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Description

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09/13/2021

INFORMATION as to DAVID JOHN LESPERANCE (1) count(s) 1, 2, 3, 4, CASEY CUSICK (2) count(s) 1, 2, 3, 4, JAMES VARNELL CUSICK, JR (3) count(s) 1, 2, 3, 4. (zstd)

09/23/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01) held on 9/23/2021. Parties Do Not Object To Appearing For This Hearing Via VTC. Government Will File A Motion To Dismiss Criminal Case 21-439. The Court Will Not Arraign Defendant At This Time. Defense Attorney Made Representations That CASEY CUSICK (02) and JAMES VARNELL CUSICK JR (03) Will Toll Speedy Trial Time as Well Until The Next Scheduled Hearing Date. Defense Attorney Will Put A Filing On The Docket In Regards To Speedy Trial Time as to Defendants CASEY CUSICK (02) AND JAMES VARNELL CUSICK JR (03). Status Conference set for 11/4/2021 at 2:30 PM in Telephonic/VTC before Judge Emmet G. Sullivan As To All Defendants. Speedy Trial Told 9/23/21 - 11/4/21 In The Interest Of Justice (XT) As To All Defendants. Bond Status of Defendant: APPEARED VIA VTC - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: JAN DICKMAN; Defense Attorney: JOHN PIERCE; US Attorney: ANNE MCNAMARA; (Text entry; no document attached.)

09/27/2021

STANDING ORDER as to ALL DEFENDANTS requiring the government to produce any evidence in its possession that is favorable to the defendant and material to either the defendant's guilt or punishment. Signed by Judge Emmet G. Sullivan on 09/27/21.

11/04/2021

Unopposed MOTION for Protective Order by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR.

1 Attachment ▼

11/04/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Arrestment as to CASEY CUSICK (2)on Count 1,2,3,4 and JAMES VARNELL CUSICK JR. (3) on Count 1,2,3,4 held on 11/4/2021. Plea Of Not Guilty entered by CASEY CUSICK (2) as to Count 1,2,3,4. Plea Of Not Guilty entered by JAMES VARNELL CUSICK, JR (03) as to Counts 1,2,3,4. Bond Status of Defendant: BOTH DEFENDANTS APPEARED VIA VTC / BOTH DEFENDANTS REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: JOHN PIERCE; US Attorney: ANNE MCNAMARA; Pretrial Officer: CHRISTINE SCHUCK; (Text entry; no document attached.)

11/04/2021

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), and JAMES VARNELL CUSICK, JR (03) held on 11/4/2021. Parties Updated The Court About The Current Posture Of This Matter. The Court Will Appoint A Conflicts Attorney In This Matter In Regards To Representation Of The Defendants. Status Conference set for 2/9/2022 at 3:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan. With Consent Of The Parties, Speedy Trial Is Told 11/04/21 - 2/9/22 In The Interest Of Justice (XT). The Defendants Pre Trial Release Conditions Will Remain The Same As In Their Previous Criminal Cases. Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC - REMAINS ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: JOHN PIERCE; US Attorney: ANNE MCNAMARA; Pretrial Officer: CHRISTINE SCHUCK; (Text entry; no document attached.)

11/05/2021

MINUTE ORDER as to DAVID JOHN LESPERANCE (1), CASEY CUSICK (2), JAMES VARNELL CUSICK JR. (3) granting 5 Unopposed Motion for Protective Order. The terms presented in [5-1] Protective Order Governing Discovery are hereby incorporated by reference in to this Order. Signed by Judge Emmet G. Sullivan on 11/5/2021. (lcegs2) (Text entry; no document attached.)

11/12/2021

ORDER Setting Conditions of Release as to CASEY CUSICK (2). Signed by Judge Emmet G. Sullivan on 11/9/2021.

11/12/2021

ORDER Setting Conditions of Release as to JAMES VARNELL CUSICK JR. (3). Signed by Judge Emmet G. Sullivan on 11/9/2021.

11/30/2021

MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03). In view of Mr. John Pierce's virtual appearance as counsel for Mr. David John Lesperance, Mr. Casey Cusick, and Mr. James Varnell Cusick, Jr. at the November 5, 2021 status conference in this matter, and pursuant to the

discussion held on the record at that time, it is hereby ORDERED that Ms. Santha Sonenberg, Esq. is appointed as a conflict attorney to determine whether Mr. Pierce's representation of all three codefendants creates a conflict between any of them and Mr. Pierce and, if so, whether the conflict can be waived by the codefendants. It is FURTHER ORDERED that Mr. Pierce shall file either notices of appearance pursuant to LCvR 83.6(a), or a status report advising the Court why he has not entered notices of appearance, by no later than December 3, 2021. It is FURTHER ORDERED that Ms. Sonenberg shall file a status report to the Court by December 10, 2021, proposing a schedule for her to complete her conflicts evaluation and to prepare a written report and recommendation to the Court. Signed by Judge Emmet G. Sullivan on 11/30/2021. (lcegs2) (Text entry; no document attached.)

12/01/2021

Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Attorney Notice Or Status Report due by 12/3/2021. Ms.Sonenberg Status Report due by 12/10/2021 (Text entry; no document attached.)

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12/10/2021

STATUS REPORT by SANTHA SONENBERG as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR

12/12/2021

MINUTE ORDER as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03). In view of 8 conflict counsel's Status Report, it is hereby ORDERED that Ms. Santha Sonenberg is authorized to have direct communication with codefendants, who are represented parties, regarding matters in which they are represented to determine whether a conflict exists between any codefendant and his counsel, Mr. John Pierce. It is FURTHER ORDERED that the Pretrial Services Agency is authorized to disclose contact information for each of the three codefendants to Ms. Sonenberg. It is FURTHER ORDERED that Ms. Sonenberg shall file her written report and recommendation to the Court by February 1, 2022. Finally, the Court regrets any miscommunication with Ms. Sonenberg concerning her appointment as conflict counsel, and the Court appreciates her service and assistance in this matter. Signed by Judge Emmet G. Sullivan on 12/12/2021. (lcegs2) (Text entry; no document attached.)

12/13/2021

Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Santha Sonenberg Report And Recommendation due by 2/1/2022. (Text entry; no document attached.)

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12/13/2021

NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Fedor, Maria Y. added. Substituting for attorney Anne P. McNamara

[10](#)

12/13/2021

NOTICE of Appearance Conflict Counsel by SANTHA SONENBERG as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR

[11](#)

12/20/2021

NOTICE OF ATTORNEY APPEARANCE: John M. Pierce appearing for DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR

[12](#)

12/27/2021

NOTICE OF FILING by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR

[6 Attachments](#) ▼

02/09/2022

Minute Entry for proceedings held Via VTC before Judge Emmet G. Sullivan:Status Conference as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02),and JAMES VARNELL CUSICK, JR (03) held on 2/9/2022. The Court Updated The Parties In Regards To Special Counsel Report. The Court Will Continue This Matter For Seventy-Five (75) Days. The Court Instructs The Courtroom Deputy Clerk To Unseal [13] (Report and Recommendation To Only Defense Counsel. Status Conference set for 5/11/2022 at 2:00 PM in Telephonic/VTC before Judge Emmet G. Sullivan As To All Defendants. With The Consent Of The Parties, Speedy Trial Is Tolled 2/8/22 - 5/11/22 In The Interest Of Justice (XT). Bond Status of Defendant: ALL DEFENDANTS APPEARED VIA VTC - ALL DEFENDANTS REMAIN ON PERSONAL RECOGNIZANCE; Court Reporter: LISA BANKINS; Defense Attorney: #1, #2, #3 - JOHN PIERCE; US Attorney: MARIA FEDOR; (Text entry; no document attached.)

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02/10/2022

NOTICE OF FILING OF UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF FEBRUARY 9, 2022 by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR

02/24/2022

MINUTE ORDER as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. Having reviewed [13] Ms. Sonenberg's ex parte report concerning defense counsel's potential conflict of interest in

representing all three codefendants, and having solicited Ms. Sonenberg and defense counsel's input on appropriate redactions, the Court hereby UNSEALS [13] Ms. Sonenberg's report except for redactions necessary to protect confidential or privileged information. The parties shall file objections to the Report's conclusions by no later than March 3, 2022. Signed by Judge Emmet G. Sullivan on 2/24/2022. (lcegs1) (Text entry; no document attached.)
02/24/2022

Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Objections To The Report's Conclusions due by 3/3/2022. (Text entry; no document attached.)
02/24/2022

MINUTE ORDER as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR. Having reviewed [13] Ms. Sonenberg's ex parte report concerning defense counsel's potential conflict of interest in representing all three codefendants, and having solicited Ms. Sonenberg and defense counsel's input on appropriate redactions, the Court hereby UNSEALS [13] Ms. Sonenberg's report except for redactions necessary to protect confidential or privileged information. The parties shall file objections to the Report's conclusions by no later than March 3, 2022. Signed by Judge Emmet G. Sullivan on 2/24/2022. (lcegs1) (Text entry; no document attached.)
02/24/2022

Set/Reset Deadlines as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03):Objections To The Report's Conclusions due by 3/3/2022. (Text entry; no document attached.)

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02/25/2022

REDACTED DOCUMENT (Report And Recommendation Regarding Single Attorney Representing Three Co-Defendants In The Same Case) by SANTHA SONENBERG as to DAVID JOHN LESPERANCE (01), CASEY CUSICK (02), JAMES VARNELL CUSICK, JR (03)

[19](#)

03/02/2022

RESPONSE re 18 by USA as to DAVID JOHN LESPERANCE, CASEY CUSICK, JAMES VARNELL CUSICK, JR TO THE REPORT AND RECOMMENDATION REGARDING SINGLE ATTORNEY REPRESENTING THREE CO-DEFENDANTS IN THE SAME CASE Modified to add link on 3/3/2022 (znmw).