CAT A

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00238-TFH-1

Case title: USA v. BUSTLE et al

Date Filed: 03/22/2021

Magistrate judge case number: 1:21-mj-00280-RMM

Assigned to: Judge Thomas F. Hogan

Defendant (1)

JOSHUA KAHLE BUSTLE

represented by **Jose Alejandro German**
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Designation: Retained

Pending Counts	**Disposition**
40 U.S.C. 5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (4)	Twenty-Four (24) Months Probation, A Special Assessment of $10.00 and Restitution of $500.00 imposed.

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts	**Disposition**
18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (1)	dismissed
18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (2)	dismissed
40 U.S.C. 5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building (3)	dismissed

Highest Offense Level (Terminated)

Misdemeanor

Complaints	**Disposition**
COMPLAINT in Violation of 18:1752(a)(1), 18:1752(a)(2), 40:5104(e)(2)(D), and 40:5104(e)(2)(G)	

Plaintiff

USA

represented by **Michael John Romano**
U.S. DEPARTMENT OF JUSTICE
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Date Filed	#	Docket Text
03/04/2021	1	SEALED COMPLAINT as to JOSHUA KAHLE BUSTLE (1), JESSICA LOUISE BUSTLE (2). (Attachments: # 1 Statement of Facts) (bb) [1:21-mj-00280-RMM] (Entered: 03/05/2021)
03/04/2021	3	MOTION to Seal Case by USA as to JOSHUA KAHLE BUSTLE(1), JESSICA LOUISE BUSTLE(2). (Attachments: # 1 Text of Proposed Order)(bb) [1:21-mj-00280-RMM] (Entered: 03/05/2021)
03/04/2021	4	ORDER granting 3 Motion to Seal Case as to JOSHUA KAHLE BUSTLE (1), JESSICA LOUISE BUSTLE (2). Signed by Magistrate Judge Robin M. Meriweather on 3/4/2021. (bb) [1:21-mj-00280-RMM] (Entered: 03/05/2021)
03/08/2021		Case unsealed as to JOSHUA KAHLE BUSTLE, JESSICA LOUISE BUSTLE (bb) [1:21-mj-00280-RMM] (Entered: 03/11/2021)
03/08/2021	5	Arrest Warrant Returned Executed on 3/8/2021 in Bristol, VA as to JOSHUA KAHLE BUSTLE. (bb) Modified on 3/23/2021 (zltp). [1:21-mj-00280-RMM] (Entered: 03/11/2021)

03/08/2021		Arrest of JOSHUA KAHLE BUSTLE. (ztl) [1:21-mj-00280-RMM] (Entered: 03/20/2021)
03/08/2021		ORAL MOTION to Appoint Counsel by JOSHUA KAHLE BUSTLE. (ztl) [1:21-mj-00280-RMM] (Entered: 03/20/2021)
03/08/2021		ORAL MOTION for Speedy Trial by USA as to JOSHUA KAHLE BUSTLE. (ztl) [1:21-mj-00280-RMM] (Entered: 03/20/2021)
03/08/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to JOSHUA KAHLE BUSTLE held on 3/8/2021. Defendant present by telephone. Due Process Order given to the Government. Defendant will retain counsel. Oral Motion to Appoint Counsel for the purpose of today's proceedings by JOSHUA KAHLE BUSTLE (1); heard and granted. Defendant placed on standard conditions of release. Oral Motion by the Government for Speedy Trial as to JOSHUA KAHLE BUSTLE (1); heard and granted. Speedy Trial Excluded from 3/8/2021 to 3/29/2021 in the Interest of Justice (XT). Defense did not object. Preliminary Hearing set for 3/29/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [3:01:58-3:10:06];Defense Attorney: Jose German; US Attorney: Jacob Steiner for Michael Romano; Pretrial Officer: Masharia Holman. (ztl) [1:21-mj-00280-RMM] (Entered: 03/20/2021)
03/08/2021	7	ORDER Setting Conditions of Release as to JOSHUA KAHLE BUSTLE (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/8/2021. (ztl) Modified on 3/23/2021 (zltp).[1:21-mj-00280-RMM] # 1 Appearance Bond) (ztl). (Entered: 03/20/2021)
03/10/2021	9	NOTICE OF ATTORNEY APPEARANCE: Timothy Vitow Anderson appearing for JOSHUA KAHLE BUSTLE (bb) Modified on 3/23/2021 (zltp). [1:21-mj-00280-RMM] (Entered: 03/10/2021)
03/22/2021	12	INFORMATION as to JOSHUA KAHLE BUSTLE (1) count(s) 1, 2, 3, 4, JESSICA LOUISE BUSTLE (2) count(s) 1, 2, 3, 4. (zltp) (Entered: 03/23/2021)
03/22/2021		MINUTE ORDER: The preliminary hearing currently scheduled for 3/29/2021 is hereby VACATED, as the government has formally charged JOSHUA KAHLE BUSTLE (1), JESSICA LOUISE BUSTLE (2) and there are no additional matters necessitating action by a magistrate judge. If a hearing has not been scheduled before the assigned district judge, the parties are respectfully directed to contact the chambers of the assigned district judge to schedule a hearing. Signed by Magistrate Judge Zia M. Faruqui on 3/22/2021. (ztl) (Entered: 03/24/2021)
03/29/2021		Set/Reset Hearings as to JOSHUA KAHLE BUSTLE(1), JESSICA LOUISE BUSTLE(2): Arraignment set for 4/5/2021 at 02:00 PM by VTC before Judge Thomas F. Hogan. (hs) (Entered: 03/29/2021)
03/31/2021		Set/Reset Hearings as to JOSHUA KAHLE BUSTLE(1), JESSICA LOUISE BUSTLE(2): Arraignment reset for 4/6/2021 at 11:00 AM by VTC before Judge Thomas F. Hogan. (hs) (Entered: 03/31/2021)
04/05/2021	15	MOTION to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials by USA as to JOSHUA KAHLE BUSTLE, JESSICA LOUISE BUSTLE. (Attachments: # 1 Text of Proposed Order)(Romano, Michael) Modified Event on 4/22/2021 (zhsj). (Entered: 04/05/2021)
04/05/2021	16	MOTION for Protective Order by USA as to JOSHUA KAHLE BUSTLE, JESSICA LOUISE BUSTLE. (Attachments: # 1 Declaration of Thomas A. DiBiase, # 2 Attachments to Declaration, # 3 Text of Proposed Order)(Romano, Michael) (Entered: 04/05/2021)
04/05/2021	17	MOTION to Continue *and to Exclude Time Under the Speedy Trial Act* by USA as to JOSHUA KAHLE BUSTLE, JESSICA LOUISE BUSTLE. (Romano, Michael) (Entered: 04/05/2021)
04/05/2021	20	MOTION to Exclude Time from the Speedy Trial Act by USA as to JOSHUA KAHLE BUSTLE, JESSICA LOUISE BUSTLE. (See Docket Entry 17 to View Document). (zhsj) (Entered: 04/22/2021)
04/06/2021		Minute Entry for proceedings held before Judge Thomas F. Hogan: Arraignment as to JOSHUA KAHLE BUSTLE (1) and JESSICA LOUISE BUSTLE (2) held on 4/6/2021. Not Guilty Pleas entered by both defendants as to Counts 1-4 of the Information. Jury Trial demand waived. a non jury trial is requested by both defendants. A waiver of discovery is granted. Government's 17 Motion to Continue and to Exclude Time Under the Speedy Trial Act; heard and granted. Speedy Trial Time Excluded 4/6/2021 - 5/17/2021(XT). Government's 15 Motion to disclose protected items and 16 Motion for Protective Order; held in abeyance. A written order will issue from Chambers. Status Conference set for 5/17/2021 at 10:00 AM by VTC before Judge Thomas F. Hogan. Bond Status of Defendants: Personal Recognizance/both defendants appeared by video; Court Reporter: Lisa Edwards; Defense Attorney: Timothy Anderson/Nabeel Kibria; US Attorney: Michael Romano; (hs) (Entered: 04/06/2021)
04/09/2021		MINUTE ORDER as to JOSHUA KAHLE BUSTLE(1), JESSICA LOUISE BUSTLE(2): As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Judge Thomas F. Hogan on 4/9/2021. (hs) (Entered: 04/09/2021)
04/13/2021	18	ORDER as to JOSHUA KAHLE BUSTLE (1), JESSICA LOUISE BUSTLE (2): GRANTING 15 Government's Motion to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials and 16 Government's Motion for Protective Order. The Court notes that the Defendants have waived discovery rights but grants the above motions in order to protect any sensitive materials nevertheless provided by the Government.. Signed by Judge Thomas F. Hogan on 4/13/2021. (hs) (Entered: 04/13/2021)
04/13/2021	19	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to JOSHUA KAHLE BUSTLE(1), JESSICA LOUISE BUSTLE(2). Signed by Judge Thomas F. Hogan on 4/13/2021. (hs) (Entered: 04/13/2021)
05/17/2021		Minute Entry for video proceedings held before Judge Thomas F. Hogan: Status Conference as to JOSHUA KAHLE BUSTLE (1), JESSICA LOUISE BUSTLE (2), held on 5/17/2021. Speedy Trial Excludable (XT) started 5/17/21 until 6/14/21, as to JOSHUA KAHLE BUSTLE (1), JESSICA LOUISE BUSTLE (2). Plea Agreement Hearing for both defendants set for 6/14/2021 at 2:00 PM videoconference before Judge Thomas F. Hogan. Bond Status of Defendants: Personal Recognizance/both defendants appeared by video; Court Reporter: Tim Miller; Defense Attorneys: Timothy Anderson/Nabeel Kibria; US Attorney: Michael Romano. (zgdf) (Entered: 05/17/2021)
06/14/2021		Minute Entry for proceedings held Via VTC before Judge Thomas F. Hogan:Plea Agreement Hearing as to JOSHUA KAHLE BUSTLE (01) and JESSICA LOUISE BUSTLE (02) held on 6/14/2021. Parties Agree To This Hearing Being Held Via VTC. Both Defendants Are Sworn. The Court Has Colloquy With Both Defendants. Plea Of Not Guilty Withdrawn As To Both Defendants. Plea Of GUILTY entered by Both Defendants as to Count 4. The Court Will Accept The Guilty Plea as to Both Defendants. No Change In Bond Status. Oral Motion By JOSHUA KAHLE BUSTLE (01) To Modify Release Conditions To Allow Travel To Maryland Heard And Granted. The Court Orders That The Defendant Is Allowed To Travel To Maryland. Parties Request For An Immediate Sentencing Heard And Denied. The Court Will Refer This Matter To Probation Office For Presentence Investigation Report as to Both Defendants. The Court Requests A Shortened Version Of The Presentence Investigation Report. The Court Will Contact The U.S. Probation Office About The Shortened Version Of The Presentence Investigation Report. The Court Declines To Schedule A Sentencing Hearing At This Time Until After Consulting With The U.S. Probation Office. Bond Status of Defendant: BOTH DEFENDANTS APPEARED VIA VTC; REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: NANCY MEYER; Defense Attorney: #1 - TIMOTHY ANDERSON; #2 - NABEEL KIBRIA; US Attorney: MICHAEL ROMANO; (mac) (Entered: 06/14/2021)
06/14/2021	23	PLEA AGREEMENT as to JOSHUA KAHLE BUSTLE (01) (mac) (Entered: 06/14/2021)
06/14/2021	25	STATEMENT OF OFFENSE as to JOSHUA KAHLE BUSTLE (01) and JESSICA LOUISE BUSTLE (02) (mac) (Entered: 06/14/2021)
06/24/2021		Set/Reset Hearings as to JOSHUA KAHLE BUSTLE(1), JESSICA LOUISE BUSTLE(2): Sentencing set for 8/4/2021 at 12:00 PM by VTC before Judge Thomas F. Hogan. (hs) (Entered: 06/24/2021)
06/25/2021	26	NOTICE by JOSHUA KAHLE BUSTLE re Set/Reset Hearings (Anderson, Timothy) (Entered: 06/25/2021)
07/12/2021	31	SENTENCING MEMORANDUM by JOSHUA KAHLE BUSTLE (Anderson, Timothy) (Entered: 07/12/2021)
07/30/2021	38	SENTENCING MEMORANDUM by USA as to JOSHUA KAHLE BUSTLE (Romano, Michael) (Entered: 07/30/2021)
08/04/2021		Minute Entry for proceedings held before Judge Thomas F. Hogan: Sentencing held on 8/4/2021 as to JOSHUA KAHLE BUSTLE (1). Count 4: Defendant sentenced to Twenty-Four (24) Months Probation, A Special Assessment of $10.00 and Restitution of $500.00 imposed. Counts 1-3 dismissed by oral motion of the government. Bond Status of Defendant: Personal Recognizance/Appeared via video; Court Reporter: Sara Wick; Defense Attorney: Timothy Anderson; US Attorney: Michael Romano; Prob Officer: Hana Field; (hs) (Entered: 08/04/2021)
08/24/2021	41	TRANSCRIPT OF SENTENCING HEARING in case as to JOSHUA KAHLE BUSTLE, JESSICA LOUISE BUSTLE before Judge Thomas F. Hogan held on 08/04/2021. Page Numbers: 1-44. Date of Issuance: 08/24/2021. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or pu rchased 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. **NOTICE RE REDACTION OF TRANSCRIPTS:** The parties have twenty-one 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. Redaction Request due 9/14/2021. Redacted Transcript Deadline set for 9/24/2021. Release of Transcript Restriction set for 11/22/2021.(Wick, Sara) (Entered: 08/24/2021)

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