

U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00259-TSC-1

Case title: USA v. PONDER

Date Filed: 03/26/2021

Magistrate judge case number: 1:21-mj-00303-GMH

Assigned to: Judge Tanya S. Chutkan

**Defendant (1)**

**MARK K. PONDER**

represented by **Joseph Roll Conte**  
LAW OFFICE OF J.R. CONTE  
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Washington, DC 20004  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
Designation: CJA Appointment

**Pending Counts**

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

(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)

18:231(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)

18:231(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 a Capitol Building.

(11)

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

(12)

**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), (2), and (4); 40 U.S.C. § 5104(e)(2)(D) and (F); 18 U.S.C. § 231(a)(3); 18 U.S.C. § 1512(c)(2); 18 U.S.C. §§ 111(a)(1) and (b)

**Disposition**

**Disposition**

**Disposition**

**Plaintiff**

USA

represented by **Jocelyn Patricia Bond**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA

Date Filed	#	Docket Text
03/12/2021	<a href="#">1</a>	SEALED COMPLAINT as to MARK K. PONDER (1). (Attachments: # <a href="#">1</a> Statement of Facts) (zltf) [1:21-mj-00303-GMH] (Entered: 03/15/2021)
03/12/2021	<a href="#">3</a>	MOTION to Seal Case by USA as to MARK K. PONDER. (Attachments: # <a href="#">1</a> Text of Proposed Order)(zltf) [1:21-mj-00303-GMH] (Entered: 03/15/2021)
03/12/2021	<a href="#">4</a>	ORDER granting <a href="#">3</a> Motion to Seal Case as to MARK K. PONDER (1). Signed by Magistrate Judge G. Michael Harvey on 3/12/2021. (zltf) [1:21-mj-00303-GMH] (Entered: 03/15/2021)
03/17/2021		Case unsealed as to MARK K. PONDER. (ztl) [1:21-mj-00303-GMH] (Entered: 03/17/2021)
03/17/2021		Arrest of MARK K. PONDER. (ztnr) [1:21-mj-00303-GMH] (Entered: 03/18/2021)
03/17/2021	<a href="#">10</a>	Arrest Warrant Returned Executed on 3/17/2021 as to MARK K. PONDER. (ztl) [1:21-mj-00303-GMH] (Entered: 03/21/2021)
03/17/2021		ORAL MOTION to Appoint Counsel by MARK K. PONDER. (ztl) [1:21-mj-00303-GMH] (Entered: 03/21/2021)
03/17/2021		ORAL MOTION for Temporary Detention by USA as to MARK K. PONDER. (ztl) [1:21-mj-00303-GMH] (Entered: 03/21/2021)
03/17/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance as to MARK K. PONDER held on 3/17/2021. Defendant present by telephone. Due Process Order given to the Government. Oral Motion to Appoint Counsel by MARK K. PONDER (1); heard and granted. Oral Motion for Temporary Detention (3 day hold) as to MARK K. PONDER (1); heard and granted. Defense did not object. Detention Hearing set for 3/22/2021 at 2:30 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqi. Bond Status of Defendant: Defendant Held Without Bond; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [2:14:01-2:24:58]; Defense Attorney: David Bos; US Attorney: Jacob Steiner for Jocelyn Bond; Pretrial Officer: Andre Sidbury for John Copes. (ztl) [1:21-mj-00303-GMH] (Entered: 03/21/2021)
03/18/2021	<a href="#">7</a>	NOTICE OF ATTORNEY APPEARANCE: Joseph Roll Conte appearing for MARK K. PONDER Designation <i>CJA Appointment</i> (Conte, Joseph) [1:21-mj-00303-GMH] (Entered: 03/18/2021)
03/18/2021	<a href="#">8</a>	NOTICE of Filing -- <i>Defendant's Discovery Request</i> by MARK K. PONDER (Attachments: # <a href="#">1</a> Exhibit Defendant's Discovery Request)(Conte, Joseph) [1:21-mj-00303-GMH] (Entered: 03/18/2021)
03/18/2021	<a href="#">9</a>	NOTICE of Filing -- <i>Defendant's Discovery Request</i> by MARK K. PONDER (Attachments: # <a href="#">1</a> Exhibit Defendant's Discovery Request)(Conte, Joseph) [1:21-mj-00303-GMH] (Entered: 03/18/2021)
03/21/2021	<a href="#">11</a>	MEMORANDUM in Support of Pretrial Detention by USA as to MARK K. PONDER (Bond, Jocelyn) [1:21-mj-00303-GMH] (Entered: 03/21/2021)
03/22/2021		ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to MARK K. PONDER. (ztl) (Entered: 03/31/2021)
03/22/2021		ORAL MOTION for Release from Custody by MARK K. PONDER. (ztl) (Entered: 03/31/2021)
03/22/2021		ORAL MOTION for Speedy Trial by USA as to MARK K. PONDER. (ztl) (Entered: 03/31/2021)
03/22/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Detention Hearing as to MARK K. PONDER held on 3/22/2021. Defendant present by video. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to MARK K. PONDER (1); heard and granted. Oral Motion for Release from Custody by MARK K. PONDER (1); heard and denied. Oral Motion by the Government for Speedy Trial as to MARK K. PONDER (1); heard and granted. No objection from Defense. Speedy Trial Excluded from 3/22/2021 to 4/1/2021 in the Interest of Justice (XT). Preliminary Hearing set for 4/1/2021 at 2:30 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Committed/Commitment Issued; Court Reporter: Sara Wick; Defense Attorney: Joseph Conte; US Attorney: Jocelyn Bond; Pretrial Officer: Christine Schuck. (ztl) (Entered: 03/31/2021)
03/24/2021	<a href="#">12</a>	ORDER OF DETENTION PENDING TRIAL - Defendant Held Without Bond as to MARK K. PONDER. Signed by Magistrate Judge Zia M. Faruqi on 3/24/2021. (ztl) [1:21-mj-00303-GMH] (Entered: 03/24/2021)
03/26/2021	<a href="#">13</a>	INDICTMENT as to MARK K. PONDER (1) count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. (zhsj) (Entered: 03/29/2021)
03/29/2021		Set/Reset Hearings as to MARK K. PONDER: Arraignment set for 3/31/2021 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 03/29/2021)
03/30/2021	<a href="#">15</a>	MOTION to Continue , MOTION to Exclude <i>Time Under the Speedy Trial Act</i> by USA as to MARK K. PONDER. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Bond, Jocelyn) (Entered: 03/30/2021)
03/31/2021		Minute Entry: Arraignment as to MARK K. PONDER (1) held on 3/31/2021 before Judge Tanya S. Chutkan on Counts 1,2,3,4,5,6,7,8,9,10,11 and 12. Plea of NOT GUILTY entered by MARK K. PONDER as to Counts 1 through 12. The Court GRANTS government's <a href="#">15</a> motion to continue and exclude time. Status Conference set for 5/19/2021 at 10:30 AM in Telephonic/VTC before Judge Tanya S. Chutkan. The Court finds in the interest of justice (XT) that the time between 03/31/2021 and 05/19/2021 shall be excluded from the speedy trial calculation. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: Joseph Conte; US Attorney: Jocelyn Bond. (tb) (Entered: 03/31/2021)
04/06/2021		Terminate Deadlines and Hearings as to MARK K. PONDER: Preliminary Hearing set for 4/1/2021 at 2:30 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey is hereby VACATED. (zpt) (Entered: 04/06/2021)
04/12/2021	<a href="#">16</a>	Unopposed MOTION for Protective Order by USA as to MARK K. PONDER. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Bond, Jocelyn) (Entered: 04/12/2021)
04/12/2021	<a href="#">17</a>	Unopposed MOTION for Order To Disclose Protected Items by USA as to MARK K. PONDER. (Bond, Jocelyn) (Entered: 04/12/2021)
04/13/2021	<a href="#">18</a>	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to MARK K. PONDER. Signed by Judge Tanya S. Chutkan on 04/13/2021. (tb) (Entered: 04/13/2021)
04/13/2021	<a href="#">19</a>	ORDER: Granting <a href="#">17</a> Motion for Order as to MARK K. PONDER (1). Signed by Judge Tanya S. Chutkan on 04/13/2021. (tb) (Entered: 04/13/2021)
05/19/2021		Set/Reset Hearings as to MARK K. PONDER: Status Conference reset for 5/26/2021 at 11:30 AM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 05/19/2021)
05/24/2021		Set/Reset Hearings as to MARK K. PONDER: Status Conference reset for 6/11/2021 at 11:30 AM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 05/24/2021)
06/01/2021	<a href="#">20</a>	NOTICE of Filing -- <i>Defendant's Acceptance of Protective Order</i> by MARK K. PONDER re <a href="#">18</a> Protective Order (Attachments: # <a href="#">1</a> Exhibit Acceptance of Protective Order)(Conte, Joseph) (Entered: 06/01/2021)
06/11/2021		Minute Entry: Status Hearing as to MARK K. PONDER (1) held on 06/11/2021 before Judge Tanya S. Chutkan: Parties discussed data discovery release and possible disposition. Status Conference set for 07/12/2021 at 10:30 AM in Telephonic/VTC before Judge Tanya S. Chutkan. The Court finds in the interest of justice (XT) that the time between 06/11/2021 and 07/12/2021 shall be excluded from the speedy trial calculation. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: Joseph Conte; US Attorney: Jocelyn Bond. (tb) (Entered: 06/12/2021) Modified on 6/12/2021 (tb) (Entered: 06/12/2021)
06/17/2021		MINUTE ORDER as to MARK K. PONDER: The court has received an application from several media organizations seeking access to certain video recordings submitted in this manner. See Petition, Case No. 21-mc-81. In accordance with the Chief Judges Standing Order No. 21-28, the parties are hereby ORDERED to provide, by Thursday, June 24, 2021, their positions regarding the release of the video exhibits referenced by the government in <a href="#">1</a> Complaint and by Magistrate Judge Faruqi in his <a href="#">12</a> Order of Detention Pending Trial. Any objections shall be supported by legal authority. Signed by Judge Tanya S. Chutkan on 06/17/21. (mac) (Entered: 06/17/2021)
06/21/2021	<a href="#">21</a>	RESPONSE TO ORDER OF THE COURT <i>Defendant's Position to Court Order</i> by MARK K. PONDER re Order, Set Deadlines, (Conte, Joseph) Modified event title on 6/28/2021 (znmw). (Entered: 06/21/2021)
06/24/2021	<a href="#">22</a>	RESPONSE TO ORDER OF THE COURT by USA as to MARK K. PONDER re Order, Set Deadlines, <i>Opposition to Press Coalition Request</i> (Bond, Jocelyn) Modified event title on 6/28/2021 (znmw). (Entered: 06/24/2021)
06/28/2021		MINUTE ORDER as to MARK K. PONDER: The government is hereby ORDERED to file its <a href="#">22</a> objection to the Press Coalition request for media access to video exhibits on Docket No. 21-mc-0081 by 6/28/2021. SO ORDERED by Judge Tanya S. Chutkan on 06/24/2021. (tb) (Entered: 06/28/2021)
07/12/2021		Minute Entry: Status Conference as to MARK K. PONDER held on 7/12/2021 before Judge Tanya S. Chutkan: Parties discussed disposition and scheduling. Scheduling Order forthcoming. Jury Trial set for 1/3/2022 at 09:30 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. Status Conference set for 10/20/2021 at 10:00 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. The Court finds in the interest of justice (XT) that the time between 07/12/2021 and 01/03/2022 shall be excluded under the speedy trial calculation. Defendant remains incarcerated. Court Reporter: Bryan Wayne; Defense Attorney: Joseph Conte; US Attorney: Jocelyn Bond. (tb) (Entered: 07/12/2021)

		<i>Decision remains unaltered, Court Report: Bryan Wayne, District Attorney: Joseph Conte, Co Attorney: Jocelyn Bond. (tb) (Entered: 07/12/2021)</i>
07/13/2021	<a href="#">23</a>	NOTICE of Discovery Status by USA as to MARK K. PONDER (Attachments: # <a href="#">1</a> Exhibit A)(Bond, Jocelyn) (Entered: 07/13/2021)
07/16/2021		MINUTE ORDER as to MARK K. PONDER: The court hereby enters the following pretrial deadlines: motions in limine due by November 8, 2021; responses to motions in limine and proposed voir dire, jury instructions, and verdict form due by November 22, 2021. A pretrial conference is hereby scheduled for December 20, 2021 at 10 a.m. in Courtroom 9. SO ORDERED by Judge Tanya S. Chutkan on 07/13/2021. (tb) (Entered: 07/16/2021)
07/30/2021	<a href="#">24</a>	PRETRIAL CONFERENCE ORDER: The parties shall file a Joint Pretrial Statement by 11/22/2021. SEE ORDER FOR DETAILS. Signed by Judge Tanya S. Chutkan on 07/29/2021. (1-Attachment) (tb) (Entered: 07/30/2021)
08/17/2021	<a href="#">25</a>	NOTICE of Filing - Discovery Letter by USA as to MARK K. PONDER (Attachments: # <a href="#">1</a> Exhibit Discovery Letter)(Bond, Jocelyn) (Entered: 08/17/2021)

<b>PACER Service Center</b>			
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08/18/2021 22:25:50			
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