u> Motion for a Protective Order. That motion indicates that defense counsel objects to the limitation in paragraph 6 of the protective order which applies only to Highly Sensitive materials. By or before Monday June 7, 2021 at 9:00 AM ET, Defendant shall file a brief notice clarifying the basis for this objection. Signed by Judge Colleen Kollar-Kotelly on June 4, 2021. (lcckk1) (Entered: 06/04/2021)
06/07/2021	<u>17</u>		NOTICE of No Objections by JESUS D. RIVERA re <u>16</u> MOTION for Protective Order <i>Regarding Discovery</i> (Womack, Guy) (Entered: 06/07/2021)
06/07/2021	<u>18</u>		PROTECTIVE ORDER.Signed by Judge Colleen Kollar-Kotelly on June 7, 2021. (lcckk1) (Entered: 06/07/2021)
06/07/2021			<p>MINUTE ORDER: The Court held a status hearing in this case on June 7, 2021. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery, as well as the status of plea negotiations in this case. The government indicated that a formal plea offer has been made and rejected by Defendant at this time. The Court has scheduled another status hearing for AUGUST 31, 2021 at 10:00 AM ET. Defendant has consented to this forthcoming status hearing proceeding remotely via videoconference.</p> <p>During the June 7, 2021 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, August 31, 2021. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between June 7, 2021 and the date of the next status hearing on August 31, 2021, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This continuance will provide Defendant and his counsel additional time to review the ongoing discovery being produced in this matter. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is NOVEMBER 9, 2021. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on June 7, 2021. (lcckk1) (Entered: 06/07/2021)</p>
06/07/2021			Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 8/31/2021 at 10:00 AM via Zoom before Judge Colleen Kollar-Kotelly. (dot) (Entered: 06/07/2021)
06/07/2021			Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 6/7/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 6/7/2021 to 8/31/2021. Status Conference set for 8/31/2021 at 10:00 AM via Zoom before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 06/07/2021)
07/13/2021	<u>19</u>		STATUS REPORT <i>Regarding Discovery</i> by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Exhibit)(Borchert, John) (Entered: 07/13/2021)

08/30/2021	<u>21</u>	STATUS REPORT <i>Regarding Discovery</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 08/30/2021)
08/31/2021		<p>MINUTE ORDER as to JESUS D. RIVERA: The Court held a status hearing in this case on August 31, 2021. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery, as well as the status of plea negotiations in this case. The parties again indicated that a formal plea offer has been made by the government and rejected by Defendant at this time. The Court has scheduled another status hearing for OCTOBER 27, 2021 at 2:30 PM ET.</p> <p>During the August 31, 2021 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, October 27, 2021. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between August 31, 2021 and the date of the next status hearing on October 27, 2021, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This continuance will allow Defendant and his counsel to additional time to review the ongoing discovery being produced in this matter and participate in potential negotiations with the government. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is JANUARY 5, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given the he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on August 31, 2021. (lcckk1) (Entered: 08/31/2021)</p>
08/31/2021		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 8/31/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 8/31/2021 to 10/27/2021. Status Conference set for 10/27/2021 at 2:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 09/01/2021)
09/28/2021	<u>22</u>	STATUS REPORT <i>Regarding Discovery as of September 14, 2021</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 09/28/2021)
10/27/2021	<u>24</u>	STATUS REPORT <i>Regarding Discovery as of October 21, 2021</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 10/27/2021)
10/27/2021		MINUTE ORDER: The Court held a status hearing in this case on October 27, 2021. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed the status of discovery, as well as the status of plea negotiations in this case. The parties indicated that discovery remains ongoing and that the defendant has declined the plea deal offered by the government. The Court has scheduled another status hearing for JANUARY 6, 2022 at 1:30 PM ET. Defendant has consented to proceeding with the next hearing by videoconference. The parties shall also submit a completed trial

		<p>scheduling template no later than DECEMBER 17, 2021.</p> <p>During the October 27, 2021 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, January 6, 2022. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between October 27, 2021 and the date of the next status hearing on January 6, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This continuance will allow Defendant and his counsel to have additional time to review the ongoing discovery being produced in this matter and consider a pretrial schedule. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is MARCH 17, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on October 27, 2021. (lcckk1) (Entered: 10/27/2021)</p>
10/27/2021		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 10/27/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 10/27/2021 to 1/6/2022. Status Conference set for 1/6/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 10/28/2021)</p>
11/19/2021	<u>25</u>	<p>STATUS REPORT <i>Regarding Discovery as of November 5, 2021</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 11/19/2021)</p>
12/17/2021	<u>26</u>	<p>NOTICE of Proposed Order (<i>Joint Pretrial Scheduling Order</i>) by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Text of Proposed Order)(Borchert, John) (Entered: 12/17/2021)</p>
12/21/2021	<u>27</u>	<p>PRETRIAL SCHEDULING ORDER as to JESUS D. RIVERA. Nonevidentiary pretrial motions due December 28, 2021. Responses and replies thereto due January 3, 2022, and January 11, 2022, respectively. Expert notices and reports due January 13, 2022. Evidentiary pretrial motions due January 17, 2022. Responses and replies thereto due January 24, 2022, and January 31, 2022, respectively. Joint notice of stipulations due February 28, 2022. <i>Giglio</i> and <i>Jencks</i> material, voir dire and jury instructions, and witness and exhibit lists due March 7, 2022. The parties shall appear in Courtroom 28-A for trial on March 14, 2022. Signed by Judge Colleen Kollar-Kotelly on December 21, 2021. (lcckk1) (Entered: 12/21/2021)</p>
12/21/2021		<p>Set/Reset Deadlines/Hearings as to JESUS D. RIVERA: Nonevidentiary pretrial motions due 12/28/2021; Responses and replies thereto due 1/3/2022, and 1/11/2022; Expert notices and reports due 1/13/2022; Evidentiary pretrial motions due 1/17/2022; Responses and replies thereto due 1/24/2022, and 1/31/2022; Notice due 2/29/2022; <i>Giglio</i> and <i>Jencks</i> material, voir dire and jury instructions, and witness and exhibit lists due 3/7/2022. Jury Selection/Jury Trial set for 3/14/2022 at 9:00 AM, in Courtroom 28A, before Judge Colleen</p>

		Kollar-Kotelly. (kt) (Entered: 12/21/2021)
12/22/2021	<u>28</u>	Unopposed MOTION to Continue by JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(Womack, Guy) (Entered: 12/22/2021)
12/27/2021	<u>29</u>	ORDER granting in part and denying in part <u>28</u> Motion to Continue as to JESUS D. RIVERA (1). The parties shall file a revised proposed pretrial scheduling order on or before January 5, 2022 pursuant to the instructions herein. Signed by Judge Colleen Kollar-Kotelly on December 27, 2021. (lcckk1) (Entered: 12/27/2021)
12/27/2021		Set/Reset Deadlines as to JESUS D. RIVERA: Pretrial Scheduling Order due by 1/5/2022. (kt) (Entered: 12/27/2021)
01/04/2022		MINUTE ORDER as to JESUS D RIVERA: This matter is set for a status hearing on January 6, 2022 at 1:30 PM. On January 3, 2022, Chambers informed the parties of unavoidable scheduling conflicts that would necessitate a one-day continuance of the status hearing. Counsel for Defendant represented to Chambers that Defendant himself consents to such a continuance. The Government also indicated its consent. Accordingly, it is hereby ORDERED that the status hearing set for January 6, 2022 at 1:30 PM is CONTINUED to January 7, 2022 at 1:30 PM ET. The status hearing shall be conducted via videoconference. The Court finds that a continuance of Defendants Speedy Trial rights from January 6, 2022 to January 7, 2022 serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial to the extent that either might be prejudiced by a one-day continuance. 18 U.S.C. § 3161(h)(7)(A). Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is MARCH 18, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant as he has been released pending trial. Signed by Judge Colleen Kollar-Kotelly on January 4, 2022. (lcckk1) (Entered: 01/04/2022)
01/04/2022		Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 1/7/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 01/04/2022)
01/05/2022	<u>30</u>	Amended PROPOSED BRIEFING SCHEDULE <i>AND PROPOSED TRIAL DATE</i> by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Text of Proposed Order)(Borchert, John) (Entered: 01/05/2022)
01/07/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 1/7/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 1/7/2022 to 6/14/2022. Jury Trial tentatively set for 6/14/2022 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Further States Conferences set for: Status Conference set for 2/22/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Status Conference set for 4/1/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Status Conference set for 5/13/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Guy L. Womack; US Attorney: John W. Borchert. (dot) (Entered: 01/07/2022)
01/10/2022		MINUTE ORDER as to JESUS D. RIVERA: The Court held a status hearing in this case on January 7, 2022. With consent, Defendant was present via

		<p>videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the Court discussed pretrial scheduling matters. The Court explained the logistical challenges to pretrial scheduling given the District Court's pandemic-related safety precautions. The Court scheduled future status hearings for the following dates and times: February 22, 2022 at 11:00 AM ET; April 1, 2022 at 10:00 AM ET; and May 13, 2022 at 10:00 AM ET. Defendant has consented to proceeding with the next hearing by videoconference. A detailed pretrial scheduling order shall follow this Minute Order.</p> <p>During the January 7, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, February 22, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights to the date of the next status hearing, February 22, 2022, serves the "ends of justice" and is in the best interest of the community and Defendants, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 21-79 (BAH) (D.D.C. Dec. 13, 2021), and because the continuance will allow the parties to prepare for trial, tentatively set for June 14, 2022. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is May 3, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial. Signed by Judge Colleen Kollar-Kotelly on January 10, 2022. (lcckk1) (Entered: 01/10/2022)</p>
01/10/2022	<u>32</u>	PRETRIAL SCHEDLING ORDER as to JESUS D. RIVERA. Signed by Judge Colleen Kollar-Kotelly on January 10, 2022. (lcckk1) (Entered: 01/10/2022)
02/22/2022		<p>MINUTE ORDER: The Court held a status hearing in this case on February 22, 2022. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, discuss trial preparations and the parties compliance with the Courts <u>32</u> Pretrial Scheduling Order. The Court CONTINUED the status hearing set for May 13, 2022 to May 18, 2022 at 11:00 AM ET. Defendant has consented to the next status hearing, set for April 1, 2022, proceeding remotely via videoconference.</p> <p>During the February 22, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, April 1, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between February 22, 2022 and the date of the next status hearing on April 1, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is May 3, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on February 22, 2022. (lcckk1) (Entered: 02/22/2022)</p>
02/22/2022		

		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 2/22/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 2/22/2022 to 4/1/2022. Status Conference set for 4/1/2022 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Further Status Conference set for 5/18/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy Womack; US Attorney: John W. Borchert. (dot) (Entered: 02/22/2022)
03/25/2022		MINUTE ORDER as to JESUS D. RIVERA: Due to a scheduling conflict and per discussions with the parties, the status conference set for April 1, 2022 at 10:00 AM ET is CONTINUED to 1:30 PM ET. Signed by Judge Colleen Kollar-Kotelly on March 25, 2022. (lcckk1) (Entered: 03/25/2022)
03/25/2022		Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 4/1/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 03/25/2022)
03/29/2022	<u>34</u>	NOTICE OF ATTORNEY APPEARANCE Mona Furst appearing for USA. (Furst, Mona) (Entered: 03/29/2022)
04/01/2022	<u>36</u>	NOTICE OF WITHDRAWAL OF APPEARANCE <i>John W. Borchert</i> by USA as to JESUS D. RIVERA (Borchert, John) (Entered: 04/01/2022)
04/01/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 4/1/2022. Speedy Trial (XT) tolled in the Interest of Justice from 4/1/2022 to 5/18/2022. Status Conference set for 5/18/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Pretrial Conference set for 6/9/2022 at 10:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Guy L. Womack; US Attorney: Mona Furst. (dot) (Entered: 04/04/2022)
04/04/2022	<u>37</u>	NOTICE OF ATTORNEY APPEARANCE Barry Kent Disney, I appearing for USA. (Disney, Barry) (Entered: 04/04/2022)
04/04/2022		<p>MINUTE ORDER as to JESUS RIVERA: The Court held a status hearing in this case on April 1, 2022. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the parties discussed certain deadlines in the <u>32</u> Pretrial Scheduling Order as well as renewed plea negotiations in this case. The Court granted certain relief from various deadlines, and that relief will be reflected in an amended pretrial scheduling order to follow. Defendant has consented to the next status hearing, set for May 18, 2022, proceeding remotely via videoconference. Additionally, the Court set an in-person pretrial conference for June 9, 2022 at 10:00 AM ET. The in-person pretrial conference shall begin in Courtroom 28-A.</p> <p>During the April 1, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, May 18, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between</p>

		<p>April 1, 2022 and the date of the next status hearing on May 18, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial and to continue plea discussions. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is July 27, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on April 4, 2022. (lcckk1) (Entered: 04/04/2022)</p>
04/04/2022	<u>38</u>	AMENDED PRETRIAL SCHEDULING ORDER. Signed by Judge Colleen Kollar-Kotelly on April 4, 2022. (lcckk1) (Entered: 04/04/2022)
04/04/2022	<u>39</u>	SUPERSEDING INFORMATION as to JESUS D. RIVERA (1) count(s) 1s, 2s, 3s, 4s. (zhsj) (Entered: 04/05/2022)
04/19/2022	<u>41</u>	MOTION in Limine <i>To Limit Cross-Examination of Secret Service Agency Witnesses</i> by USA as to JESUS D. RIVERA. (Disney, Barry) (Entered: 04/19/2022)
04/19/2022	<u>42</u>	MOTION in Limine <i>Regarding Evidence About The Specific Locations of U.S. Capitol Police Surveillance Cameras</i> by USA as to JESUS D. RIVERA. (Disney, Barry) (Entered: 04/19/2022)
04/19/2022		MINUTE ORDER as to JESUS D. RIVERA: The Court is in receipt of the Government's <u>41</u> and <u>42</u> Motions in Limine. Defendant shall file his opposition(s) thereto on or before May 3, 2022. The Government may file its reply(ies) on or before May 10, 2022. Signed by Judge Colleen Kollar-Kotelly on April 19, 2022. (lcckk1) (Entered: 04/19/2022)
04/19/2022		Set/Reset Deadlines as to JESUS D. RIVERA: Responses to <u>41</u> , <u>42</u> due by 5/3/2022. Replies to <u>41</u> , <u>42</u> due by 5/10/2022. (dot) (Entered: 04/20/2022)
04/26/2022		MINUTE ORDER: The Court is in receipt of counsel for Defendant's representation to Chambers that Defendant intends to waive his right to a jury trial and proceed directly to a bench trial. Accordingly, the parties shall appear for a status hearing on May 2, 2022 at 1:00 PM ET. The status hearing shall proceed via videoconference. Signed by Judge Colleen Kollar-Kotelly on April 26, 2022. (lcckk1) (Entered: 04/26/2022)
04/26/2022		Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 5/2/2022 at 1:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 05/01/2022)
04/29/2022	<u>43</u>	NOTICE of <i>No Objections</i> by JESUS D. RIVERA re <u>42</u> MOTION in Limine <i>Regarding Evidence About The Specific Locations of U.S. Capitol Police Surveillance Cameras</i> , <u>41</u> MOTION in Limine <i>To Limit Cross-Examination of Secret Service Agency Witnesses</i> (Womack, Guy) (Entered: 04/29/2022)
04/29/2022	<u>44</u>	MOTION in Limine <i>TO ADMIT INTO TRIAL THE ADOPTIVE STATEMENT OF DEFENDANT</i> by USA as to JESUS D. RIVERA. (Furst, Mona) (Entered: 04/29/2022)
05/02/2022		

		<p>MINUTE ORDER as to JESUS RIVERA: On May 2, 2022 the Court held a status hearing in this matter. Defendant represented that he intended to waive his right to a jury trial and proceed to a bench trial. After an interlocutory discussion between the Court and Defendant himself, the Court found that his waiver was knowing and voluntary, that Defendant was competent to waive his right to a jury trial, and that the Government consented to waiver. Accordingly, the Court accepted Defendant's waiver CONDITIONAL upon the filing of a written waiver with Defendant's wet signature. The Court ORDERED Defendant to file that written waiver before the next status hearing on May 18, 2022. Chambers will provide the parties with a form waiver via email. Additionally, the Court noted that Defendant does not oppose the Government's <u>41</u> and <u>42</u> motions in limine. Accordingly, the <u>41</u> and <u>42</u> Motions are GRANTED.</p> <p>Also pending before the Court is the Government's <u>44</u> Motion in Limine. The Government seeks to admit what it terms an "adoptive statement" and relies on their transcription of Defendant's wife's "broadcast live over the internet." To assist in the resolution of the <u>44</u> Motion, the Government shall, on or before May 20, 2022, provide the Court with a copy of that "broadcast" for <i>in camera</i> review.</p> <p>Signed by Judge Colleen Kollar-Kotelly on May 2, 2022. (lcckk1) (Entered: 05/02/2022)</p>
05/02/2022		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 5/2/2022. Status Conference set for 5/18/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: Mona Furst and Barry K. Disney, I. (dot) (Entered: 05/02/2022)</p>
05/09/2022	<u>46</u>	<p>WAIVER of Trial by Jury as to JESUS D. RIVERA. Approved by Judge Colleen Kollar-Kotelly on 5/9/22. (dot) (Main Document 46 replaced on 5/20/2022) (zdot). (Entered: 05/19/2022)</p>
05/18/2022		<p>MINUTE ORDER as to JESUS D. RIVERA: The Court held a status hearing in this case on May 18, 2022. With consent, Defendant was present via videoconference and represented by counsel. Counsel for the government also appeared via videoconference. During the status hearing, the parties discussed certain deadlines in the <u>38</u> Amended Pretrial Scheduling Order and trial preparations. The Court further ORDERED Defendant to file his opposition to the Government's <u>44</u> Motion in Limine on or before May 20, 2022, and the Government to file its reply in support of its <u>44</u> Motion on or before May 24, 2022. The Court also set another status hearing for JUNE 6, 2022 at 1:30 PM ET. Defendant has consented to the next status hearing proceeding remotely via videoconference. The Court further VACATED the in-person pretrial conference set for June 9, 2022 at 10:00 AM ET.</p> <p>During the May 18, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of the next status hearing, June 6, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between May 18, 2022 and the date of the next status hearing on June 6, 2022, serves the</p>

		<p>"ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial and to continue plea discussions. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is August 15, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on May 18, 2022. (lcckk1) (Entered: 05/18/2022)</p>
05/18/2022		<p>Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 5/18/2022. Defendant's opposition to <u>44</u> due by 5/20/2022. Government's Reply to <u>44</u> due by 5/24/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 5/18/2022 to 6/6/2022. Status Conference set for 6/6/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bench Trial set for 6/14/2022 at 9:00 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Elizabeth Saint-Loth Defense Attorney: Guy L. Womack; US Attorney: Mona Furst and Barry K. Disney, I. (dot) (Entered: 05/19/2022)</p>
05/20/2022	<u>47</u>	<p>MOTION in Limine by JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order)(Womack, Guy) (Entered: 05/20/2022)</p>
05/20/2022		<p>ORDER as to JESUS D. RIVERA: The Court is in receipt of Defendant's <u>47</u> "Motion in Limine." Although styled as such, the filing appears to be an opposition to the Government's <u>44</u> Motion in Limine, and the Court shall treat it as such. The Court further reminds the parties that, pursuant to the <u>38</u> Amended Pretrial Scheduling Order, the deadline for all motions in limine was April 29, 2022. Accordingly, and pursuant to the Court's May 18, 2022 Minute Order, the Government's reply in support of its <u>44</u> Motion in Limine remains due on May 24, 2022. Signed by Judge Colleen Kollar-Kotelly on May 20, 2022. (lcckk1) (Entered: 05/20/2022)</p>
05/27/2022	<u>48</u>	<p>Proposed Jury Instructions by USA as to JESUS D. RIVERA (Disney, Barry) (Entered: 05/27/2022)</p>
05/31/2022		<p>MINUTE ORDER as to JESUS RIVERA: Upon review of the Government's <u>44</u> Motion to Admit Into Trial the Adoptive Statement of Defendant, Defendant's <u>47</u> opposition, and the video and statements at issue, it is hereby ORDERED that the Government's <u>44</u> Motion is HELD IN ABEYANCE, to be resolved at trial. Signed by Judge Colleen Kollar-Kotelly on May 31, 2022. (lcckk1) (Entered: 05/31/2022)</p>
06/03/2022		<p>MINUTE ORDER as to JESUS RIVERA: Per the Court's <u>38</u> Amended Pretrial Scheduling Order, the parties' witness and exhibit lists were due May 31, 2022, and the parties' joint notice of stipulations, if any, was due May 6, 2022. To date, neither witness and exhibit lists nor stipulations have been filed. Accordingly, the parties shall file their witness and exhibit lists and any stipulations prior to the next status hearing, set for June 6, 2022 at 1:30 PM ET. Signed by Judge Colleen Kollar-Kotelly on June 3, 2022. (lcckk1) (Entered: 06/03/2022)</p>
06/03/2022	<u>49</u>	

		EXHIBIT LIST by USA as to JESUS D. RIVERA (Disney, Barry) (Entered: 06/03/2022)
06/03/2022	<u>50</u>	ENTERED IN ERROR.....WITNESS LIST by USA as to JESUS D. RIVERA (Disney, Barry) Modified on 6/6/2022 (zhsj). (Entered: 06/03/2022)
06/03/2022	<u>51</u>	WITNESS LIST by JESUS D. RIVERA (Womack, Guy) (Entered: 06/03/2022)
06/03/2022		NOTICE OF ERROR as to JESUS D. RIVERA regarding <u>50</u> Witness List. The following error(s) need correction: Invalid attorney signature— signature on document must match PACER login. Please refile. (zhsj) (Entered: 06/06/2022)
06/06/2022	<u>52</u>	STIPULATION <i>OF THE PARTIES</i> by USA (Disney, Barry) (Entered: 06/06/2022)
06/06/2022	<u>53</u>	TRIAL PROCEDURES ORDER as to JESUS RIVERA. Signed by Judge Colleen Kollar-Kotelly on June 6, 2022. (lcckk1) (Entered: 06/06/2022)
06/06/2022	<u>54</u>	COVID PROCEDURES ORDER as to JESUS RIVERA. Signed by Judge Colleen Kollar-Kotelly on June 6, 2022. (lcckk1) (Entered: 06/06/2022)
06/06/2022		<p>MINUTE ORDER as to JESUS RIVERA: The Court held a status hearing in this case on June 6, 2022. With consent, Defendant was present via videoconference and represented by counsel. The Court discussed trial preparations and two orders governing trial procedures. Defendant requested that the Court permit some of Defendant's witnesses to testify by videoconference at trial. The Court ORDERED Defendant to file a motion to permit certain witnesses to appear via videoconference by June 7, 2022 at 5:00 PM ET and the Government to file its response thereto by June 8, 2022 at 5:00 PM ET. Defendant also represented that he would not file an exhibit list and instead rely on the Government's exhibit list. The parties shall appear for trial on June 14, 2022 at 8:30 AM ET in Courtroom 28-A.</p> <p>During the June 6, 2022 status hearing, the Court discussed with Defendant his Speedy Trial Act rights, and Defendant consented to a continuance of his speedy trial rights until the date of trial, June 14, 2022. Accordingly, the Court finds that a continuance of Defendants Speedy Trial rights between June 6, 2022 and trial on June 14, 2022, serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic, <i>see</i> Standing Order no. 22-07 (BAH) (D.D.C. Feb. 15, 2022), and will allow the parties to continue to prepare for trial. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is August 23, 2022. The Court finds that the 90-day deadline is inapplicable to Defendant, given that he has been released pending trial.</p> <p>Signed by Judge Colleen Kollar-Kotelly on June 6, 2022. (lcckk1) (Entered: 06/06/2022)</p>
06/06/2022	<u>56</u>	WITNESS LIST by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Government's Witness List)(Disney, Barry) (Entered: 06/06/2022)
06/06/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 6/6/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 6/6/22 to 6/14/2022. Bench Trial set for 6/14/2022 at 8:30 AM in Courtroom 28A- In Person before

		Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Guy L. Womack; US Attorney: Barry K Disney, I and Mona Furst. (dot) (Entered: 06/07/2022)
06/13/2022	<u>57</u>	EXHIBIT LIST by USA as to JESUS D. RIVERA (Furst, Mona) (Entered: 06/13/2022)
06/13/2022	<u>58</u>	EXHIBIT LIST by USA as to JESUS D. RIVERA (Furst, Mona) (Entered: 06/13/2022)
06/14/2022		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial as to JESUS D. RIVERA held on 6/14/2022 and continued. Oral Rule 29 Motion to Dismiss by Defendant as to Counts 2, 3, and 4; heard and taken under advisement. Plaintiff rest. Defendant rest. Bench Trial set for 6/15/2022 at 9:30 AM in Courtroom 28A- In Person before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst; Witnesses: Government Witnesses: Inspector Lanelle Hawa, Captain Carneysha Mendoza, Special Agent Nicholas Chan and Special Agent Alex Nogueiras, Jr. (dot) (Entered: 06/14/2022)
06/15/2022		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Bench Trial as to JESUS D. RIVERA resumed and held on 6/15/2022. Bench Trial concluded and submitted to the Court. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst. (dot) (Entered: 06/15/2022)
06/15/2022	<u>59</u>	EXHIBIT LIST by USA as to JESUS D. RIVERA. (dot) (Main Document 59 replaced on 6/15/2022) (zdot). (Entered: 06/15/2022)
06/16/2022		MINUTE ORDER as to JESUS RIVERA: Pursuant to Federal Rule of Criminal Procedure 43, a defendant's presence is required at "the return of the verdict" absent waiver by the defendant. The Court is preparing the verdict and is nearing completion of its findings of fact and conclusions of law. Defendant shall file a notice, by no later than June 17, 2022 at 12:00 PM ET , whether Defendant waives presence and consents to receiving the verdict and written findings by posting to the docket as well as a Zoom hearing to render the verdict at that point, or whether Defendant does not waive in-person presence and wants the verdict returned in person (in which case the Court will schedule an in-person hearing). Signed by Judge Colleen Kollar-Kotelly on June 16, 2022. (lcckk1) (Entered: 06/16/2022)
06/17/2022	<u>60</u>	NOTICE of Waiver of Personal Appearance by JESUS D. RIVERA (Womack, Guy) (Entered: 06/17/2022)
06/17/2022	<u>61</u>	MEMORANDUM OPINION AND ORDER granting <u>44</u> Motion in Limine as to JESUS D. RIVERA. Signed by Judge Colleen Kollar-Kotelly on June 17, 2022. (Entered: 06/17/2022)
06/17/2022	<u>62</u>	FINDINGS OF FACT AND CONCLUSIONS OF LAW as to JESUS D. RIVERA. Signed by Judge Colleen Kollar-Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)

06/17/2022			ORDER as to JESUS D. RIVERA denying oral Rule 29 motion for judgment of acquittal. Signed by Judge Colleen Kollar-Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)
06/17/2022	<u>63</u>		ORDER as to JESUS D. RIVERA denying oral Rule 29 motion for judgment of acquittal. Signed by Judge Colleen Kollar-Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)
06/17/2022			MINUTE ORDER as to JESUS D. RIVERA: The Court having found Defendant guilty of Counts 1s, 2s, 3s, and 4s of the <u>39</u> Information, the parties shall appear for a status hearing on June 22, 2022 at 1:00 PM ET for a more formal reading of the verdict and to discuss sentencing. As counsel for Defendant has indicated that Defendant waives his right to an in-person reading of the verdict, the parties shall appear via Zoom. Additionally, counsel for Defendant shall file, on or before June 21, 2022 a waiver signed by Defendant himself further attesting to that waiver. Signed by Judge Colleen Kollar-Kotelly on June 17, 2022. (lcckk1) (Entered: 06/17/2022)
06/21/2022			MINUTE ORDER as to JESUS D. RIVERA: Due to a scheduling conflict, the status hearing set for June 22, 2022 at 1:00 PM is CONTINUED to June 22, 2022 at 2:00 PM ET (same day, different time). Signed by Judge Colleen Kollar-Kotelly on June 21, 2022. (lcckk1) (Entered: 06/21/2022)
06/21/2022			Set/Reset Hearings as to JESUS D. RIVERA: Status Conference set for 6/22/2022 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 06/21/2022)
06/22/2022			MINUTE ORDER as to JESUS RIVERA: Pursuant to Federal Rule of Criminal Procedure 43, a defendant's presence is required at "the return of the verdict" and at sentencing. On June 17, 2022, the Court ordered defense counsel to file a waiver signed by Defendant himself confirming that Defendant waived his right to receive the verdict in-person and instead via Zoom and posting to the docket. No such signed waiver has been filed. Counsel for Defendant shall file that waiver on or before July 27, 2022 . Additionally, counsel for Defendant shall file, on or before July 27, 2022 , a waiver signed by Defendant himself to proceed with sentencing via Zoom rather than an in-person hearing. Signed by Judge Colleen Kollar-Kotelly on June 22, 2022. (lcckk1) (Entered: 06/22/2022)
06/22/2022			Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to JESUS D. RIVERA held on 6/22/2022. The Court held a formal reading of the verdict. The Court found the Defendant guilty as to Counts 1s, 2s, 3s, and 4s of the Information. Presentence Report due by 9/23/2022. Parties Sentencing Memorandum due by 10/17/2022. Sentencing set for 11/3/2022 at 11:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Personal Recognizance; Court Reporter: Nancy Meyer; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst. (dot) (Entered: 06/23/2022)
06/27/2022	<u>64</u>		TRANSCRIPT OF BENCH TRIAL in the case as to JESUS D. RIVERA before the Honorable Colleen Kollar-Kotelly. held on 06/14/2022. Page Numbers: 1-181. Date of Issuance: 06/22/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. Transcripts may be ordered by

		<p>going to www.dcd.uscourts.gov. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/18/2022. Redacted Transcript Deadline set for 7/28/2022. Release of Transcript Restriction set for 9/25/2022.(Meyer, Nancy) (Entered: 06/27/2022)</p>
06/27/2022	<u>65</u>	<p>TRANSCRIPT OF BENCH TRIAL in the case as to JESUS D. RIVERA before the Honorable Colleen Kollar-Kotelly held on 06/15/2022. Page Numbers: 182–224. Date of Issuance: 06/22/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202–354–3118. Transcripts may be ordered by going to www.dcd.uscourts.gov. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/18/2022. Redacted Transcript Deadline set for 7/28/2022. Release of Transcript Restriction set for 9/25/2022.(Meyer, Nancy) (Entered: 06/27/2022)</p>
10/17/2022	<u>69</u>	SENTENCING MEMORANDUM by USA as to JESUS D. RIVERA (Disney, Barry) (Entered: 10/17/2022)
10/17/2022	<u>70</u>	ENTERED IN ERROR.....SENTENCING MEMORANDUM by USA as to JESUS D. RIVERA (Disney, Barry) Modified on 10/18/2022 (zhsj). (Entered: 10/17/2022)
10/17/2022	<u>71</u>	SENTENCING MEMORANDUM by JESUS D. RIVERA (Attachments: # <u>1</u> Exhibit Letters in Support)(Womack, Guy) (Entered: 10/17/2022)
10/17/2022		NOTICE OF ERROR as to JESUS D. RIVERA regarding <u>70</u> Sentencing Memorandum. The following error(s) need correction: Incorrect format (Letter)– correspondence is not permitted (LCrR 49(f)(4)). Please refile. (zhsj) (Entered: 10/18/2022)
10/19/2022	<u>72</u>	

		SENTENCING MEMORANDUM by JESUS D. RIVERA (Womack, Guy) (Entered: 10/19/2022)
10/19/2022	<u>73</u>	NOTICE of Filing by USA as to JESUS D. RIVERA re <u>69</u> Sentencing Memorandum (Attachments: # <u>1</u> Table of Cases for Sentencing Memorandum (ECF 69))(Disney, Barry) (Entered: 10/19/2022)
10/20/2022		MINUTE ORDER as to JESUS RIVERA: The Court is in receipt of the Government's <u>69</u> Sentencing Memorandum. In relevant part, the Government objects to the United States Probation Officer's application of Guideline 2B2.3 to Count 2. The Government argues that Guideline 2A2.4 applies instead. ECF No. 69 at 12. On or before October 26, 2022 , the United States Probation Officer shall file a response to the Government's argument indicating whether the United States Probation Officer agrees with the Government and, if so, an amended presentence report with the new guideline calculation. If not, the Probation Officer shall file a brief concisely stating the grounds for the disagreement and why the Guideline used by the Probation Officer is correctly applied. Signed by Judge Colleen Kollar-Kotelly on October 10, 2022. (lcckk1) (Entered: 10/20/2022)
10/26/2022	<u>76</u>	NOTICE OF ATTORNEY APPEARANCE Carolina Nevin appearing for USA. (Attachments: # <u>1</u> Certificate of Service)(Nevin, Carolina) (Entered: 10/26/2022)
10/26/2022	<u>77</u>	NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to JESUS D. RIVERA (Attachments: # <u>1</u> Certificate of Service)(Nevin, Carolina) (Entered: 10/26/2022)
11/03/2022		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Sentencing held on 11/3/2022 as to JESUS D. RIVERA (1), as to Count(s) 1s, Defendant sentenced to Eight (8) Months incarceration followed by Twelve (12) Months term of Supervised Release and a Special Assessment of \$25.00 imposed; as to Count(s) 2s, Defendant sentenced to Eight (8) Months incarceration followed by Twelve (12) Months term of Supervised Release and a Special Assessment of \$25.00 to run concurrently with Count 1s; as to Count(s) 3s, Defendant sentenced to Six (6) Months incarceration to run concurrently with Counts 1s and 2s and a Special Assessment of \$10.00; as to Count(s) 4s, Defendant sentenced to Six (6) Months incarceration to run concurrently with Counts 1s, 2s, 3s and a Special Assessment of \$10.00. Total Special Assessment of \$70.00. Bond Status of Defendant: Personal Recognizance; Court Reporter: Elizabeth Saint-Loth; Defense Attorney: Guy L. Womack; US Attorney: Barry K. Disney, I and Mona Furst; Prob Officer: Ami L. Landon. (dot) (Entered: 11/10/2022)
11/08/2022	<u>79</u>	NOTICE OF APPEAL – Final Judgment by JESUS D. RIVERA Fee Status: No Fee Paid. Parties have been notified. (Womack, Guy) (Entered: 11/08/2022)
11/08/2022	<u>80</u>	MOTION To Proceed In Forma Pauperis and for Appointment of Counsel re <u>79</u> Notice of Appeal – Final Judgment by JESUS D. RIVERA. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit CJA 23)(Womack, Guy) (Entered: 11/08/2022)
11/10/2022	<u>81</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee remains to be paid and another notice will be transmitted when the fee has been paid in the District Court or motion to

			proceed In Forma Pauperis has been decided as to JESUS D. RIVERA re <u>79</u> Notice of Appeal – Final Judgment. (zhsj) (Entered: 11/10/2022)
11/10/2022	<u>82</u>		JUDGMENT as to JESUS D. RIVERA. Statement of Reasons Not Included. Signed by Judge Colleen Kollar-Kotelly on 11/10/2022. (zhsj) (Entered: 11/15/2022)
11/10/2022	<u>83</u>		STATEMENT OF REASONS as to JESUS D. RIVERA re <u>82</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court.. Signed by Judge Colleen Kollar-Kotelly on 11/10/2022. (zhsj) (Entered: 11/15/2022)
11/15/2022	<u>84</u>		Transmitted Supplemental Record, Judgment, and docket sheet to USCA as to JESUS D. RIVERA re <u>79</u> Notice of Appeal. (zhsj) Modified on 11/15/2022 (zhsj). Modified on 11/16/2022 to correct linkage. (ztnr) (Entered: 11/15/2022)
11/15/2022	<u>85</u>		ORDER as to JESUS D. RIVERA GRANTING the Defendant's <u>80</u> Motion for In Forma Pauperis and transferring for the D.C. Circuit's consideration Defendant's <u>80</u> Motion for Appointment of Counsel, as part of Defendant's appeal. A copy of this Order shall be provided to the D.C. Circuit Clerk's Office. Signed by Judge Colleen Kollar-Kotelly on 11/15/22. (DM) (Entered: 11/15/2022)
11/15/2022			USCA Case Number as to JESUS D. RIVERA 22–3088 for <u>79</u> Notice of Appeal – Final Judgment filed by JESUS D. RIVERA. (zhsj) (Entered: 11/18/2022)
11/29/2022	<u>86</u>		Transmitted Supplemental Record on Appeal and Docket Sheet to USCA as to JESUS D. RIVERA re <u>79</u> Notice of Appeal – Final Judgment. Copy of Order Granting Defendant's Motion to Proceed in Forma Pauperis, along with the Motion to Proceed in Forma Pauperis. USCA Case Number 22–3088. (zhsj) (Entered: 11/29/2022)
12/02/2022	<u>87</u>		NOTICE OF ATTORNEY APPEARANCE: John M. Pierce appearing for JESUS D. RIVERA (Pierce, John) (Entered: 12/02/2022)
12/02/2022	<u>88</u>		MOTION to Stay <i>OF SENTENCE PENDING APPEAL</i> by JESUS D. RIVERA. (Pierce, John) (Entered: 12/02/2022)
12/02/2022			MINUTE ORDER as to JESUS D. RIVERA: Government Response to Defendant's <u>88</u> Motion for Stay of Sentencing Pending Appeal is due by 12/8/2022; Defendant's Reply, if any, is due by 12/15/2022. Signed by Judge Colleen Kollar-Kotelly on 12/2/22. (DM) (Entered: 12/02/2022)
12/05/2022	<u>89</u>		RESPONSE by USA as to JESUS D. RIVERA re <u>88</u> MOTION to Stay <i>OF SENTENCE PENDING APPEAL</i> (Disney, Barry) (Entered: 12/05/2022)
12/15/2022	<u>90</u>		REPLY in Support by JESUS D. RIVERA re <u>88</u> MOTION to Stay <i>OF SENTENCE PENDING APPEAL</i> (Attachments: # <u>1</u> Declaration Declaration of Jesus Rivera)(Pierce, John) (Entered: 12/15/2022)
12/22/2022	<u>91</u>		MEMORANDUM OPINION AND ORDER denying Defendant's <u>88</u> Motion for Stay of Sentence Pending Appeal as to JESUS D. RIVERA (1). Signed by Judge Colleen Kollar-Kotelly on 12/22/22. (DM) (Entered: 12/22/2022)
12/27/2022	<u>92</u>		Notice of Docketing Appeal from Magistrate Judge Decision as to JESUS D. RIVERA re <u>86</u> Supplemental Record Sent USCA, (Attachments: # <u>1</u> Entry of

		appearance, # <u>2</u> transcript)(Pierce, John) (Entered: 12/27/2022)
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UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

CRIMINAL DOCKETING STATEMENT

(To be completed by appellant)

1. Appellate Case Number: 22-3088 1a. Criminal Action Number: 1:21-cr-00060-CKK
2. Case Name: United States of America v. Jesus D. Rivera
3. Appellant's Name: Jesus D. Rivera
- 3a. Appellant's Defendant No.: 1 3b. Appellant's Fed. Reg/PDID No. _____
4. Date of conviction 6/22/2022 4a. Date of sentence 11/03/2022
5. Name of District Court Judge Judge Colleen Kollar-Kotelly
6. Date of Notice of Appeal Filed: 11/08/2022
7. Offense(s) of conviction: 18 U.S.C. 1752(a)(1), (2); 40 U.S.C. 5104(e)(2)(D), (G)
8. Did appellant plead guilty? ☐ Yes ☒ No
9. What sentence was imposed? 8 months incarceration, one year supervised release, \$500 restitution
10. How much of the sentence has appellant served? None
11. Is appellant challenging the conviction? ☒ Yes ☐ No
12. Is appellant challenging the sentence? ☒ Yes ☐ No
13. Has appellant filed a post-conviction motion? ☐ Yes ☒ No
- If yes, what motion, date filed, and disposition: _____
14. Is appellant incarcerated? ☐ Yes ☒ No
- If yes, where: _____
- If no, address: 5110 W Fairfield Drive Pensacola, FL 32506 Phone (850) 485-0593
15. Has appellant moved for release pending appeal in District Court? ☒ Yes ☐ No
- If yes, date filed 12/02/2022 Disposition: Denied
- If no, does defendant intend to file such a motion in the District Court? ☒ Yes ☐ No
16. Will appellant file a motion for release pending appeal in court of appeals? ☒ Yes ☐ No
17. Did appellant have court-appointed counsel in District Court? ☐ Yes ☒ No
18. Does counsel appointed in District Court wish to continue on appeal? ☐ Yes ☒ No
19. Did defendant have retained counsel in district court? ☒ Yes ☐ No
- If yes, will case proceed on appeal with retained counsel? ☒ Yes ☐ No
- If no, will appellant seek appointment of counsel on appeal? ☐ Yes ☐ No
- If no, has a motion to proceed in forma pauperis been filed? ☐ Yes ☐ No
20. Has counsel ordered transcripts? ☒ Yes ☐ No
21. If yes, from what proceedings: Bench Trial
22. If yes, when will transcripts be completed? 06/27/2022
23. Did counsel seek expedited preparation of sentencing transcripts? ☐ Yes ☒ No

Signature /s/ John M. PierceDate 12/27/2022Name of Party Jesus D. RiveraFirm Address 21550 Oxnard Street 3rd Floor, PMB 172, Woodland Hills, CA 91367Phone (213) 279-7846Fax ()

Note: In all appeals of sentences of 8 months or less trial counsel is required to prosecute the appeal of the sentence. If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement. Attach a certificate of service to this form.

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW
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Case Caption: United States of America

v.

Case No: 22-3088

Jesus D. Rivera

ENTRY OF APPEARANCE

The Clerk shall enter my appearance as ☒ Retained ☐ Pro Bono ☐ Appointed (CJA/FPD) ☐ Gov't counsel
for the ☒ Appellant(s)/Petitioner(s) ☐ Appellee(s)/Respondent(s) ☐ Intervenor(s) ☐ Amicus Curiae below:

Party Information

(List each represented party individually - Use an additional blank sheet as necessary)

Jesus D. Rivera

Counsel Information

Lead Counsel: John M. Pierce

Direct Phone: (213) 279-7846 Fax: () Email: jpierce@johnpiercelaw.com

2nd Counsel:

Direct Phone: () Fax: () Email:

3rd Counsel:

Direct Phone: () Fax: () Email:

Firm Name: John Pierce Law, P.C.

Firm Address: 21550 Oxnard Street 3rd Floor, PMB 172, Woodland Hills, CA 91367

Firm Phone: (213) 279-7846 Fax: () Email: jpierce@johnpiercelaw.com

Notes: This form must be submitted by a member of the Bar of the U.S. Court of Appeals for the D.C. Circuit.
Names of non-member attorneys listed above will not be entered on the court's docket. Applications for
admission are available on the court's web site at <http://www.cadc.uscourts.gov/>.

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

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Case Caption: United States of America

v.

Case No: 22-3088

Jesus D. Rivera

TRANSCRIPT STATUS REPORT

- ☐ **Final** - No transcripts are necessary for this appeal as the case was decided on the pleadings.
- ☒ **Final** - All transcripts necessary for the appeal have been completed and received.

Interim Part I - The following necessary transcripts have been ordered but not received.

Date	Type of Proceeding	Court Reporter(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Interim Part II - The following necessary transcripts have been completed and received.

06/27/2022	Bench Trial	Nancy J. Meyer
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Interim Part III - State below any additional comments regarding the preparation of the transcripts or the record on appeal which may delay the briefing of this case.

Notes: A copy of this report shall be served on each court reporter for which transcripts are outstanding. Please attach additional blank sheets, if necessary, and a certificate of service to this report.