

| Date↓ | Description | # |
|------------|--|-----------|
| 02/03/2021 | SEALED COMPLAINT as to BRIAN MCCREARY (1). [1:21-mj-00199-GMH] | <u>1</u> |
| | 1 Attachment ▼ | |
| 02/03/2021 | MOTION to Seal Case by USA as to BRIAN MCCREARY. [1:21-mj-00199-GMH] | <u>3</u> |
| | 1 Attachment ▼ | |
| 02/03/2021 | ORDER granting 3 Motion to Seal Case as to BRIAN MCCREARY (1). Signed by Magistrate Judge G. Michael Harvey on 2/3/2021. (zstd) [1:21-mj-00199-GMH] | <u>4</u> |
| 02/04/2021 | Case unsealed as to Defendant BRIAN MCCREARY. (kk) [1:21-mj-00199-GMH] (Text entry; no document attached.) | |
| 02/04/2021 | Arrest of Defendant BRIAN MCCREARY in the District of Massachusetts. (Text entry; no document attached.) | <u>7</u> |
| 02/10/2021 | ORDER Setting Conditions of Release as to BRIAN MCCREARY (1) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 2/10/2021. (ztl)[1:21-mj-00199-GMH] (Additional attachment(s) added on 4/22/2021: # 1 Appearance Bond) | <u>8</u> |
| 02/17/2021 | INDICTMENT as to BRIAN MCCREARY (1) count(s) 1, 2, 3, 4, 5. (zstd) | |
| 02/19/2021 | NOTICE OF HEARING as to BRIAN MCCREARY. The parties shall take notice that an Arraignment Hearing is scheduled for 2/26/2021 at 9:30 AM before Chief Judge Beryl A. Howell. (Text entry; no document attached.) | <u>10</u> |
| 02/19/2021 | STANDING ORDER as to BRIAN MCCREARY. Signed by Chief Judge Beryl A. Howell on February 19, 2021. (lcbah2) | |
| 02/25/2021 | MINUTE ORDER as to BRIAN MCCREARY (1) Given the Magistrate case for defendant BRIAN MCCREARY has closed and merged in Criminal Number 21-125, and an arraignment is scheduled before Chief Judge Beryl Howell on 2/26/2021 at 9:30am, the preliminary hearing scheduled before Judge Meriweather is hereby VACATED. Signed by Magistrate Judge Robin M. Meriweather on 2/25/2021. (Text entry; no document attached.) | |
| 02/26/2021 | Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Arraignment as to BRIAN MCCREARY held via videoconference on 2/26/2021. The Defendant agreed to participate via videoconference. Plea of not guilty entered by Defendant BRIAN MCCREARY to Counts 1, 2, 3, 4, 5 of the Indictment filed on 2/17/2021. Status Conference scheduled for 4/23/2021, at 9:30 AM before Chief Judge Beryl A. Howell. Time excluded by the Court under the Speedy Trial Act from 2/26/2021 through 4/23/2021, in the best interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial to allow for the completion of discovery and for the defendant to obtain new counsel. Bond Status of Defendant: Personal Recognizance. Present via videoconference: Defense Attorney: Jose A. German; US Attorney: Brandon K. Regan; Pretrial Officer: Christine Schuck. Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.) | <u>12</u> |
| 02/10/2021 | Arrest Warrant, dated 2/3/2021, returned executed in the U.S. District Court for the District of Columbia on 2/10/2021 as to Defendant BRIAN MCCREARY. (kk) | |
| 02/10/2021 | ORAL MOTION by Defendant BRIAN MCCREARY to Appoint Counsel. (Text entry; no document attached.) | |
| 02/10/2021 | ORAL MOTION by USA, JOINED by Defendant BRIAN MCCREARY, to Waive Speedy Trial Time from 2/10/2021 to 2/25/2021. (Text entry; no document attached.) | |
| 02/10/2021 | Minute Entry for Initial Appearance as to BRIAN MCCREARY held by video before Magistrate Judge Robin M. Meriweather on 2/10/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agreed to appear by video. Oral Motion by Defendant to Appoint Counsel, heard and granted. Assistant | |

Federal Public Defender Jose Alejandro German appointed to represent BRIAN MCCREARY. Preliminary Hearing set for 2/25/2021 at 1:00 pm by telephonic/VTC before Magistrate Judge Robin M. Meriweather. Oral Motion by USA, Joined by Defendant, to Waive Speedy Trial Time from 2/10/2021 to 2/25/2021, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 11; FTR Time Frames: 1:42:30 - 1:53:11 and 2:09:10 - 2:18:27. Defense Attorney: Jose German; U.S. Attorney: Kelly Smith for Brandon Regan; Pretrial Officer: Shay Holman. (Text entry; no document attached.)

[13](#)

03/24/2021

Unopposed MOTION to Continue And To Exclude Time Under the Speedy Trial Act, MOTION to Exclude by USA as to BRIAN MCCREARY.

[1 Attachment](#) ▼

03/24/2021

MINUTE ORDER (paperless) as to BRIAN MCCREARY DENYING, without prejudice, the government's 13 Unopposed Motion to Continue and to Exclude Time Under the Speedy Trial Act, as unnecessary and moot. The government's request for a 60-day continuance provides no specific dates for the proposed continuance nor any beginning or end date for exclusion of time, leaving the Court with no clarity as to the relief sought. Moreover, the government's bid to have the Court exclude, under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., 60 days when such time has already been excluded until the status conference currently scheduled for April 23, 2021, see Min. Entry (Feb. 26, 2021), is unnecessary. Given the status of the case and the existing exclusion of time under the Speedy Trial Act, the government is further DIRECTED to explain the purpose of this motion at the April 23, 2021 status conference. Signed by Chief Judge Beryl A. Howell on March 24, 2021. (lcbah2) (Text entry; no document attached.)

[14](#)

04/08/2021

Consent MOTION for Protective Order by USA as to BRIAN MCCREARY.

04/12/2021

MINUTE ORDER granting 14 Motion for Protective Order as to BRIAN MCCREARY (1). Signed by Chief Judge Beryl A. Howell on 4/9/2021. (Text entry; no document attached.)

[15](#)

04/13/2021

PROTECTIVE ORDER as to BRIAN MCCREARY. Signed by Chief Judge Beryl A. Howell on April 9, 2021. (lcbah2)

04/20/2021

Set/Reset Hearings as to BRIAN MCCREARY: Status Hearing RESCHEDULED for 4/23/2021, at 10:15 AM via videoconference before Chief Judge Beryl A. Howell. A videoconference link will be provided by the deputy clerk. (Text entry; no document attached.)

04/23/2021

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Hearing as to BRIAN MCCREARY held on 4/23/2021. The Defendant agreed to participate via videoconference after consultation with counsel. A further Status Hearing is scheduled for 6/25/2021, at 9:15 AM before Chief Judge Beryl A. Howell. Defense counsel's motion for pro hac vice admission due today, 4/23/2021. The Defendant agreed to exclude time under the Speedy Trial Act from today until the next status hearing of 6/25/2021. The Court found that time under the Speedy Trial Act shall be excluded from 4/23/2021 through 6/25/2021, in the best interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial in order to allow the government to complete discovery and the defendant to review and discuss with counsel the discovery and the plea offer extended by the government to decide disposition of this case short of trial. Bond Status of Defendant: Personal Recognizance. Present via videoconference: Defense Attorney: Jeffrey Denner; US Attorney: Brandon K. Regan; Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

[17](#)

04/27/2021

Unopposed MOTION to Produce, Unopposed MOTION for Order Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials by USA as to BRIAN MCCREARY.

04/27/2021

MINUTE ORDER (paperless), as to BRIAN MCCREARY, granting the government's 17 Unopposed Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials and AUTHORIZING the government, pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i), to provide to defendant, and any co-defendants who may later be joined, materials protected by Federal Rule of Criminal Procedure 6(e), insofar as such disclosure is necessary for the government to comply with its discovery and disclosure obligations. Signed by Chief Judge Beryl A. Howell on April 27, 2021. (lcbah2) Modified on 4/27/2021 (lcbah2). (Text entry; no document attached.)

[18](#)

06/22/2021

Unopposed MOTION to Continue and Joint Status Report, by USA as to BRIAN MCCREARY. Modified on 6/24/2021 (znmw).

[20](#)

06/22/2021

Joint STATUS REPORT by USA, BRIAN MCCREARY as to BRIAN MCCREARY. (See Docket Entry 18 to view document). (znmw)

06/23/2021

MINUTE ORDER (paperless) as to BRIAN MCCREARY VACATING the status conference scheduled for June 25, 2021 at 9:15AM upon consideration of the parties' 18 Joint Status Report requesting a continuance to allow for plea negotiations, further discovery and for counsel to obtain pro hac vice admission, 18 Joint Status Report ¶¶ 2 – 6; DIRECTING the parties to submit appear for a status conference on July 30, 2021 at 9:15AM; and ORDERING that time under the Speedy Trial Act shall be excluded from June 25, 2021 through July 30, 2021, as the interests of justice so require. Signed by Chief Judge Beryl A. Howell on June 22, 2021. (lcbah2) (Text entry; no document attached.)

06/23/2021

Set/Reset Hearings as to BRIAN MCCREARY: Status Conference RESCHEDULED for 7/30/2021, at 9:15 AM before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

[21](#)

06/29/2021

NOTICE OF ATTORNEY APPEARANCE: Richard D. Heideman appearing for BRIAN MCCREARY

[22](#)

06/30/2021

Consent MOTION for Leave to Appear Pro Hac Vice Jeffrey Denner Filing fee \$ 100, receipt number ADCDC-8567548. Fee Status: Fee Paid. by BRIAN MCCREARY.

[3 Attachments](#) ▼

07/01/2021

MINUTE ORDER (paperless) GRANTING defendant's 22 Consent Motion for Admission Pro Hac Vice to Admit Jeffrey A. Denner. Mr. Denner may enter an appearance pro hac vice for the purpose of representing defendant in this action. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 44.5(a). Click for Instructions. Signed by Chief Judge Beryl A. Howell on June 30, 2021. (lcbah2) (Text entry; no document attached.)

[23](#)

07/12/2021

ENTERED IN ERROR.MOTION for Discovery, MOTION United States Memorandum Regarding Status of Discovery by USA as to BRIAN MCCREARY. Modified on 7/12/2021

07/12/2021

NOTICE OF CORRECTED DOCKET ENTRY: as to BRIAN MCCREARY re 23 MOTION for Discovery MOTION United States Memorandum Regarding Status of Discovery was entered in error and counsel was instructed to refile said pleading under the proper ECF event. (Text entry; no document attached.)

[24](#)

07/12/2021

NOTICE of United States Memorandum Regarding Status of Discovery by USA as to BRIAN MCCREARY

[25](#)

07/13/2021

NOTICE OF ATTORNEY APPEARANCE: Jeffrey A. Denner appearing for BRIAN MCCREARY Pro Hac Vice

07/30/2021

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Hearing as to BRIAN MCCREARY held via videoconference on 7/30/2021. The Defendant agreed to participate via videoconference after consultation with counsel. A further Status Hearing is scheduled for 9/10/2021, at 9:30 AM before Chief Judge Beryl A. Howell. Time excluded under the Speedy Trial Act from 7/30/2021 through 9/10/2021, in the interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial in order to give the government time to complete the discovery and the defendant time to review the discovery and discuss a potential resolution of this matter short of trial. Bond Status of Defendant: personal recognizance. Present via videoconference: Defense Attorneys: Jeffrey A. Denner, Richard D. Heideman; US Attorney: Brandon K. Regan; Pretrial Officer: Dashanta ValentineLewis (telephonically). Court Reporter: Elizabeth Saint-Loth. (ztg) Modified to correct counsel information on 8/23/2021 (Text entry; no document attached.)

[27](#)

09/06/2021

Unopposed MOTION to Continue and Joint Status Report by USA as to BRIAN MCCREARY.

[28](#)

09/06/2021

Joint STATUS REPORT by USA, BRIAN MCCREARY as to BRIAN MCCREARY. (See Docket Entry 27 to view document). (znmw)

09/07/2021

MINUTE ORDER granting 27 Motion to Continue as to BRIAN MCCREARY. Upon consideration of the parties Joint Status Report/Motion to Continue, it is hereby ORDERED that a Plea Agreement Hearing is scheduled for October 1, 2021, at 3:00 PM before Chief Judge Beryl A. Howell; it is FURTHER ORDERED that for the reasons outlined in the parties motion, time under the Speedy Trial Act shall be excluded from September 10, 2021 through October 1, 2021, in the best interests of justice, and those interests outweigh the interests of the public and the defendant in a speedy trial. It is SO ORDERED. Signed by Chief Judge Beryl A. Howell on 9/7/2021. (Text entry; no document attached.)

09/07/2021

Terminate Hearings as to BRIAN MCCREARY: Status Hearing scheduled for 9/10/2021, VACATED. (Text entry; no document attached.)

09/15/2021

NOTICE OF RESCHEDULED HEARING as to BRIAN MCCREARY. The parties shall take notice that the Plea Agreement Hearing currently scheduled for 10/1/2021, is RESCHEDULED for 10/26/2021, at 8:30 AM via videoconference before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

09/16/2021

NOTICE OF RESCHEDULED HEARING as to BRIAN MCCREARY. The parties shall take notice that the Plea Agreement Hearing currently scheduled for October 26, 2021, shall be RESCHEDULED for October 14, 2021 at 10:00 AM via videoconference before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

10/13/2021

MINUTE ORDER (paperless), as to BRIAN MCCREARY, DIRECTING the government by 3 PM today, October 13, 2021, to submit to the Court: (1) a report on the length and source(s) of the video evidence described in paragraph 11 of the Statement of Offense ("SOF"), which SOF provides the factual basis for the plea and was submitted by the government to the Court via email; (2) to make such video evidence available electronically for the Court's review; and (3) the government's position on whether this video evidence may be made publicly available without restriction; and FURTHER DIRECTING defendant to be prepared at the time of the plea hearing to provide the Court with his position on whether this video evidence may be made publicly available without restriction. Signed by Chief Judge Beryl A. Howell on October 13, 2021. (lcbah2) (Text entry; no document attached.)

30

10/13/2021

NOTICE of Report and Position Regarding Release of Video Evidence re: Brian McCreary Plea by USA as to BRIAN MCCREARY

10/14/2021

MINUTE ORDER (paperless), as to BRIAN MCCREARY, DIRECTING the government, after consultation with and consent of the parties, promptly to make the eight video exhibits submitted in connection with defendant's October 14, 2021 guilty plea hearing publicly available without restrictions by providing access using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. Signed by Chief Judge Beryl A. Howell on October 14, 2021. (lcbah2) (Text entry; no document attached.)

10/14/2021

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Plea Agreement Hearing as to BRIAN MCCREARY held via videoconference on 10/14/2021; the Defendant agreed to participate via videoconference under the CARES Act and after consultation with counsel. Defendant sworn; plea of guilty entered by BRIAN MCCREARY to Count 2 of the Indictment filed on 2/17/2021; case referred to the Probation Office for presentence investigation. Sentencing scheduled for 1/14/2022, at 9:40 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. The Defendant will continue to be released pending sentencing under the same release conditions. Bond Status of Defendant: Personal Recognizance. Present via videoconference: Defense Attorneys: Jeffrey A. Denner and Richard D. Heideman; US Attorney: Brandon K. Regan; Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

31

10/14/2021

PLEA AGREEMENT as to BRIAN MCCREARY.

32

10/14/2021

STATEMENT OF OFFENSE by USA as to BRIAN MCCREARY.

33

10/14/2021

WAIVER of Trial by Jury as to BRIAN MCCREARY. Approved by Chief Judge Beryl A. Howell on 10/14/2021.

34

10/14/2021

ENTERED IN ERROR.Unopposed MOTION to Convert Hearing on October 27, 2021 from Motions Hearing to Status Hearing by USA as to BRIAN MCCREARY. Modified on 10/14/2021

10/14/2021

NOTICE OF CORRECTED DOCKET ENTRY as to BRIAN MCCREARY. The 34 Unopposed MOTION to Convert Hearing on October 27, 2021 from Motions Hearing to Status Hearing was entered in error in this case, please disregard the entry. (Text entry; no document attached.)

[35](#)

11/08/2021

NOTICE of Memorandum Regarding Status of Discovery as of November 5, 2021 by USA as to BRIAN MCCREARY

[39](#)

01/04/2022

SENTENCING MEMORANDUM by USA as to BRIAN MCCREARY

01/05/2022

NOTICE OF RESCHEDULED HEARING as to BRIAN MCCREARY. The parties shall take notice that the Sentencing Hearing currently scheduled for 1/14/2021, is RESCHEDULED for 2/24/2022, at 11:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

02/17/2022

NOTICE OF RESCHEDULED HEARING as to BRIAN MCCREARY. The parties shall take notice that the Sentencing Hearing currently scheduled for February 24, 2022, is RESCHEDULED for April 1, 2022, at 9:30 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

[40](#)

02/17/2022

SENTENCING MEMORANDUM by BRIAN MCCREARY

02/17/2022

NOTICE OF RESCHEDULED HEARING as to BRIAN MCCREARY. The parties shall take notice that the Sentencing Hearing currently scheduled for February 24, 2022, is RESCHEDULED for April 1, 2022, at 9:30 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

03/23/2022

Set/Reset Deadlines as to BRIAN MCCREARY: Government's response to Order of the Court due by 3/24/2022; Defendant's response to Order of the Court due by noon on 3/25/2022. (Text entry; no document attached.)

03/22/2022

MINUTE ORDER (paperless), as to BRIAN MCCREARY (1), DIRECTING the government, by March 24, 2022, to: (1) submit to the Court a supplemental report identifying any video evidence (including videos from which screenshots are included in the government's briefing) on which the factual statements in the government's [39] Sentencing Memorandum are based, but only to the extent such videos were not already identified in the analogous [30] report submitted by the government in conjunction with defendant's plea hearing; (2) make any such additional video evidence available for the Court's review; and (3) provide the government's position on whether this additional video evidence may be made publicly available without restriction; and FURTHER DIRECTING defendant, by noon on March 25, 2022, to file a notice as to his position on public release of such additional video evidence. The parties are welcome to include defendant's position in the government's supplemental report, in lieu of a separate filing by defendant, if the parties' counsel so coordinate. Signed by Chief Judge Beryl A. Howell on March 22, 2022. (lcbah2) (Text entry; no document attached.)

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03/24/2022

NOTICE of Government Report and Position Regarding Public Release of Video by USA as to BRIAN MCCREARY

03/25/2022

MINUTE ORDER (paperless), as to BRIAN MCCREARY (1), DIRECTING the government, in light of the parties' agreement that additional video evidence may be released, see [41] Government Report and Position Regarding Public Release of Video Evidence, promptly to make the video exhibit identified in the government's [41] Report publicly available without restrictions by providing access using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. Signed by Chief Judge Beryl A. Howell on March 25, 2022. (lcbah2) (Text entry; no document attached.)

03/28/2022

MINUTE ORDER (paperless), as to BRIAN MCCREARY, DIRECTING the government, by 5 P.M. on March 29, 2022, to submit a detailed description of defendant's conduct as depicted in the CCTV footage submitted in aid of sentencing, see Gov't Report and Position Regarding Public Release of Video Evidence, ECF No. 41, including whether defendant is shown on this video, at the 1:51-53 minute mark, using a pole attached to a flag to assist other individuals break through a window at the Capitol's Senate Wing entrance and explaining why that detail was not included in the government's [39] Sentencing Memorandum. Signed by Chief Judge Beryl A. Howell on March 28, 2022. (lcbah2) (Text entry; no document attached.)

[42](#)

03/29/2022

NOTICE of Government Report Regarding Defendant's Conduct in CCTV Footage Submitted to the Court in Aid of Sentencing by USA as to BRIAN MCCREARY

04/01/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Sentencing held on 4/1/2022 as to BRIAN MCCREARY. Defendant sentenced on Count 2 of the Indictment to serve a term of thirty-six (36) months of Probation with conditions of intermittent confinement and home detention; a special assessment of \$25.00, a fine of \$2,500.00, and restitution to the victim, Architect of the Capitol, in the amount of \$500.00 ordered; the financial obligations are payable to the Clerk of the Court for the U.S. District Court for the District of Columbia; Defendant placed on Probation, he shall be allowed to self-surrender to serve the intermittent confinement; oral motion by the government to dismiss the remaining Counts of the Indictment, granted; Counts 1, 3, 4, and 5 dismissed as to Defendant Brian McCreary. Bond Status of Defendant: Probation. Present: Defense Attorneys: Jeffrey A. Denner and Richard D. Heideman; US Attorney: Brandon K. Regan; Probation Officer: Carmen I. Newton (via videoconference); Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (ztg) Modified on 4/1/2022 (Text entry; no document attached.)

04/01/2022

DISMISSAL OF COUNTS on Government Motion. Counts 1, 3, 4, and 5 dismissed on oral motion by the Government during sentencing proceedings on 4/1/2022. (Text entry; no document attached.)

[46](#)

04/01/2022

JUDGMENT as to BRIAN MCCREARY. Statement of Reasons Not Included. Signed by Chief Judge Beryl A. Howell on 4/1/2022. (zhsj)

[47](#)

04/01/2022

STATEMENT OF REASONS as to BRIAN MCCREARY re [46] Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Chief Judge Beryl A. Howell on 4/1/2022. (zhsj)

[48](#)

04/04/2022

TRANSCRIPT OF PROCEEDINGS, in case as to BRIAN MCCREARY, before Chief Judge Beryl A. Howell, held on 4-01-2022. Page Numbers: 1 - 94. Date of Issuance: 4-04-2022. Court Reporter: Elizabeth SaintLoth, Telephone number: 202-354-3242. Transcripts may be ordered by submitting the Transcript Order Form