

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00073-BAH-2

Case title: USA v. DECARLO et al

Date Filed: 02/03/2021

Magistrate judge case number: 1:21-mj-00015-GMH

Assigned to: Chief Judge Beryl A. Howell

Defendant (2)**NICHOLAS R. OCHS***also known as*
NICK

represented by **Edward B. MacMahon, Jr.**
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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 U.S.C. 1752(a)

Disposition**Plaintiff**

USA

represented by **Christopher Berridge**
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Date Filed	#	Docket Text
01/07/2021	1	SEALED COMPLAINT as to NICHOLAS R. OCHS (1). (Attachments: # 1 Affidavit in Support) (zltp) [1:21-mj-00015-GMH] (Entered: 01/08/2021)
01/07/2021	2	MOTION to Seal Case by USA as to NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(zltp) [1:21-mj-00015-GMH] (Entered: 01/08/2021)
01/07/2021	4	ORDER granting 2 Motion to Seal Case as to NICHOLAS R. OCHS (1). Signed by Magistrate Judge G. Michael Harvey on 1/7/2021. (zltp) [1:21-mj-00015-GMH] (Entered: 01/08/2021)
01/07/2021		Arrest of NICHOLAS R. OCHS in District of Hawaii. (zpt) [1:21-mj-00015-GMH] (Entered: 01/26/2021)
01/08/2021	5	MOTION to Unseal Case by USA as to NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(zltp) [1:21-mj-00015-GMH] (Entered: 01/08/2021)
01/08/2021	6	ORDER granting 5 Motion to Unseal Case as to NICHOLAS R. OCHS (1). Signed by Magistrate Judge G. Michael Harvey on 1/8/2021. (zltp) [1:21-mj-00015-GMH] (Entered: 01/08/2021)
01/08/2021	7	MOTION for Hearing (Initial Approval) by USA as to NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(Belmont, Kathryn) [1:21-mj-00015-GMH] (Entered: 01/08/2021)

01/08/2021	4	MOTION for Hearing (Initial Appearance) by USA as to NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(Rakoczy, Kathryn) [1:21-mj-00015-GMH] (Entered: 01/08/2021)
01/09/2021	8	ERRATA by USA as to NICHOLAS R. OCHS re 3 MOTION to Seal Case filed by USA (Attachments: # 1 Exhibit Corrected ECF No. 3)(Rakoczy, Kathryn) [1:21-mj-00015-GMH] (Entered: 01/09/2021)
01/11/2021	9	ORDER Granting 7 Motion for Hearing (Initial Appearance) by USA as to NICHOLAS R. OCHS (1). Initial Appearance set for 1/27/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge G. Michael Harvey on 1/11/2021. (zpt) [1:21-mj-00015-GMH] (Entered: 01/11/2021)
01/15/2021	11	MOTION for Protective Order by USA as to NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(Rakoczy, Kathryn) [1:21-mj-00015-GMH] (Entered: 01/15/2021)
01/15/2021	14	Arrest Warrant, dated 1/7/2021, Returned Executed in the U.S. District Court for the District of Columbia on 1/15/2021 as to Defendant NICHOLAS R. OCHS. (zpt) [1:21-mj-00015-GMH] (Entered: 01/26/2021)
01/15/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing as to NICHOLAS R. OCHS (1) held on 1/15/2021. Government does not seek the Defendant's pretrial detention. Status Hearing for Ascertainment of Counsel set for 1/29/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Preliminary Hearing set for 2/5/2021 at 03:30 PM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Placed on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Shelli Peterson; US Attorney: Kathryn Rakoczy; Pretrial Officer: Christine Schuck; (zpt) [1:21-mj-00015-GMH] (Entered: 01/26/2021)
01/15/2021		MINUTE ORDER as to NICHOLAS R. OCHS (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 1/15/2021. (zpt) [1:21-mj-00015-GMH] (Entered: 01/26/2021)
01/15/2021	21	ORDER Setting Conditions of Release as to NICHOLAS R. OCHS (2) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 1/15/2021. (Attachments: # 1 Appearance Bond) (zpt) (Entered: 02/08/2021)
01/16/2021	12	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to NICHOLAS R. OCHS. Signed by Magistrate Judge G. Michael Harvey on 1/16/2021. (zpt) [1:21-mj-00015-GMH] (Entered: 01/18/2021)
01/26/2021	13	NOTICE OF ATTORNEY APPEARANCE: Edward B. MacMahon, Jr appearing for NICHOLAS R. OCHS (MacMahon, Edward) [1:21-mj-00015-GMH] (Entered: 01/26/2021)
01/26/2021		Terminate Deadlines and Hearings as to NICHOLAS R. OCHS: Initial Appearance scheduled for 1/27/2021 was entered in error and is now vacated. (zpt) [1:21-mj-00015-GMH] (Entered: 01/26/2021)
01/28/2021	15	MOTION to Vacate <i>Hearing for Ascertainment of Counsel</i> by NICHOLAS R. OCHS. (Attachments: # 1 Text of Proposed Order)(MacMahon, Edward) [1:21-mj-00015-GMH] (Entered: 01/28/2021)
01/28/2021	16	ORDER Granting 15 MOTION to Vacate Hearing for Ascertainment of Counsel by NICHOLAS R. OCHS (1). Signed by Magistrate Judge G. Michael Harvey on 1/28/2021. (zpt) [1:21-mj-00015-GMH] (Entered: 02/01/2021)
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. (zltp) (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	20	STANDING ORDER as to NICHOLAS R. OCHS. Signed by Chief Judge Beryl A. Howell on February 4, 2021. (lcbah4) (Entered: 02/04/2021)
02/04/2021		MINUTE ORDER: In light of the fact that Magistrate Case for defendant NICHOLAS R. OCHS has closed and merged into Criminal Number 21-73, and an indictment has been filed, the preliminary hearing previously scheduled for February 5, 2021 before Judge Meriweather is VACATED. The parties are respectfully directed to address any scheduling requests to the presiding district judge, Chief Judge Beryl A. Howell. Signed by Magistrate Judge Robin M. Meriweather on 2/4/2021. (ztl) (Entered: 02/08/2021)
02/09/2021	22	NOTICE OF ATTORNEY APPEARANCE: Edward B. MacMahon, Jr appearing for NICHOLAS R. OCHS (MacMahon, Edward) (Entered: 02/09/2021)
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)
04/14/2021	31	Unopposed MOTION for Protective Order of <i>Discovery Materials</i> 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)
04/15/2021	35	Unopposed MOTION to Continue <i>Status Hearing</i> , Unopposed MOTION to Exclude <i>Time Under the Speedy Trial Act</i> 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)

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