

Date↓↑	#
Description	
01/18/2021 SEALED COMPLAINT as to BARTON WADE SHIVELY (1). [1:21-mj-00106-ZMF]	<u>1</u>
	1 Attachment ▼
01/18/2021 MOTION to Seal Case by USA as to BARTON WADE SHIVELY. [1:21-mj-00106-ZMF]	<u>3</u>
	1 Attachment ▼
01/18/2021 ORDER granting 3 Motion to Seal Case as to BARTON WADE SHIVELY (1). Signed by Magistrate Judge Zia M. Faruqui on 1/18/2021. (zstd) [1:21-mj-00106-ZMF]	<u>4</u>
01/19/2021 Arrest of BARTON WADE SHIVELY in U.S. District Court for the Middle District of Pennsylvania (Harrisburg). (zltp) [1:21-mj-00106-ZMF] (Text entry; no document attached.)	
01/19/2021 Case unsealed as to BARTON WADE SHIVELY (zltp) [1:21-mj-00106-ZMF] (Text entry; no document attached.)	<u>5</u>
01/20/2021 Rule 5(c)(3) Documents Received as to BARTON WADE SHIVELY from U.S. District Court for the Middle District of Pennsylvania (Harrisburg) Case Number 1:21-mj-00008-MCC (zltp) [1:21-mj-00106-ZMF]	<u>6</u>
02/24/2021 INDICTMENT as to BARTON WADE SHIVELY (1) count(s) 1, 2-4, 5, 6, 7, 8, 9, 10, 11. (zltp)	
03/08/2021 MINUTE ORDER as to Defendant BARTON WADE SHIVELY : It is hereby ORDERED that Defendant BARTON WADE SHIVELY appear for an initial appearance and arraignment on Friday, March 12, 2021 at 1:00 p.m. before Magistrate Judge Zia M. Faruqui. 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 202-354-3173; So Ordered by Magistrate Judge Zia M. Faruqui on 3/8/2021. (Text entry; no document attached.)	
03/12/2021 JOINT ORAL MOTION for Speedy Trial by USA as to BARTON WADE SHIVELY. (Text entry; no document attached.)	
03/12/2021 Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to BARTON WADE SHIVELY held on 3/12/2021. Defendant present by video. Defendant retained counsel. Due Process Order given to the Government. Defendant placed on Standard Conditions of Release. Joint Oral Motion for Speedy Trial as to BARTON WADE SHIVELY (1); heard and granted. Speedy Trial Excluded from 3/12/2021 to 3/29/2021 in the Interest of Justice (XT). Arraignment/Status Hearing set for 3/29/2021 at 10:00 AM by Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: Jan Dickman; Defense Attorney: Sara Lockwood; US Attorney: Jacob Steiner for Emory Cole; Pretrial Officer: Christine Schuck. (Text entry; no document attached.)	<u>9</u>
03/26/2021 NOTICE OF ATTORNEY APPEARANCE: Sarah Lockwood appearing for BARTON WADE SHIVELY	<u>10</u>
03/26/2021 NOTICE OF ATTORNEY APPEARANCE: Terrence J. McGowan appearing for BARTON WADE SHIVELY	<u>11</u>
03/26/2021 ORDER pursuant to the Due Process Protections Act, PL 116-192, October 21, 2020, 134 Stat. 894, and Local Rule of Criminal Procedure 5.1, confirms the disclosure obligation of the government under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. Signed by Judge Colleen Kollar-Kotelly on 3/26/21. (lcckk3)	
03/29/2021	

MINUTE ORDER as to BARTON WADE SHIVELY. The Court held a status hearing in this matter on March 29, 2021. Due to the health concerns surrounding COVID-19 and with Defendant's consent, the status hearing was held by videoconference. Defendant, counsel for both parties, and a court reporter were present. Defendant was arraigned on the charges in the 6 Indictment. Defendant confirmed that he had received a copy of the Indictment. Defendant was read the eleven counts contained in the Indictment and entered a plea of "not guilty" as to all counts. During the status hearing, the Court discussed discovery and advised the government of its continuing Brady obligations in this case. See ECF No. 11. The government indicated that it intends to produce discovery to Defendant within 7-10 days. To allow the parties additional time to proceed with discovery, the Court has scheduled another status hearing for JUNE 18, 2021 at 4:30 PM. Defendant has consented to this status hearing proceeding remotely via videoconference. During the March 29, 2021 status hearing, the Court discussed with Defendant his Speedy Trial Act rights. The time period through March 15, 2021 was excluded under the Speedy Trial Act pursuant to Standing Order No. 20-93, In re: Sixth Extension of Postponed Jury Trials Due to Ongoing Exigent Circumstances Caused by COVID-19 Pandemic. In addition, Defendant had consented to exclude the time between his appearance before a magistrate judge on March 12, 2021 and the status hearing on March 29, 2021. See March 12, 2021 Minute Order. Accordingly, Defendant's 70-day deadline under the Speedy Trial Act at the time of the March 29, 2021 status hearing was JUNE 7, 2021. See 18 U.S.C. § 3161. As stated during the March 29, 2021 status hearing, the Court finds that a continuance of Defendant's Speedy Trial rights between March 29, 2021 and the date of the next status hearing on June 18, 2021 serves the "ends of justice" as it will allow Defendant to review discovery once it is provided. Defendant consented to the tolling of his Speedy Trial rights between the date of the March 29, 2021 status hearing and the next Status Hearing on June 18, 2021. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is AUGUST 27, 2021. Signed by Judge Colleen Kollar-Kotelly on 3/29/21. (lcckk3) (Text entry; no document attached.)

03/29/2021

Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Arraignment and Status Conference on the record via videoconference as to BARTON WADE SHIVELY (1) as to Counts 1,2-4,5,6,7,8,9,10,11 held on 3/29/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 3/29/2021 to 6/18/2021. Joint Status Report due by 6/16/2021. Status Conference set for 6/18/2021 at 4:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Sarah M. Lockwood and Terrence McGowan; US Attorney: Emory V. Cole. (Text entry; no document attached.)

[13](#)

01/19/2021

Arrest Warrant Returned Executed on 1/19/2021 as to BARTON WADE SHIVELY.

[14](#)

03/15/2021

ORDER Setting Conditions of Release as to BARTON WADE SHIVELY (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqi on 3/15/2021.

[15](#)

04/23/2021

Unopposed MOTION to Modify Conditions of Release by BARTON WADE SHIVELY.

[1 Attachment](#) ▼

[16](#)

04/28/2021

NOTICE OF FILING by USA as to BARTON WADE SHIVELY

[1 Attachment](#) ▼

[17](#)

06/16/2021

ORDER granting in part and denying in part 15 Motion to Modify Conditions of Release as to BARTON WADE SHIVELY (1). Signed by Judge Colleen Kollar-Kotelly on 6/16/21. (lcckk3)

06/16/2021

MINUTE ORDER as to BARTON WADE SHIVELY. Due to a scheduling conflict, the Court ORDERS that the status hearing currently scheduled for June 18, 2021 shall be re-scheduled to JULY 1, 2021 at 4:30 p.m by Zoom videoconference. Signed by Judge Colleen Kollar-Kotelly on 6/16/21. (lcckk3) (Text entry; no document attached.)

06/16/2021

Set/Reset Hearings as to BARTON WADE SHIVELY: Status Conference set for 7/1/2021 at 4:30 PM via Zoom before Judge Colleen Kollar-Kotelly. (Text entry; no document attached.)

[19](#)

06/22/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to BARTON WADE SHIVELY

[1 Attachment](#) ▼

07/01/2021

Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to BARTON WADE SHIVELY held on 7/1/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 7/1/2021 to 8/31/2021. Status Conference set for 8/31/2021 at 11:00 AM via Zoom before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Sarah Lockwood; US Attorney: Emory V. Cole. (Text entry; no document attached.)

07/01/2021

MINUTE ORDER as to BARTON WADE SHIVELY. The Court held a status hearing in this matter on July 1, 2021. Due to health concerns surrounding COVID-19 and with Defendant's consent, the status hearing took place by videoconference. Defendant, counsel for both parties, and a court reporter were present. During the status hearing, the Court discussed with the parties the status of discovery. The Government indicated that discovery pertinent to this defendant has been provided, and that it will continue to produce additional discovery as it becomes available. To allow additional time for discovery and for Defendant to determine how to proceed with the case, the Court ORDERS that the next status hearing shall be held on AUGUST 31, 2021 at 11:00 a.m. by videoconference. The Court also discussed with Defendant his Speedy Trial rights. Defendant agreed to waive his Speedy Trial rights between the July 1, 2021 status hearing and the next status hearing on August 31, 2021. The Court finds that a continuance of Defendant's Speedy Trial rights between July 1, 2021 and August 31, 2021 serves the "ends of justice" and is in the best interests of both the community and Defendant, as it will allow Defendant time to obtain and review discovery and review it with his counsel to determine how to proceed in this case. 18 U.S.C. § 3161(h)(1), (7)(A). Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is October 27, 2021. Signed by Judge Colleen Kollar-Kotelly on 7/1/21. (lcckk3) (Text entry; no document attached.)

[21](#)

07/02/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to BARTON WADE SHIVELY

[1 Attachment ▼](#)

[22](#)

07/02/2021

NOTICE OF FILING STIPULATION by USA as to BARTON WADE SHIVELY

[1 Attachment ▼](#)

[23](#)

08/24/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to BARTON WADE SHIVELY

[1 Attachment ▼](#)

08/31/2021

MINUTE ORDER as to BARTON WADE SHIVELY. The Court held a status hearing in this matter on August 31, 2021. Due to health concerns surrounding COVID-19 and with Defendant's consent, the status hearing took place by videoconference. Defendant, counsel for both parties, and a court reporter were present. During the status hearing, the Court discussed with the parties the status of discovery. The Government indicated that voluminous discovery pertinent to this defendant has been provided. To allow additional time for review of such discovery and for Defendant to consult with counsel to determine how to proceed with the case, the Court ORDERS that the next status hearing shall be held on NOVEMBER 9, 2021 at 10:00 a.m. by videoconference. The Court also discussed with Defendant his Speedy Trial rights. Defendant agreed to waive his Speedy Trial rights between the August 31, 2021 status hearing and the next status hearing on November 9, 2021. The Court finds that a continuance of Defendant's Speedy Trial rights between August 31, 2021 and November 9, 2021 serves the "ends of justice" and is in the best interests of both the community and Defendant, as it will allow Defendant time to review discovery and determine how to proceed in this case. 18 U.S.C. § 3161(h)(1), (7)(A). Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is 01/06/2022. Signed by Judge Colleen Kollar-Kotelly on 08/31/2021. (Text entry; no document attached.)

08/31/2021

Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to BARTON WADE SHIVELY held on 8/31/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 8/31/2021 to 11/9/2021. Status Conference set for 11/9/2021 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Terrence J. McGowan; US Attorney: Emory V. Cole. (Text entry; no document attached.)

[25](#)

09/28/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to BARTON WADE SHIVELY

[1 Attachment ▼](#)

11/09/2021

MINUTE ORDER as to BARTON WADE SHIVELY. The Court held a status hearing in this case on November 9, 2021. With his consent, Defendant was present via videoconference and represented by counsel. Defense counsel and government also appeared via videoconference. During the hearing, the Court discussed the status of discovery

in this matter. The government indicated that discovery pertinent to this defendant has been provided, but more voluminous discovery relating to the events of January 6, 2021 is ongoing. Defense counsel indicated that his review of discovery with Defendant is ongoing. To allow the parties additional time to proceed with discovery, the Court has scheduled another status hearing in this matter on FEBRUARY 24, 2022 at 10:00 AM. Defendant has consented to this status hearing proceeding remotely via videoconference. During the November 9, 2021 hearing, the Court discussed with Defendant his Speedy Trial Act rights. Defendant consented to the exclusion of time from November 9, 2021 through the date of the next status hearing on February 24, 2022. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between November 9, 2021 and the date of the next status hearing on February 24, 2022 serves the "ends of justice" and outweighs the best interests of both the community and Defendant, in light of the ongoing COVID-19 pandemic, see Standing Order No. 21-62 (BAH) (D.D.C. Nov. 1, 2021), at 6-7 (excluding time through December 15, 2021) and because the continuance will allow Defendant to continue to review the voluminous discovery in this matter with his counsel and consider how this case will proceed. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is APRIL 25, 2022. The Court finds the 90-day deadline is inapplicable given Defendant's release on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on 11/9/21. (lcckk3) (Text entry; no document attached.)

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11/09/2021

Unopposed MOTION for Protective Order by USA as to BARTON WADE SHIVELY.

2 Attachments ▼

28

11/09/2021

PROTECTIVE ORDER GOVERNING DISCOVERY. Signed by Judge Colleen Kollar-Kotelly on 11/9/21. (lcckk3)

11/09/2021

Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to BARTON WADE SHIVELY held on 11/9/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 11/9/2021 to 2/24/22. Status Conference set for 2/24/2022 at 10:00 AM before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Terrence J. McGowan; US Attorney: Emory V. Cole. (dot) Modified on 11/12/2021 to add hearing date. (zdot) (Text entry; no document attached.)

11/09/2021

Set/Reset Hearings as to BARTON WADE SHIVELY: Status Conference set for 2/24/2022 at 10:00 AM in Telephonic/VTC before Judge Colleen Kollar-Kotelly. (Text entry; no document attached.)

29

11/10/2021

SUPERSEDING INDICTMENT as to BARTON WADE SHIVELY (1) count(s) 1s, 2s-4s, 5s, 6s, 7s, 8s, 9s, 10s, 11s. (zhshj)

02/25/2022

MINUTE ORDER as to BARTON WADE SHIVELY (1) The Court is in receipt of the [33] Motion to Withdraw as Attorney, in which Attorneys Terrence J. McGowan and Sarah Lockwood of Killian & Gephart LLP seek to withdraw from their representation of Defendant in this matter, indicating that Defendant "has requested to be represented by a member of the Federal Defender's Association and has applied for representation from them." The Court HOLDS IN ABEYANCE the [33] Motion to Withdraw as Attorney until new counsel has entered an appearance on behalf of Defendant. Signed by Judge Colleen Kollar-Kotelly on 2/25/22. (lcckk3) (Text entry; no document attached.)

02/24/2022

MINUTE ORDER as to BARTON WADE SHIVELY. The Court held a status hearing in this matter on February 24, 2022. Due to the health concerns surrounding COVID-19, the status hearing was held by videoconference. Defendant, counsel for both parties, and a court reporter were present. Defendant was arraigned on the charges in the [29] Superseding Indictment. Defendant confirmed that he had received a copy of the Superseding Indictment. Defendant was read the eleven counts contained in the Superseding Indictment and entered a plea of "not guilty" as to all counts. During the status hearing, the Court discussed the status of discovery. Defendant's counsel indicated that review of discovery is ongoing. The parties also indicated that they would engage in plea discussions. To allow the parties additional time to proceed with discovery and discuss a potential pretrial disposition of the case, the Court has scheduled another status hearing for JUNE 7, 2022 at 1:30 PM by Zoom videoconference. As discussed at the status hearing, the Court shall in a separate forthcoming Order direct the Probation Office to prepare a report calculating the offense level and criminal history calculation under Advisory Sentencing Guidelines for inclusion in a pre-plea report and to provide the report to the Court, the Government, and Defendant's counsel by no later than APRIL 29, 2022. During the February 24, 2022 hearing, the Court discussed with Defendant his Speedy Trial Act rights. Defendant consented to the exclusion of time from February 24, 2022 through the date of the next status hearing on June 7, 2022. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between February 24, 2022 and the date of the next status hearing on June 7, 2022 serves the "ends of justice" and outweighs the best interests of both the community and Defendant, in light of the ongoing COVID-19 pandemic, see Standing Order No. 22-07 (BAH) (D.D.C. Feb. 15, 2022), at 8-9 (excluding time through May 13, 2022) and because the continuance will allow

Defendant to continue to review the voluminous discovery, and for the parties to review the pre-plea report prepared by the Probation Office and to discuss a potential pretrial resolution of this case. 18 U.S.C. 3161(h)(1), (7)(A). Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is AUGUST 16, 2022. The Court finds the 90-day deadline is inapplicable given Defendant's release on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on 2/24/22. (lcckk3) (Text entry; no document attached.)

02/24/2022

Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Arraignment held as to BARTON WADE SHIVELY (1) on the Superseding Indictment as to Counts 1s,2s,3s,4s,5s,6s,7s,8s,9s,10s,11s on 2/24/2022. Plea of Not Guilty entered as to Counts 1s-11s. Status Conference as to BARTON WADE SHIVELY held on 2/24/2022. Speedy Trial (XT) is tolled in the Interest of Justice from 2/24/2022 to 6/7/2022. Status Conference set for 6/7/2022 at 1:30 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Griffith; Defense Attorney: Terrence J. McGowan and Sarah Lockwood; US Attorney: Emory V. Cole. (Text entry; no document attached.)

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02/24/2022

ORDER as to BARTON WADE SHIVELY directing the Probation Office to prepare the offense level and criminal history calculations of the Advisory Sentencing Guidelines for inclusion in a pre-plea report to be provided to the Court and counsel by no later than April 29, 2022. Signed by Judge Colleen Kollar-Kotelly on 2/24/22. (lcckk3)

[33](#)

02/24/2022

MOTION to Withdraw as Attorney by Terrence J. McGowan. by BARTON WADE SHIVELY.

1 Attachment ▼

[35](#)

03/02/2022

NOTICE OF ATTORNEY APPEARANCE: Edward John Ungvarsky appearing for BARTON WADE SHIVELY Pursuant to CJA Act

[36](#)

03/02/2022

ORDER as to BARTON WADE SHIVELY (1) granting 33 Motion to Withdraw as Attorney. Sarah Lockwood and Terrence J. McGowan withdrawn from case. Signed by Judge Colleen Kollar-Kotelly on 3/2/22. (lcckk3)