

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00024-EGS-1

Case title: USA v. GIESWEIN

Date Filed: 01/27/2021

Magistrate judge case number: 1:21-mj-00085-ZMF

Assigned to: Judge Emmet G. Sullivan

Defendant (1)**ROBERT GIESWEIN**represented by **Ann Mason Rigby**

OFFICE OF THE FEDERAL PUBLIC DEFENDER

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Email: ann_rigby@fd.org**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Public Defender or Community Defender Appointment***Pending Counts**18:1512(c)(2); TAMPERING WITH A WITNESS, VICTIM OR INFORMANT;
Obstruction of an Official Proceeding.

(1)

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

(2-4)

18:1361, 2; GOVERNMENT PROPERTY OR CONTRACTS; Destruction of
Government Property.

(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)

Disposition**Highest Offense Level (Opening)**

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

ComplaintsCOMPLAINT in Violation of 18:111(a)(2), 1361, 2, 1512(c)(2), 1752(a),
40:5104(e).**Disposition****Interested Party****PRESS COALITION**represented by **Charles D. Tobin**

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Plaintiff

USA

represented by **Erik Michael Kenerson**

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Date Filed	#	Docket Text
01/16/2021	1	COMPLAINT as to ROBERT GIESWEIN (1). (Attachments: # 1 Affidavit in Support of Criminal Complaint and Arrest) (zhsj) [1:21-mj-00085-ZMF] (Entered: 01/17/2021)
01/19/2021		Arrest of ROBERT GIESWEIN in US District Court for the District of Colorado. (bb) (Entered: 03/25/2021)
01/19/2021	2	Arrest Warrant Returned Executed on 1/19/2021 as to ROBERT GIESWEIN. (ztl) (Entered: 04/10/2021)
01/27/2021	3	INDICTMENT as to ROBERT GIESWEIN (1) count(s) 1, 2-4, 5, 6. (zhsj) (Entered: 01/28/2021)
01/29/2021	5	Rule 5(c)(3) Documents Received as to ROBERT GIESWEIN from US District Court for the District of Colorado Case Number 21-mj-10- STV (bb) (Entered: 03/25/2021)
03/29/2021	7	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Kenerson, Erik Michael added. (Kenerson, Erik) (Entered: 03/29/2021)
03/29/2021		MINUTE ORDER as to ROBERT GIESWEIN. The Court hereby schedules a status conference for April 15, 2021 at 1:30 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 3/29/2021. (lcegs3) (Entered: 03/29/2021)
03/29/2021		ORAL MOTION to Appoint Counsel by ROBERT GIESWEIN. (ztl) (Entered: 04/10/2021)
03/29/2021		ORAL MOTION for Speedy Trial by USA as to ROBERT GIESWEIN. (ztl) (Entered: 04/10/2021)
03/29/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to ROBERT GIESWEIN held on 3/29/2021. Defendant present by video. Oral Motion to Appoint Counsel by ROBERT GIESWEIN (1); heard and granted. Oral Motion by the Government for Speedy Trial as to ROBERT GIESWEIN (1); heard and granted. Defense objects to exclusion of time. Speedy Trial Excluded from 3/29/2021 to 4/15/2021 in the Interest of Justice (XT). Arraignment/Status Hearing set for 4/15/2021 at 1:30 PM by Telephonic/VTC before Judge Emmet G. Sullivan. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: Nancy Meyer; Defense Attorney: Ann Rigby; US Attorney: Jacob Steiner for Erik Kenerson; Pretrial Officer: Andre Sidbury. (ztl) (Entered: 04/10/2021)
03/30/2021		Set/Reset Hearings as to ROBERT GIESWEIN:Status Conference set for 4/15/2021 at 1:30 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (mac) (Entered: 03/30/2021)
04/10/2021	8	NOTICE OF ATTORNEY APPEARANCE: Ann Mason Rigby appearing for ROBERT GIESWEIN (Rigby, Ann) (Entered: 04/10/2021)
04/14/2021	10	Unopposed MOTION for Protective Order by USA as to ROBERT GIESWEIN. (Attachments: # 1 Text of Proposed Order)(Kenerson, Erik) (Entered: 04/14/2021)
04/14/2021	11	MOTION for Speedy Trial <i>Exclusion</i> by USA as to ROBERT GIESWEIN. (Attachments: # 1 Text of Proposed Order)(Kenerson, Erik) (Entered: 04/14/2021)
04/14/2021	13	MOTION to Continue by USA as to ROBERT GIESWEIN. See docket entry 11 to view document). (zstd) (Entered: 04/16/2021)
04/15/2021		MINUTE ORDER granting 10 unopposed motion for protective order as to ROBERT GIESWEIN (1). The terms presented in [10-1] Protective Order Governing Discovery are hereby incorporated by reference into this Order. Signed by Judge Emmet G. Sullivan on 4/15/2021. (lcegs3) (Entered: 04/15/2021)
04/15/2021	12	Unopposed MOTION for Disclosure of Grand Jury and Sealed Material by USA as to ROBERT GIESWEIN. (Attachments: # 1 Text of Proposed Order)(Kenerson, Erik) (Entered: 04/15/2021)
04/15/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan: Arraignment/Status Conference as to ROBERT GIESWEIN held on 4/15/2021. Plea Of Not Guilty Entered By The Defendant As To All Counts. Status Conference/ Motion Hearing In Regards To 11 Motion for Speedy Trial Exclusion set for 5/19/2021 at 03:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Defendant Response To 11 Motion for Speedy Trial Exclusion due by 4/29/2021. Government Reply To Defendant Response due by 5/6/2021. Bond Status of Defendant: APPEARED VIA VTC; REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: ANN RIGBY; US Attorney: ERIK KENERSON; (mac) (Entered: 04/15/2021)
04/15/2021		MINUTE ORDER granting 12 unopposed motion for disclosure of grand jury and sealed material as to ROBERT GIESWEIN (1). It is hereby ORDERED that the United States may provide in discovery materials protected by Federal Rule of Criminal Procedure 6(e). It is FURTHER ORDERED that the United States may provide in discovery sealed materials, pursuant to the previously entered protective order governing discovery. 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 Emmet G. Sullivan on 4/15/2021. (lcegs3) (Entered: 04/15/2021)
04/23/2021	15	Memorandum in Opposition by ROBERT GIESWEIN re 11 MOTION for Speedy Trial <i>Exclusion</i> (Attachments: # 1 Text of Proposed Order)(Rigby, Ann) (Entered: 04/23/2021)
04/26/2021	16	STANDING ORDER as to ROBERT GIESWEIN requiring the government to produce any evidence in its possession that is favorable to the defendant and material to either the defendant's guilt or punishment.Signed by Judge Emmet G. Sullivan on 04/26/21. (mac) (Entered: 04/26/2021)
05/04/2021	17	REPLY in Support by USA as to ROBERT GIESWEIN re 13 MOTION to Continue, 11 MOTION for Speedy Trial <i>Exclusion</i> (Kenerson, Erik) (Entered: 05/04/2021)
05/19/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to ROBERT GIESWEIN held on 5/19/2021. The Court Will Grant Over Defendant's Objection 11 Motion For Speedy Trial Exclusion and 13 Motion To Continue by USA. Status Conference set for 7/29/2021 at 3:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. Speedy Trial Is Told 5/19/21 - 7/29/21 In The Interest Of Justice (XT). Oral Request By The Defendant For Trial Date Heard And Denied Bond Status of Defendant: APPEARED VIA VTC; REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: ANN RIGBY; US Attorney: ERIK KENERSON; (mac) (Entered: 05/21/2021)
06/08/2021	18	MOTION for Release from Custody , MOTION for Hearing by ROBERT GIESWEIN. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Text of Proposed Order re hearing request, # 7 Text of Proposed Order re release request)(Rigby, Ann) (Attachment 3 replaced on 6/9/2021) (zstd). (Entered: 06/08/2021)
06/09/2021		MINUTE ORDER. In view of 18 motion for release from custody, the parties shall abide by the following briefing schedule: (1) the government shall file its opposition by no later than June 15, 2021; and (2) Mr. Gieswein shall file his reply by no later than June 18, 2021. It is FURTHER ORDERED that a Motion Hearing shall take place on June 29, 2021 at 1:30 pm via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 6/9/2021. (lcegs3) (Entered: 06/09/2021)
06/10/2021		Set/Reset Deadlines/Hearings as to ROBERT GIESWEIN:Government Opposition due by 6/15/2021. Defendant Reply due by 6/18/2021. Motion Hearing set for 6/29/2021 at 01:30 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (mac) (Entered: 06/10/2021)
06/15/2021	19	Memorandum in Opposition by USA as to ROBERT GIESWEIN re 18 MOTION for Release from Custody MOTION for Hearing (Attachments: # 1 Exhibit 1 - Order of Detention, # 2 Exhibit 2 - FD-302 of USCP Lieutenant)(Kenerson, Erik) (Entered: 06/15/2021)
06/19/2021	20	MOTION for Leave to File <i>Late his Reply in Support of Motion to Revoke Detention Order</i> , by ROBERT GIESWEIN. (Attachments: # 1 Exhibit 1 (Reply in Support of Motion to Revoke Detention Order), # 2 Text of Proposed Order)(Rigby, Ann) (Entered: 06/19/2021)

06/22/2021		MINUTE ORDER treating as opposed and granting over objection 20 motion for leave to file reply brief out of time. It is hereby ORDERED that Mr. Gieswein shall file his reply brief by no later than June 22, 2021. Signed by Judge Emmet G. Sullivan on 6/22/2021. (lcegs3) (Entered: 06/22/2021)
06/22/2021	21	REPLY TO OPPOSITION to Motion by ROBERT GIESWEIN re 18 MOTION for Release from Custody MOTION for Hearing (Rigby, Ann) (Entered: 06/22/2021)
06/22/2021		Set/Reset Deadlines as to ROBERT GIESWEIN:Defendant Reply Brief due by 6/22/2021.(mac) (Entered: 06/22/2021)
06/22/2021	23	Application for Access to Video Exhibits by THE PRESS COALITION as to ROBERT GIESWEIN. (zstd) (Entered: 06/28/2021)
06/23/2021		MINUTE ORDER. The government is directed to file a response to Mr. Gieswein's arguments within his 21 reply brief regarding whether there is a rebuttable presumption in this case by no later than June 25, 2021. The government's response shall be no more than 5 pages. Signed by Judge Emmet G. Sullivan on 6/23/2021. (lcegs3) (Entered: 06/23/2021)
06/23/2021		MINUTE ORDER. Due to unforeseen circumstances, it is necessary to reschedule the Motion Hearing currently scheduled for June 29, 2021. The Motion Hearing shall now take place on July 1, 2021 at 1:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 6/23/2021. (lcegs3) (Entered: 06/23/2021)
06/24/2021		Set/Reset Hearings as to ROBERT GIESWEIN: Motion Hearing set for 7/1/2021 at 01:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (mac) (Entered: 06/24/2021)
06/24/2021		Set/Reset Deadlines as to ROBERT GIESWEIN:Defendant's Reply Brief due by 6/25/2021. (mac) (Entered: 06/24/2021)
06/25/2021		MINUTE ORDER. Due to unforeseen circumstances, it is necessary to reschedule the motion hearing currently scheduled for July 1, 2021. The Motion Hearing shall now take place on June 30, 2021 at 3:30 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 6/25/2021. (lcegs3) (Entered: 06/25/2021)
06/25/2021	22	SURREPLY re 18 by USA as to ROBERT GIESWEIN <i>Regarding Defendant's Reply Brief, As Directed by Minute Order Dated June 23, 2021</i> (Attachments: # 1 Exhibit 1 - Excerpts of Transcripts)(Kenerson, Erik) Modified event title on 6/28/2021 (znmw). (Entered: 06/25/2021)
06/25/2021		MINUTE ORDER. Due to unforeseen circumstances, it is necessary to reschedule the Motion Hearing currently scheduled for June 30, 2021. The Motion Hearing shall now take place on July 1, 2021 at 4:00 PM via video teleconference. The parties shall contact Mr. Mark Coates, the Courtroom Deputy Clerk, for the dial-in information. Signed by Judge Emmet G. Sullivan on 6/25/21. (lcegs3) (Entered: 06/25/2021)
06/26/2021		Set/Reset Hearings as to ROBERT GIESWEIN:Motion Hearing set for 7/1/2021 at 4:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. (mac) (Entered: 06/26/2021)
06/30/2021	24	NOTICE of Hearing Exhibits by USA as to ROBERT GIESWEIN (Kenerson, Erik) (Entered: 06/30/2021)
07/01/2021		MINUTE ORDER as to ROBERT GIESWEIN. The parties shall be prepared to address at the July 1, 2021 Motion Hearing whether they object to 23 Application for Access to Video Exhibits. Signed by Judge Emmet G. Sullivan on 7/1/2021. (lcegs3) (Entered: 07/01/2021)
07/01/2021		MINUTE ORDER. In view of the discussion at the July 1, 2021 Motion Hearing, the government is directed to respond to 23 Application for Access to Video Exhibits by no later than July 12, 2021. It is FURTHER ORDERED that Mr. Gieswein shall submit his response by no later than July 19, 2021. It is FURTHER ORDERED that The Press Coalition shall file any reply by no later than July 26, 2021. Signed by Judge Emmet G. Sullivan on 7/1/2021. (lcegs3) (Entered: 07/01/2021)
07/01/2021		Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Motion Hearing as to ROBERT GIESWEIN held on 7/1/2021 re 18 Motion for Release from Custody. The Court Will Take This Under Advisement. Bond Status of Defendant: APPEARED VIA VTC; REMAINS COMMITTED; Court Reporter: LISA BANKINS; Defense Attorney: ANN RIGBY; US Attorney: ERIK KENERSON; Pretrial Officer: CHRISTINE SCHUCK; (mac) (Entered: 07/02/2021)
07/02/2021		Set/Reset Deadlines as to ROBERT GIESWEIN: Government Response to 23 Application for Access to Video Exhibits due by 7/12/2021. Defendant Response due by 7/18/2021. Press Coalition due by 7/26/2021.(mac) (Entered: 07/02/2021)

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