

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00037-TNM-1

Case title: USA v. HALE-CUSANELLI

Date Filed: 01/29/2021

Magistrate judge case number: 1:21-mj-00075-RMM

Assigned to: Judge Trevor N. McFadden

Appeals court case number: 21-3029

Defendant (1)**TIMOTHY LOUIS HALE-CUSANELLI**

represented by **Jonathan W. Crisp**
CRISP AND ASSOCIATES, LLC
4031 North Front Street
Harrisburg, PA 17110
(717) 412-4676
Email: jcrisp@crisplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Jonathan Seth Zucker
LAW OFFICES OF JONATHAN ZUCKER
37 Florida Avenue, NE
Suite 200
Washington, DC 20002
(202) 624-0784
Fax: (202) 609-9653
Email: jonathanzuckerlaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

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

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

(3)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds

(4)

18 U.S.C. 1752(a)(3); TEMPORARY RESIDENCE OF THE PRESIDENT; Impeding Ingress and Egress in a Restricted Building or Grounds

(5)

40 U.S.C. 5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a Capitol Building

(6)

40 U.S.C. 5104(e)(2)(G); FEDERAL STATUTES, OTHER; Parading, Demonstrating, or Picketing in a Capitol Building

(7)

Disposition**Highest Offense Level (Opening)**

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

COMPLAINT in VIOLATION of 18 U.S.C. § 231(a)(3) § 1752 (a)(1),(2); 40 U.S.C. § 5104(e)(2)(D), (G)

Disposition**Plaintiff**

USA

represented by **James B. Nelson**
U.S. ATTORNEY'S OFFICE FOR DISTRICT OF COLUMBIA
555 4th Street NW
Room 4112
Washington, DC 20001
(202) 252-6986
Email: james.nelson@usdoj.gov
TERMINATED: 04/14/2021
LEAD ATTORNEY
Designation: Assistant U.S. Attorney

Kathryn E. Fifield

Date Filed	#	Docket Text
01/15/2021	1	COMPLAINT as to TIMOTHY LOUIS HALE-CUSANELLI (1). (Attachments: # 1 Statement of Facts) (zltp) (Main Document 1 replaced on 1/15/2021) (zltp). (Attachment 1 replaced on 1/16/2021) (bb). [1:21-mj-00075-RMM] (Entered: 01/15/2021)
01/15/2021		Arrest of TIMOTHY LOUIS HALE-CUSANELLI in the district of New Jersey. (hmc) (Entered: 02/03/2021)
01/19/2021	3	Emergency MOTION for Emergency Stay and For Review of Release Order by USA as to TIMOTHY LOUIS HALE-CUSANELLI. (Attachments: # 1 Text of Proposed Order)(Nelson, James) [1:21-mj-00075-RMM] (Entered: 01/19/2021)
01/19/2021	4	Emergency MOTION for Transport Order by USA as to TIMOTHY LOUIS HALE-CUSANELLI. (Attachments: # 1 Text of Proposed Order)(Nelson, James) [1:21-mj-00075-RMM] (Entered: 01/19/2021)
01/19/2021	5	ORDER, as to TIMOTHY LOUIS HALE-CUSANELLI, GRANTING the government's 3 Motion to Stay. Signed by Chief Judge Beryl A. Howell on January 19, 2021. (lcbah2) [1:21-mj-00075-RMM] (Entered: 01/19/2021)
01/19/2021	6	ORDER, as to TIMOTHY LOUIS HALE-CUSANELLI, GRANTING the government's 4 Motion to Transport. Signed by Chief Judge Beryl A. Howell on January 19, 2021. (lcbah2) [1:21-mj-00075-RMM] (Entered: 01/19/2021)
01/19/2021	7	MOTION to Review <i>Release Order</i> by USA as to TIMOTHY LOUIS HALE-CUSANELLI. (See Docket Entry 3 to view document). (znmw) [1:21-mj-00075-RMM] (Entered: 01/25/2021)
01/29/2021	9	INDICTMENT as to TIMOTHY LOUIS HALE-CUSANELLI (1) count(s) 1, 2, 3, 4, 5, 6, 7. (zltp) (Main Document 9 replaced on 2/2/2021) (zltp). (Entered: 02/02/2021)
02/08/2021	11	NOTICE OF ATTORNEY APPEARANCE: Jonathan Seth Zucker appearing for TIMOTHY LOUIS HALE-CUSANELLI (Zucker, Jonathan) (Entered: 02/08/2021)
03/01/2021		MINUTE ORDER granting Defendant TIMOTHY LOUIS HALE-CUSANELLI's 12 Sealed Motion for Leave to File Document under Seal. The Clerk of the Court is directed to docket ECF No. 12-1 under seal. It is further ORDERED that Defendant TIMOTHY LOUIS HALE-CUSANELLI shall file a redacted version of ECF No. 12-1 on the public record by March 8, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/1/2021. (lctnm3) (Entered: 03/01/2021)
03/02/2021		Set/Reset Deadlines as to TIMOTHY LOUIS HALE-CUSANELLI: Redacted version due by 3/8/2021. (hmc) (Entered: 03/02/2021)
03/02/2021	13	MOTION to Modify <i>Bond to Place the Defendant on Conditional Release Pending Trial</i> REDACTED by TIMOTHY LOUIS HALE-CUSANELLI. (Zucker, Jonathan) (Entered: 03/02/2021)
03/02/2021	14	MOTION to Amend/Correct <i>Defendant's Motion for Modification of Bond to Place the Defendant on Conditional Release Pending Trial</i> by TIMOTHY LOUIS HALE-CUSANELLI. (Zucker, Jonathan) (Entered: 03/02/2021)
03/03/2021		MINUTE ORDER. The Government is hereby ORDERED to file any response to Defendant TIMOTHY LOUIS HALE-CUSANELLI's 13 , 14 , 15 Motion to Modify Bond by March 8, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/3/2021. (lctnm3) (Entered: 03/03/2021)
03/04/2021		Set/Reset Deadlines as to TIMOTHY LOUIS HALE-CUSANELLI: Government's response due by 3/8/2021. (hmc) (Entered: 03/04/2021)
03/07/2021	16	SUPPLEMENT by TIMOTHY LOUIS HALE-CUSANELLI re 13 MOTION to Modify <i>Bond to Place the Defendant on Conditional Release Pending Trial</i> REDACTED (Attachments: # 1 Exhibit Letter)(Zucker, Jonathan) (Entered: 03/07/2021)
03/07/2021	17	Joint MOTION for Extension of Time to File <i>Defendant's Motion for Pretrial Release</i> by USA as to TIMOTHY LOUIS HALE-CUSANELLI. (Nelson, James) (Entered: 03/07/2021)
03/08/2021		MINUTE ORDER as to TIMOTHY LOUIS HALE-CUSANELLI granting the parties' 17 Joint Motion for Extension of Time to File Defendant's Motion for Pretrial Release. The Government shall file any response to Defendant TIMOTHY LOUIS HALE-CUSANELLI's 13 , 14 , 15 , 16 Motion to Modify Bond by March 12, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/8/2021. (lctnm3) (Entered: 03/08/2021)
03/08/2021		Set/Reset Deadlines as to TIMOTHY LOUIS HALE-CUSANELLI: Government's response due by 3/12/2021. (hmc) (Entered: 03/08/2021)
03/10/2021		NOTICE OF HEARING as to TIMOTHY LOUIS HALE-CUSANELLI. The parties shall take notice that an Arraignment and Bond Review Hearing is set for 3/18/2021, at 2:00 PM, via video before Judge Trevor N. McFadden. Connection instructions will be emailed to the parties. (hmc) (Entered: 03/10/2021)
03/12/2021		NOTICE OF RESCHEDULED HEARING as to TIMOTHY LOUIS HALE-CUSANELLI. Arraignment and Bond Review Hearing rescheduled to 3/23/2021, at 11:00 AM, via video, before Judge Trevor N. McFadden. (hmc) (Entered: 03/12/2021)
03/12/2021	18	Memorandum in Opposition by USA as to TIMOTHY LOUIS HALE-CUSANELLI re 14 MOTION to Amend/Correct <i>Defendant's Motion for Modification of Bond to Place the Defendant on Conditional Release Pending Trial</i> , 13 MOTION to Modify <i>Bond to Place the Defendant on Conditional Release Pending Trial</i> REDACTED (Nelson, James) (Entered: 03/12/2021)
03/22/2021	19	REPLY TO OPPOSITION to Motion by TIMOTHY LOUIS HALE-CUSANELLI re 14 MOTION to Amend/Correct <i>Defendant's Motion for Modification of Bond to Place the Defendant on Conditional Release Pending Trial</i> , 13 MOTION to Modify <i>Bond to Place the Defendant on Conditional Release Pending Trial</i> REDACTED (Zucker, Jonathan) (Entered: 03/22/2021)
03/23/2021		MINUTE ORDER as to TIMOTHY LOUIS HALE-CUSANELLI. Pursuant to the Due Process Protections Act, the Court ORDERS 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. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/23/2021. (lctnm3) (Entered: 03/23/2021)
03/23/2021	20	ORDER as to TIMOTHY LOUIS HALE-CUSANELLI. For the reasons stated at the hearing and in the attached Order, the Defendant's 13 Motion to Modify Bond to Place the Defendant on Conditional Release Pending Trial is DENIED. See Order for details. Signed by Judge Trevor N. McFadden on 3/23/2021. (lctnm3) (Entered: 03/23/2021)
03/23/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Arraignment and Bond Review Hearing as to TIMOTHY LOUIS HALE-CUSANELLI held via video on 3/23/2021. Defendant agreed to proceed via video. Due Process Protections Act Order read into the record by the Court. TIMOTHY LOUIS HALE-CUSANELLI arraigned on Counts 1, 2, 3, 4, 5, 6, 7. Plea of Not Guilty entered as to all counts. Defendant's 13 Motion to Modify Bond to Place the Defendant on Conditional Release Pending Trial, DENIED for reasons stated on the record. A further Status Conference is set for 4/28/2021, at 10:00 AM, via video, before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 3/23/2021 to 4/28/2021, in the interests of justice. Bond Status of Defendant: Defendant remains committed. Defense Attorney: Jonathan S. Zucker; US Attorney: James B. Nelson; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 03/23/2021)
03/23/2021	22	Arrest Warrant, dated 1/15/2021, returned executed in the U.S. District Court for the District of Columbia on 3/23/2021 as to Defendant TIMOTHY LOUIS HALE-CUSANELLI. (kk) (Entered: 04/06/2021)
04/02/2021	21	MOTION for Reconsideration re 20 Order on Motion for Review,, Order on Motion to Modify,, Order on Motion to Amend/Correct,, Order on Sealed Motion, by TIMOTHY LOUIS HALE-CUSANELLI. (Zucker, Jonathan) (Entered: 04/02/2021)
04/05/2021		MINUTE ORDER as to TIMOTHY LOUIS HALE-CUSANELLI. The government shall respond to the Defendant's 21 Motion for Reconsideration by 4/16/2021. Signed by Judge Trevor N. McFadden on 4/5/2021. (hmc) (Entered: 04/05/2021)
04/10/2021	23	MOTION for Criminal History Report by TIMOTHY LOUIS HALE-CUSANELLI. (Zucker, Jonathan) (Entered: 04/10/2021)
04/11/2021		MINUTE ORDER as to TIMOTHY LOUIS HALE-CUSANELLI (1) denying 23 Motion for Criminal History Report given the United States Probation Office's heavy workload currently. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/11/2021. (lctnm3) (Entered: 04/11/2021)
04/14/2021	24	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Fifield, Kathryn E. added. (Fifield, Kathryn) (Entered: 04/14/2021)
04/14/2021	25	SUPPLEMENT by TIMOTHY LOUIS HALE-CUSANELLI re 21 MOTION for Reconsideration re 20 Order on Motion for Review,, Order on Motion to Modify,, Order on Motion to Amend/Correct,, Order on Sealed Motion, (Zucker, Jonathan) (Entered: 04/14/2021)
04/16/2021	26	RESPONSE by USA as to TIMOTHY LOUIS HALE-CUSANELLI re 21 MOTION for Reconsideration re 20 Order on Motion for Review,, Order on Motion to Modify,, Order on Motion to Amend/Correct,, Order on Sealed Motion, (Fifield, Kathryn) (Entered: 04/16/2021)

04/26/2021	27	REPLY TO OPPOSITION to Motion by TIMOTHY LOUIS HALE-CUSANELLI re 21 MOTION for Reconsideration re 20 Order on Motion for Review,, Order on Motion to Modify,, Order on Motion to Amend/Correct,, Order on Sealed Motion, (Zucker, Jonathan) (Entered: 04/26/2021)
04/28/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to TIMOTHY LOUIS HALE-CUSANELLI held via video on 4/28/2021. Defendant agreed to proceed via video. Defendant's 21 Motion for Reconsideration, denied for the reasons stated on the record. A further VTC Status Conference is set for 5/12/2021 at 10:00 AM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 4/28/2021 to 5/12/2021, in the interests of justice. Bond Status of Defendant: Defendant remains committed. Defense Attorney: Jonathan S. Zucker; US Attorneys: James B. Nelson and Kathryn E. Fifield; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 04/28/2021)
05/05/2021	28	NOTICE OF APPEAL (Interlocutory) by TIMOTHY LOUIS HALE-CUSANELLI re Order on Motion for Reconsideration,,, Status Conference,,, Set Hearings,, 20 Order on Motion for Review,, Order on Motion to Modify,, Order on Motion to Amend/Correct,, Order on Sealed Motion, Arraignment,,,, Bond Hearing,,,, Set Hearings,,,, Plea Entered,,, Fee Status: No Fee Paid. Parties have been notified. (Zucker, Jonathan) (Entered: 05/05/2021)
05/06/2021	29	Unopposed MOTION for Protective Order <i>Governing Discovery</i> by USA as to TIMOTHY LOUIS HALE-CUSANELLI. (Attachments: # 1 Text of Proposed Order)(Fifield, Kathryn) (Entered: 05/06/2021)
05/06/2021	30	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by a CJA appointed attorney as to TIMOTHY LOUIS HALE-CUSANELLI re 28 Notice of Appeal - Interlocutory (zltf) (Entered: 05/06/2021)
05/06/2021	31	ORDER granting 29 Unopposed Motion for Protective Order as to TIMOTHY LOUIS HALE-CUSANELLI (1). See attached Order for details. Signed by Judge Trevor N. McFadden on 5/6/2021. (lctnm3) (Entered: 05/06/2021)
05/07/2021		USCA Case Number as to TIMOTHY LOUIS HALE-CUSANELLI 21-3029 for 28 Notice of Appeal - Interlocutory, filed by TIMOTHY LOUIS HALE-CUSANELLI. (zltf) (Entered: 05/11/2021)
05/11/2021	32	NOTICE <i>Of Filing Discovery Correspondence</i> by USA as to TIMOTHY LOUIS HALE-CUSANELLI (Attachments: # 1 Notice to Counsel/Party)(Fifield, Kathryn) (Entered: 05/11/2021)
05/12/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to TIMOTHY LOUIS HALE-CUSANELLI held via video on 5/12/2021. Defendant's oral motion to reconsider 23 Motion for Criminal History Report, heard and denied. A further VTC Status Conference is set for 5/28/2021 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 5/12/2021 to 5/28/2021, in the interests of justice. Bond Status of Defendant: Defendant remains committed. Defense Attorneys: Jonathan S. Zucker and Peter Wright; US Attorney: Kathryn E. Fifield; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 05/13/2021)
05/22/2021	33	MOTION to Appoint Counsel <i>and Report Concerning Discovery and Plea Negotiations</i> by TIMOTHY LOUIS HALE-CUSANELLI. (Zucker, Jonathan) (Entered: 05/22/2021)
05/25/2021		MINUTE ORDER as to TIMOTHY LOUIS HALE-CUSANELLI. The VTC Status Conference previously set for 5/28/2021 is RESCHEDULED to 6/1/2021 at 3:30 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act will continue to toll from 5/28/2021 to 6/1/2021, in the interests of justice. Signed by Judge Trevor N. McFadden on 5/25/2021. (hmc) (Entered: 05/25/2021)
05/26/2021	34	RESPONSE by USA as to TIMOTHY LOUIS HALE-CUSANELLI re 33 MOTION to Appoint Counsel <i>and Report Concerning Discovery and Plea Negotiations</i> (Attachments: # 1 Notice to Counsel/Party Preliminary Discovery Letter 5-26-21)(Fifield, Kathryn) (Entered: 05/26/2021)
06/01/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to TIMOTHY LOUIS HALE-CUSANELLI held via videoconference on 6/1/2021. Defendant's 33 Motion to Appoint Counsel, GRANTED. Attorney Jonathan S. Zucker is withdrawn from the case. Attorney Jonathan Crisp shall file his notice of appearance. A further VTC Status Conference is set for 7/16/2021 at 10:30 AM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 6/1/2021 to 7/16/2021, in the interests of justice. Bond Status of Defendant: Defendant remains committed. Defense Attorneys: Jonathan S. Zucker, Peter Wright, Jonathan Crisp; US Attorney: Kathryn E. Fifield; Court Reporter: Crystal Pilgrim. (zhmc) (Entered: 06/01/2021)
06/21/2021	35	NOTICE OF ATTORNEY APPEARANCE: Jonathan W. Crisp appearing for TIMOTHY LOUIS HALE-CUSANELLI (Crisp, Jonathan) (Entered: 06/21/2021)

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