

Date↓↑	Description	#
01/16/2021	COMPLAINT as to GUY WESLEY REFFITT (1). [1:21-mj-00091-ZMF]	1
	1 Attachment ▼	
01/19/2021	NOTICE of Errata by USA as to GUY WESLEY REFFITT re 1 Complaint [1:21-mj-00091-ZMF]	3
01/19/2021	MINUTE ORDER: Upon review of the governments Errata to Correct Statement in Affidavit in Support of Application for a Complaint, the Court finds that the information included in the Affidavit which was incorrect does not impact the Courts prior finding of probable cause. Because probable cause exists even without that information, the Complaint and Arrest Warrant issued by this Court remain valid. See, e.g., United States v. Cardoza, 713 F.3d 656, 659 (D.C. Cir. 2013) ([C]onclud[ing] that, even with the contested statements excised, the remaining portions of the officer's affidavit demonstrate probable cause for the search warrant."). Signed by Magistrate Judge Zia M. Faruqui on 1/19/2021. (ztl) [1:21-mj-00091-ZMF] (Text entry; no document attached.)	4
01/27/2021	INDICTMENT as to GUY WESLEY REFFITT (1) count(s) 1, 2, 3.	5
01/27/2021	Rule 5(c)(3) Documents Received as to GUY WESLEY REFFITT from US District Court Eastern District of Texas Sherman Division Case Number 4:21-mj-51	
01/27/2021	Arrest of GUY WESLEY REFFITT in US District Court Eastern District of Texas Sherman Division. (Text entry; no document attached.)	7
03/09/2021	ENTERD IN ERROR.NOTICE OF ATTORNEY APPEARANCE Risa Berkower appearing for USA. Modified on 3/10/2021 (zhsj).	
03/09/2021	NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re 7 Notice of Attorney Appearance - USA was entered in error and counsel was instructed to refile said pleading. Counsel filed fillable form with no information. (zhsj) (Text entry; no document attached.)	8
03/10/2021	NOTICE OF ATTORNEY APPEARANCE: William Lawrence Welch, III appearing for GUY WESLEY REFFITT pursuant to C.J.A.	9
03/10/2021	NOTICE OF ATTORNEY APPEARANCE Risa Berkower appearing for USA.	10
03/13/2021	MEMORANDUM in Support of Pretrial Detention of Defendant by USA as to GUY WESLEY REFFITT. Modified on 3/15/2021 (zhsj).	11
03/10/2021	Arrest Warrant Returned Executed on 1/19/2021 as to GUY WESLEY REFFITT.	
03/10/2021	ORAL MOTION to Appoint Counsel by GUY WESLEY REFFITT. (Text entry; no document attached.)	
03/10/2021	ORAL MOTION for Temporary Detention by USA as to GUY WESLEY REFFITT. (ztl)ORAL (Text entry; no document attached.)	
03/10/2021	Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to GUY WESLEY REFFITT held on 3/10/2021. Defendant present by telephone. Due process order given to the Government. Oral Motion to appoint counsel as to GUY WESLEY REFFITT (1); heard and granted. Oral Motion for Temporary Detention (3 day hold) as to GUY WESLEY REFFITT (1); heard and granted. Detention Hearing set for 3/15/2021 at 11:00 AM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant Remain	

Held Without Bond; Court Reporter: FTR-Gold; FTR Time Frame: [12:12:39-12:20:40]; Defense Attorney: William Welch; US Attorney: Jacob Steiner for Jeff Nestler; Pretrial Officer: John Copes. (Text entry; no document attached.)  
03/12/2021

Set/Reset Hearings as to GUY WESLEY REFFITT: Detention Hearing set for 3/15/2021 at 3:30 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. (Text entry; no document attached.)

12

03/14/2021

RESPONSE by GUY WESLEY REFFITT re 10 MOTION to Commit Defendant to Custody of Attorney General  
03/15/2021

NOTICE OF HEARING as to GUY WESLEY REFFITT. Status Conference set for 3/16/2021 at 12:30 PM via Video before Judge Dabney L. Friedrich. (zjch) (Text entry; no document attached.)

03/15/2021

MINUTE ORDER. Pursuant to the Due Process Protections Act, the Court ORDERS that all government counsel shall review their disclosure obligations under Brady v. Maryland, 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 by Judge Dabney L. Friedrich on March 15, 2021. (lcldf2) (Text entry; no document attached.)

03/15/2021

ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to GUY WESLEY REFFITT. (Text entry; no document attached.)

03/15/2021

ORAL MOTION for Release from Custody by GUY WESLEY REFFITT. (Text entry; no document attached.)

03/15/2021

Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Detention Hearing as to GUY WESLEY REFFITT held on 3/15/2021. Defendant present by Video. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to GUY WESLEY REFFITT (1); heard and granted. Oral Motion for Release from Custody by GUY WESLEY REFFITT (1); heard and denied. Bond Status of Defendant:Defendant Committed/Commitment Issued; Court Reporter: Sara Wick; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower; Pretrial Officer: Andre Sidbury.Witnesses: Payton Reffitt and Cayden Mitchell. (Text entry; no document attached.)

13

03/16/2021

NOTICE of Discovery by USA as to GUY WESLEY REFFITT

1 Attachment ▼

03/16/2021

Minute Entry for Status and Arraignment of GUY WESLEY REFFITT as to Count 1,2,3 held on 3/16/2021 before Judge Dabney L. Friedrich. Not Guilty plea entered as to Count 1,2,3. Speedy Trial Excludable (XT) started 3/16/2021 through 4/19/2021 in the interest of justice. Status Conference as to GUY WESLEY REFFITT held on 3/16/2021, Plea entered as to GUY WESLEY REFFITT Not Guilty on counts 1,2,3. Status Conference set for 4/19/2021 at 1:00 PM in Telephonic/VTC before Judge Dabney L. Friedrich. Bond Status of Defendant: Commitment; Court Reporter: Sara Wick; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Text entry; no document attached.)

14

03/16/2021

ORDER OF DETENTION PENDING TRIAL - Defendant Held Without Bond as to GUY WESLEY REFFITT. Signed by Magistrate Judge Zia M. Faruqui on 3/16/2021.

15

03/31/2021

Unopposed MOTION for Protective Order Governing Discovery by USA as to GUY WESLEY REFFITT.

1 Attachment ▼

03/31/2021

ENTERED IN ERROR.NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re 15 Unopposed MOTION for Protective Order Governing Discovery was entered in error and counsel was instructed to refile said pleading. Wrong Attorney signature on motion. (zhsj) Modified on 3/31/2021 (zhsj). Modified on 3/31/2021 (zhsj). (Text entry; no document attached.)

16

04/01/2021

ORDER granting the government's 15 Unopposed Motion for Protective Order as to GUY WESLEY REFFITT. See text for details. Signed by Judge Dabney L. Friedrich on April 1, 2021. (lcldf2)

18

04/14/2021

MOTION to Revoke Detention Order by GUY WESLEY REFFITT.

1 Attachment ▼

19

04/14/2021

MOTION for Hearing by GUY WESLEY REFFITT. (See Docket Entry 18 to View Document). (zhjsj)

04/19/2021

Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 4/19/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 4/19/2021 through 5/13/2021 in the interest of justice. Responses due by 4/28/2021. Replies due by 5/5/2021. Motion Hearing and Status Conference set for 5/13/2021 at 2:30 PM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Committed; Court Reporter: Sara Wick; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Text entry; no document attached.)

21

04/19/2021

TRANSCRIPT OF DETENTION HEARING in case as to GUY WESLEY REFFITT before Magistrate Judge Zia M. Faruqi, held on 03/15/2021. Page Numbers: 1-68. Date of Issuance: 04/19/2021. 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 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. 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 5/10/2021. Redacted Transcript Deadline set for 5/20/2021. Release of Transcript Restriction set for 7/18/2021.

04/20/2021

MINUTE ORDER as to GUY WESLEY REFFITT. It is ORDERED that the government shall file, on or before April 28, 2021, its opposition to the defendant's 18 Motion to Revoke Detention Order, and the defendant shall file any reply on or before May 5, 2021. A hearing is scheduled for May 13, 2021 at 2:30 p.m. For the reasons stated in the April 19, 2021 hearing--namely, the defendant's pending motion, see 18 U.S.C. § 3161(h)(1)(D), and the need for the defense to review forthcoming discovery and determine how to best defend this case, see 18 U.S.C. § 3161(h)(7)(B)(iv)--the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Accordingly, pursuant to the Speedy Trial Act and with the consent of the defendant, the time from April 19, 2021 through May 13, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on April 20, 2021. (lcldf2) (Text entry; no document attached.)

22

04/28/2021

RESPONSE by USA as to GUY WESLEY REFFITT re 18 MOTION to Revoke Detention Order

23

05/04/2021

REPLY in Support by GUY WESLEY REFFITT re 18 MOTION to Revoke Detention Order

24

05/12/2021

NOTICE of Letter Allegedly Written by Defendant by USA as to GUY WESLEY REFFITT re 22 Response to motion

2 Attachments ▼

05/13/2021

Minute Entry for Motion Hearing as to GUY WESLEY REFFITT re 18 MOTION to Revoke Detention Order filed by GUY WESLEY REFFITT and Status Conference held on 5/13/2021 before Judge Dabney L. Friedrich. Court DENIES 18 Motion to Revoke as to GUY WESLEY REFFITT. Speedy Trial Excludable (XT) started 5/13/2021 through 6/4/2021 in the interest of justice and over the objection by the defendant. Motions due by 6/14/2021. Responses due by 6/28/2021. Replies due by 7/6/2021. Motion Hearing set for 7/21/2021 at 11:00 AM in Telephonic/VTC before Judge Dabney L. Friedrich. Status Conference set for 6/4/2021 at 9:30 AM in Telephonic/VTC before Judge Dabney L. Friedrich. Bond Status of Defendant: Commitment; Court Reporter: Sara Wick Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Text entry; no document attached.)

05/13/2021

MINUTE ORDER. For the reasons stated in the May 13, 2021 hearing, it is ORDERED that the defendant's 18 19 Motion to Revoke Detention Order is DENIED. A status hearing is scheduled for June 4, 2021 at 9:30 a.m. A pretrial motions hearing is set for July 21, 2021 at 11:00 a.m. The parties shall file any pretrial motions on or before June 14, 2021; oppositions shall be filed on or before June 28, 2021; and any replies shall be filed on or before July 6, 2021. Finally, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Specifically, this case is unusual and complex due to the nature of the prosecution and the voluminous discovery at issue, including encrypted discovery contained on twenty electronic devices seized from the defendant. Thus, to deny a continuance in this case would deny counsel the reasonable time necessary for

effective preparation. See 18 U.S.C. § 3161(h)(7)(B)(ii). Accordingly, pursuant to the Speedy Trial Act, the time from May 13, 2021 through June 4, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on May 13, 2021. (lcllf2) (Text entry; no document attached.)  
06/04/2021

Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 6/4/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 6/4/2021 through 7/14/2021 in the interest of justice. Motions due by 6/18/2021. Responses due by 7/7/2021. Motion Hearing set for 7/14/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Commitment; Court Reporter: Lisa Bankin; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Text entry; no document attached.)  
06/04/2021

MINUTE ORDER as to GUY WESLEY REFFITT. Consistent with the discussion during the June 4, 2021 status hearing: the pretrial conference and motions briefing dates previously set on May 13, 2021 are VACATED; the government shall file its forthcoming motion related to accessing the defendant's computer on or before June 18, 2021; the defendant shall file his opposition on or before July 2, 2021; and the government shall file any reply no more than 7 days after the defense files its opposition; a motions hearing is scheduled for July 14, 2021 at 10:00 AM via videoconference. For the reasons stated during the status hearing, namely, to give the defense time to review the forthcoming discovery and make decisions on how to defend this case, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. §§ 3161(h)(7)(A) & (B)(ii). Accordingly, pursuant to the Speedy Trial Act, the time from June 4, 2021 through July 14, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on June 4, 2021. (lcllf2) (Text entry; no document attached.)  
06/04/2021

Set/Reset Deadlines as to GUY WESLEY REFFITT: Responses due by 7/2/2021 (zjch) (Text entry; no document attached.)

25

06/16/2021

SUPERSEDING INDICTMENT as to GUY WESLEY REFFITT (1) count(s) 1s, 2s, 3s, 4s, 5s. (zhsj)

27

06/18/2021

MOTION to Compel Defendant to Produce Evidence in Unencrypted State by USA as to GUY WESLEY REFFITT.

28

06/28/2021

RESPONSE by GUY WESLEY REFFITT re 27 MOTION to Compel Defendant to Produce Evidence in Unencrypted State

07/14/2021

Minute Entry for Status Conference (originally scheduled as a motions hearing) as to GUY WESLEY REFFITT held on 7/14/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 7/14/2021 through 7/21/2021 in the interest of justice. Motions due by 8/13/2021. Responses due by 8/27/2021. Replies due by 9/3/2021. Arraignment and Motion Hearing set for 7/21/2021 at 2:00 PM in Courtroom 12- In Person before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed - did not appear; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler. (zjch) (Text entry; no document attached.)  
07/14/2021

MINUTE ORDER as to GUY WESLEY REFFITT. Consistent with the discussion during the July 14, 2021 hearing: a hearing on the government's pending 27 Motion to Compel Defendant to Produce Evidence in Unencrypted State is set for July 21, 2021 at 2:00 p.m. in Courtroom 12. The parties shall file any pretrial motions on or before August 13, 2021; oppositions shall be filed on or before August 27, 2021; and any replies shall be filed on or before September 3, 2021. The government shall provide notice on or before September 3, 2021 of its intention to file evidence under Rule 404(b) of the Federal Rules of Criminal Procedure. Finally, for the reasons stated during the hearing, namely, in order to address the government's pending motion and in order to give the defense time to review the forthcoming discovery and make decisions on how to defend this case, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), (B)(iv). Accordingly, pursuant to the Speedy Trial Act, the time from July 14, 2021 through July 21, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on July 14, 2021. (lcllf2) (Text entry; no document attached.)

29

07/20/2021

NOTICE of Status of Discovery by USA as to GUY WESLEY REFFITT

07/21/2021

MINUTE ORDER as to GUY WESLEY REFFITT. Consistent with the discussion during the July 21, 2021 hearing, it is ORDERED that the pretrial motions briefing dates previously set on July 14, 2021 are VACATED; the government shall inform the Court on or before July 22, 2021 whether it intends to proceed with its 27 Motion to Compel the defendant to produce the password necessary to decrypt the subject device, and if so, the defendant shall file any

supplemental opposition to the government's motion on or before August 18, 2021; the government shall file its reply on or before August 25, 2021; and the defendant shall make any further arguments at a motions hearing scheduled for August 27, 2021 at 10:00 a.m. via videoconference. As previously stated, the government shall provide notice on or before September 3, 2021 of its intention to file evidence under Rule 404(b) of the Federal Rules of Criminal Procedure. It is FURTHER ORDERED that the parties shall file any pretrial motions, including motions in limine, on or before September 17, 2021; oppositions shall be filed on or before October 1, 2021; replies shall be filed on or before October 8, 2021; and a pretrial motions hearing is tentatively set for October 15, 2021 at 10:00 a.m. via videoconference. Pretrial conferences shall be held on November 3, 2021 and November 9, 2021 (not November 8, 2021 as stated during the hearing) at 10:00 a.m. in Courtroom 12. A jury trial is set to begin on November 15, 2021 at 9:00 a.m. in Courtroom 12. Finally, for the reasons stated during the hearing, namely, in order to give the defense time to review the forthcoming discovery, make decisions on how to defend this case, and file pretrial motions, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). Accordingly, pursuant to the Speedy Trial Act, the time from July 21, 2021 through August 27, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on July 21, 2021. (lcldf2) (Text entry; no document attached.)

07/21/2021

Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 7/21/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 7/21/2021 through 8/27/2021 in the interest of justice. Supplemental opposition to the government's motion due by 8/18/2021. Motions due by 9/17/2021. Motion in Limine due by 9/17/2021. Responses due by 10/1/2021. Replies due by 10/8/2021. Jury Trial set for 11/15/2021 at 9:00 AM in Courtroom 12 before Judge Dabney L. Friedrich. Motion Hearing set for 8/27/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Pretrial Conference set for 11/3/2021 at 10:00 AM and 11/9/2021 at 10:00 AM in Courtroom 12 before Judge Dabney L. Friedrich. Pre-Trial Motion Hearing set for 10/15/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler. (zjch) (Text entry; no document attached.)

30

07/27/2021

PRETRIAL ORDER. See text for details. Signed by Judge Dabney L. Friedrich on July 27, 2021. (lcldf2)

07/27/2021

Set/Reset Deadlines as to GUY WESLEY REFFITT: Exhibit List due by 11/8/2021. Witness List due by 11/8/2021. (zjch) (Text entry; no document attached.)

31

08/24/2021

TRANSCRIPT OF ARRAIGNMENT AND STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 07/21/2021. Page Numbers: 1-19. 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 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. 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](http://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.

32

08/26/2021

NOTICE Regarding Status of Discovery by USA as to GUY WESLEY REFFITT

08/27/2021

Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 8/27/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 8/27/2021 through 10/15/2021 in the interest of justice. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler. (zjch) (Text entry; no document attached.)

08/27/2021

MINUTE ORDER as to GUY WESLEY REFFITT. A pretrial motions hearing is set for October 15, 2021 at 10:00 a.m. via videoconference. Consistent with the discussion in the status conference held on August 27, 2021, and for the reasons stated--namely the need for the defense to review voluminous and forthcoming discovery, the government's representations as to the complex nature of the discovery and investigation, the complexity of the novel legal and factual questions presented by this case, the need for the defense to determine how best to defend this case, and limitations on court occupancy due to the ongoing COVID-19 pandemic and Delta variant resurgence for purposes of public health and safety, see 18 U.S.C. § 3161(h)(7)(B)(ii), (iv); see also In re Limited Resumption of Criminal Jury Trials in Light of Current Circumstances Relating to the COVID-19 Pandemic, Standing Or. 21-47 (BAH) (Aug. 25,



2021) (excluding time from August 31, 2021 to October 31, 2021 because of safety concerns regarding COVID-19)-- the Court finds over the defendant's objection that the "ends of justice outweigh the best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Accordingly, pursuant to the Speedy Trial Act, the time from August 27, 2021 to October 15, 2021, shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on August 27, 2021. (lcllf2) (Text entry; no document attached.)	<b>33</b>
09/15/2021 NOTICE Regarding Status of Discovery as of September 14, 2021, by USA as to GUY WESLEY REFFITT	<b>34</b>
09/15/2021 SECOND SUPERSEDING INDICTMENT as to GUY WESLEY REFFITT (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss. (zhjsj)	<b>36</b>
09/17/2021 MOTION to Vacate Trial Date, MOTION to Continue Trial, MOTION for Speedy Trial Act Exclusion of Time for Trial by USA as to GUY WESLEY REFFITT.	<b>37</b>
09/17/2021 MOTION to Change Venue by GUY WESLEY REFFITT.	<b>1 Attachment ▼</b>
	<b>38</b>
09/17/2021 MOTION to Dismiss Count Two by GUY WESLEY REFFITT.	<b>1 Attachment ▼</b>
	<b>39</b>
10/01/2021 RESPONSE by USA as to GUY WESLEY REFFITT re 37 MOTION to Change Venue	<b>40</b>
10/01/2021 RESPONSE by USA as to GUY WESLEY REFFITT re 38 MOTION to Dismiss Count Two	
10/04/2021 MINUTE ORDER as to GUY REFFITT directing the defendant to file, on or before October 8, 2021, any opposition to the government's 36 Motion to Vacate Trial Date and Continue Trial, and to Exclude Time Under the Speedy Trial Act. So Ordered by Judge Dabney L. Friedrich on October 4, 2021. (lcllf2) (Text entry; no document attached.)	
10/04/2021 Set/Reset Deadlines as to GUY WESLEY REFFITT: Responses due by 10/8/2021 (zjch.) (Text entry; no document attached.)	<b>41</b>
10/07/2021 TRANSCRIPT OF STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 08/27/2021. Page Numbers: 1-11. Date of Issuance: 10/07/2021. 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 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. 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 10/28/2021. Redacted Transcript Deadline set for 11/7/2021. Release of Transcript Restriction set for 1/5/2022.	<b>42</b>
10/08/2021 REPLY in Support by GUY WESLEY REFFITT re 37 MOTION to Change Venue	<b>43</b>
10/08/2021 REPLY in Support by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count Two	<b>1 Attachment ▼</b>
	<b>44</b>
10/08/2021 RESPONSE by GUY WESLEY REFFITT re 36 MOTION to Vacate Trial Date MOTION to Continue Trial MOTION for Speedy Trial Act Exclusion of Time for Trial	<b>45</b>

10/15/2021  
NOTICE OF DISCOVERY by USA as to GUY WESLEY REFFITT

1 Attachment ▼

10/15/2021  
MINUTE ORDER. For the reasons stated during the October 15, 2021 motions hearing, the defendant's 37 Motion to Change Venue is denied without prejudice, and the government's 36 Motion to Vacate Trial Date is denied. The Court takes the defendant's 38 Motion to Dismiss Count Two under advisement. Consistent with the discussion during the hearing, defense counsel shall confer with the defendant regarding the November 15, 2021 trial date and file, by October 22, 2021, a status report confirming whether the defendant seeks to go to trial on that date. In addition, the deadlines set by the Court's 30 Pretrial Order are modified as follows: (1) the deadline for the filing of any motions in limine is extended until October 21, 2021 at 5pm; oppositions to any motions in limine shall be filed by October 28, 2021 at 5pm, and any replies shall be filed by November 1, 2021 at 12pm; (2) the parties shall jointly file by October 29, 2021 at 5pm (a) proposed jury instructions, (b) voir dire questions, and a (c) statement of the case; if the parties are unable to agree on proposed jury instructions, they shall also file by October 29, 2021 at 5pm briefs in support of their respective positions; (3) the parties shall exchange exhibit and witness lists by November 1, 2021 at 12pm; any objections to exhibits shall be filed by November 2, 2021 at 12pm, and shall include legal argument with citations; (4) the government shall also promptly provide the defense with any remaining Brady material, and all Giglio materials shall be disclosed by November 2, 2021 at 12pm; (5) Jencks materials shall be disclosed by October 29, 2021. For the grounds previously stated in this case--namely the need for the government to produce and for the defense to review voluminous discovery, including extensive electronic discovery, see 18 U.S.C. § 3161(h)(7)(B)(iv), counsel for the defendant to determine how best to defend this case, and for counsel for both sides to have reasonable time necessary for effective trial preparation, taking into account the exercise of due diligence, see 18 U.S.C. § 3161(h)(7)(B)(iv)--the Court finds that the "ends of justice served outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Accordingly, pursuant to the Speedy Trial Act, the time from October 15, 2021 through November 15, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on October 15, 2021. (lcldf2) (Text entry; no document attached.)

10/15/2021  
Minute Entry for Motions Hearing and Arraignment as to GUY WESLEY REFFITT on Counts 1ss,2ss,3ss,4ss and 5ss held on 10/15/2021 before Judge Dabney L. Friedrich: Not Guilty Plea entered as to GUY WESLEY REFFITT on counts 1ss,2ss,3ss,4ss and 5ss. Motion Hearing as to GUY WESLEY REFFITT held on 10/15/2021 re 36 MOTION to Vacate Trial Date MOTION to Continue Trial MOTION for Speedy Trial Act Exclusion of Time for Trial filed by USA, 38 MOTION to Dismiss Count Two filed by GUY WESLEY REFFITT, 37 MOTION to Change Venue filed by GUY WESLEY REFFITT. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Text entry; no document attached.)

10/15/2021  
Set/Reset Deadlines as to GUY WESLEY REFFITT: Responses due by 10/28/2021 Replies due by 11/1/2021. (zjch,) (Text entry; no document attached.)

46

10/18/2021  
MINUTE ORDER. Consistent with the discussion at the October 15, 2021 motions hearing, the parties are invited to file objections and propose additions to the attached voir dire questions. So Ordered by Judge Dabney L. Friedrich on October 18, 2021. (lcldf2)

47

10/19/2021  
NOTICE of Supplemental Authority by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count Two, 40 Response to motion, 43 Reply in Support

10/19/2021  
Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 10/19/2021 before Judge Dabney L. Friedrich. Supplemental Brief due by 10/26/2021. Responses due by 11/2/2021. Replies due by 11/8/2021. Bond Status of Defendant: Remains Committed - excused from hearing; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Text entry; no document attached.)

10/21/2021  
MINUTE ORDER scheduling a status conference at 9:00 a.m. on Monday, October 25, 2021 to discuss potential back-up trial dates in the event the Court needs additional time to consider the legal issues presented in the defendant's motion to dismiss (including those issues that are not yet briefed), or the parties are not otherwise ready for trial to begin on November 15, 2021. So Ordered by Judge Dabney L. Friedrich on October 21, 2021. (lcldf2) Modified on to correct the hearing date 10/22/2021 (zjch,). (Text entry; no document attached.)

48

10/21/2021  
MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony by USA as to GUY WESLEY REFFITT.

10/21/2021 MOTION in Limine to Limit Cross-Examination of Secret Service Agency Witnesses by USA as to GUY WESLEY REFFITT.	49
10/21/2021 NOTICE of Status of Discovery as of October 21, 2021 by USA as to GUY WESLEY REFFITT	51
10/22/2021 NOTICE OF HEARING as to GUY WESLEY REFFITT. Status Conference set for 10/25/2021 at 9:00 AM via video before Judge Dabney L. Friedrich. (zjch.) (Text entry; no document attached.)	52
10/22/2021 MOTION to Continue Trial Date and Status Report by GUY WESLEY REFFITT.	53
10/25/2021 TRANSCRIPT OF ARRAIGNMENT AND MOTIONS HEARING in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 10/15/2021. Page Numbers: 1-66. Date of Issuance: 10/25/2021. 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 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. 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 11/15/2021. Redacted Transcript Deadline set for 11/25/2021. Release of Transcript Restriction set for 1/23/2022.	
10/26/2021 Set/Reset Hearings as to GUY WESLEY REFFITT: Jury Trial set for 2/28/2022 at 9:00 AM in Courtroom 14 before Judge Dabney L. Friedrich. (zjch.) (Text entry; no document attached.)	
10/26/2021 MINUTE ORDER granting the defendant's 52 Motion to Continue Trial Date. Accordingly, the November 3 and November 9 pretrial conferences, and the November 15, 2021 trial, are vacated. Subject to further order of the Court, a tentative trial date of February 28, 2022 at 9:00 a.m. is scheduled. A pretrial motions hearing is set for November 19 at 10:00 a.m. via videoconference. The defense shall file its supplemental brief in support of its 38 Motion to Dismiss on or before November 2. The government shall file its opposition on or before November 9, and the defense shall file any reply on or before November 15. Further, the deadlines set by the Court's October 15, 2021 Minute Order are vacated. A revised pretrial order will follow. For the reasons stated during the October 25 and October 26 status hearings--including the need for the defense to review voluminous and recently released discovery and to file supplementary briefing on its pending 38 Motion to Dismiss; the need for both parties to have the reasonable time necessary for effective trial preparation, taking into account the exercise of due diligence; and the need for Court to conduct trials safely in accordance with the Chief Judge's Standing Order on courthouse restrictions due to COVID-19--the Court finds that the "ends of justice served outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A), (B)(iv); see also In re Updated Status of Court Operations, Standing Or. 21-47 (BAH) (Aug. 25, 2021). Accordingly, pursuant to the Speedy Trial Act, the time from October 26, 2021 through February 28, 2022 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on October 26, 2021. (lcldf2) (Text entry; no document attached.)	54
10/22/2021 STATUS REPORT by GUY WESLEY REFFITT. (See Docket Entry 52 to View Document). (zhsj)	
10/25/2021 Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 10/25/2021 before Judge Dabney L. Friedrich. Motions due by 11/2/2021. Responses due by 11/9/2021. Status Conference set for 11/19/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed - did not appear; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch.) (Text entry; no document attached.)	55
11/02/2021 SUPPLEMENT by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count Two	
11/03/2021 MINUTE ORDER. In light of the continuance of the November 15, 2021 trial date, the deadlines set by the Court's October 15, 2021 Minute Order are modified as follows: (1) the parties shall file, on or before November 24, 2021, any motions in limine, as well as any objections to exclude the government's exhibits; oppositions shall be filed on or	



before December 8, 2021, and any replies shall be filed by December 15, 2021; (2) the parties shall file their proposed voir dire questions and jury instructions, excluding instructions regarding 18 U.S.C. § 1512(c)(2), on or before November 24, 2021. A revised pretrial order with additional deadlines will follow. So Ordered by Judge Dabney L. Friedrich on November 3, 2021. (lcldf2) (Text entry; no document attached.)

11/03/2021

Set/Reset Deadlines/Hearings as to GUY WESLEY REFFITT: Motions in Limine due by 11/24/2021. Oppositions due by 12/8/2021. Replies due by 12/15/2021. Proposed Voir Dire Questions and Jury Instructions due by 11/24/2021. (Text entry; no document attached.)

56

11/05/2021

SUPPLEMENT by USA as to GUY WESLEY REFFITT re 55 Supplement to any document Response to Defendant's Supplemental Brief in Support of Motion to Dismiss

57

11/06/2021

NOTICE of Status of Discovery as of November 5, 2021 by USA as to GUY WESLEY REFFITT

11/09/2021

MINUTE ORDER. At the motions hearing on November 19, 2021, the parties shall be prepared to answer questions relating to the following issues highlighted in the defendant's supplementary briefing and the government's response: (1) whether 18 U.S.C. § 1512(c)(2)'s prohibition on obstructing, influencing, or impeding an official proceeding should be understood in light of § 1512(c)(1)'s prohibition on evidence spoliation; and (2) the appropriate definition of "corruptly" as it is used in § 1512(c). So Ordered by Judge Dabney L. Friedrich on November 9, 2021. (lcldf2) (Text entry; no document attached.)

58

11/15/2021

SUPPLEMENTAL REPLY in Support by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count Two Modified Text on 11/18/2021 (zhsj).

59

11/17/2021

NOTICE of Supplemental Authority for Reply Argument by GUY WESLEY REFFITT re 55 Supplement to any document, 38 MOTION to Dismiss Count Two, 58 Reply in Support, 43 Reply in Support, 47 Notice (Other)

60

11/18/2021

NOTICE of Supplemental Authority by USA as to GUY WESLEY REFFITT re 56 Supplement to any document

1 Attachment ▼

11/19/2021

Minute Entry for proceedings held before Judge Dabney L. Friedrich: Motion Hearing as to GUY WESLEY REFFITT held on 11/19/2021 re 38 MOTION to Dismiss Count Two filed by GUY WESLEY REFFITT Pretrial Conference set for 1/6/2022 at 2:00 PM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch.) (Text entry; no document attached.)

11/19/2021

MINUTE ORDER. Before the Court is the defendant's 38 Motion to Dismiss Count Two of the Second Superseding Indictment on the grounds that 18 U.S.C. § 1512(c)(2) does not cover Mr. Reffitt's alleged conduct. The government in its filings has advanced different theories as to how Mr. Reffitt allegedly violated § 1512(c)(2). See, e.g., 40 Gov't Opp'n at 18 ("[T]he defendant. obstruct[ed], influence[d], or impede[d] the congressional proceeding" through his "unlawful and violent invasion of the Capitol grounds and interference with federal law enforcement deployed to protect the Capitol and its occupants on January 6."); 56 Gov't Response to Def.'s Supplement at 3 ("As a result of the actions of Reffitt and hundreds of others. [t]he congresspeople forced to evacuate included Speaker of the House Nancy Pelosi and Senate Majority Leader Mitch McConnell, both of whom Reffitt appears to have been targeting."), 33 (Mr. Reffitt "tr[ie]d to physically remove or displace [Speaker Pelosi and Leader McConnell] from the Capitol so that they could not review or vote on the Electoral College ballots"). During today's hearing, the government argued that Mr. Reffitt attempted to influence Members of Congress to vote against certifying the electoral results and attempted to prevent the evidence (the electoral results) from being safeguarded and examined by Members of Congress. See Hearing Transcript (forthcoming). To prevent undue surprise at trial and to assist the Court in resolving the pending 38 motion, the government is ORDERED to file, on or before November 29, 2021, a Bill of Particulars that sets forth the means by which Mr. Reffitt "corruptly. obstruct[ed], influence[d], or impede[d] any official proceeding." 18 U.S.C. § 1512(c)(2); see Fed. R. Crim. P. 7(f). The government is FURTHER ORDERED to submit a supplemental filing that includes a list of provisions in Chapter 73--for example, 18 U.S.C. §§ 1503, 1505, 1512(a)-(b), (d)--that do not fall within the government's broad interpretation of § 1512(c)(2). The government also shall provide a brief explanation as to how these provisions apply to conduct that falls outside the reach of § 1512(c)(2). In doing so, the government shall focus on differences other than the fact that §§ 1503 and 1505 criminalize "endeavors" to "influence, obstruct, or impede," whereas § 1512(c)(2) criminalizes "attempts" to do so. Finally, the defense shall

respond to the government's 48, 49, and 50 Motions in Limine on or before December 1, 2021. An initial pretrial hearing to consider the parties' motions in limine is set for January 6, 2021 at 2:00 p.m. via videoconference. So Ordered by Judge Dabney L. Friedrich on November 19, 2021. (lcldf2). (Text entry; no document attached.) 11/19/2021 Set/Reset Deadlines as to GUY WESLEY REFFITT: Bill of Particulars due by 11/29/2021. Motions in Limine Responses due by 12/1/2021 (zjch) (Text entry; no document attached.)	<b>61</b>
11/22/2021 NOTICE of Supplemental Authority in Response to Governments Supplemental Brief by GUY WESLEY REFFITT re 60 Notice (Other)	<b>1 Attachment ▼</b>
11/23/2021 MOTION for Extension of Time to File Response to Court's November 19, 2021, Minute Order by USA as to GUY WESLEY REFFITT.	<b>62</b>
11/23/2021 MINUTE ORDER granting in part the government's unopposed 62 Motion for Extension of Time to File Response to the Court's November 19, 2021 Minute Order. It is ORDERED that the government shall file the Bill of Particulars on or before December 6, 2021. It is FURTHER ORDERED that the government shall submit the supplemental filing regarding the other provisions in Chapter 73 on or before December 2, 2021. So Ordered by Judge Dabney L. Friedrich on November 23, 2021. (lcldf2) (Text entry; no document attached.)	
11/23/2021 Set/Reset Deadlines as to GUY WESLEY REFFITT: Bill of Particulars due by 12/6/2021. (zjch.) (Text entry; no document attached.)	<b>63</b>
11/24/2021 MOTION in Limine to Exclude Certain Language from Captions in Government Exhibit 204 by GUY WESLEY REFFITT.	<b>64</b>
11/24/2021 NOTICE JOINT PROPOSED VOIR DIRE QUESTIONS by USA as to GUY WESLEY REFFITT	<b>65</b>
11/24/2021 Proposed Jury Instructions by USA as to GUY WESLEY REFFITT	<b>66</b>
11/24/2021 Proposed Jury Instructions by GUY WESLEY REFFITT	<b>67</b>
11/30/2021 TRANSCRIPT OF MOTION HEARING in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 11/19/2021. Page Numbers: 1-60. Date of Issuance: 11/30/2021. 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 purchased from the court rep order 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 12/21/2021. Redacted Transcript Deadline set for 12/31/2021. Release of Transcript Restriction set for 2/28/2022.	<b>68</b>
12/01/2021 RESPONSE by GUY WESLEY REFFITT re 48 MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony (Objection & Opposition)	<b>69</b>
12/01/2021 RESPONSE by GUY WESLEY REFFITT re 49 MOTION in Limine to Limit Cross-Examination of Secret Service Agency Witnesses	<b>71</b>
12/02/2021 RESPONSE by USA as to GUY WESLEY REFFITT re Order, Set Deadlines/Hearings, Bill of Particulars and Supplement re 18 U.S.C. 1512(c)(2)	

72

12/08/2021

RESPONSE by USA as to GUY WESLEY REFFITT re 63 MOTION in Limine to Exclude Certain Language from Captions in Government Exhibit 204

73

12/09/2021

SUPPLEMENT by GUY WESLEY REFFITT re 69 Response to motion to Motion in Limine to Preclude Cross-examination of Secret Service Witnesses and Request for Production of Photographs

74

12/09/2021

REPLY by GUY WESLEY REFFITT re 71 Response to document Governments Supplemental Filing on 18 U.S.C. § 1512(c)(2) and Objection to Proposed Instruction Defining Corruptly

12/11/2021

MINUTE ORDER. Before the Court is the defendant's 38 Motion to Dismiss Count Two of the Indictment on multiple grounds, including that Count Two is unconstitutionally vague as applied. On a motion to dismiss, the Court "is limited to reviewing the face of the indictment," *United States v. Sunia*, 643 F. Supp. 2d 51, 60 (D.D.C. 2009), and it must assume the truth of the indictment's factual allegations, *United States v. Bowdoin*, 770 F. Supp. 2d 142, 149 (D.D.C. 2011). The question for the Court at this stage of the proceedings is "whether the allegations, if proven, would be sufficient to permit a jury to find that the crimes charged were committed." *Id.* at 146. A criminal statute is not unconstitutionally vague on its face unless it is "impermissibly vague in all of its applications." *Vill. of Hoffman Estates v. Flipside, Hoffman Estates*, 455 U.S. 489, 497 (1982). And "[o]ne to whose conduct a statute clearly applies may not successfully challenge it for vagueness." *Parker v. Levy*, 417 U.S. 733, 756 (1974). Numerous courts have rejected vagueness challenges the word corruptly as used in obstruction statutes. See, e.g., *United States v. Shotts*, 145 F.3d 1289, 1300 (11th Cir. 1998); *United States v. Edwards*, 869 F.3d 490, 50102 (7th Cir. 2017); see also Mem. Op. issued December 10, 2021 in *United States v. Sandlin*, 21-cr-88, Dkt. 63 (holding that § 1512(c)(2) is not unconstitutionally vague as applied to defendants who allegedly forcibly breached the Capitol and assaulted Capitol police officers with the intent to impede the official proceeding). In contrast to the indictment at issue in *Sandlin*, the Indictment in this case does not allege any facts in support of the § 1512(c)(2) charge. Count Two merely alleges that Reffitt "attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18." 34 Second Superseding Indictment at 2. The government proffers in its brief, however, that "[w]hile at the Capitol, the defendant, armed with his handgun in a holster on his waist, confronted U.S. Capitol Police officers on the west side stairs, just north of the temporary scaffolding. The defendant charged at the officers, who unsuccessfully tried to repel him with two different types of less-than-lethal projectiles before successfully halting his advances with pepper spray. The defendant encouraged other rioters to charge forward at the officers, which they did. The officers were forced to fall back, the Capitol was invaded." 40 Gov't Opp'n at 1. Reffitt disputes this in his briefing. 38 Def.'s Mot. to Dismiss at 13-15. Because it is unclear, based on the indictment alone, what actions Reffitt allegedly engaged in to obstruct and impede the official proceeding, the Court cannot determine at this early stage of the proceeding whether the charges are unconstitutionally vague as applied to him. For this reason, the Court is inclined to defer ruling on his vagueness challenge until the facts have been established at trial and the jury has had an opportunity to consider that evidence. See *United States v. Kettles*, No. CR 3:16-00163-1, 2017 WL 2080181, at \*3 (M.D. Tenn. May 15, 2017) (finding that pretrial as-applied challenge to § 1591(a) was premature because "[t]he court cannot determine the nature and extent of [defendant's] conduct in this case and, therefore, also cannot determine whether § 1591(a) is void for vagueness as applied to that conduct"); *United States v. Raniere*, 384 F. Supp. 3d 282, 320 (E.D.N.Y. 2019). Accordingly, the defendant is directed to file, on or before December 15, 2021, a supplemental brief of no more than 5 pages in length explaining why the Court should not defer ruling on his motion until the evidence has been presented at trial. Upon review of the defendant's supplemental brief, the Court will consider whether a response from the government is necessary. So Ordered by Judge Dabney L. Friedrich on December 11, 2021. (lcldf2) Modified on 12/11/2021 (lcje). (Text entry; no document attached.)

12/11/2021

Set/Reset Deadlines as to GUY WESLEY REFFITT: Supplemental Brief due by 12/15/2021. (zjch,) (Text entry; no document attached.)

75

12/14/2021

RESPONSE TO ORDER TO SHOW CAUSE by GUY WESLEY REFFITT as to GUY WESLEY REFFITT Objection to Deferred Ruling on Motion to Dismiss Count Two

12/14/2021

MINUTE ORDER. In light of the defendant's objection, see 75 Defendant's Response to Order to Show Cause at 5, to the Court deferring a ruling on the defendant's vagueness challenge to Count Two of the indictment, see 38 Motion to Dismiss Count Two of the Indictment, the government is directed to file a response on or before December 17, 2021,

and the defendant shall file any reply on or before December 20, 2021. So Ordered by Judge Dabney L. Friedrich on December 14, 2021. (lcldf2) (Text entry; no document attached.)

76

12/15/2021

REPLY in Support by USA as to GUY WESLEY REFFITT re 49 MOTION in Limine to Limit Cross-Examination of Secret Service Agency Witnesses

77

12/15/2021

REPLY in Support by USA as to GUY WESLEY REFFITT re 48 MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony

79

12/17/2021

RESPONSE by USA as to GUY WESLEY REFFITT re Order, Set Deadlines, on why the Court should deny the pending motion to dismiss now, pretrial

80

12/20/2021

REPLY by GUY WESLEY REFFITT re 79 Response to document Reply in Support of Objection to Deferred Ruling on Motion to Dismiss Count Two

81

12/29/2021

ORDER denying the defendant's 38 Motion to Dismiss Count Two. See text for details. Signed by Judge Dabney L. Friedrich on December 29, 2021. (lcldf2)

12/30/2021

MINUTE ORDER directing the parties to submit a joint filing, on or before January 13, 2022, that includes all remaining proposed jury instructions, including those relating to the 18 U.S.C. § 1512(c)(2) charge. If the parties disagree on the remaining proposed instructions, they shall (1) include their respective proposals in the joint filing; (2) simultaneously file separate briefs, citing legal authorities that provide support for their proposed instructions; and (3) on or before January 20, 2022, file opposition briefs. So Ordered by Judge Dabney L. Friedrich on December 30, 2021. (lcldf2) (Text entry; no document attached.)

82

01/03/2022

MOTION for Reconsideration re 14 Order of Detention Pending Trial- Defendant HWOB by GUY WESLEY REFFITT.

83

01/05/2022

RESPONSE by USA as to GUY WESLEY REFFITT re 82 MOTION for Reconsideration re 14 Order of Detention Pending Trial- Defendant HWOB

1 Attachment ▼

01/06/2022

NOTICE OF HEARING as to GUY WESLEY REFFITT. Pretrial Conference set for 1/6/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. (zjch,) (Text entry; no document attached.)

84

01/06/2022

TRANSCRIPT OF MOTION HEARING AND STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 05/13/2021. Page Numbers: 1-48. Date of Issuance: 01/06/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 1/27/2022. Redacted Transcript Deadline set for 2/6/2022. Release of Transcript Restriction set for 4/6/2022.

01/06/2022

NOTICE OF HEARING as to GUY WESLEY REFFITT. Pretrial Conference set for 1/20/2022 at 1:00 PM via video before Judge Dabney L. Friedrich. (zjch,) (Text entry; no document attached.)

01/07/2022

NOTICE OF HEARING as to GUY WESLEY REFFITT. Pretrial Conference set for 1/20/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. (zjch,) (Text entry; no document attached.)

86

01/13/2022

Proposed Jury Instructions by USA as to GUY WESLEY REFFITT

01/13/2022	87
RESPONSE by GUY WESLEY REFFITT to Minute Order dated December 30, 2021	
01/18/2022	88
NOTICE of Supplemental Authority by USA as to GUY WESLEY REFFITT re 48 MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony	
01/19/2022	89
RESPONSE by GUY WESLEY REFFITT Objection and Opposition to Governments Proposed Jury Instruction Regarding Count Two 86	
01/20/2022	
NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re [90] Receipt was entered in error and counsel was instructed to refile said pleading. Incorrect Format Pursuant to Local Rule 49(f)(4). (zhsj) (Text entry; no document attached.)	
01/20/2022	90
ENTERED IN ERROR.Receipt as to GUY WESLEY REFFITT Modified on 1/21/2022 (zhsj).	
01/20/2022	
Minute Entry for Pretrial Conference as to GUY WESLEY REFFITT held on 1/20/2022 before Judge Dabney L. Friedrich: Government Supplemental Brief due by 1/26/2022. Defendant Response due by 2/1/2022. Government Expert due by 1/24/2022. Defense Expert due by 1/31/2022. Pretrial Conference set for 2/3/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. Status Conference set for 2/18/2022 at 9:00 AM via video before Judge Dabney L. Friedrich. Status Conference set for 2/23/2022 at 10:00 AM via video before Judge Dabney L. Friedrich. Status Conference set for 2/24/2022 at 11:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed. Appeared via telephone; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Text entry; no document attached.)	
01/20/2022	
MINUTE ORDER. For the reasons stated during the January 20, 2022 pretrial conference, the defendant's 82 Motion for Reconsideration of Order of Detention Pending Trial is DENIED; the defendant's 63 Motion in Limine to Exclude Certain Language from Captions in Government Exhibit 204 will be DENIED AS MOOT; and the government's 49 Motion in Limine to Limit Cross-Examination of Secret Service Agency Witnesses is GRANTED. In addition, the government shall submit a supplemental brief regarding its 48 Motion in Limine to Permit the Government to Elicit Lay Opinion Testimony on or before January 26, 2022, and the defense shall respond on or before February 1, 2022. The government also shall provide notice of proposed expert testimony, if any, on or before January 24, 2022, and the defense shall provide notice of the same, if any, on or before January 31, 2022. Hearings/pretrial conferences are set for the following dates: February 3, 2022 at 12:30 p.m., February 18 at 9:00 a.m., February 23 at 10:00 a.m., and February 24 at 11:00 a.m. So Ordered by Judge Dabney L. Friedrich on January 20, 2022. (lcldf2) (Text entry; no document attached.)	
01/20/2022	
NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re 90 Receipt was entered in error and counsel was instructed to refile said pleading. Incorrect Format Pursuant to Local Rule 49(f)(4). (zhsj) (Text entry; no document attached.)	
01/21/2022	91
NOTICE of Acknowledgment by GUY WESLEY REFFITT re 90 Receipt	
	1 Attachment ▼
01/24/2022	
NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re [93] Notice of Possible Expert Testimony was entered in error and counsel was instructed to refile said pleading. Incorrect Format Pursuant to Rule 49(f)(4).(zhsj) (Text entry; no document attached.)	
01/24/2022	92
MINUTE ORDER. The parties shall file on the docket and submit to Chambers, on or before February 7, 2022, a Joint Pretrial Statement that includes the information set forth in the attachment to this order. The Joint Pretrial Statement (including the proposed jury instructions and voir dire questions that the parties have previously submitted) shall be provided to Chambers in Microsoft Word format by emailing Friedrich_Chambers@dcd.uscourts.gov. So Ordered by Judge Dabney L. Friedrich on January 24, 2022. (lcldf2)	
01/24/2022	93
NOTICE of Possible Expert Testimony by USA as to GUY WESLEY REFFITT	
	94



01/26/2022	SUPPLEMENT by USA as to GUY WESLEY REFFITT re [48] MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony	95
01/31/2022	RESPONSE by GUY WESLEY REFFITT re [48] MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony [88, 94]	
02/03/2022	Minute Entry for Pretrial Conference as to GUY WESLEY REFFITT held on 2/3/2022 before Judge Dabney L. Friedrich. Responses due by 2/8/2022. Replies due by 2/11/2022. Status Conference set for 2/18/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch.) (Text entry; no document attached.)	
02/03/2022	MINUTE ORDER. Consistent with the discussion during the pretrial conference on February 3, 2022, a pretrial conference is set for February 18, 2022 at 12:30 p.m. via videoconference. The parties are directed to file, on or before February 8, 2022, supplemental briefing addressing the modifications that the Court proposed to the government jury instructions relating to the 18 U.S.C. § 1512(c)(2) count; any oppositions to the supplemental briefing shall be filed on or before February 11, 2022. So Ordered by Judge Dabney L. Friedrich on February 3, 2022. (lcldf2) (Text entry; no document attached.)	97
02/03/2022	ORDER granting the government's 48, 49 Motions in Limine. See text for details. Signed by Judge Dabney L. Friedrich on February 3, 2022. (lcldf2)	
02/03/2022	Minute Entry for Pretrial Conference as to GUY WESLEY REFFITT held on 2/3/2022 before Judge Dabney L. Friedrich. Responses due by 2/8/2022. Replies due by 2/11/2022. Status Conference set for 2/18/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch.) (Text entry; no document attached.)	
02/03/2022	MINUTE ORDER. Consistent with the discussion during the pretrial conference on February 3, 2022, a pretrial conference is set for February 18, 2022 at 12:30 p.m. via videoconference. The parties are directed to file, on or before February 8, 2022, supplemental briefing addressing the modifications that the Court proposed to the government jury instructions relating to the 18 U.S.C. § 1512(c)(2) count; any oppositions to the supplemental briefing shall be filed on or before February 11, 2022. So Ordered by Judge Dabney L. Friedrich on February 3, 2022. (lcldf2) (Text entry; no document attached.)	98
02/07/2022	STATEMENT OF CASE by USA as to GUY WESLEY REFFITT	4 Attachments ▼
02/08/2022	RESPONSE by GUY WESLEY REFFITT re [98] Statement of Case, Objection and Opposition to Governments Proposed Testimony by Daniel Schwager	99
02/08/2022	RESPONSE by GUY WESLEY REFFITT re Order, Set Deadlines/Hearings, Court's Proposed Changes to 1512c2 Instruction	100
02/08/2022	RESPONSE TO ORDER OF THE COURT by USA as to GUY WESLEY REFFITT re Order, Set Deadlines/Hearings, re Court's Proposed Instruction on Count Two	101
02/11/2022	REPLY by GUY WESLEY REFFITT re [101] Response to Order of the Court	102
02/14/2022	NOTICE Regarding Status of Discovery In This Case by USA as to GUY WESLEY REFFITT	1 Attachment ▼
02/15/2022		104

PRETRIAL ORDER. See text for details. Signed by Judge Dabney L. Friedrich on February 15, 2022. (lcldf2) 02/16/2022

MINUTE ORDER. Upon review of the parties' joint [65] Proposed Jury Instructions, the Court has determined that a number of the parties' proposed instructions are not supported by the authorities cited, and one appears to conflict with controlling D.C. Circuit authority. Accordingly, the parties are directed to confer and submit, by close of business on February 17, 2022, a revised set of proposed instructions that address the following: (1) Proposed Instruction No. 20 (Definitions), Entering or Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, includes the definition for "dangerous or deadly weapon." The proposed instruction is consistent with the Seventh Circuit's pattern instruction for "dangerous weapon," as cited. But the instruction is inconsistent with the D.C. Circuit's definition of "deadly or dangerous weapon" in *United States v. Arrington*, 309 F.3d 40, 45 (D.C. Cir. 2002), also cited by the parties. In *Arrington*, the government conceded that, for an object that is not inherently deadly, "the object must be capable of causing serious bodily injury or death." *Id.* In contrast, this definition says "[t]he object need not actually be capable of inflicting harm or injury." Counsel is directed to explain the discrepancy or provide other controlling authority. (2) Proposed Instruction No. 20 (Elements), Entering or Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, states that the defendant is charged with using or carrying a dangerous or deadly weapon in violation of 18 U.S.C. § 1752(a)(1) and (b)(1)(A). But § 1752(b)(1)(A) refers to a "firearm" as well as a "deadly or dangerous weapon," as does Count Three of the [34] Second Superseding Indictment. Counsel is directed to explain why there is no reference to a firearm in the instruction. (3) Proposed Instruction No. 20 (Definitions), Entering or Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, and Count Three of the [34] Second Superseding Indictment in this case include a reference to the Vice President Elect. The Court's understanding is that the government has removed references to the Vice President Elect in other indictments because the Vice President Elect was not at the Capitol at the time. Was the Vice President Elect at the Capitol, and if not, why do the indictment and jury instructions reference the Vice President Elect?; (4) No. 19 (Definitions), Transporting a Firearm in Furtherance of a Civil Disorder, defines "commerce" as "commerce or travel between one state, including the District of Columbia, and any other state, including the District of Columbia." The words "or travel" do not appear in the statute. The only support for this language appears in the government's proposed jury instructions in *United States v. Pugh*, 20-cr-73 (S.D. Ala. May 19, 2021), but in that case, the government cited no authority for including "or travel" in the definition of commerce. Counsel is directed to provide authority for this language. So Ordered by Judge Dabney L. Friedrich on February 16, 2022. (lcldf2) (Text entry; no document attached.)

105

02/17/2022

RESPONSE TO ORDER OF THE COURT by USA as to GUY WESLEY REFFITT re Order, Set Deadlines, Parties' Joint Response re Jury Instructions

2 Attachments ▼

106

02/17/2022

NOTICE Supplemental Joint Proposed Voir Dire by USA as to GUY WESLEY REFFITT

107

02/18/2022

MINUTE ORDER. During today's hearing, the Court will hear the parties' suggested edits to its draft jury instruction for the 18 U.S.C. § 1512(c)(2) count. See attached for details. So Ordered by Judge Dabney L. Friedrich on February 18, 2022. (lcldf2)

02/18/2022

Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 2/18/2022 before Judge Dabney L. Friedrich. Parties discussed the logistics of the jury trial. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch.) (Text entry; no document attached.)

02/18/2022

MINUTE ORDER. Consistent with the discussion during the February 18, 2022 pretrial conference, the parties are ORDERED to jointly submit updated proposed voir dire questions, with any objections from either side noted, on or before February 22, 2022. The parties are FURTHER ORDERED to jointly submit updated proposed jury instructions for all counts, reflecting the discussion during today's hearing, on or before February 23, 2022. This filing should include a clean and redline copy. So Ordered by Judge Dabney L. Friedrich on February 18, 2022. (lcldf2) (Text entry; no document attached.)

02/18/2022

MINUTE ORDER. The pretrial conference set for February 23, 2022 is vacated. The pretrial conference set for February 24, 2022 will proceed as scheduled. So Ordered by Judge Dabney L. Friedrich on February 18, 2022. (lcldf2) (Text entry; no document attached.)

108

02/21/2022

NOTICE Parties' Joint Proposal for Additional Voir Dire Questions by USA as to GUY WESLEY REFFITT

02/22/2022

Proposed Jury Instructions by USA as to GUY WESLEY REFFITT

02/24/2022

MINUTE ORDER. The parties are directed to promptly make the exhibits shown to the jury during each day of the defendant's upcoming trial publicly available that day, without restrictions, by providing access using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. So Ordered by Judge Dabney L. Friedrich on February 24, 2022. (lcldf2) (Text entry; no document attached.)

02/24/2022

Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 2/24/2022 before Judge Dabney L. Friedrich. Parties discussed logistics of the jury trial. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch.) (Text entry; no document attached.)

110

02/25/2022

TRANSCRIPT OF PRETRIAL CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 01/20/2022. Page Numbers: 1-53. Date of Issuance: 02/25/2022. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

111

02/25/2022

TRANSCRIPT OF CONTINUED PRETRIAL CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 02/03/2022. Page Numbers: 1-47. Date of Issuance: 02/25/2022. Court Reporter: Sara Wick, Telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

112

02/25/2022

TRANSCRIPT OF CONTINUED PRETRIAL CONFERENCE AND STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 02/18/2022. Page Numbers: 1-84. Date of Issuance: 02/25/2022. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

113

02/27/2022

TRANSCRIPT OF CONTINUED PRETRIAL CONFERENCE AND STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 02/24/2022. Page Numbers: 1-50. Date of Issuance: 02/27/2022. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

114

02/27/2022

TRANSCRIPT OF STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 10/19/2021; Page Numbers: 1-19. Date of Issuance: 02/27/2022. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

115

02/27/2022

TRANSCRIPT OF STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 10/25/2021. Page Numbers: 1-22. Date of Issuance: 02/27/2022. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

116

02/28/2022

MOTION for Courtroom Access During Trial by PRESS COALITION as to GUY WESLEY REFFITT.

1 Attachment ▼

02/28/2022

Minute Entry for Jury Selection as to GUY WESLEY REFFITT held on 2/28/2022 before Judge Dabney L. Friedrich. Court granting in part and denying in part [116] Motion to Access as to GUY WESLEY REFFITT (1). Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick & Lorraine Hermann Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch.) (Text entry; no document attached.)

02/28/2022

NOTICE OF HEARING as to GUY WESLEY REFFITT. Jury Trial set for 3/1/2022 at 9:00 PM in Courtroom 16- In Person before Judge Dabney L. Friedrich. (zjch.) (Text entry; no document attached.)

03/01/2022

NOTICE OF HEARING as to GUY WESLEY REFFITT. Jury Trial set for 3/2/2022 at 9:00 AM in Courtroom 14- In Person before Judge Dabney L. Friedrich. (zjch.) (Text entry; no document attached.)

03/02/2022

Minute Entry for proceedings held before Judge Dabney L. Friedrich: Jury Trial as to GUY WESLEY REFFITT held on 3/2/2022. Same jury and alternates. Jury Trial set for 3/3/2022 at 9:00 AM in Courtroom 14- In Person before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick & Lorraine Hermann; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. Witnesses: Officer Shauni Kirkoff and Inspector Monique Moore (zjch,) (Text entry; no document attached.)

03/02/2022

MINUTE ORDER. Consistent with the District Court's Executive Order 22-10 (updated Appendix 8 to the District Court's Continued Operations Plan), released on March 2, 2022, the Court has modified the trial court seating plan to allow three members of the press and public to sit in the gallery. Accordingly, as stated on the record on March 2, 2022, the Court has reconsidered its February 28 order denying in part the Press Coalition's [116] Motion for Courtroom Access During Trial and GRANTS the motion in full. So Ordered by Judge Dabney L. Friedrich on March 2, 2022. (lcldf2) (Text entry; no document attached.)

03/01/2022

MINUTE ORDER. Before the Court is Matthew Russell Lee's email [117] Letter, which the Court construes as an application requesting that the public call-in line be open during trial. The Court just discovered this in its spam email box. For the reasons stated on the record on February 28, 2022, Lee's [117] application for public call-in is DENIED. So Ordered by Judge Dabney L. Friedrich on March 1, 2022. (lcldf2) (Text entry; no document attached.)

03/01/2022

Minute Entry for Jury Selection as to GUY WESLEY REFFITT held on 3/1/2022 before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick & Lorraine Hermann; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Text entry; no document attached.)

117

03/01/2022

LETTER Filed by MATTHEW RUSSELL LEE as to GUY WESLEY REFFITT Regarding Application for Continued Public ListenOnly Callin Telephone Access.(zhsj)

03/03/2022

Minute Entry for proceedings held before Judge Dabney L. Friedrich: Jury Trial as to GUY WESLEY REFFITT held on 3/3/2022. Same jury and alternates. Jury Trial set for 3/4/2022 at 9:00 AM in Courtroom 14- In Person before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick & Lorraine Hermann; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. Witnesses: Inspector Monique Moore, Inspector Stacy Shahrani and Jackson Reffitt (zjch,) (Text entry; no document attached.)

03/04/2022

Minute Entry for proceedings held before Judge Dabney L. Friedrich: Jury Trial as to GUY WESLEY REFFITT held on 3/4/2022 Same jury and alternates. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick & Lorraine Hermann; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. Witnesses: Dan Schwager, Paul Wade, Rocky Hardie, Karla Kennedy and Laird Hightower. (zjch,) (Text entry; no document attached.)

119

03/07/2022

Final Jury Instructions as to GUY WESLEY REFFITT. (lcldf3)

03/07/2022

Minute Entry for proceedings held before Judge Dabney L. Friedrich: Jury Trial as to GUY WESLEY REFFITT held on 3/7/2022. Same jury and alternates. Parties give closing arguments. Court excuses alternates. Jury Deliberation set for 3/8/2022 at 9:30 AM in Courtroom 14- In Person before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick & Lorraine Hermann; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. Witnesses: Adam Descamp, Thomas Ryan and Matthew Flood. (zjch,) (Text entry; no document attached.)

03/08/2022

Minute Entry for proceedings held before Judge Dabney L. Friedrich: Jury Trial as to GUY WESLEY REFFITT held on 3/8/2022 GUY WESLEY REFFITT (1) Count 1ss,2ss,3ss,4ss,5ss. Same jury and alternates. Jury Deliberation commenced and concluded. JURY VERDICT as to GUY WESLEY REFFITT (1) Guilty on Count 1ss,2ss,3ss,4ss,5ss. REFERRAL TO PROBATION OFFICE for Presentence Investigation as to GUY WESLEY REFFITT. Jury discharged. Sentencing set for 6/8/2022 at 10:00 AM in Courtroom 14- In Person before Judge Dabney L. Friedrich. Sentencing Memorandum due by 5/25/2022. Responses to Sentencing due by 6/1/2022. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Text entry; no document attached.)

03/08/2022

MINUTE ORDER. For the reasons stated on the record on March 8, 2022, the defendant's oral Rule 29 Motion for Acquittal is DENIED. The defense shall file any post-trial motion(s) on or before March 22, 2022. The government shall file any opposition on or before April 5, 2022, and the defense shall file any reply in support of its motion(s) on or

before April 12, 2022. Sentencing memoranda are due on May 25, 2022, and oppositions are due on June 1, 2022. Sentencing is set for June 8, 2022 at 10:00 a.m. So Ordered by Judge Dabney L. Friedrich on March 8, 2022. (lcdf2) (Text entry; no document attached.)

03/07/2022

Minute Entry for proceedings held before Judge Dabney L. Friedrich: Jury Trial as to GUY WESLEY REFFITT held on 3/7/2022. Same jury and alternates. Parties give closing arguments. Court excuses alternates. Jury Deliberation set for 3/8/2022 at 9:30 AM in Courtroom 14- In Person before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick & Lorraine Hermann; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. Witnesses: Adam Descamp, Thomas Ryan and Matthew Flood. (zjch,) (Text entry; no document attached.)

120

03/08/2022

EXHIBIT LIST by USA as to GUY WESLEY REFFITT (zjch,)

121

03/08/2022

Exhibit Receipt as to GUY WESLEY REFFITT (zjch,)

122

03/08/2022

Jury Notes as to GUY WESLEY REFFITT (zjch,)

123

03/08/2022

VERDICT FORM as to GUY WESLEY REFFITT (zjch,)

124

03/08/2022

Signature Page of Foreperson as to GUY WESLEY REFFITT in Jury Verdict. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zjch,)

125

03/08/2022

Signature Page of Foreperson as to GUY WESLEY REFFITT in Jury Note. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zjch,)

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03/08/2022

ATTORNEYS' ACKNOWLEDGMENT OF TRIAL EXHIBITS as to GUY WESLEY REFFITT (zjch,)

03/08/2022

NOTICE OF CORRECTED DOCKET ENTRY: Exhibit Receipt as to GUY WESLEY REFFITT was entered in error and was subsequently docketed under the correct docket entry. (zjch,) (Text entry; no document attached.)

03/09/2022

MINUTE ORDER. On or before March 10, 2022, the parties shall file any objections to the Court unsealing the following portions of the trial record: (1) the parties' March 1, 2022 email to the Court summarizing their respective juror strikes; (2) all bench conferences (except for those related to alleged victims and medical issues); and (3) the inquiry that took place on March 4, 2022 and referenced an alternate juror. So Ordered by Judge Dabney L. Friedrich on March 9, 2022. (lcdf2) (Text entry; no document attached.)

03/09/2022

Set/Reset Deadlines as to GUY WESLEY REFFITT: Responses due by 3/10/2022 (zjch,) (Text entry; no document attached.)

128

03/21/2022

MOTION for Acquittal on Counts One, Two, Three, Four, and Five by GUY WESLEY REFFITT.

1 Attachment ▼

129

03/21/2022

MOTION for New Trial or in the Alternative Judgment on Count 3(a) by GUY WESLEY REFFITT.

1 Attachment ▼

130

03/21/2022

MOTION pursuant to Rule 34 for Arrest of Judgment on Count Two by GUY WESLEY REFFITT.

1 Attachment ▼

131

03/21/2022

MOTION Judgment on Count 3(a) by GUY WESLEY REFFITT. (See Docket Entry 129 to View Document) (zhsj)

132



04/05/2022

Memorandum in Opposition by USA as to GUY WESLEY REFFITT re 130 MOTION pursuant to Rule 34 for Arrest of Judgment on Count Two, 129 MOTION for New Trial or in the Alternative Judgment on Count 3(a), 128 MOTION for Acquittal on Counts One, Two, Three, Four, and Five

1 Attachment ▼

133

04/12/2022

TRANSCRIPT OF JURY TRIAL, MORNING SESSION, in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 02/28/2022. Page Numbers: 1-131. Date of Issuance: 04/12/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

134

04/12/2022

TRANSCRIPT OF PROCEEDINGS in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on February 28, 2022; Page Numbers: 132-278. Date of Issuance: April 12, 2022. Court Reporter: Lorraine T. Herman. Telephone number: 202-354-3196. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

135

04/12/2022

TRANSCRIPT OF JURY TRIAL, MORNING SESSION in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 03/01/2022. Page Numbers: 279-400. Date of Issuance: 04/12/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL- PM SESSION in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on March 1, 2022. Page Numbers: 401-551. Date of Issuance: April 12, 2022. Court Reporter: Lorraine T. Herman. Telephone number: 202-354-3196. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL, MORNING SESSION, in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 03/02/2022. Page Numbers: 552-613. Date of Issuance: 04/12/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL - PM SESSION - in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich, held on March 2, 2022. Page Numbers: 614-772. Date of Issuance: April 12, 2022. Court Reporter: Lorraine T. Herman. Telephone number: 202-354-3196. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022. (Main Document 138 replaced on 4/12/2022) (zhsj).

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04/12/2022

TRANSCRIPT OF JURY TRIAL, MORNING SESSION, in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 03/03/2022. Page Numbers: 773-880. Date of Issuance: 04/12/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL - PM SESSION - in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich, held on March 4, 2022. Page Numbers: 1171-1265. Date of Issuance: April 12, 2022. Court Reporter: Lorraine T. Herman. Telephone number 202-354-3196. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022. (Main Document 140 replaced on 4/12/2022) (zhsj).

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04/12/2022

TRANSCRIPT OF JURY TRIAL - PM SESSION - in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich, held on March 3, 2022. Page Numbers: 881-1036. Date of Issuance: April 12, 2022. Court Reporter: Lorraine T. Herman. Telephone number: 202-354-3196. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL, MORNING SESSION, in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 03/04/2022. Page Numbers: 1037-1170. Date of Issuance: 4/12/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL, MORNING SESSION, in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 03/07/2022. Page Numbers: 1266-1399. Date of Issuance: 04/12/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL - PM SESSION - in case as to GUY WESLEY REFFITT, before Judge Dabney L. Friedrich, held on March 7, 2022. Page Numbers: 1400-1482. Date of Issuance: April 12, 2022. Court Reporter: Lorraine T. Herman. Telephone number: 202-354-3196. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

TRANSCRIPT OF JURY TRIAL in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 03/08/2022. Page Numbers: 1483-1508. Date of Issuance: 04/12/2022. 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 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. 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](http://www.dcd.uscourts.gov). Redaction Request due 5/3/2022. Redacted Transcript Deadline set for 5/13/2022. Release of Transcript Restriction set for 7/11/2022.

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04/12/2022

REPLY TO OPPOSITION to Motion by GUY WESLEY REFFITT re 130 MOTION pursuant to Rule 34 for Arrest of Judgment on Count Two, 129 MOTION for New Trial or in the Alternative Judgment on Count 3(a), 131 MOTION Judgment on Count 3(a), 128 MOTION for Acquittal on Counts One, Two, Three, Four, and Five