

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00453-JDB-1

Case title: USA v. MCHUGH

Date Filed: 07/07/2021

Magistrate judge case number: 1:21-mj-00436-GMH

Assigned to: Judge John D. Bates

Defendant (1)

SEAN MICHAEL MCHUGH

represented by **Maria Jacob**

OFFICE OF THE FEDERAL PUBLIC DEFENDER
625 Indiana Ave, N.W.
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community Defender Appointment

Pending Counts

18:111(a)(1), (2); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers, Aiding and Abetting.
(1)

18:231(a)(3); CIVIL DISORDER; Civil Disorder.
(2)

18:111(a)(1) and (b); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon.
(3-4)

18:1512(c)(2) and (2); TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting.
(5)

18:1752(a)(1) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon.
(6)

18:1752(a)(2) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon.
(7)

18:1752(a)(4) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon.
(8)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Grounds or Buildings.
(9)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or Buildings.
(10)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in VIOLATION of 18 U.S.C. § 1752(a)(1); 18 U.S.C. § 1752(a)(2); 18 U.S.C. § 1752(a)(4); 40 U.S.C. § 5104(e)(2)(D); 40 U.S.C. § 5104(e)(2)(F); 18 U.S.C. § 231(a)(3); 18 U.S.C. § 111(a)(1) and (b); 18 U.S.C. § 1512(c)(2)

Disposition

Disposition

Plaintiff

USA

represented by **Jacob Strain**

DOJ-USAO

Lrm Atencio, Barbara

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
05/24/2021	1	SEALED COMPLAINT as to SEAN MICHAEL MCHUGH (1). (Attachments: # 1 Statement of Facts) (zltf) [1:21-mj-00436-GMH] (Entered: 05/24/2021)
05/24/2021	3	MOTION to Seal Case by USA as to SEAN MICHAEL MCHUGH. (Attachments: # 1 Text of Proposed Order)(zltf) Modified on 5/24/2021 (zltf). [1:21-mj-00436-GMH] (Entered: 05/24/2021)
05/24/2021	4	ORDER granting 3 Motion to Seal Case as to SEAN MICHAEL MCHUGH (1). Signed by Magistrate Judge G. Michael Harvey on 5/19/2021. (zltf) Modified on 5/24/2021 (zltf). [1:21-mj-00436-GMH] (Entered: 05/24/2021)
05/27/2021	5	Arrest Warrant Returned Executed on 5/27/2021 in Auburn, CA as to SEAN MICHAEL MCHUGH. (bb) [1:21-mj-00436-GMH] (Entered: 06/02/2021)
05/27/2021		Case unsealed as to SEAN MICHAEL MCHUGH (bb) [1:21-mj-00436-GMH] (Entered: 06/02/2021)
05/27/2021		Arrest of SEAN MICHAEL MCHUGH in California. (ztnr) [1:21-mj-00436-GMH] (Entered: 06/03/2021)
06/03/2021	6	NOTICE OF ATTORNEY APPEARANCE: Maria Jacob appearing for SEAN MICHAEL MCHUGH (Jacob, Maria) [1:21-mj-00436-GMH] (Entered: 06/03/2021)
06/03/2021	7	Unopposed MOTION to Stay <i>Transportation Order</i> by SEAN MICHAEL MCHUGH. (Attachments: # 1 Text of Proposed Order)(Jacob, Maria) [1:21-mj-00436-GMH] (Entered: 06/03/2021)
06/03/2021		MINUTE ORDER as to SEAN MICHAEL MCHUGH, DIRECTING the parties to submit by noon on June 4, 2021, a proposed briefing schedule on the anticipated motion for review of the magistrate judge's detention order. SO ORDERED. Signed by Chief Judge Beryl A. Howell on 6/3/2021. (ztg) [1:21-mj-00436-GMH] (Entered: 06/03/2021)
06/03/2021	8	ORDER, as to SEAN MICHAEL MCHUGH, GRANTING defendant's 7 Unopposed Motion for Stay of Transportation Order. Signed by Chief Judge Beryl A. Howell on June 3, 2021. (lcbah2) [1:21-mj-00436-GMH] (Entered: 06/03/2021)
06/03/2021	9	Joint PROPOSED BRIEFING SCHEDULE for Defendant's Motion to Review Magistrate Judge's Detention Decision by SEAN MICHAEL MCHUGH (Jacob, Maria) [1:21-mj-00436-GMH] (Entered: 06/03/2021)
06/04/2021		MINUTE ORDER as to SEAN MICHAEL MCHUGH, adopting the parties' 9 Joint Proposed Briefing Schedule for Motion to Review Magistrate Judge's Detention Order by which the Defendant's motion shall be due on or before June 11, 2021; the government's response shall be due on or before June 18, 2021; and the Defendant's reply shall be due on or before June 22, 2021; the parties are FURTHER DIRECTED to appear before the Court via videoconference on June 25, 2021, at 1:00 PM. A videoconference link will be provided to the parties by the deputy clerk. SO ORDERED. Signed by Chief Judge Beryl A. Howell on 6/4/2021. (ztg) [1:21-mj-00436-GMH] (Entered: 06/04/2021)
06/07/2021	10	Consent MOTION to Continue <i>Preliminary Hearing and Indictment Return Date</i> by USA as to SEAN MICHAEL MCHUGH. (Attachments: # 1 Text of Proposed Order)(Strain, Jacob) [1:21-mj-00436-GMH] (Entered: 06/07/2021)
06/07/2021	11	MOTION TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT by USA as to SEAN MICHAEL MCHUGH. (See docket entry 10 to view document.) (zltf) [1:21-mj-00436-GMH] (Entered: 06/09/2021)
06/10/2021	12	ORDER Granting 10 Consent MOTION to Continue Preliminary Hearing and Indictment Return Date by USA as to SEAN MICHAEL MCHUGH (1) and Granting 11 MOTION TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT by USA as to SEAN MICHAEL MCHUGH (1). Time between 6/7/2021 and 7/7/2021 (30 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Preliminary Hearing continued to 7/7/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge Zia M. Faruqi on 6/10/2021. (zpt) [1:21-mj-00436-GMH] (Entered: 06/10/2021)
06/11/2021	15	MOTION to Review <i>Magistrate Judge's Detention Decision</i> by SEAN MICHAEL MCHUGH. (Attachments: # 1 Exhibit Transcript, # 2 Exhibit Letters of Support)(Jacob, Maria) [1:21-mj-00436-GMH] (Entered: 06/11/2021)
06/17/2021	16	RESPONSE by USA as to SEAN MICHAEL MCHUGH re 15 MOTION to Review <i>Magistrate Judge's Detention Decision</i> (Strain, Jacob) [1:21-mj-00436-GMH] (Entered: 06/17/2021)
06/22/2021	17	REPLY TO OPPOSITION to Motion by SEAN MICHAEL MCHUGH re 15 MOTION to Review <i>Magistrate Judge's Detention Decision</i> (Attachments: # 1 Exhibit)(Jacob, Maria) [1:21-mj-00436-GMH] (Entered: 06/22/2021)
06/23/2021		MINUTE ORDER (paperless) as to SEAN MICHAEL MCHUGH DIRECTING the government to comply with LCrR 49(e)(1) and file on the docket promptly a Notice of Filing regarding video or other exhibits submitted to the Court that are not in a format that "readily permits electronic filing" on CM/ECF, which notice shall describe (a) the video exhibits, including the content, source, length, and date and time stamps, if any, and (b) the government's position regarding prompt public release of videos marked as the government's Exhibits 1 through 12 in support of the government's 16 Response in Opposition to Defendant's Motion to Review Magistrate Judge's Detention Decision. See LCrR 49(e)(1) ("Any document, exhibit, or attachment... that... is not in a format that readily permits electronic filing... must be identified in a Notice of Filing filed with the Court."); see COVID-19 Standing Order No. 21-28 (BAH), <i>In re: Media Access to Video Exhibits in Pretrial Hearings During the COVID-19 Pandemic</i> , ¶ D; see also <i>id.</i> at 5-6. Signed by Chief Judge Beryl A. Howell on June 23, 2021. (lcbah2) [1:21-mj-00436-GMH] (Entered: 06/23/2021)
06/23/2021		MINUTE ORDER (paperless) DIRECTING defendant to be prepared to present his position regarding the release of the government's Exhibits 1 through 12 at the June 25, 2021 1:00PM hearing on defendant's motion to review the E.D. Cal. Magistrate Judge's detention decision. Signed by Chief Judge Beryl A. Howell on June 23, 2021. (lcbah2) [1:21-mj-00436-GMH] (Entered: 06/23/2021)
06/23/2021	18	NOTICE <i>Filing of Exhibits Pursuant to Local Rule 49</i> by USA as to SEAN MICHAEL MCHUGH (Strain, Jacob) [1:21-mj-00436-GMH] (Entered: 06/23/2021)
06/24/2021	19	NOTICE of <i>Supplemental Authority</i> by USA as to SEAN MICHAEL MCHUGH re 16 Response to motion (Attachments: # 1 USCA Order)(Strain, Jacob) [1:21-mj-00436-GMH] (Entered: 06/24/2021)
06/24/2021	20	Application for Access to Video Exhibits by Counsel for the Press Coalition as to SEAN MICHAEL MCHUGH. (bb) [1:21-mj-00436-GMH] (Entered: 06/25/2021)
06/25/2021		MINUTE ORDER (paperless), as to SEAN MICHAEL MCHUGH, DIRECTING the government, after consultation with and consent of the parties during defendant's June 25, 2021 motion hearing, promptly to make the video evidence submitted as exhibits in support of the government's 16 Response in Opposition to Defendant's Motion to Review Magistrate Judge's Detention Decision, publicly available without restrictions, including by providing access using the "drop box" technical solution described in Standing Order 21-28, <i>In re: Media Access to Video Exhibits in Pretrial Capitol Cases</i> . Signed by Chief Judge Beryl A. Howell on June 25, 2021. (lcbah2) [1:21-mj-00436-GMH] (Entered: 06/25/2021)
06/25/2021		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to SEAN MICHAEL MCHUGH held via videoconference on 6/25/2021. The Defendant agreed to participate via videoconference after consultation with counsel. Defendant's 15 MOTION for Review of the Magistrate Judge's Detention Decision, heard and DENIED; Magistrate Judge's ruling ordering detention pending trial, AFFIRMED. A Transport Order will be entered by the Court. Defendant directed to appear before the magistrate judge on July 9, 2021, unless he is indicted in which case he shall appear before the judge to whom the case is assigned. Bond Status of Defendant: Defendant committed pending trial. Present via videoconference: Defense Attorney: Maria Jacob; US Attorney: Jacob Strain; Pretrial Officer: John Copes (telephonically); Government's Witness: Ashley Walker. Court Reporter: Elizabeth Saint-Loth (ztg) [1:21-mj-00436-GMH] (Entered: 06/25/2021)
06/25/2021	21	TRANSPORT ORDER as to SEAN MICHAEL MCHUGH. Signed by Chief Judge Beryl A. Howell on June 25, 2021. (lcbah2) [1:21-mj-00436-GMH] (Entered: 06/25/2021)
07/06/2021		MINUTE ORDER (paperless), as to SEAN MICHAEL MCHUGH, DENYING the Press Coalition's 20 Application for Access to Video Exhibits as moot in light of the Court's explicit direction to the government to "promptly... make the video evidence submitted as exhibits in support of the government's 16 Response in Opposition to Defendant's Motion to Review Magistrate Judge's Detention Decision, publicly available without restrictions." Min. Order (Jun. 25, 2021). Signed by Chief Judge Beryl A. Howell on July 2, 2021. (lcbah2) [1:21-mj-00436-GMH] (Entered: 07/06/2021)
07/07/2021	22	INDICTMENT as to SEAN MICHAEL MCHUGH (1) count(s) 1, 2, 3-4, 5, 6, 7, 8, 9, 10. (zhsj) (Entered: 07/08/2021)
07/12/2021	24	MEMORANDUM Regarding Status of Discovery by USA as to SEAN MICHAEL MCHUGH (Attachments: # 1 Exhibit Examples of Defense Discovery Requests)(Strain, Jacob) Modified Text on 7/13/2021 (zhsj). (Entered: 07/12/2021)
07/22/2021		Set/Reset Hearings as to SEAN MICHAEL MCHUGH: Arraignment set for 7/28/2021 at 12:30 PM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 07/22/2021)

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