

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00075-RDM-1

Case title: USA v. MILLER

Date Filed: 02/03/2021

Magistrate judge case number: 1:21-mj-00145-ZMF

Assigned to: Judge Randolph D. Moss

Defendant (1)**MATTHEW RYAN MILLER**

represented by **A. Eduardo Balarezo**
BALAREZO LAW
400 Seventh Street, NW
Suite 306
Washington, DC 20004
(202) 639-0999
Fax: (202) 639-0899
Email: filings@balarezolaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18 U.S.C. 231(a)(3); CIVIL DISORDER; Civil Disorder
(1)
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
(2)
18 U.S.C. 111(a)(1) and (b); ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
Using a Dangerous Weapon
(3)
18 U.S.C. 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
(4)
18 U.S.C. 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
(5)
18 U.S.C. 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
(6)
40 U.S.C. 5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in
a Capitol Building
(7)
40 U.S.C. 5104(e)(2)(F); FEDERAL STATUTES, OTHER; Act of Physical
Violence in a Capitol Grounds or Buildings
(8)
40 U.S.C. 5104(d); FEDERAL STATUTES, OTHER; Stepping, Climbing,
Removing, or Injuring Property on the Capital Grounds
(9)

Disposition**Highest Offense Level (Opening)**

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

COMPLAINT in Violation of 18:1752(a)(1) and (B)(1)(A), 18:1752(a)(2) and (b)(1)(A), 40:5104(d) and 40:5104(e)(2)(D) and (F)

Disposition**Plaintiff**

USA

represented by **Kaitlin Ann Vaillancourt**
U.S. ATTORNEY'S OFFICE/DISTRICT OF COLUMBIA
555 Fourth St. N.W.
Washington, DC 20530
(202) 252-2421
Email: kaitlin.vaillancourt@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
01/21/2021	<u>1</u>	COMPLAINT as to MATTHEW RYAN MILLER (1). (Attachments: # <u>1</u> Statement of Facts) (zstd) Modified on 1/26/2021 (ztl). [1:21-mj-00145-ZMF] (Entered: 01/22/2021)

01/21/2021	3	MOTION to Seal Case by USA as to MATTHEW RYAN MILLER. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00145-ZMF] (Entered: 01/22/2021)
01/21/2021	4	ORDER granting 3 Motion to Seal Case as to MATTHEW RYAN MILLER (1). Signed by Magistrate Judge Zia M. Faruqui on 1/21/2021. (zstd) [1:21-mj-00145-ZMF] (Entered: 01/22/2021)
01/25/2021		Arrest of MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021	6	Arrest Warrant Returned Executed on 1/25/2021 as to MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021		ORAL MOTION to Unseal Case by USA as to MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021		ORAL MOTION to Appoint Counsel by MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021		ORAL MOTION for Immediate Hearing by USA as to MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021		ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021		ORAL MOTION for Release from Custody by MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance/Detention Hearing as to MATTHEW RYAN MILLER held on 1/25/2021. Defendant present by telephone. Due Process Order given to the Government. Oral Motion by the Government to Unseal Case as to MATTHEW RYAN MILLER (1); heard and granted. Nun pro tunc to the time the case was called. Oral Motion to Appoint Counsel by MATTHEW RYAN MILLER (1); heard and granted. Attorney Eduardo Balarezo appointed as counsel. Oral Motion by the Government for Immediate Hearing as to MATTHEW RYAN MILLER (1); heard and granted. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to MATTHEW RYAN MILLER (1); heard and granted. Oral Motion for Release from Custody by MATTHEW RYAN MILLER (1); heard and denied. Preliminary Hearing set for 2/8/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Committed, Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Eduardo Balarezo; US Attorney: Kaitlin Vaillancourt; Pretrial Officer: Masharia Holman. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/25/2021		Case unsealed as to MATTHEW RYAN MILLER. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/26/2021	7	NOTICE OF ATTORNEY APPEARANCE: A. Eduardo Balarezo appearing for MATTHEW RYAN MILLER (Balarezo, A.) [1:21-mj-00145-ZMF] (Entered: 01/26/2021)
01/27/2021	8	MOTION for Bond Review by MATTHEW RYAN MILLER. (Attachments: # 1 Exhibit)(Balarezo, A.) [1:21-mj-00145-ZMF] (Entered: 01/27/2021)
01/29/2021	9	ORDER OF DETENTION PENDING TRIAL - Defendant Held Without Bond as to MATTHEW RYAN MILLER. Signed by Magistrate Judge Zia M. Faruqui on 1/29/2021. (ztl) [1:21-mj-00145-ZMF] (Entered: 01/29/2021)
02/03/2021	10	INDICTMENT as to MATTHEW RYAN MILLER (1) count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9. (zltp) (Entered: 02/04/2021)
02/07/2021	12	Amended MOTION to Modify <i>Pretrial Detention Order</i> by MATTHEW RYAN MILLER. (Balarezo, A.) Modified event title on 2/9/2021 (znmw). (Entered: 02/07/2021)
02/07/2021		MINUTE ORDER: In light of the fact that Magistrate Case for defendant MATTHEW RYAN MILLER has closed and merged into Criminal Number 21-75, and an indictment has been filed, the preliminary hearing previously scheduled for February 8, 2021 before Judge Meriweather is VACATED. The parties are respectfully directed to address any scheduling requests to the presiding district judge, Judge Randolph D. Moss. Signed by Magistrate Judge Robin M. Meriweather on 2/7/2021. (ztl) (Entered: 02/09/2021)
02/08/2021		NOTICE OF HEARING as to MATTHEW RYAN MILLER: Arraignment/Motion Hearing set for 2/16/2021, at 2:00 PM via video, before Judge Randolph D. Moss. The Courtroom Deputy Clerk will distribute instructions for appearing by video.(kt) (Entered: 02/08/2021)
02/08/2021		MINUTE ORDER as to MATTHEW RYAN MILLER: In light of Defendant's amended motion for bond review, Dkt. 12 , it is hereby ORDERED that the government shall file a response on or before February 12, 2021. Signed by Judge Randolph D. Moss on 2/8/2021. (lcrdm2) (Entered: 02/08/2021)
02/11/2021	13	MEMORANDUM in Support of Pretrial Detention by USA as to MATTHEW RYAN MILLER (Vaillancourt, Kaitlin) (Entered: 02/11/2021)
02/11/2021	14	Memorandum in Opposition by USA as to MATTHEW RYAN MILLER re 8 MOTION for Bond Review, 12 MOTION to Modify (Vaillancourt, Kaitlin) (Entered: 02/11/2021)
02/14/2021	15	SUPPLEMENT by USA as to MATTHEW RYAN MILLER re 14 Memorandum in Opposition (Vaillancourt, Kaitlin) (Entered: 02/14/2021)
02/14/2021	16	SUPPLEMENT by MATTHEW RYAN MILLER re 8 MOTION for Bond Review. (Attachments: # 1 Exhibit)(Balarezo, A.) Modified event title and link on 2/16/2021 (znmw). (Entered: 02/14/2021)
02/15/2021	17	SECOND SUPPLEMENT by MATTHEW RYAN MILLER re 8 MOTION for Bond Review. (Attachments: # 1 Exhibit)(Balarezo, A.) Modified event title and link on 2/16/2021 (znmw). (Entered: 02/15/2021)
02/16/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (CMS) Arraignment/Motion Hearing as to MATTHEW RYAN MILLER held on 2/16/2021. Defendant consents to proceeding by video. Defendant arraigned on Counts 1, 2, 3, 4, 5, 6, 7, 8, and 9. Plea of Not Guilty entered as to ALL Counts. Due Process Protections Act Order read into the record by the Court. A further Status Conference is set for 3/17/2021, at 2:30 PM, by video, before Judge Randolph D. Moss. The parties shall use the same videoconference number and access code. Speedy Trial (XT) is tolled in the interest of justice from 2/16/2021 to 3/17/2021. Defendant's 8 MOTION for Bond Review, 12 MOTION to Modify, 16 Supplemental MOTION for Bond Review, and 17 Supplemental MOTION for Bond Review were HEARD and TAKEN UNDER ADVISEMENT. Oral motion by the Government for the Court to exclude speedy trial time nunc pro tunc to 2/8/2021; HEARD and DENIED at this time. Government counsel may file a brief for the Court to consider. Bond Status of Defendant: Defendant remains committed; Court Reporter: Jeff Hook; Defense Attorney: A. Eduardo Balarezo; U.S. Attorney: Kaitlin A. Vaillancourt; Pretrial Officer: Christine Schuck. (kt) Modified on 2/16/2021 to add direction to use same videoconference info (kt). (Entered: 02/16/2021)
02/18/2021	19	MOTION to Request Certain Conditions of Release <i>United States' Request for Certain Conditions of Release</i> by USA as to MATTHEW RYAN MILLER (Vaillancourt, Kaitlin) Modified event title on 2/18/2021 (znmw). (Entered: 02/18/2021)
02/18/2021		MINUTE ORDER as to MATTHEW RYAN MILLER: 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)
02/18/2021	20	NOTICE OF FILING - FIRST REQUEST FOR DISCOVERY by MATTHEW RYAN MILLER (Attachments: # 1 Exhibit)(Balarezo, A.) (Entered: 02/18/2021)
02/18/2021	21	NOTICE REGARDING GOVERNMENT'S REQUEST FOR CERTAIN CONDITIONS OF RELEASE by MATTHEW RYAN MILLER (Balarezo, A.) (Entered: 02/18/2021)
02/19/2021	22	ORDER: For the reasons stated on the record, <i>see</i> Minute Entry (Feb. 16, 2021), it is hereby ORDERED that Defendant's motion for release, Dkt. 12 , pursuant to 18 U.S.C. §§ 3145(b) and 3142(e) is GRANTED. It is further ORDERED that the government's motion to request certain conditions of release, Dkt. 19 , is GRANTED. And it is further ORDERED that Defendant shall be released pending trial or further order of the Court, subject to the conditions listed in the attached Order. See document for details. Signed by Judge Randolph D. Moss on 2/19/2021. (lcrdm2) (Entered: 02/19/2021)
02/19/2021		MINUTE ORDER as to MATTHEW RYAN MILLER: To clarify the Court's earlier release order, Dkt. 22 , it is hereby ORDERED that Defendant is released to home detention. He may leave his mother's home for work or for such other purposes as Pretrial Services approves. However, he may not be outside the home for work or any other purpose between the hours of 9 p.m. and 6 a.m. Signed by Judge Randolph D. Moss on 2/19/2021. (lcrdm2) (Entered: 02/19/2021)
03/10/2021	23	Unopposed MOTION for Protective Order <i>Regarding Discovery Materials</i> by USA as to MATTHEW RYAN MILLER. (Attachments: # 1 Text of Proposed Order)(Vaillancourt, Kaitlin) (Entered: 03/10/2021)
03/10/2021	24	PROTECTIVE ORDER as to MATTHEW RYAN MILLER: Upon consideration of the government's unopposed motion for a protective order, Dkt. 23 , it is hereby ORDERED that the motion is GRANTED. The parties shall comply with the terms of the attached protective order, which the Court adopts in full. See document for details. Signed by Judge Randolph D. Moss on 3/10/2021. (lcrdm2) Modified on 3/10/2021 to add Defendant's name (kt). (Entered: 03/10/2021)
03/16/2021	25	NOTICE OF FILING - FIRST REQUEST FOR DISCOVERY by MATTHEW RYAN MILLER (Attachments: # 1 Exhibit)(Balarezo, A.) (Entered: 03/16/2021)
03/17/2021	26	Unopposed MOTION to Continue and Exclude Time Under the Speedy Trial Act by USA as to MATTHEW RYAN MILLER. (Attachments: # 1 Text of Proposed Order)(Vaillancourt, Kaitlin) Modified relief on 3/17/2021 (znmw). (Entered: 03/17/2021)
03/17/2021	28	MOTION to Exclude TIME UNDER THE SPEEDY TRIAL ACT (See Docket entry 26 to view documents) by USA as to MATTHEW RYAN MILLER. (zltp) (Entered: 03/17/2021)
03/17/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (CMS) Status Conference as to MATTHEW RYAN MILLER held on 3/17/2021. Defendant consented to proceeding by video. Joint Status Report due by 12 noon on 5/17/2021, which shall address next steps and tolling of speedy trial. Order FORTHCOMING as to tolling speedy trial today. Bond Status of Defendant: Defendant remains on PR/HISP; Court Reporter: Jeff Hook; Defense Attorney: A. Eduardo Balarezo; U.S. Attorney: James Nelson (stand-in for Kaitlin A. Vaillancourt). (kt) (Entered: 03/17/2021)
03/17/2021	29	ORDER as to MATTHEW RYAN MILLER: For the reasons explained in the attached Order, it is hereby ORDERED that the government's Motion to Exclude Time Under the Speedy Trial Act, Dkt. 28 , is GRANTED. It is further ORDERED that time is tolled under the Speedy Trial Act from March 17, 2021, through and including May 17, 2021. Signed by Judge Randolph D. Moss on 3/17/2021. (lcrdm2) (Entered: 03/17/2021)

04/08/2021	30	Unopposed MOTION to Disclose Items Protected by Rule 6(e) and Sealed Materials by USA as to MATTHEW RYAN MILLER. (Vaillancourt, Kaitlin) Modified event title on 4/26/2021 (znmw). (Entered: 04/08/2021)
04/09/2021	31	Unopposed MOTION for Protective Order <i>Revised</i> by USA as to MATTHEW RYAN MILLER. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit Attachment A)(Vaillancourt, Kaitlin) (Entered: 04/09/2021)
04/13/2021	32	ORDER as to MATTHEW RYAN MILLER: Upon consideration of the United States' unopposed motion to disclose items protected by Federal Rule of Criminal Procedure 6(e) and sealed materials, Dkt. 30 , 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 4/13/2021. (lcrdm2) (Entered: 04/13/2021)
04/13/2021	33	PROTECTIVE ORDER as to MATTHEW RYAN MILLER: Upon consideration of the government's unopposed motion for a revised protective order, Dkt. 31 , it is hereby ORDERED that the motion is GRANTED. The parties shall comply with the terms of the revised protective order, which the Court adopts in full. See document for details. Signed by Judge Randolph D. Moss on 4/13/2021. (lcrdm2) (Entered: 04/13/2021)
05/17/2021	34	Joint STATUS REPORT by USA as to MATTHEW RYAN MILLER (Vaillancourt, Kaitlin) (Entered: 05/17/2021)
05/17/2021		MINUTE ORDER as to MATTHEW RYAN MILLER: Upon consideration of the parties' joint status report, Dkt. 34 , it is hereby ORDERED that the parties shall file a further joint status report on or before July 1, 2021. It is further ORDERED that time is tolled under the Speedy Trial Act, 18 U.S.C. § 3161, from May 17, 2021 through July 1, 2021. The Court finds that tolling time between now and the next status report serves the ends of justice for the same reasons discussed in the Court's prior order. See Dkt. 29 . Specifically, tolling time will serve the ends of justice by providing time for the government to produce additional discovery. In addition, the continuance will provide an opportunity for the parties to discuss a possible resolution of the case. The Court further concludes that those interests outweigh the best interests of the public and the defendant in a speedy trial. Signed by Judge Randolph D. Moss on 5/17/2021. (lcrdm2) (Entered: 05/17/2021)
07/01/2021	35	Joint STATUS REPORT by USA as to MATTHEW RYAN MILLER (Vaillancourt, Kaitlin) (Entered: 07/01/2021)
07/01/2021		MINUTE ORDER as to MATTHEW RYAN MILLER: Upon consideration of the parties' joint status report, Dkt. 35 , it is hereby ORDERED that the parties shall file a further joint status report on or before July 15, 2021. It is further ORDERED that time is tolled under the Speedy Trial Act, 18 U.S.C. § 3161, from July 1, 2021 through July 15, 2021. The Court finds that tolling time between now and the next status report serves the ends of justice for many of the same reasons discussed in its prior orders. See Dkt. 29 ; Minute Order (May 17, 2021). Specifically, tolling time will serve the ends of justice by providing an opportunity for the government to produce additional discovery and for the defendant to consider the government's recently extended plea offer. The Court further concludes that those interests outweigh the best interests of the public and the defendant in a speedy trial. Signed by Judge Randolph D. Moss on 7/1/2021. (lcrdm2) (Entered: 07/01/2021)
07/12/2021	36	STATUS REPORT <i>Regarding Status of Discovery</i> by USA as to MATTHEW RYAN MILLER (Attachments: # 1 Exhibit A)(Vaillancourt, Kaitlin) (Entered: 07/12/2021)
07/15/2021	37	Joint STATUS REPORT by USA as to MATTHEW RYAN MILLER (Vaillancourt, Kaitlin) (Entered: 07/15/2021)
07/15/2021		MINUTE ORDER as to MATTHEW RYAN MILLER: Upon consideration of the parties' joint status report, Dkt. 37 , and the government's status report concerning discovery, Dkt. 36 , it is hereby ORDERED that the parties shall file a further joint status report on or before July 29, 2021. It is further ORDERED that time is tolled under the Speedy Trial Act, 18 U.S.C. § 3161, from July 15, 2021 through July 29, 2021. The Court finds that tolling time between now and the next status report serves the ends of justice for the same reasons discussed in its prior orders. See Dkt. 29 ; Minute Order (May 17, 2021); Minute Order (July 1, 2021). Specifically, tolling time will serve the ends of justice by providing an opportunity for the defendant to further consider the government's plea offer and for the government to produce additional discovery. The discovery process is especially complex in cases related to the events at the United States Capitol on January 6, 2021, as explained in the government's status report concerning discovery, Dkt. 36 . The Court further concludes that those interests outweigh the best interests of the public and the defendant in a speedy trial. Signed by Judge Randolph D. Moss on 7/15/2021. (lcrdm2) (Entered: 07/15/2021)
07/29/2021	38	Joint STATUS REPORT by USA as to MATTHEW RYAN MILLER (Vaillancourt, Kaitlin) (Entered: 07/29/2021)
07/29/2021		MINUTE ORDER as to MATTHEW RYAN MILLER: Upon consideration of the parties' joint status report, Dkt. 38 , it is hereby ORDERED that the parties shall file a further joint status report on or before August 30, 2021. It is further ORDERED that time is tolled under the Speedy Trial Act, 18 U.S.C. § 3161, from July 29, 2021 through August 30, 2021. The Court finds that tolling time between now and the next status report serves the ends of justice for the same reasons discussed in its prior orders. See Dkt. 29 ; Minute Order (May 17, 2021); Minute Order (July 1, 2021); Minute Order (July 15, 2021). Specifically, tolling time will serve the ends of justice by providing an opportunity for the defendant to further consider the government's plea offer and for the government to produce additional discovery. The discovery process is especially complex in cases related to the events at the United States Capitol on January 6, 2021, as explained in the government's status report concerning discovery, Dkt. 36 . The Court further concludes that those interests outweigh the best interests of the public and the defendant in a speedy trial. Signed by Judge Randolph D. Moss on 7/29/2021. (lcrdm2) (Entered: 07/29/2021)

PACER Service Center			
Transaction Receipt			
07/31/2021 22:14:11			
PACER Login:	jcburn84	Client Code:	
Description:	Docket Report	Search Criteria:	1:21-cr-00075-RDM
Billable Pages:	7	Cost:	0.70