

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00125-BAH-1

Case title: USA v. MCCREARY

Date Filed: 02/17/2021

Magistrate judge case number: 1:21-mj-00199-GMH

Assigned to: Chief Judge Beryl A. Howell

Defendant (1)

BRIAN MCCREARY

represented by **Jeffrey A. Denner**
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Pending Counts

18:1512(c)(2)and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(1)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds
(2)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds
(3)

40:5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a Capitol Building
(4)

40:5104(e)(2)(G); FEDERAL STATUTES, OTHER; Parading, Demonstrating, or Picketing in a Capitol Building
(5)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:1752(a)(1), 18:1752(a)(2), 40:5104(e)(2)(D), 40:5104(e)(2)(E) and 40:5104(e)(2)(G)

Disposition

Disposition

Disposition

Plaintiff

USA

represented by **Brandon K. Regan**
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Date Filed	#	Docket Text
02/03/2021	1	SEALED COMPLAINT as to BRIAN MCCREARY (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00199-GMH] (Entered: 02/03/2021)
02/03/2021	3	MOTION to Seal Case by USA as to BRIAN MCCREARY. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00199-GMH] (Entered: 02/03/2021)
02/03/2021	4	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] (Entered: 02/03/2021)
02/04/2021		Case unsealed as to Defendant BRIAN MCCREARY. (kk) [1:21-mj-00199-GMH] (Entered: 02/10/2021)
02/04/2021		Arrest of Defendant BRIAN MCCREARY in the District of Massachusetts. (kk) (Entered: 03/17/2021)
02/10/2021	7	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) (zkk). (Entered: 02/16/2021)
02/10/2021	12	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) (bb). (Entered: 03/17/2021)
02/10/2021		ORAL MOTION by Defendant BRIAN MCCREARY to Appoint Counsel. (kk) (Entered: 03/17/2021)
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. (kk) (Entered: 03/17/2021)
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. (kk) (Entered: 03/17/2021)
02/17/2021	8	INDICTMENT as to BRIAN MCCREARY (1) count(s) 1, 2, 3, 4, 5. (zstd) (Entered: 02/19/2021)
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. (ztg) (Entered: 02/19/2021)
02/19/2021	10	STANDING ORDER as to BRIAN MCCREARY. Signed by Chief Judge Beryl A. Howell on February 19, 2021. (lcbah2) (Entered: 02/19/2021)
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. (zpt) (Entered: 02/25/2021)
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. (ztg) (Entered: 02/26/2021)
03/24/2021	13	Unopposed MOTION to Continue <i>And To Exclude Time Under the Speedy Trial Act</i> , MOTION to Exclude by USA as to BRIAN MCCREARY. (Attachments: # 1 Text of Proposed Order) (Regan, Brandon) Modified relief on 3/26/2021 (znmw). (Entered: 03/24/2021)
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 <i>et seq.</i> , 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) (Entered: 03/24/2021)
04/08/2021	14	Consent MOTION for Protective Order by USA as to BRIAN MCCREARY. (Regan, Brandon) (Entered: 04/08/2021)
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. (ztg) (Entered: 04/12/2021)
04/13/2021	15	PROTECTIVE ORDER as to BRIAN MCCREARY. Signed by Chief Judge Beryl A. Howell on April 9, 2021. (lcbah2) (Entered: 04/13/2021)
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. (ztg) (Entered: 04/20/2021)
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. (ztg) (Entered: 04/23/2021)
04/27/2021	17	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. (Regan, Brandon) (Entered: 04/27/2021)
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). (Entered: 04/27/2021)
06/22/2021	18	Unopposed MOTION to Continue <i>and Joint Status Report</i> , by USA as to BRIAN MCCREARY. (Regan, Brandon) Modified on 6/24/2021 (znmw). (Entered: 06/22/2021)
06/22/2021	20	JOINT STATUS REPORT by USA, BRIAN MCCREARY as to BRIAN MCCREARY. (See Docket Entry 18 to view document). (znmw) (Entered: 06/24/2021)
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 <i>pro hac vice</i> 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) (Entered: 06/23/2021)
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. (ztg) (Entered: 06/23/2021)
06/29/2021	21	NOTICE OF ATTORNEY APPEARANCE: Richard D. Heideman appearing for BRIAN MCCREARY (Heideman, Richard) (Entered: 06/29/2021)
06/30/2021	22	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. (Attachments: # 1 Declaration, # 2 Exhibit, # 3 Text of Proposed Order)(Heideman, Richard) (Entered: 06/30/2021)
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) (Entered: 07/01/2021)
07/12/2021	23	ENTERED IN ERROR.....MOTION for Discovery, MOTION United States Memorandum Regarding Status of Discovery by USA as to BRIAN MCCREARY. (Regan, Brandon) Modified on 7/12/2021 (ztg). (Entered: 07/12/2021)
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. (ztg) (Entered: 07/12/2021)
07/12/2021	24	NOTICE of <i>United States Memorandum Regarding Status of Discovery</i> by USA as to BRIAN MCCREARY (Regan, Brandon) (Entered: 07/12/2021)
07/13/2021	25	NOTICE OF ATTORNEY APPEARANCE: Jeffrey A. Denner appearing for BRIAN MCCREARY <i>Pro Hac Vice</i> (Denner, Jeffrey) (Entered: 07/13/2021)

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