

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00046-RDM-1

Case title: USA v. MONTGOMERY, et al.

Date Filed: 01/21/2021

Magistrate judge case number: 1:21-mj-00044-RMM

Assigned to: Judge Randolph D. Moss

Defendant (1)

PATRICK MONTGOMERY

represented by **Camille Wagner**
WAGNER PLLC
1629 K Street
Suite 300
Washington, DC 20006
202-630-8812
Email: law@myattorneywagner.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Danielle Courtney Jahn
FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF COLUMBIA
625 Indiana Ave, NW
Suite 500
Washington, DC 20004
(202) 208-7500
Fax: (202) 501-3829
Email: dani_jahn@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender Appointment

Ronald S. Sullivan, Jr.
RONALD S. SULLIVAN, JR.
6 Everett Street
Cambridge, MA 02138
(617) 496-4777
Fax: (617) 496-2277
Email: rsullivan@ronaldsullivanlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas B. Mayr
MAYR LAW, P.C.
5300 Memorial Drive
Suite 750
Houston, TX 77007
713-808-9613
Fax: 713-808-9991
Email: bmayr@mayr-law.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Pending Counts

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

18 U.S.C. 111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(1s)

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

18 U.S.C. 231(a)(3); CIVIL DISORDER; Civil Disorder
(2s)

40:5104(e)(2)(B); FEDERAL STATUTES, OTHER; Entering and Remaining in the Gallery of Either House of Congress
(3)

18 U.S.C. 1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds
(3s)

40:5104(e)(2)(D); FEDERAL STATUTES, OTHER; Violent Entry and Disorderly Conduct at the Grounds and in a Capitol Building
(4)

40 U.S.C. 5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Act of Physical Violence in a Capitol Grounds or Buildings
(4s)

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

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds
(5s)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT;

Disposition

Disorderly and Disruptive Conduct in a Restricted Building or Grounds
(6s)

40 U.S.C. 5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Violent Entry and Disorderly Conduct in a Capitol Building
(7s)

40 U.S.C. 5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building
(8s)

40 U.S.C. 5104(e)(2)(B); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Entering and Remaining in the Gallery of Congress
(9s)

18 U.S.C. 1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(10s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

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

Disposition

Plaintiff

USA

represented by **Elizabeth C. Kelley**
U.S. ATTORNEY'S OFFICE
555 4th Street, N.W.
Washington, DC 20350
202-252-7238
Email: elizabeth.kelley@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

James Dennis Peterson
DOJ-CRM
1331 F Street
6th Floor
Washington, DC 20530
202-230-0693
Email: james.d.peterson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/13/2021	1	COMPLAINT as to PATRICK MONTGOMERY (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00044-RMM] (Entered: 01/13/2021)
01/17/2021		Case unsealed as to PATRICK MONTGOMERY (bb) [1:21-mj-00044-RMM] (Entered: 01/19/2021)
01/17/2021		Arrest of Defendant PATRICK MONTGOMERY in the District of Colorado. (kk) (Entered: 02/17/2021)
01/17/2021		ENTERED IN ERROR AS A DUPLICATE.....Arrest of PATRICK MONTGOMERY in US District Court for the District of Colorado. (bb) Modified on 4/1/2021 (znmw). (Entered: 03/30/2021)
01/21/2021	3	INFORMATION as to PATRICK MONTGOMERY (1) count(s) 1, 2, 3, 4, 5. (zstd) (Main Document 3 replaced on 1/22/2021) (zstd). [1:21-mj-00044-RMM] (Entered: 01/22/2021)
01/29/2021		MINUTE ORDER as to Defendant PATRICK MONTGOMERY : It is hereby ORDERED that Defendant PATRICK MONTGOMERY appear for an initial appearance on Friday, February 5, 2021 at 1:00 p.m. before Magistrate Judge Robin M. Meriweather. 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 202-354-3083; So Ordered by Magistrate Judge Robin M. Meriweather on 1/29/2021. (kk) (Entered: 01/31/2021)
02/02/2021	11	Rule 5(c)(3) Documents Received as to PATRICK MONTGOMERY from US District Court for the District of Colorado Case Number 1:21-mj-11- STV (bb) (Entered: 03/30/2021)
02/04/2021	5	NOTICE OF ATTORNEY APPEARANCE Elizabeth C. Kelley appearing for USA. (Kelley, Elizabeth) (Entered: 02/04/2021)
02/05/2021	14	Arrest Warrant, dated 1/13/2021, returned executed in the U.S. District Court for the District of Columbia on 2/5/2021 as to Defendant PATRICK MONTGOMERY. (kk) (zkk). (Entered: 02/17/2021)
02/05/2021		ORAL MOTION by Defendant PATRICK MONTGOMERY to Appoint Counsel. (kk) (Entered: 02/17/2021)
02/05/2021		JOINT ORAL MOTION by Defendant PATRICK MONTGOMERY and USA to Exclude Time Under the Speedy Trial Act from 2/5/2021 to 2/18/2021. (kk) (Entered: 02/17/2021)
02/05/2021		Minute Entry for Initial Appearance and Arraignment as to PATRICK MONTGOMERY held by video before Magistrate Judge Robin M. Meriweather on 2/5/2021 : The defendant agrees to appear by video for today's hearing. Oral Motion by Defendant to Appoint Counsel, heard and granted. Assistant Federal Public Defender Danielle Courtney Jahn appointed to represent PATRICK MONTGOMERY. Plea of Not Guilty entered by PATRICK MONTGOMERY to Counts 1, 2, 3, 4 and 5. Status Hearing set before Judge Randolph D. Moss on 2/18/2021 at 11:30 AM by Telephonic VTC. Joint Oral Motion by Defendant and USA to Exclude the Time Under the Speedy Trial Act from 2/5/2021 to 2/18/2021, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 24A; FTR Time Frames: 1:32:41 - 1:43:33 and 2:25:59 - 2:41:59. Defense Attorney: Dani Jahn; U.S. Attorney: Kelly Smith for Elizabeth Kelley; Pretrial Officer: John Copes. (kk) (Entered: 02/17/2021)
02/10/2021	7	NOTICE OF ATTORNEY APPEARANCE: Danielle Courtney Jahn appearing for PATRICK MONTGOMERY (Jahn, Danielle) (Entered: 02/10/2021)
02/10/2021	8	ORDER Setting Conditions of Release as to PATRICK MONTGOMERY (1) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 2/10/2021. (ztl) (Additional attachment(s) added on 4/20/2021: # 1 Appearance Bond) (zkk). (Entered: 02/11/2021)
02/18/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (CMS) Status Conference as to PATRICK MONTGOMERY held on 2/18/2021. Defendant consents to proceeding by video. Due Process Protections Act Order read into the record by the Court. A further Status Conference is set for 4/21/2021, at 10:00 AM, by video, before Judge Randolph D. Moss. The parties shall participate by using the same video connection instructions. For the reasons discussed on the record, the Defendant's passport shall be returned to him. Speedy Trial (XT) is tolled in the interest of justice from 2/18/2021 to 4/21/2021. Bond Status of Defendant: Defendant remains on a PR Bond. Court Reporter: Jeff Hook; Defense Attorney: Danielle C. Jahn; U.S. Attorney: Elizabeth C. Kelley. (kt) Modified on 3/23/2021 to include speedy trial language (kt). (Entered: 02/18/2021)

02/18/2021		MINUTE ORDER as to PATRICK MONTGOMERY: Pursuant to the Due Process Protections Act, it is hereby ORDERED that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Randolph D. Moss on 2/18/2021. (lcrdm2) (Entered: 02/18/2021)
04/05/2021	12	Unopposed MOTION for Protective Order by USA as to PATRICK MONTGOMERY. (Attachments: # 1 Text of Proposed Order)(Kelley, Elizabeth) (Entered: 04/05/2021)
04/05/2021	13	PROTECTIVE ORDER as to PATRICK MONTGOMERY: Upon consideration of the government's motion for Protective Order, Dkt. 12 it is hereby ORDERED that the motion is GRANTED. The parties shall comply with the directives set forth in the attached Protective Order, which the Court adopts in full. See document for details. Signed by Judge Randolph D. Moss on 4/5/2021. (lcrdm2) Modified on 4/6/2021 to reference motion (kt). (Entered: 04/05/2021)
04/16/2021	23	SUPERSEDING INDICTMENT as to PATRICK MONTGOMERY (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, 10s, BRADY KNOWLTON (2) count(s) 5, 6, 7, 8, 9, 10. (zltf) (Entered: 04/19/2021)
04/20/2021		NOTICE OF HEARING as to PATRICK MONTGOMERY (1) and BRADY KNOWLTON (2): Arraignment/Status Conference set for 4/21/2021, at 10:00 AM, by video, before Judge Randolph D. Moss. (kt) (Entered: 04/20/2021)
04/20/2021	27	MOTION for Disclosure of <i>6(e) and Sealed Materials</i> by USA as to PATRICK MONTGOMERY, BRADY KNOWLTON. (Kelley, Elizabeth) (Entered: 04/20/2021)
04/20/2021	28	MOTION to Continue and Exclude Time Under the Speedy Trial Act by USA as to PATRICK MONTGOMERY, BRADY KNOWLTON. (Attachments: # 1 Text of Proposed Order) (Kelley, Elizabeth) (Entered: 04/20/2021)
04/20/2021	30	MOTION to Exclude Time Under the Speedy Trial Act by USA as to PATRICK MONTGOMERY, BRADY KNOWLTON. (See docket entry 28 to view document.) (zltf) (Entered: 05/06/2021)
04/21/2021	29	ORDER as to PATRICK MONTGOMERY (1), BRADY KNOWLTON (2): Upon consideration of the United States' motion to disclose items protected by Federal Rule of Criminal Procedure 6(e) and sealed materials, Dkt. 27 , it is hereby ORDERED, that the motion is GRANTED, and it is further ORDERED, that the United States may provide in discovery materials protected by Federal Rule of Criminal Procedure 6(e), and it is further ORDERED, that the United States may provide in discovery sealed materials, pursuant to the previously entered protective order governing discovery, and it is further ORDERED, that this Order also applies to the disclosure of the materials described above to any co-defendants who may later be joined. Signed by Judge Randolph D. Moss on 4/21/2021. (lcrdm2) (Entered: 04/21/2021)
04/21/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment/Status Conference as to PATRICK MONTGOMERY (1) and BRADY KNOWLTON (2) held on 4/21/2021. Defendants consented to proceeding by video. PATRICK MONTGOMERY (1) arraigned on Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, and 10s of the Superseding Indictment. BRADY KNOWLTON (2) arraigned on Counts 5, 6, 7, 8, 9, and 10 of the Superseding Indictment. Plea of Not Guilty entered by PATRICK MONTGOMERY (1) and BRADY KNOWLTON (2) as to ALL their respective Counts. Due Process Protections Act Order read into the record by the Court. A further Status Conference is set for 7/28/2021, at 10:00 AM by video, before Judge Randolph D. Moss. The parties shall utilize the same zoom link provided this morning. For the reasons stated on the record, the Government and Defendant Knowlton shall file a Joint Status Report by 5/21/2021. The Court GRANTS Defendant Knowlton's Second 25 Motion to Withdraw as Attorney; David Finn withdrawn from case. The Court finds as MOOT Defendant Knowlton's 12 Motion for Exculpatory Evidence Be Produced And Presented To The Grand Jury. The Court GRANTS the Government's 28 Motion to Continue and Exclude Time Under the Speedy Trial Act as to PATRICK MONTGOMERY (1) and BRADY KNOWLTON (2). Speedy Trial (XT) is tolled in the interest of justice from 4/21/2021 to 7/28/2021 as to BOTH Defendants. Bond Status of Defendants: Defendants remain on PR Bonds; Court Reporter: Jeff Hook; Defense Attorneys: Dani Jahn (1), Thomas B. Mayr (2), and Camille Wagner (2); U.S. Attorney: Elizabeth Kelley. (kt) (Entered: 04/21/2021)
04/21/2021		Set/Reset Hearings as to PATRICK MONTGOMERY (1): Status Conference set for 7/28/2021, at 10:00 AM, by video, before Judge Randolph D. Moss. (kt) (Entered: 07/23/2021)
05/12/2021	31	MOTION to Revoke <i>Defendant's PreTrial Release</i> by USA as to PATRICK MONTGOMERY. (Attachments: # 1 Exhibit 1)(Kelley, Elizabeth) (Entered: 05/12/2021)
05/12/2021		MINUTE ORDER as to PATRICK MONTGOMERY (1): In light of the government's motion to revoke Defendant's pretrial release, Dkt. 31 , it is hereby ORDERED that the parties shall appear by video teleconference for a hearing on May 14, 2021, at 10 a.m. The Courtroom Deputy Clerk will distribute the necessary log-in information for the video teleconference. Signed by Judge Randolph D. Moss on 5/12/2021. (lcrdm2) (Entered: 05/12/2021)
05/14/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Motion Hearing as to PATRICK MONTGOMERY (1) held on 5/14/2021 re: 31 MOTION to Revoke <i>Defendant's PreTrial Release</i> filed by USA. Defendant consented to proceeding by video. Motion HEARD and GRANTED; Court orders Defendant detained; Pretrial release conditions are revoked. The Defendant shall self-surrender on Monday, May 17, 2021 by 2:00 PM EST. For the reasons stated on the record, the Court will delay entry of the order until the end of day today to give the parties time to discuss any agreement to an alternative to detainment. A Status Conference on the matter is set for 5/17/2021, at 9:00 AM, by video, before Judge Randolph D. Moss. The parties shall utilize the same link for connecting to the hearing. Bond Status of Defendant: Defendant remains on PR until self-surrender for detention on 5/17/2021; Court Reporter: Jeff Hook; Defense Attorney: Dani Jahn; U.S. Attorney: Elizabeth Kelley; Pretrial Officer: Masharia Holman. (kt) (Entered: 05/14/2021)
05/14/2021	32	*VACATED* PURSUANT TO ORDER FILED 5/17/2021.....ORDER as to PATRICK MONTGOMERY (1): For the reasons stated in the attached order and the reasons stated on the record, <i>see</i> Minute Entry (May 14, 2021), it is hereby ORDERED that the government's motion to revoke Defendant's pretrial release, Dkt. 31 , is GRANTED. It is further ORDERED that Defendant's pretrial release is REVOKED and that he shall be detained pending trial. Defendant shall surrender by 2 p.m. eastern time -- on May 17, 2021, to the United States Marshals at the Alfred A. Arraj Courthouse, 901 19th Street, Suite 300, Denver, CO 80294. The Court grants the motion without prejudice to any alternate conditions for pretrial release upon which Defendant and the government may be able to agree and to propose to the court before 2 p.m. on May 17, 2021. See document for details. Signed by Judge Randolph D. Moss on 5/14/2021. (lcrdm2) Modified on 5/17/2021 (kt). (Entered: 05/14/2021)
05/14/2021	33	Unopposed MOTION to Modify Conditions of Release by USA as to PATRICK MONTGOMERY. (Attachments: # 1 Exhibit 1)(Kelley, Elizabeth) (Entered: 05/14/2021)
05/14/2021		MINUTE ORDER as to PATRICK MONTGOMERY (1): The Court has received the government's unopposed motion to modify the conditions of Defendant's pretrial release. Dkt. 33 . The parties are directed to still appear for the status conference at 9 a.m. on May 17, 2021, at which the Court will have Defendant acknowledge the proposed, modified terms of pretrial release on the record. Assuming no other issues arise between now and then, the Court will vacate its order revoking Defendant's pretrial release and will impose the new conditions at that time. Signed by Judge Randolph D. Moss on 5/14/2021. (lcrdm2) (Entered: 05/14/2021)
05/17/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to PATRICK MONTGOMERY (1) held on 5/17/2021. Defendant consented to proceeding by video. The Government's 33 Unopposed Motion to Modify Conditions of Release is GRANTED. Defendant's conditions of release are modified as follows: Defendant to be placed on Home Confinement (home incarceration), with GPS monitoring, and is restricted to his home except to be equipped with GPS monitoring, medical necessities, Court appearances, or other activities specifically approved by the Court or Pretrial Services; Defendant is not permitted to possess any weapons/firearms, nor is permitted to have them in his home; Defendant is prohibited from hunting. Defendant sworn to the conditions of release. The Court hereby VACATES its 32 Order revoking the Defendant's pretrial release and ordering his surrender for detention. Bond Status of Defendant: PR Bond with home confinement, and location monitoring; Court Reporter: Jeff Hook; Defense Attorney: Dani Jahn; U.S. Attorney: Elizabeth Kelley; Pretrial Officer: Masharia (Shay) Holman. (kt) (Entered: 05/17/2021)
05/17/2021	34	ORDER as to PATRICK MONTGOMERY (1): In light of the government's unopposed motion to modify conditions of release, Dkt. 33 , which the Court GRANTED on the record, <i>see</i> Minute Entry (May 17, 2021), it is hereby ORDERED that the Court's prior order revoking Defendant's pretrial release, Dkt. 32 , is VACATED. Defendant is no longer required to surrender to the U.S. Marshals. A separate order setting Defendants modified conditions of pretrial release will issue. See document for details. Signed by Judge Randolph D. Moss on 5/17/2021. (lcrdm2) (Entered: 05/17/2021)
05/17/2021	35	ORDER Setting Conditions of Release to Home Incarceration with GPS Monitoring. Signed by Judge Randolph D. Moss on 5/17/2021. (kt) (Entered: 05/17/2021)
06/23/2021	40	MOTION for Joinder by PATRICK MONTGOMERY. (Attachments: # 1 Text of Proposed Order)(Jahn, Danielle) (Entered: 06/23/2021)
06/29/2021	41	Memorandum in Opposition by USA as to PATRICK MONTGOMERY, BRADY KNOWLTON re 39 MOTION to Dismiss Count <i>Ten of the Indictment</i> (Kelley, Elizabeth) (Entered: 06/29/2021)
07/06/2021	42	NOTICE of <i>Discovery</i> by USA as to PATRICK MONTGOMERY (Attachments: # 1 Discovery Letter)(Kelley, Elizabeth) (Entered: 07/06/2021)
07/11/2021	44	Joint MOTION for Leave to File <i>Defendants Joint Reply to the Governments Memorandum in Opposition to Defendants Motion to Dismiss Count Ten of the Indictment</i> by BRADY KNOWLTON as to PATRICK MONTGOMERY, BRADY KNOWLTON. (Attachments: # 1 Exhibit Defendants Joint Reply to the Governments Memorandum in Opposition to Defendants Motion to Dismiss Count Ten of the Indictment, # 2 Text of Proposed Order)(Mayr, Thomas) (Entered: 07/11/2021)
07/13/2021	45	PRETRIAL MEMORANDUM <i>Regarding Status of Discovery</i> by USA as to PATRICK MONTGOMERY, BRADY KNOWLTON (Attachments: # 1 Exhibit A)(Kelley, Elizabeth) (Entered: 07/13/2021)
07/14/2021		MINUTE ORDER as to PATRICK MONTGOMERY (1) and BRADY KNOWLTON (2): Upon consideration of Defendants' motion for leave to file their joint reply in support of their motion to dismiss count 10 of the indictment, Dkt. 44 , it is hereby ORDERED that the motion is GRANTED. Signed by Judge Randolph D. Moss on 7/14/2021. (lcrdm2) (Entered: 07/14/2021)
07/14/2021	48	JOINT REPLY TO THE 41 GOVERNMENTS MEMORANDUM IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS COUNT TEN OF THE INDICTMENT by PATRICK MONTGOMERY, BRADY KNOWLTON re 39 MOTION to Dismiss Count <i>Ten of the Indictment</i> , 40 MOTION for Joinder (zltf) (Entered: 07/16/2021)
07/15/2021	46	NOTICE OF ATTORNEY APPEARANCE James Dennis Peterson appearing for USA. (Peterson, James) (Entered: 07/15/2021)
07/15/2021	47	REPLY TO OPPOSITION to Motion by BRADY KNOWLTON as to PATRICK MONTGOMERY, BRADY KNOWLTON re 39 MOTION to Dismiss Count <i>Ten of the Indictment</i> (Mayr,

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