

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00073-BAH-1**

Case title: USA v. DECARLO et al

Date Filed: 02/03/2021

Magistrate judge case number: 1:21-mj-00120-ZMF

Assigned to: Chief Judge Beryl A. Howell

Defendant (1)

NICHOLAS DECARLO
also known as
DICK NECARLO
also known as
DICK LAMBASTE

represented by **Robert A. Feitel**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

- 18 U.S.C. 371 and 1512(c)(2); CONSPIRACY TO DEFRAUD THE UNITED STATES; Conspiracy (1)
- 18 U.S.C. 1512(c)(2); TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding (2)
- 18 U.S.C. 1361, 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property (3)
- 18 U.S.C. 641, 2; PUBLIC MONEY, PROPERTY OR RECORDS; Theft of Government Property (4)
- 18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Restricted Building or Grounds (5)
- 18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (6)
- 18 U.S.C. 1752(a)(4) and 2; TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds (7)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:1512(c)(2), 18:1752(a)(1) & (2) and 40:5104(e)(2)(G)

Disposition

Plaintiff

USA

represented by **Christopher Berridge**
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LEAD ATTORNEY
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Date Filed	#	Docket Text
01/19/2021	1	COMPLAINT as to NICHOLAS DECARLO (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00120-ZMF] (Entered: 01/19/2021)
01/26/2021		Arrest of Defendant NICHOLAS DECARLO (1) in the Northern District of Texas. (ztg) Modified on 3/17/2021 (kk). (Entered: 02/12/2021)
02/04/2021	17	INDICTMENT as to NICHOLAS DECARLO (1) count(s) 1, 2, 3, 4, 5, 6, 7, NICHOLAS R. OCHS (2) count(s) 1, 2, 3, 4, 5, 6, 7. (zltip) (Entered: 02/04/2021)
02/04/2021		NOTICE OF HEARING as to NICHOLAS DECARLO and NICHOLAS R. OCHS. The parties shall take notice that an Arraignment Hearing is scheduled for 2/12/2021, at 10:45 AM before Chief Judge Beryl A. Howell. (ztg) (Entered: 02/04/2021)
02/04/2021	19	STANDING ORDER as to NICHOLAS DECARLO. Signed by Chief Judge Beryl A. Howell on February 4, 2021. (lcbah4) Modified date on 2/4/2021 (ztg). (Entered: 02/04/2021)
02/10/2021	38	Arrest Warrant, dated 1/19/2021, returned executed in the U.S. District Court for the District of Columbia on 2/10/2021 as to Defendant NICHOLAS DECARLO (1). (kk) (zkk). (Entered: 02/10/2021)

	03/17/2021)
02/10/2021	ORAL MOTION by Defendant NICHOLAS DECARLO (1) to Appoint Counsel. (kk) (Entered: 03/17/2021)
02/10/2021	ORAL MOTION by USA to Exclude Speedy Trial Time from 2/10/2021 until 2/12/2021 as to Defendant NICHOLAS DECARLO (1). (kk) (Entered: 03/17/2021)
02/10/2021	Minute Entry for Initial Appearance as to NICHOLAS DECARLO (1) 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. The Court finds that the defendant is eligible for court appointed counsel and will authorize the appointment of an attorney from the Criminal Justice Act Panel. Arraignment scheduled before Chief Judge Beryl A. Howell on 2/12/2021 at 10:45 AM. Oral Motion by USA to Exclude Speedy Trial Time from 2/10/2021 until 2/12/2021. The defense does not join in the Government's motion. Government's motion granted by the Court; time between 2/10/2021 and 2/12/2021 excluded pursuant to the Speedy Trial Act in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond with GPS Monitoring. Court Reporter: FTR Gold - Ctrm. 11; FTR Time Frames: 1:42:30 - 1:53:11 and 2:41:48 - 3:01:02. Defense Attorney: Michelle Peterson, standing in only; U.S. Attorney: Kelly Smith for Christopher Berridge; Pretrial Officer: Shay Holman. (kk) (Entered: 03/17/2021)
02/12/2021	Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Arraignment held via videoconference on 2/12/2021 as to Defendant #1 NICHOLAS DECARLO and #2 NICHOLAS R. OCHS. The defendants agreed to participate via videoconference after consultation with counsel. Plea of not guilty entered by Defendant NICHOLAS DECARLO and Defendant NICHOLAS R. OCHS to Counts 1, 2, 3, 4, 5, 6, and 7 of the Indictment filed on 2/4/2021. A Status Hearing is scheduled for 4/16/2021, at 11:30 AM before Chief Judge Beryl A. Howell. The defendants agreed to exclude time under the Speedy Trial Act from today until the status hearing of 4/16/2021. The Court found that time shall be excluded under the Speedy Trial Act from 2/12/2021 through 4/16/2021, in the best interest 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 discovery and for defense counsel to review and discuss the discovery with the client. Bond Status of Defendants: Personal Recognizance. Present via videoconference: Defense Attorney: #1 Michelle Peterson and #2 Edward B. MacMahon Jr.; US Attorney: Christopher Berridge; Pretrial Officer: Andre Sidbury (telephonically). Court Reporter: Elizabeth Saint-Loth. (ztg) (Entered: 02/12/2021)
02/15/2021	27 ORDER Setting Conditions of Release as to NICHOLAS DECARLO (1) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 2/10/2021. (ztl) (Additional attachment(s) added on 4/22/2021: # 1 Appearance Bond) (zkk) (Entered: 02/16/2021)
03/03/2021	28 NOTICE OF ATTORNEY APPEARANCE: Robert A. Feitel appearing for NICHOLAS DECARLO (Feitel, Robert) (Entered: 03/03/2021)
03/12/2021	29 Unopposed MOTION to Modify Conditions of Release by NICHOLAS DECARLO. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit Defendant's Release Order (DE 27))(Feitel, Robert) (Entered: 03/12/2021)
03/12/2021	30 ORDER granting 29 Defendant's Unopposed Motion to Modify Conditions of Release as to NICHOLAS DECARLO (1). Signed by Chief Judge Beryl A. Howell on 3/12/2021. (ztg) (Entered: 03/12/2021)
04/14/2021	31 Unopposed MOTION for Protective Order of Discovery Materials by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(Berridge, Christopher) (Entered: 04/14/2021)
04/14/2021	MINUTE ORDER granting 31 Motion for Protective Order as to NICHOLAS DECARLO (1) and NICHOLAS R. OCHS (2). Signed by Chief Judge Beryl A. Howell on 4/14/2021. (ztg) (Entered: 04/14/2021)
04/14/2021	32 SUPERSEDING PROTECTIVE ORDER as to NICHOLAS DECARLO and NICHOLAS R. OCHS. Signed by Chief Judge Beryl A. Howell on April 14, 2021. (lcbah4) (Entered: 04/14/2021)
04/14/2021	33 Second MOTION to Modify Conditions of Release by NICHOLAS DECARLO. (Attachments: # 1 Text of Proposed Order)(Feitel, Robert) (Entered: 04/14/2021)
04/15/2021	MINUTE ORDER as to NICHOLAS DECARLO re 33 Second MOTION to Modify Conditions of Release filed by NICHOLAS DECARLO. DIRECTING the government to submit the reasons for its opposition by 2 PM today, April 15, 2021. Signed by Chief Judge Beryl A. Howell on 4/15/2021. (ztg) (Entered: 04/15/2021)
04/15/2021	35 Unopposed MOTION to Continue Status Hearing, Unopposed MOTION to Exclude Time Under the Speedy Trial Act by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(Berridge, Christopher) (Entered: 04/15/2021)
04/15/2021	36 ORDER, as to NICHOLAS DECARLO and NICHOLAS R. OCHS, GRANTING the government's 35 Unopposed Motion to Continue Status Hearing and to Exclude Time under the Speedy Trial Act, CONTINUING the status hearing scheduled for April 16, 2021, to June 21, 2021, at 11:30 AM, and EXCLUDING time under the Speedy Trial Act through June 21, 2021. Signed by Chief Judge Beryl A. Howell on April 15, 2021. (lcbah4) (Entered: 04/15/2021)
04/15/2021	37 Memorandum in Opposition by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS re 33 Second MOTION to Modify Conditions of Release (Berridge, Christopher) (Entered: 04/15/2021)
04/15/2021	Set/Reset Hearings as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Status Conference RESCHEDULED for 6/21/2021, at 11:30 AM before Chief Judge Beryl A. Howell. (ztg) (Entered: 04/15/2021)
04/16/2021	MINUTE ORDER (paperless), as to NICHOLAS DECARLO, GRANTING defendant's 33 Second Motion to Modify Conditions of Release ("Def.'s Mot."). Defendant argues that he does not pose either a danger to the safety of the community or a flight risk and that neither GPS location monitoring nor a curfew is necessary to ensure that he complies with his release conditions. Def.'s Mot. at 1. As defendant notes, he has complied with his release conditions for the past three months, and his co-defendant, who is charged with the same offenses, was released on personal recognizance without GPS monitoring or a curfew. <i>Id.</i> at 3. The government opposes defendant's motion by highlighting his offense conduct and stating without much elaboration that "GPS monitoring and a curfew are eminently reasonable conditions of release given the defendant's actions during the crime, his actions after the crime, and the statements he has made since his awareness of the case against him." Gov't's Opp'n at 4-5, ECF No. 37. The government does not explain, however, how defendant poses a risk of flight or danger to the community absent GPS monitoring and a curfew. Most importantly, the government does not explain why defendant DeCarlo requires more strict conditions of release than his co-defendant. Accordingly, defendant's motion is GRANTED, and defendant's conditions of pretrial release are modified as follows: the defendant is no longer subject to location monitoring and is no longer under a curfew. All other prior conditions of release shall remain in effect. Signed by Chief Judge Beryl A. Howell on April 16, 2021. (lcbah4) (Entered: 04/16/2021)

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