

U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00057-TNM-1

Case title: USA v. RODEAN

Date Filed: 01/29/2021

Magistrate judge case number: 1:21-mj-00028-RMM

Assigned to: Judge Trevor N. McFadden

**Defendant (1)**

**NICHOLAS RODEAN**

represented by **Charles Burnham**  
BURNHAM & GOROKHOV PLLC  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Pending Counts**

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building  
(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  
(1s)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building  
(2)

18 U.S.C. 1361; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property  
(2s)

40:5104(e)(2)(D); FEDERAL STATUTES, OTHER; Violent Entry and Disorderly Conduct in a Capitol Building  
(3)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds  
(3s)

40:5104(e)(2)(G); FEDERAL STATUTES, OTHER; Parading, Demonstrating, or Picketing in a Capitol Building  
(4)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds  
(4s)

18 U.S.C. 1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds  
(5s)

40 U.S.C. 5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building  
(6s)

40 U.S.C. 5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Act of Physical Violence in a Capitol Grounds or Buildings  
(7s)

40 U.S.C. 5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building  
(8s)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

COMPLAINT in Violation of 18:1752(a)(1); 18:1752(a)(2) and 40:5104(e)(2)(G)

**Disposition**

**Plaintiff**

USA

represented by **Kevin Birney**  
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**LEAD ATTORNEY**

Date Filed	#	Docket Text
01/11/2021	<a href="#">1</a>	SEALED COMPLAINT as to NICHOLAS RODEAN (1). (Attachments: # <a href="#">1</a> Statement of Facts) (zstd) [1:21-mj-00028-RMM] (Entered: 01/11/2021)
01/13/2021		Arrest of NICHOLAS RODEAN. (zpt) [1:21-mj-00028-RMM] (Entered: 01/13/2021)
01/13/2021	<a href="#">4</a>	Arrest Warrant Returned Executed on 1/13/2021 as to NICHOLAS RODEAN. (zpt) [1:21-mj-00028-RMM] (Entered: 01/13/2021)
01/13/2021		ORAL MOTION for Release from Custody by NICHOLAS RODEAN. (zpt) [1:21-mj-00028-RMM] (Entered: 01/13/2021)
01/13/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Telephonic Initial Appearance/Detention Hearing as to NICHOLAS RODEAN (1) held on 1/13/2021. Oral Motion for Release from Custody by NICHOLAS RODEAN (1) Heard and Granted. Government does not object to the Defendant's release with pre-trial release conditions imposed. Preliminary Hearing set for 2/3/2021 at 10:00 AM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Released on Personal Recognizance/Release Order Issued; Court Reporter: Jan Dickman; Defense Attorney: Charles Burnham; US Attorney: Kevin Birney; Pretrial Officer: John Copes; (zpt) [1:21-mj-00028-RMM] (Entered: 01/13/2021)
01/13/2021	<a href="#">5</a>	ORDER Setting Conditions of Release as to NICHOLAS RODEAN (1) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 1/13/2021. (Attachments: # <a href="#">1</a> Appearance Bond) (zpt) [1:21-mj-00028-RMM] (Entered: 01/13/2021)
01/13/2021		Case unsealed as to NICHOLAS RODEAN (zftp) [1:21-mj-00028-RMM] (Entered: 01/26/2021)
01/29/2021	<a href="#">6</a>	INFORMATION as to NICHOLAS RODEAN (1) count(s) 1, 2, 3, 4. (bb) (Entered: 02/01/2021)
02/02/2021		MINUTE ORDER: In light of the fact that Magistrate Case for defendant NICHOLAS RODEAN has closed and merged into Criminal Number 21-57, and an information has been filed, the preliminary hearing previously scheduled for February 3, 2021 before Judge Meriweather is VACATED. The parties are respectfully directed to address any scheduling request to the presiding district judge, Judge Trevor N. McFadden. Signed by Magistrate Judge Robin M. Meriweather on 2/2/2021. (ztl) (Entered: 02/04/2021)
02/10/2021		NOTICE OF HEARING as to NICHOLAS RODEAN. VTC Arraignment set for 2/17/2021 at 2:00 PM before Judge Trevor N. McFadden. Connection instructions will be emailed to the parties. (hmc) (Entered: 02/10/2021)
02/17/2021		MINUTE ORDER as to NICHOLAS RODEAN (1). 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 2/17/2021. (lctnm3) (Entered: 02/17/2021)
02/17/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Arraignment/Status Conference as to NICHOLAS RODEAN held via video on 2/17/2021. Defendant agreed to proceed via video. Defendant arraigned on Counts 1, 2, 3, 4. Plea of Not Guilty entered as to all counts. Status Conference set for 3/22/2021, at 2:00 PM, via video, before Judge Trevor N. McFadden. Speedy Trial is tolled from 2/17/2021 to 3/22/2021, in the interests of justice and for the reasons identified in the Chief Judge's most recent standing order. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Charles Burnham; US Attorney: Kevin Birney; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 02/17/2021)
03/04/2021	<a href="#">9</a>	Unopposed MOTION for Protective Order by USA as to NICHOLAS RODEAN. (Birney, Kevin) (Entered: 03/04/2021)
03/04/2021	<a href="#">10</a>	ORDER granting <a href="#">9</a> Unopposed Motion for Protective Order. Signed by Judge Trevor N. McFadden on 3/4/2021. (lctnm3) (Entered: 03/04/2021)
03/19/2021	<a href="#">12</a>	SUPERSEDING INDICTMENT as to NICHOLAS RODEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s. (zftp) Modified on 3/22/2021 (zftp). (Entered: 03/22/2021)
03/22/2021	<a href="#">14</a>	MOTION to Continue and to Exclude Time Under the Speedy Trial Act by USA as to NICHOLAS RODEAN. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Birney, Kevin) Modified on 3/22/2021 (zftp). (Entered: 03/22/2021)
03/22/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Arraignment and Status Conference as to NICHOLAS RODEAN held via video on 3/22/2021. Defendant consented to proceed via video. Defendant arraigned on Counts 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s. Plea of Not Guilty entered as to all counts. A further Status Conference is set for 5/26/2021, at 10:00 AM, via video, before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 3/22/2021 to 5/26/2021, in the interests of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Charles Burnham; US Attorney: Kevin Birney; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 03/22/2021)
03/22/2021	<a href="#">15</a>	MOTION to Exclude Time Under Speedy Trial Act by USA as to NICHOLAS RODEAN. (See Docket Entry <a href="#">24</a> to view document). (znmw) (Entered: 03/23/2021)
03/31/2021	<a href="#">16</a>	MOTION for Order Disclosure of 6(e) and Sealed Materials by USA as to NICHOLAS RODEAN. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Birney, Kevin) Modified relief on 4/2/2021 (znmw). (Entered: 03/31/2021)
03/31/2021	<a href="#">17</a>	ORDER granting Government's <a href="#">16</a> Motion for Order Disclosure of 6(e) and Sealed Materials as to NICHOLAS RODEAN (1). See attached Order for details. Signed by Judge Trevor N. McFadden on 3/31/2021. (lctnm3) (Entered: 03/31/2021)
05/26/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to NICHOLAS RODEAN held via videoconference on 5/26/2021. Defendant appeared telephonically. The parties shall jointly propose a timeline for intermediate dates by 6/4/2021. Pretrial Conference set for 9/24/2021 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. Jury Selection/Jury Trial set for 10/18/2021 at 9:00 AM in Courtroom 2 before Judge Trevor N. McFadden. VTC Status Conference set for 7/30/2021 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 5/26/2021 to 7/30/2021, in the interests of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Charles Burnham; US Attorney: Kevin Birney; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 05/26/2021)
06/03/2021		NOTICE OF RESCHEDULED HEARING as to NICHOLAS RODEAN. The parties shall take notice that the VTC Status Conference set for 7/30/2021 is RESCHEDULED from 2:00 PM to 4:00 PM before Judge Trevor N. McFadden. (hmc) (Entered: 06/03/2021)
06/04/2021	<a href="#">19</a>	PROPOSED Discovery and BRIEFING SCHEDULE and Discovery Schedule by USA as to NICHOLAS RODEAN (Birney, Kevin) Modified text on 7/27/2021 (zstd). (Entered: 06/04/2021)
06/07/2021	<a href="#">20</a>	RESPONSE <i>Objections to Government's Proposed Briefing and Discovery Schedule</i> by NICHOLAS RODEAN re <a href="#">19</a> Proposed Briefing Schedule (Burnham, Charles) Modified event title on 6/24/2021 (znmw). (Entered: 06/07/2021)
06/09/2021	<a href="#">21</a>	ORDER as to NICHOLAS RODEAN (1) re Briefing and Discovery Schedule. See attached Order for details. Signed by Judge Trevor N. McFadden on 6/9/2021. (lctnm3) (Entered: 06/09/2021)
06/10/2021		Set/Reset Deadlines as to NICHOLAS RODEAN: Motions due by 8/20/2021; oppositions due by 9/10/2021; replies due by 9/17/2021. (ztg) (Entered: 06/10/2021)
07/27/2021	<a href="#">22</a>	NOTICE of Filing of Discovery Letter by USA as to NICHOLAS RODEAN (Birney, Kevin) (Entered: 07/27/2021)
07/28/2021	<a href="#">24</a>	NOTICE of Status of Discovery by USA as to NICHOLAS RODEAN (Attachments: # <a href="#">1</a> Exhibit)(Birney, Kevin) (Entered: 07/28/2021)
07/30/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to NICHOLAS RODEAN held via videoconference on 7/30/2021. At the request of the parties, the trial scheduled for 10/18/2021, is VACATED, including intermediate discovery and briefing deadlines. A further VTC Status Conference is set for 9/2/2021 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 7/30/2021 to 9/2/2021, in the interest of justice. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Charles Burnham; US Attorney: Kevin Birney; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 07/30/2021)

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