

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00214-JDB-1

Case title: USA v. PADILLA

Date Filed: 03/12/2021

Magistrate judge case number: 1:21-mj-00252-ZMF

Assigned to: Judge John D. Bates

Defendant (1)**JOSEPH LINO PADILLA***also known as*
JOSE PADILLA

represented by **Nathaniel C Wenstrup**
FEDERAL DEFENDERS FOR THE EASTERN DISTRICT OF VIRGINIA
VA
1650 King Street
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender Appointment

Pending Counts

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

18:321(a)(3); CIVIL DISORDER; Civil Disorder
(4)

18:111(a)(1) and (b); ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
Using a Dangerous Weapon
(5)

18:321(a)(3); CIVIL DISORDER; Civil Disorder
(6)

18:1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR
INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(7)

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
(8)

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
(9)

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
(10)

40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Disorderly Conduct in the Capitol Grounds or Buildings
(11)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Acts of Physical Violence in the Capitol Grounds or
Buildings
(12)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:231(a)(3), 18:111(a)(1), and (b), 18:1752(a)(1),
(b)(1)(A), 18:1752(a)(2), (b)(1)(A), 18:1752(a)(4), (b)(1)(A) and 40:5104(e)(2)

Disposition**Disposition****Disposition****Plaintiff**

USA

represented by **Puja Bhatia**
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Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
02/22/2021	1	COMPLAINT as to JOSEPH LINO PADILLA (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00252-ZMF] (Entered: 02/23/2021)
02/23/2021		Arrest of JOSEPH LINO PADILLA. (ztl) (Entered: 03/31/2021)
03/05/2021	3	NOTICE OF ATTORNEY APPEARANCE Jacob Strain appearing for USA. (Strain, Jacob) [1:21-mj-00252-ZMF] (Entered: 03/05/2021)
03/09/2021	4	MEMORANDUM in Support of Pretrial Detention by USA as to JOSEPH LINO PADILLA (Strain, Jacob) [1:21-mj-00252-ZMF] (Entered: 03/09/2021)
03/11/2021	5	NOTICE OF ATTORNEY APPEARANCE Puja Bhatia appearing for USA. (Bhatia, Puja) [1:21-mj-00252-ZMF] (Entered: 03/11/2021)
03/12/2021	6	INDICTMENT as to JOSEPH LINO PADILLA (1) count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. (bb) (Entered: 03/16/2021)
03/29/2021		Set/Reset Hearings as to JOSEPH LINO PADILLA: Arraignment set for 3/30/2021 at 11:30 AM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 03/29/2021)
03/29/2021	10	Arrest Warrant Returned Executed on 2/23/2021 in the Eastern District of Tennessee as to JOSEPH LINO PADILLA. (ztl) (Entered: 03/31/2021)
03/29/2021		ORAL MOTION to Appoint Counsel by JOSEPH LINO PADILLA. (ztl) (Entered: 03/31/2021)
03/29/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance as to JOSEPH LINO PADILLA held on 3/29/2021. Defendant present by video. Oral Motion to Appoint Counsel by JOSEPH LINO PADILLA (1); heard and granted. Arraignment/Status Hearing set for 3/30/2021 at 11:30 AM by Telephonic/VTC before Judge John D. Bates. Detention Hearing set for 3/31/2021 at 10:30 AM by Telephonic/VTC before Magistrate Judge Zia M. Faruqi. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: Nancy Meyer; Defense Attorney: Nathaniel Wenstrup; US Attorney: Jacob Steiner for Puja Bhatia and Jacob Strain; Pretrial Officer: Andre Sidbury. (ztl) (Entered: 03/31/2021)
03/30/2021	8	DUE PROCESS PROTECTIONS ACT ORDER as to JOSEPH LINO PADILLA. Signed by Judge John D. Bates on 03/03/2021. (tb) (Entered: 03/30/2021)
03/30/2021		Minute Entry: Arraignment as to JOSEPH LINO PADILLA (1) held on 3/30/2021 before Judge John D. Bates on Counts 1,2,3,4,5,6,7,8,9,10,11 and 12. Plea of NOT GUILTY entered by JOSEPH LINO PADILLA (1) on all Counts. Status Conference set for 4/5/2021 at 04:00 PM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 03/30/2021 and 04/05/2021 shall be excluded from the speedy trial calculation. Defendant remains incarcerated.; Court Reporter: Bryan Wayne; Defense Attorney: Nate Wenstrup; US Attorney: Puja Bhatia and Jacob Strain. (tb) (Entered: 03/30/2021)
03/30/2021	9	NOTICE OF ATTORNEY APPEARANCE: Nathaniel C Wenstrup appearing for JOSEPH LINO PADILLA (Wenstrup, Nathaniel) (Main Document 9 replaced on 3/31/2021) (zhjs). (Entered: 03/30/2021)
03/31/2021		ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to JOSEPH LINO PADILLA. (ztl) (Entered: 03/31/2021)
03/31/2021		ORAL MOTION for Release from Custody by JOSEPH LINO PADILLA. (ztl) (Entered: 03/31/2021)
03/31/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Detention Hearing as to JOSEPH LINO PADILLA held on 3/31/2021. Defendant present by video. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to JOSEPH LINO PADILLA (1); heard and granted. Oral Motion for Release from Custody by JOSEPH LINO PADILLA (1); heard and denied. Government Exhibits 1-9. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: Lorraine Herman; Defense Attorney: Nathaniel Wenstrup; US Attorney: Puja Bhatia and Jacob Strain; Pretrial Officer: John Copes. (ztl) (Entered: 03/31/2021)
04/05/2021		Minute Entry for Status Hearing as to JOSEPH LINO PADILLA held by video before Judge John D. Bates on 4/5/2021 : The defendant consents to holding the hearing by video. The defense agrees to a 30-day continuance and to the entry of a protective order. Further Status Hearing set for 5/12/2021 at 10:00 AM by telephonic/VTC before Judge John D. Bates. The Court, upon the joint oral motion by the defense and the Government, excludes the time between 4/5/2021 and 5/12/2021 from computation under the Speedy Trial Act for purposes of production and review of discovery, in the interest of justice. Bond Status of Defendant: Defendant remains committed. Court Reporter: Bryan Wayne. Defense Attorney: Nathaniel Wenstrup; U.S. Attorneys: Jacob Strain and Puja Bhatia. (kk) (Entered: 04/05/2021)
04/05/2021	11	Unopposed MOTION to Continue by USA as to JOSEPH LINO PADILLA. (Attachments: # 1 Text of Proposed Order)(Strain, Jacob) (Entered: 04/05/2021)
04/05/2021	12	MOTION to Exclude Time Under the Speedy Trial Act by USA as to JOSEPH LINO PADILLA. (See Docket Entry 11 to View Document). (zhjs) (Entered: 04/06/2021)
04/08/2021	13	Unopposed MOTION for Protective Order by USA as to JOSEPH LINO PADILLA. (Attachments: # 1 Text of Proposed Order)(Strain, Jacob) (Entered: 04/08/2021)
04/09/2021	14	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to JOSEPH LINO PADILLA. Signed by Judge John D. Bates on 04/09/2021. (tb) (Entered: 04/09/2021)
04/13/2021		MINUTE ORDER as to JOSEPH LINO PADILLA: Upon consideration of 11 the government's unopposed Motion to Continue and to Exclude Time Under the Speedy Trial Act, the representations made at the status hearing held on April 5, 2021, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that this proceeding is continued until a further status hearing set for May 12, 2021 at 10:00 a.m.; and it is further ORDERED that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), & (B)(ii), and given defendant's waiver of his rights under the Speedy Trial Act, the time period from April 5, 2021 until May 12, 2021 is hereby excluded from the computation of time within which a trial must commence under the Speedy Trial Act and that the ends of justice served by taking such action outweigh the best interest of the public and defendant in a speedy trial. SO ORDERED by Judge John D. Bates on 04/13/2021. (tb) (Entered: 04/13/2021)
04/15/2021	15	MOTION to Revoke <i>Detention Order</i> by JOSEPH LINO PADILLA. (Wenstrup, Nathaniel) (Entered: 04/15/2021)
04/15/2021		Set/Reset Hearings as to JOSEPH LINO PADILLA: Detention Hearing set for 4/28/2021 at 10:00 AM in Telephonic/VTC before Judge John D. Bates. (tb) (Entered: 04/15/2021)
04/15/2021	16	NOTICE OF DISCOVERY by USA as to JOSEPH LINO PADILLA (Bhatia, Puja) (Entered: 04/15/2021)
04/16/2021	17	MOTION for Disclosure of 6(e) AND SEALED MATERIALS by USA as to JOSEPH LINO PADILLA. (Attachments: # 1 Text of Proposed Order)(Strain, Jacob) (Entered: 04/16/2021)
04/16/2021		MINUE ORDER as to JOSEPH LINO PADILLA: Upon consideration of 15 defendant's Motion to Revoke Detention Order, and the entire record herein, it is hereby ORDERED that the government shall file its response to defendant's motion by not later than April 21, 2021; it is further ORDERED that defendant shall file his reply in support of his motion by not later than April 23, 2021; and it is further ORDERED that a hearing is set for April 28, 2021 at 10:00 a.m. by videoconference. SO ORDERED by Judge John D. Bates on 04/16/2021. (tb) (Entered: 04/16/2021)
04/16/2021	18	ORDER: Granting 17 Motion for Disclosure as to JOSEPH LINO PADILLA (1). Signed by Judge John D. Bates on 04/16/2021. (tb) (Entered: 04/16/2021)
04/19/2021	19	Unopposed MOTION to Continue by JOSEPH LINO PADILLA. (Attachments: # 1 Text of Proposed Order)(Wenstrup, Nathaniel) (Entered: 04/19/2021)
04/19/2021		MINUTE ORDER as to JOSEPH LINO PADILLA: Upon consideration of 19 defendant's Unopposed Motion to Continue, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the schedule set in the Court's April 16, 2021 Minute Order is MODIFIED as follows: the government shall file its response to 15 defendant's Motion to Revoke Detention Order by not later than April 26, 2021; defendant shall file his reply in support of his motion by not later than April 28, 2021; and the hearing set for April 28, 2021 is RESCHEDULED to May 3, 2021 at 2:00 p.m. by videoconference. SO ORDERED by Judge John D. Bates on 04/19/2021. (tb) (Entered: 04/19/2021)
04/20/2021	20	Memorandum in Opposition by USA as to JOSEPH LINO PADILLA re 15 MOTION to Revoke <i>Detention Order</i> (Strain, Jacob) (Entered: 04/20/2021)
04/21/2021	21	TRANSCRIPT OF PROCEEDINGS in case as to JOSEPH LINO PADILLA before Magistrate Judge Zia M. Faruqi held on 03/29/2021. Page Numbers: 1-11. Date of Issuance: 04/19/2021. Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. Transcripts may be ordered by submitting the Transcript Order Form

		<p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 5/12/2021. Redacted Transcript Deadline set for 5/22/2021. Release of Transcript Restriction set for 7/20/2021.(Meyer, Nancy) (Entered: 04/21/2021)</p>
04/21/2021	22	REPLY TO OPPOSITION to Motion by JOSEPH LINO PADILLA re 15 MOTION to Revoke <i>Detention Order</i> (Wenstrup, Nathaniel) (Entered: 04/21/2021)
04/21/2021	23	ORDER OF DETENTION PENDING TRIAL - Defendant Held Without Bond as to JOSEPH LINO PADILLA. Signed by Magistrate Judge Zia M. Faruqui on 4/21/2021. (ztl) (Entered: 04/26/2021)
05/03/2021		Minute Entry: Bond Hearing as to JOSEPH LINO PADILLA held on 5/3/2021 before Judge John D. Bates: re 5 Motion to Revoke Detention; motion heard and taken under advisement. Government exhibits 1-4 and 6 were videos; exhibits (5, 7-17) still shots; exhibits 5, 7-9 images; and exhibits 10-17 clips from social media postings. The parties discussed protective order and discovery. Defendant remains detained. Court Reporter: Elizabeth Saint-Loth; Defense Attorney: Nathaniel Wenstrup; US Attorney: Puja Bhatina and Jacob Strain; Pretrial Officer: Christine Schuck. (tb) (Entered: 05/04/2021)
05/04/2021	24	MEMORANDUM OPINION as to JOSEPH LINO PADILLA. Signed by Judge John D. Bates on 05/04/2021. (tb) (Entered: 05/04/2021)
05/04/2021	25	ORDER: Denying 15 Motion to Revoke as to JOSEPH LINO PADILLA (1). Signed by Judge John D. Bates on 05/04/2021. (tb) (Entered: 05/04/2021)
05/05/2021	26	NOTICE OF DISCOVERY by USA as to JOSEPH LINO PADILLA (Bhatia, Puja) (Entered: 05/05/2021)
05/06/2021	27	NOTICE OF DISCOVERY by USA as to JOSEPH LINO PADILLA (Strain, Jacob) (Entered: 05/06/2021)
05/12/2021		Minute Entry: Status Conference as to JOSEPH LINO PADILLA held on 5/12/2021 before Judge John D. Bates: Parties discussed disposition. Status Conference set for 6/11/2021 at 10:00 AM in Telephonic/VTC before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 05/12/2021 and 06/11/2021 shall be excluded from the speedy trial calculation. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: Nathaniel Wenstrup; US Attorney: Jacob Strain. (tb) (Entered: 05/13/2021)
05/17/2021	28	NOTICE OF DISCOVERY by USA as to JOSEPH LINO PADILLA (Strain, Jacob) (Entered: 05/17/2021)
06/04/2021	29	NOTICE OF DISCOVERY by USA as to JOSEPH LINO PADILLA (Strain, Jacob) (Entered: 06/04/2021)
06/11/2021		Minute Entry: Status Conference as to JOSEPH LINO PADILLA held on 6/11/2021 before Judge John D. Bates: Parties discussed discovery. Another Video (VTC) Status Conference set for 8/25/2021 at 2:00 PM before Judge John D. Bates. The Court finds in the interest of justice (XT) that the time between 6/11/2021 and 8/25/2021 shall be excluded from the speedy trial calculation. Defendant remains detained. Court Reporter: Lisa Moreira; Defense Attorney: Nathaniel Wenstrup; US Attorney: Jacob Strain. (jth) (Entered: 06/11/2021)
07/12/2021	30	MEMORANDUM Regarding Status of Discovery by USA as to JOSEPH LINO PADILLA. (Attachments: # 1 Examples of Defense Discovery Requests)(Strain, Jacob) Modified Text on 7/13/2021 (zhjs). (Entered: 07/12/2021)

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