

**U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00236-GMH-1**

Case title: USA v. COFFEE

Date Filed: 02/16/2021

Date Terminated: 04/29/2021

Assigned to: Magistrate Judge G. Michael Harvey

**Defendant (1)**

**LUKE RUSSELL COFFEE**  
TERMINATED: 04/29/2021

represented by **Christopher D. Man**  
WINSTON & STRAWN LLP  
1901 L Street NW  
Washington, DC 20036  
202-282-5000  
Fax: 202-282-5100  
Email: CMan@winston.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Jim Burnham**  
LAW OFFICES OF JIM BURNHAM  
6116 N. Central Expressway  
Suite 515  
Dallas, TX 75206  
214-750-6616  
Email: jim@jburnhamlaw.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Disposition**

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Disposition**

**Complaints**

COMPLAINT in Violation of 18:111(b), 18:231(a)(3), 18:1512(c)(2), 18:1752(a) (1) and (2) and 40:5104(e)(1)

**Plaintiff**

USA

represented by **Peter C. Lallas**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-6879  
Email: Peter.Lallas@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant U.S. Attorney*

Date Filed	#	Docket Text
02/16/2021	<a href="#">1</a>	SEALED COMPLAINT as to LUKE RUSSELL COFFEE (1). (Attachments: # <a href="#">1</a> Statement of Facts) (zstd) (Entered: 02/16/2021)
02/16/2021	<a href="#">3</a>	MOTION to Seal Case by USA as to LUKE RUSSELL COFFEE. (Attachments: # <a href="#">1</a> Text of Proposed Order)(zstd) (Entered: 02/16/2021)
02/16/2021	<a href="#">4</a>	ORDER granting <a href="#">3</a> Motion to Seal Case as to LUKE RUSSELL COFFEE (1). Signed by Magistrate Judge G. Michael Harvey on 02/16/2021. (zstd) (Entered: 02/16/2021)
02/25/2021		Case unsealed as to LUKE RUSSELL COFFEE (zstd) (Entered: 02/26/2021)
02/25/2021		Arrest of LUKE RUSSELL COFFEE in US District Court Northern District of Texas Dallas Division. (bb) (Entered: 03/10/2021)
03/09/2021	<a href="#">5</a>	Emergency MOTION to Stay and Review of Release Order by USA as to LUKE RUSSELL COFFEE. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Text of Proposed Order)(Lallas, Peter) (Entered: 03/09/2021)
03/09/2021	<a href="#">6</a>	MOTION for Transport Order by USA as to LUKE RUSSELL COFFEE. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lallas, Peter) Modified event title on 3/17/2021 (znmw). (Entered: 03/09/2021)
03/09/2021	<a href="#">12</a>	MOTION to Review Release Order by USA as to LUKE RUSSELL COFFEE. (See Docket Entry <a href="#">5</a> to view document). (znmw) (Entered: 03/23/2021)
03/10/2021		NOTICE OF HEARING ON MOTION in case as to LUKE RUSSELL COFFEE regarding <a href="#">5</a> Review of Release Order. The parties shall take notice that a motion hearing is scheduled for 3/12/2021, at 2:00 PM before Chief Judge Beryl A. Howell. (ztg) (Entered: 03/10/2021)
03/10/2021	<a href="#">7</a>	ORDER, as to LUKE RUSSELL COFFEE, GRANTING the government's <a href="#">5</a> Motion to Stay Release. Signed by Chief Judge Beryl A. Howell on March 10, 2021. (lcbah2) (Entered: 03/10/2021)
03/10/2021		MINUTE ORDER (paperless), as to LUKE RUSSELL COFFEE, DENYING the government's <a href="#">6</a> Motion for Transport Order without prejudice. The parties are DIRECTED to appear for a hearing on the government's <a href="#">5</a> Motion for Review of Release Order on March 12, 2021, at 2:00 PM before Chief Judge Beryl A. Howell via videoconference. Video connection details will be provided by the docket clerk. Signed by Chief Judge Beryl A. Howell on March 10, 2021. (lcbah2) (Entered: 03/10/2021)

		be provided by the deputy clerk. Signed by Chief Judge Beryl A. Howell on March 10, 2021. (lcbah2) (Entered: 03/10/2021)
03/10/2021		MINUTE ORDER (paperless) as to LUKE RUSSELL COFFEE, VACATING the hearing to review the release order of the magistrate judge from the Northern District of Texas scheduled for March 12, 2021 at 2:00 PM, upon consideration of the defendant's request for "30 days to prepare for a hearing before the Court on this matter." Def.'s Opposition to Motion for Emergency Stay and for Review of Release, at p. 1; Def.'s Opposition to Motion for Transport Order, at p. 2, in both defense oppositions which were submitted via email after this Court had granted the government's <u>5</u> Motion to Stay Release, denied the government's <u>6</u> Motion for Transport Order without prejudice and scheduled a hearing on the government's <u>5</u> Motion to Stay Release; and DIRECTING the parties to appear for a hearing on the governments <u>5</u> Motion for Review of Release Order on April 9, 2021 at 2:00 PM before Chief Judge Beryl A. Howell via videoconference. Video connection details will be provided by the deputy clerk. Signed by Chief Judge Beryl A. Howell on March 10, 2021. (lcbah2) (Entered: 03/10/2021)
03/10/2021	<u>8</u>	Rule 5(c)(3) Documents Received as to LUKE RUSSELL COFFEE from US District Court Northern District of Texas Dallas Division Case Number 3:21-mj-186- BK (bb) (Entered: 03/10/2021)
03/10/2021		Set/Reset Hearings as to LUKE RUSSELL COFFEE: Motion Hearing scheduled for 4/9/2021, at 2:00 PM via videoconference before Chief Judge Beryl A. Howell. (ztg) (Entered: 03/10/2021)
03/11/2021	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice James D. Burnham Filing fee \$ 100, receipt number ADCDC-8295314. Fee Status: Fee Paid. by LUKE RUSSELL COFFEE. (Attachments: # <u>1</u> Exhibit A - Letter of Good Standing, # <u>2</u> Exhibit B - Sponsor's Affidavit and Motion for Admission of James D. Burnham, # <u>3</u> Text of Proposed Order)(Man, Christopher) (Entered: 03/11/2021)
03/11/2021	<u>10</u>	MEMORANDUM in Support of Pretrial Detention by USA as to LUKE RUSSELL COFFEE (Attachments: # <u>1</u> Exhibit)(Lallas, Peter) (Entered: 03/11/2021)
03/12/2021		MINUTE ORDER (paperless) as to LUKE RUSSELL COFFEE GRANTING defendant's <u>9</u> Motion for Leave to Appear Pro Hac Vice. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 44.5(a). Click for Instructions.</b> Signed by Chief Judge Beryl A. Howell on March 11, 2021. (lcbah2). Modified on 3/12/2021 (lcbah2). (Entered: 03/12/2021)
03/15/2021	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: Jim Burnham appearing for LUKE RUSSELL COFFEE (Burnham, Jim) (Entered: 03/15/2021)
03/31/2021	<u>13</u>	PRETRIAL MEMORANDUM <i>DEFENDANT'S MEMORANDUM IN SUPPORT OF OPPOSITION TO MOTION FOR EMERGENCY STAY AND FOR REVIEW OF RELEASE ORDER</i> by LUKE RUSSELL COFFEE (Burnham, Jim) (Entered: 03/31/2021)
04/05/2021		MINUTE ORDER (paperless), as to LUKE RUSSELL COFFEE, DIRECTING the government to submit, by April 7, 2021 at 2:00 PM, a response to defendant's <u>13</u> Memorandum in Support of Opposition to Motion for Emergency Stay and for Review of Release Order, that addresses application of the D.C. Circuit's opinion in <i>United States v. Munchel</i> , Case No. 21-3010, 2021 U.S. App. LEXIS 8810 (D.C. Cir. Mar. 26, 2021), a decision that the government neither appealed nor sought <i>en banc</i> review, but instead agreed to pretrial release on remand, <i>see</i> Gov't's Withdrawal of Mot. for Detention, and Mot. to Release Defs. on Bond, <i>United States v. Munchel</i> , Criminal Action No. 21-118 (RCL), ECF No. 59, including addressing, <i>inter alia</i> , whether defendant's continued pretrial detention can be reconciled with <i>Munchel</i> , which:  (1) examined a statutory definition before finding that "at this stage, the evidence sufficiently demonstrates that Munchel's taser is a dangerous weapon under the statute," <i>Munchel</i> at *14 n.5;  (2) placed little weight on a defendant's mere possession, without use, of a dangerous weapon while storming the U.S. Capitol in evaluating the district court's conclusion that the defendant posed a danger to the community, <i>id.</i> at *12-13;  (3) determined the district court did not demonstrate that it "adequately considered, in light of all the record evidence," whether defendants, who were a part of the mob assault on the Capitol, illegally entered the Capitol, carried weapons onto Capitol grounds, and showed no remorse for their actions, but had limited criminal history, <i>id.</i> at *18, presented "an identified and articulable threat to the community," <i>id.</i> at *18-19;  (4) required that any "threat be considered in context," <i>id.</i> at *20, such that the district court must consider "the nature of the threat identified and the resources and capabilities of the defendant" to carry out that threat, <i>id.</i> ;  (5) emphasized that defendants "assaulted no one on January 6... did not enter the Capitol by force... [and] vandalized no property" as important considerations for whether defendants "pose a threat of using force to promote [their] political ends," <i>id.</i> at *21-22;  (6) directed the district court to consider whether defendants pose such a threat outside of the specific context "of a large group of people who had gathered at the Capitol in protest that day" on January 6th, 2021, since "the presence of the group was critical to their ability to obstruct the vote and to cause danger to the community," <i>id.</i> at *23-24, and "there was no explanation of how [defendants] would be capable of doing so now that the specific circumstances of January 6 have passed," <i>id.</i> ;  (7) articulated a difference between mob participants that "assaulted police officers and broke through windows, doors, and barricades, and those who aided, conspired with, planned, or coordinated such actions" and those who "cheered on the violence or entered the Capitol after others cleared the way," <i>id.</i> at *22 (citing <i>United States v. Simpkins</i> , 826 F.2d 94, 96 (D.C. Cir. 1987)); and  (8) directed that "[d]etention cannot be based on a finding that the defendant is unlikely to comply with conditions of release absent the requisite finding of dangerousness or risk of flight," <i>id.</i> at *20.  Signed by Chief Judge Beryl A. Howell on April 5, 2021. (lcbah2) (Entered: 04/05/2021)
04/07/2021	<u>14</u>	SUPPLEMENTAL MEMORANDUM in Support of Pretrial Detention <i>in Response to April 5, 2021 Minute Order</i> by USA as to LUKE RUSSELL COFFEE (Lallas, Peter) Modified Text on 4/22/2021 (zhjs). (Entered: 04/07/2021)
04/08/2021	<u>15</u>	REPLY by LUKE RUSSELL COFFEE <i>REPLY TO THE GOVERNMENT'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PRE-TRIAL DETENTION (DOC. 14)</i> (Attachments: # <u>1</u> Exhibit Exhibit A)(Burnham, Jim) (Entered: 04/08/2021)
04/08/2021	<u>16</u>	MEMORANDUM in Opposition to Motion for Emergency Stay and for Review of Release Order re <u>5</u> Emergency MOTION to Stay <i>and Review of Release Order</i> by LUKE RUSSELL COFFEE. (Attachments: # <u>1</u> Text of Proposed Order ORDER)(Burnham, Jim) Modified event title on 4/26/2021 (znmw). (Entered: 04/08/2021)
04/08/2021	<u>17</u>	MEMORANDUM in Opposition to Motion for Transport Order re <u>6</u> MOTION for Order by LUKE RUSSELL COFFEE. (Attachments: # <u>1</u> Text of Proposed Order ORDER)(Burnham, Jim) Modified event title on 4/26/2021 (znmw). (Entered: 04/08/2021)
04/09/2021		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to LUKE RUSSELL COFFEE held via videoconference on 4/9/2021. The Defendant agreed to participate via videoconference after consultation with counsel. Government's 12 MOTION for Pretrial Detention, heard and DENIED; Magistrate Judge's Order of Release AFFIRMED. The Defendant will be released to the custody of his father on home detention and with location monitoring, he will be supervised by the Pretrial Service for the Northern District of Texas. Defendant DIRECTED to appear in this jurisdiction when notified before a magistrate judge or before the judge to whom his case is randomly assigned. Bond Status of Defendant: Released. Present via videoconference: Defense Attorney: Jim Burnham; US Attorney: Peter C. Lallas; Pretrial Officer: Andre Sidbury (telephonically). Court Reporter: Elizabeth Saint-Loth. (ztg) (Entered: 04/09/2021)
04/09/2021	<u>18</u>	ORDER Setting Conditions of Release with Global Positioning System Monitoring. Signed by Chief Judge Beryl A. Howell on 4/9/2021. (Attachments: # <u>1</u> Appearance Bond) (ztg) (Entered: 04/09/2021)
04/13/2021	<u>19</u>	AMENDED ORDER Setting Conditions of Release with Global Positioning System Monitoring. Signed by Chief Judge Beryl A. Howell on 4/13/2021. (ztg) (Entered: 04/13/2021)
04/15/2021	<u>20</u>	ENTERED IN ERROR..... TRANSCRIPT OF PROCEEDINGS, in case as to LUKE RUSSELL COFFEE, before Chief Judge Beryl A. Howell, held on 4-09-2021. Page Numbers: 1-71. Date of Issuance: 4-15-2021. Court Reporter: Elizabeth SaintLoth, Telephone number: 202-354-3242. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a>  For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.  <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a> .  Redaction Request due 5/6/2021. Redacted Transcript Deadline set for 5/16/2021. Release of Transcript Restriction set for 7/14/2021.(Saint-Loth, Elizabeth) Modified on 5/20/2021; entered in error as a duplicate of docket entry <u>21</u> . (znmw). (Entered: 04/15/2021)
04/16/2021	<u>21</u>	TRANSCRIPT OF PROCEEDINGS, in case as to LUKE RUSSELL COFFEE, before Chief Judge Beryl A. Howell, held on 4-09-2021. Page Numbers: 1 - 71. Date of Issuance: 4-16-2021. Court Reporter: Elizabeth SaintLoth, Telephone number: 202-354-3242. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a>  For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.

**NOTICE RE REDACTION OF TRANSCRIPTS:** The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov).

Redaction Request due 5/7/2021. Redacted Transcript Deadline set for 5/17/2021. Release of Transcript Restriction set for 7/15/2021.(Saint-Loth, Elizabeth) (Entered: 04/16/2021)

04/22/2021		MINUTE ORDER. It is hereby ORDERED that Defendant LUKE RUSSELL COFFEE (1) appear for an initial appearance on Tuesday, April 27, 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 4/8/2021. (zpt) (Entered: 04/22/2021)
04/26/2021	<a href="#">22</a>	Unopposed MOTION to Continue <i>FOR INITIAL APPEARANCE</i> by LUKE RUSSELL COFFEE. (Attachments: # <a href="#">1</a> Text of Proposed Order ORDER)(Burnham, Jim) (Entered: 04/26/2021)
04/27/2021	<a href="#">24</a>	ORDER Granting <a href="#">22</a> Unopposed MOTION to Continue FOR INITIAL APPEARANCE by LUKE RUSSELL COFFEE (1). Initial Appearance continued to 5/11/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Signed by Magistrate Judge G. Michael Harvey on 4/27/2021. (zpt) (zpt). (Entered: 04/28/2021)
04/28/2021		Magistrate case closed for defendant LUKE RUSSELL COFFEE, pending deadlines, motions, and excludables. Merged Criminal Number 21-327 (RC). (zhsj) (Entered: 04/30/2021)

**PACER Service Center**

**Transaction Receipt**

06/15/2021 12:57:27

<b>PACER Login:</b>	jcburns4	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:21-mj-00236-GMH
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50