

1

01/20/2021

SEALED COMPLAINT as to MICHAEL JOSEPH FOY (1). [1:21-mj-00136-RMM]

1 Attachment ▼

3

01/20/2021

MOTION to Seal Case by USA as to MICHAEL JOSEPH FOY. [1:21-mj-00136-RMM]

1 Attachment ▼

4

01/20/2021

ORDER granting 3 Motion to Seal Case as to MICHAEL JOSEPH FOY (1). Signed by Magistrate Judge Robin M. Meriweather on 1/20/2021. (zstd) [1:21-mj-00136-RMM]

01/21/2021

Case unsealed as to MICHAEL JOSEPH FOY (bb) [1:21-mj-00136-RMM] (Text entry; no document attached.)

01/21/2021

Arrest of MICHAEL JOSEPH FOY in US District Court for Eastern District of Michigan. (zltf) [1:21-mj-00136-RMM] (Text entry; no document attached.)

5

01/27/2021

Rule 5(c)(3) Documents Received as to MICHAEL JOSEPH FOY from US District Court for Eastern District of Michigan Case Number 2:21-mj-30039 (zltf) [1:21-mj-00136-RMM]

6

02/10/2021

INDICTMENT as to MICHAEL JOSEPH FOY (1) count(s) 1, 2, 3, 4, 5, 6, 7, 8. (zltf)

9

02/22/2021

NOTICE OF ATTORNEY APPEARANCE: Eugene Ohm appearing for MICHAEL JOSEPH FOY

10

03/10/2021

Emergency MOTION to Bond Review by MICHAEL JOSEPH FOY.

4 Attachments ▼

03/10/2021

MINUTE ORDER: The future hearing currently scheduled for 3/10/2021 is hereby VACATED, as the government has formally charged MICHAEL JOSEPH FOY and there are no additional matters necessitating action by a magistrate judge. If a hearing has not been scheduled before the assigned district judge, the parties are respectfully directed to contact the chambers of the assigned district judge to schedule a hearing. Signed by Magistrate Judge Zia M. Faruqi on 3/10/2021. (Text entry; no document attached.)

03/10/2021

MINUTE ORDER: In light of the fact that Magistrate Case for defendant MICHAEL JOSEPH FOY has closed and merged into Criminal Number 21-108, and an indictment has been filed, there are no additional matters necessitating action by a magistrate judge. If a hearing has not been scheduled before the assigned district judge, the parties are respectfully directed to contact the chambers of the assigned district judge to schedule a hearing. Signed by Magistrate Judge Zia M. Faruqui on 3/10/21. (Text entry; no document attached.)

03/11/2021

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Arraignment/Bond Hearing set for 3/15/2021 01:00 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[11](#)

03/12/2021

Memorandum in Opposition by USA as to MICHAEL JOSEPH FOY re 10 MOTION for Bond

[12](#)

03/13/2021

REPLY TO OPPOSITION to Motion by MICHAEL JOSEPH FOY re 10 MOTION for Bond

03/15/2021

Minute Entry: Arraignment/Bond Motion Hearing as to MICHAEL JOSEPH FOY (1) held on 3/15/2021 before Judge Tanya S. Chutkan on Counts 1,2,3,4,5,6,7 and 8: Plea of NOT GUILTY entered by MICHAEL JOSEPH FOY (1) as to counts 1,2,3,4,5,6,7 and 8. Motion 10 for Bond filed by MICHAEL JOSEPH FOY; heard and DENIED. Status Conference set for 4/9/2021 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. Oral motion by government to toll speedy trial; heard and order forthcoming. Defendant's exhibits 1-5 admitted and Government's exhibits 1-5 admitted. Defendant remains incarcerated. Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm; US Attorney: Emory Cole; Pretrial Officer: John Copes. (Text entry; no document attached.)

03/17/2021

MINUTE ORDER: On 3/10/2021 the Court was advised that MICHAEL JOSEPH FOY had been transported to the District of Columbia and remains in custody. As MICHAEL JOSEPH FOY has been formally charged, the Court notes that there are no matters necessitating action by a magistrate judge at this time. The parties are directed to contact the chambers of the assigned district judge to schedule a hearing or address any other matters. Signed by Magistrate Judge Zia M. Faruqui on 3/17/2021. (Text entry; no document attached.)

03/31/2021

MINUTE ORDER as to MICHAEL JOSEPH FOY: Having considered the Government's oral motion to exclude time under the Speedy Trial Act and the Defendant's oral opposition to such an exclusion, and in light of the complexity of the case, the extensive and ongoing discovery process, ongoing delays in trial scheduling as a result of the novel coronavirus pandemic, and the fact that this is the first request, the court finds that the ends of justice served by the exclusion of the time between the date of Mr. Foy's Arraignment, on March 15, 2021, and the next status conference in this case, on April 9, 2021, outweigh the interests of the public and the Defendant in a speedy trial. It is therefore ORDERED that the time period from March 15, 2021, until April 9, 2021, will be excluded from the calculation of time in this case under the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq. The court cautions the parties that further requests to exclude time under the Act will be considered in light of the progress made in the case. SO ORDERED by Judge Tanya S. Chutkan on 03/31/2021. (Text entry; no document attached.)

[14](#)

04/07/2021

Unopposed MOTION for Protective Order by USA as to MICHAEL JOSEPH FOY.

1 Attachment ▼

[15](#)

04/07/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

[16](#)

04/08/2021

PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to MICHAEL JOSEPH FOY. Signed by Judge Tanya S. Chutkan on 04/08/2021.

04/09/2021

Minute Entry: Status Conference as to MICHAEL JOSEPH FOY held on 4/9/2021 before Judge Tanya S. Chutkan: The government will endeavor to deliver discovery to defense counsel within 7-10 days. Status Conference set for 4/30/2021 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. The Court finds in the interest (XT) that the time between 04/09/2021 and 04/30/2021 shall be excluded from the speedy trial calculation. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm; US Attorney: Emory Cole; Pretrial Officer: John Copes. (Text entry; no document attached.)

[17](#)

04/20/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

[18](#)

04/26/2021

NOTICE OF ATTORNEY APPEARANCE: Elizabeth Ann Mullin appearing for MICHAEL JOSEPH FOY

[19](#)

04/27/2021

NOTICE of Filing - Request for Bill of Particulars by MICHAEL JOSEPH FOY

[20](#)

04/28/2021

NOTICE OF FILING by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

[21](#)

04/29/2021

ENTERED IN ERROR.MOTION to Revoke Detention Order by MICHAEL JOSEPH FOY.

[1 Attachment](#) ▼

[22](#)

04/29/2021

MOTION for Release from Custody by MICHAEL JOSEPH FOY.

[1 Attachment](#) ▼

[23](#)

04/29/2021

MOTION to Continue MOTION TO CONTINUE AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT by USA as to MICHAEL JOSEPH FOY.

[1 Attachment](#) ▼

04/29/2021

NOTICE OF CORRECTED DOCKET ENTRY: as to MICHAEL JOSEPH FOY re 21 MOTION to Revoke Detention Order was entered in error and counsel refiled said pleading. Docket Entry 22 is the correct entry and document. (zhsj) (Text entry; no document attached.)

[24](#)

04/29/2021

MOTION to Exclude Time Under the Speedy Trial Act by USA as to MICHAEL JOSEPH FOY. (See Docket Entry 23 to View Document). (zhsj)

04/30/2021

Minute Entry: Status Conference as to MICHAEL JOSEPH FOY held on 4/30/2021 before Judge Tanya S. Chutkan: Denying government's 23 for Continuance. Government's response to 22 due by 5/14/2021. Defendant's reply due by 5/21/2021. Status Conference set for 6/2/2021 at 11:15 AM in Telephonic/VTC before Judge Tanya S. Chutkan. The Court finds in the interest of justice (XT) that the time between 04/30/2021 and 06/02/2021 shall be excluded from the speedy trial calculation. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm and Elizabeth Mullin; US Attorney: Emory Cole. (Text entry; no document attached.)

[25](#)

05/03/2021

TRANSCRIPT OF ARRAIGNMENT/BOND HEARING in case as to MICHAEL JOSEPH FOY before Judge Tanya S. Chutkan held on March 15, 2021; Page Numbers: 1-47. Date of Issuance: 5/3/2021. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form at www.dcd.uscourts.gov. 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 5/24/2021. Redacted Transcript Deadline set for 6/3/2021. Release of Transcript Restriction set for 8/1/2021.

[26](#)

05/07/2021

NOTICE OF FILING LETTER PROVIDED TO DEFENSE COUNSEL by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

[27](#)

05/07/2021

NOTICE OF FILING by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

[28](#)

05/10/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to MICHAEL JOSEPH FOY

1 Attachment ▼

29

05/13/2021

MOTION for Bill of Particulars by MICHAEL JOSEPH FOY.

1 Attachment ▼

30

05/14/2021

Memorandum in Opposition by USA as to MICHAEL JOSEPH FOY re 22 MOTION for Release from Custody

31

05/21/2021

REPLY TO OPPOSITION to Motion by MICHAEL JOSEPH FOY re 22 MOTION for Release from Custody

32

05/26/2021

Unopposed MOTION for Extension of Time to File Opposition by USA as to MICHAEL JOSEPH FOY.

1 Attachment ▼

33

06/01/2021

ORDER: Granting 32 Motion for Extension of Time as to MICHAEL JOSEPH FOY (1). Signed by Judge Tanya S. Chutkan on 06/01/2021.

06/01/2021

Set/Reset Deadlines as to MICHAEL JOSEPH FOY: Response due by 6/4/2021. (Text entry; no document attached.)

06/02/2021

Minute Entry for proceedings held before Judge Tanya S. Chutkan: Video (VTC) Status Conference as to MICHAEL JOSEPH FOY held on 6/2/2021. The Court Defers Ruling on Defendant's 22 Motion for Release from Custody and will issue a written decision on the Motion. The Court further allows the Government to file any Reply to the Defendant's Reply by 6/9/2021. Another Video (VTC) Status Conference set for 6/30/2021 at 11:30 AM before Judge Tanya S. Chutkan. The Court makes a finding that it is in the Interests of Justice that the time between 6/2/2021 and 6/30/2021 shall be excluded from the Speedy Trial Act Calculation (START XT). Bond Status of Defendant: Defendant appeared by Video, but Remains Committed; Court Reporter: Bryan Wayne; Defense Attorneys: Eugene Ohm and Elizabeth Mullin; US Attorney: Emory Cole; Pretrial Officer: John Copes. (Text entry; no document attached.)

34

06/04/2021

Memorandum in Opposition by USA as to MICHAEL JOSEPH FOY re 29 MOTION for Bill of Particulars

35

06/09/2021

RESPONSE by USA to 31 Reply Motion as to MICHAEL JOSEPH FOY Modified Text on 6/10/2021 (zhsj).

06/17/2021

MINUTE ORDER as to MICHAEL JOSEPH FOY : The court has received an application from several media organizations seeking access to certain video recordings submitted in this manner. See Motion, Case No. 21-mc-89. In accordance with the Chief Judges Standing Order No. 21-28, the parties are hereby ORDERED to provide, by Friday, June 25, 2021, their positions regarding the release of the video exhibits referenced by the Defendant in 10 Emergency Bond Review Motion and by the Government in 11 Opposition to Defendants Emergency Bond Review Motion. Any objections shall be supported by legal authority. Signed by Judge Tanya S. Chutkan on 06/17/21. (Text entry; no document attached.)

[36](#)

06/22/2021

LEAVE TO FILE DENIED- Petition for Writ of Habeas Corpus as to MICHAEL JOSEPH FOY This document is unavailable as the Court denied its filing. "Leave to file is denied. The Court hereby denies Mark Marvin permission to file his proffered "Petition for Writ of Habeas Corpus", as he is not a party to this litigation, nor has he established a right to intervene". Signed by Judge Tanya S. Chutkan on 06/22/2021. (zstd)

[37](#)

06/25/2021

RESPONSE by MICHAEL JOSEPH FOY to Court's Minute Order Regarding Press Applications

[38](#)

06/25/2021

RESPONSE by USA as to MICHAEL JOSEPH FOY

[39](#)

06/29/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

06/29/2021

Set/Reset Hearings as to MICHAEL JOSEPH FOY:Status Conference reset for 6/30/2021 at (TIME CHANGE) 11:15 AM in Jury Room before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[40](#)

06/30/2021

MOTION for Reconsideration of Government's Request for Stay of Release Order by MICHAEL JOSEPH FOY.

[1 Attachment](#) ▼

06/30/2021

Minute Entry: Status Conference as to MICHAEL JOSEPH FOY held on 6/30/2021 before Judge Tanya S. Chutkan: The Court GRANTS defendant's 22 motion for release; An order setting release conditions and written opinion will each be issued shortly. Governments oral motion to stay ruling on release for 72 hours; heard and GRANTED; Order releasing defendant STAYED for 72 hours from today, June 30, 2021, at 12:00 p.m. The Court DENIES defendant's 29 motion for bill of particulars. Status Conference set for 8/2/2021 at 12:00 PM in Telephonic/VTC before Judge Tanya S. Chutkan. The Court finds in the interest of justice (XT) that the time between 06/30/2021 and 08/02/2021 shall be excluded from the speedy trial calculation. Defendant remains incarcerated. Court Reporter: Bryan Wayne;

Defense Attorney: Eugene Ohm; US Attorney: Emory Cole; Pretrial Officer: John Copes. (Text entry; no document attached.)

[41](#)

06/30/2021

TRANSCRIPT OF 6/30/21 STATUS HEARING in case as to MICHAEL JOSEPH FOY before Judge Tanya S. Chutkan held on June 30, 2021; Page Numbers: 1-37. Date of Issuance: 6/30/2021. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form at www.dcd.uscourts.gov. 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 7/21/2021. Redacted Transcript Deadline set for 7/31/2021. Release of Transcript Restriction set for 9/28/2021.

[42](#)

07/02/2021

NOTICE TO THE COURT by USA as to MICHAEL JOSEPH FOY

[43](#)

07/02/2021

Emergency MOTION to Revoke Order Staying Release Order by MICHAEL JOSEPH FOY.

1 Attachment ▾

[44](#)

07/02/2021

MEMORANDUM OPINION as to MICHAEL JOSEPH FOY. Signed by Judge Tanya S. Chutkan on 07/02/2021.

[45](#)

07/02/2021

ORDER: Granting 22 Motion for Release from Custody as to MICHAEL JOSEPH FOY (1). Signed by Judge Tanya S. Chutkan on 07/02/2021.

[46](#)

07/02/2021

ORDER: Granting 43 Motion to Revoke as to MICHAEL JOSEPH FOY (1). Signed by Judge Tanya S. Chutkan on 07/02/2021.

[47](#)

07/02/2021

ORDER Setting Conditions of Release as to MICHAEL JOSEPH FOY (1) Release. Signed by Judge Tanya S. Chutkan on 07/02/2021.

07/13/2021

MINUTE ORDER: In view of the court's 46 Order granting Defendants 43 Motion to Revoke Order Staying Release Order, Defendants 40 Motion for Reconsideration of Governments Request for Stay of Release Order, is hereby DENIED as moot. SO ORDERED by Judge Tanya S. Chutkan on 07/12/2021. (Text entry; no document attached.)

[48](#)

07/30/2021

Joint MOTION to Continue STATUS HEARING by USA as to MICHAEL JOSEPH FOY.

[1 Attachment](#) ▼

07/30/2021

MINUTE ORDER: Upon consideration of the 48 Joint Motion to Continue the Status Hearing, it is hereby ORDERED that the Joint Motion to Continue the Status is GRANTED. It is FURTHER ORDERED that the parties shall submit to chambers three mutually agreeable dates and times for the rescheduled Status Hearing in approximately 60 days. These proposed dates are to be submitted no later than August 6, 2021. In consideration of the Parties joint motion and the record in this case, the court hereby finds that it is in the interests of justice that the Speedy Trial Clock, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, be tolled until the next hearing in this matter. SO ORDERED by Judge Tanya S. Chutkan on 07/30/2021. (Text entry; no document attached.)

08/04/2021

Set/Reset Deadlines as to MICHAEL JOSEPH FOY: Proposed dates due by 8/6/2021. (Text entry; no document attached.)

08/06/2021

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Status Conference set for 10/13/2021 at 01:00 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[49](#)

08/17/2021

TRANSCRIPT OF 6/2/21 STATUS HEARING in case as to MICHAEL JOSEPH FOY before Judge Tanya S. Chutkan held on June 2, 2021; Page Numbers: 1-46. Date of Issuance: 8/17/2021. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form at www.dcd.uscourts.gov. 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 9/7/2021. Redacted Transcript Deadline set for 9/17/2021. Release of Transcript Restriction set for 11/15/2021.

[50](#)

08/20/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

[51](#)

09/28/2021

NOTICE OF FILING DISCOVERY LETTER by USA as to MICHAEL JOSEPH FOY

[1 Attachment](#) ▼

[52](#)

10/06/2021

MOTION to Modify Conditions of Release by MICHAEL JOSEPH FOY.

1 Attachment ▼

53

10/10/2021

Memorandum in Opposition by USA as to MICHAEL JOSEPH FOY re 52 MOTION to Modify Conditions of Release

10/12/2021

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Status Conference reset for 10/22/2021 at 01:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (Text entry; no document attached.)

10/22/2021

Minute Entry for Status Conference as to MICHAEL JOSEPH FOY held on 10/22/2021 before Judge Tanya S. Chutkan. Speedy Trial Excludable (XT) started 10/22/2021 through 1/5/2022 in the interest of justice as to MICHAEL JOSEPH FOY. Court modifies defendant's conditions of release. Status Conference set for 1/5/2022 at 10:00 AM via video before Judge Tanya S. Chutkan. Bond Status of Defendant: Personal Recognizance; Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm & Elizabeth Mullin; US Attorney: Emory Cole; (zjch,) (Text entry; no document attached.)

10/22/2021

MINUTE ORDER: GRANTING 52 Motion to Modify Conditions of Release. Defendants Conditions of Release are altered from Home Incarceration to Home Detention. Defendant may leave the home only to attend (1) religious services from 10:30 AM to 1:00 PM Eastern Time on Sundays and (2) pre-scheduled job interviews, with appropriate notice to Pre-Trial Services. If Defendant obtains a job, the conditions of his release may be further altered upon his Motion and verification by Pre-Trial Services. Signed by Judge Tanya S. Chutkan on 10/22/2021. (zjch,) (Text entry; no document attached.)

55

11/10/2021

SUPERSEDING INDICTMENT as to MICHAEL JOSEPH FOY (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s. (zstd)

57

12/05/2021

SEALED PURSUANT TO ORAL MOTION GRANTED BY THE COURT ON 1/5/2022. MOTION to Modify Conditions of Release by MICHAEL JOSEPH FOY.

1 Attachment ▼

12/06/2021

MINUTE ORDER: Granting Defendants 57 Motion to Modify Conditions of Pre-Trial Release. Defendants home detention is modified to allow Mr. Foy to leave home detention solely for the purposes of travelling directly to and from his new job, as described in 4 of Defendants Motion. Any changes to Defendants work status, location, or hours must be promptly submitted for approval by this court. SO ORDERED by Judge Tanya S. Chutkan on 12/06/2021. (Text entry; no document attached.)

58

12/10/2021

ENTERED IN ERROR. MOTION to Modify Conditions of Release (REDACTED) by MICHAEL JOSEPH FOY.

1 Attachment ▼

01/05/2022

Minute Entry: Arraignment and Status Conference held on 1/5/2022 before Judge Tanya S. Chutkan: Plea of Not Guilty entered by MICHAEL JOSEPH FOY as to Counts: 1s,2s,3s,4s,5s,6s,7s,8s. The parties discussed discovery. Status Conference set for 2/7/2022 at 10:00 AM (EST) in Telephonic/VTC before Judge Tanya S. Chutkan. The Court finds in the interest of justice that the time between 1/5/2022 and 2/7/2022 shall be excluded from the speedy trial calculation. Oral Motion by Defendant to Seal his 57 Motion to Modify Conditions of Release was HEARD and GRANTED. The Clerk is directed to seal the 57 Motion. Defendant is directed to file a Redacted Version of the Motion on the Public Docket. Defendant remains on release. Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm; US Attorney: Emory Cole. (Text entry; no document attached.)

[61](#)

02/04/2022

NOTICE of Filing by MICHAEL JOSEPH FOY

02/07/2022

Minute Entry: Status Conference as to MICHAEL JOSEPH FOY held on 2/7/2022 before Judge Tanya S. Chutkan: Parties discussed discovery and posture of case. Government's response due by 2/14/2022. Status Conference set for 2/23/2022 at 02:00 PM in Telephonic/VTC before Judge Tanya S. Chutkan. Jury Trial set for 9/17/2022 at 09:30 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. Voir Dire set for 9/17/2022 at 09:30 AM in Ceremonial Courtroom before Judge Tanya S. Chutkan. The Court finds in the interest of justice (XT) that the time between 02/07/2022 and 02/23/2022 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm and Elizabeth Mullin; US Attorney: Emory Cole. (Text entry; no document attached.)

02/07/2022

Set/Reset Hearings as to MICHAEL JOSEPH FOY: (DATE CORRECTION) Jury Trial set for 9/19/2022 at 09:30 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. Voir Dire set for 9/19/2022 at 09:30 AM in Ceremonial Courtroom before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[62](#)

02/14/2022

Joint MOTION to Continue STATUS HEARING by USA as to MICHAEL JOSEPH FOY.

1 Attachment ▼

[63](#)

02/16/2022

NOTICE OF FILING by USA as to MICHAEL JOSEPH FOY

02/17/2022

MINUTE ORDER: The parties [62] Joint Motion to Continue the Status Hearing is GRANTED and the status conference set for 2/23 is hereby VACATED. The parties shall contact the courtroom deputy to schedule a time for a new status conference on or around 3/23. Unless either party moves to exclude the time between 2/23 and the date that the parties schedule the new conference for from the Speedy Trial clock, that time SHALL NOT be excluded. Additionally, counsel for the Government is directed to file the written responses to [61] Defense Counsels letter as contemplated by this courts February 7 minute entry on or before 2/18. SO ORDERED by Judge Tanya S. Chutkan on 02/16/2022. (Text entry; no document attached.)

[64](#)

02/19/2022

TRANSCRIPT OF 2/7/22 STATUS HEARING in case as to MICHAEL JOSEPH FOY, before Judge Tanya S. Chutkan, held on February 7, 2022. Page Numbers: 1-26. Date of Issuance: 2/19/2022. Court Reporter: Bryan A. Wayne (202) 354-3186. 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 3/12/2022. Redacted Transcript Deadline set for 3/22/2022. Release of Transcript Restriction set for 5/20/2022.

03/04/2022

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Status Conference set for 3/9/2022 at 01:00 PM before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[65](#)

03/04/2022

NOTICE OF FILING DISCOVERY LETTER by USA as to MICHAEL JOSEPH FOY

1 Attachment ▼

03/09/2022

Minute Entry: Status Conference as to MICHAEL JOSEPH FOY held on 3/9/2022 before Judge Tanya S. Chutkan: Parties discussed scheduling. Joint Proposed Pretrial Schedule due by 6/30/2022. Pretrial Conference set for 8/22/2022 at 10:00 AM in Telephonic/VTC before Judge Tanya S. Chutkan. The Court finds in the interest of justice (XT) that the time between 03/09/2022 and 09/19/2022 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Elizabeth Saint-Loth; Defense Attorney: Eugene Ohm and Elizabeth Mullin; US Attorney: Emory Cole. (Text entry; no document attached.)

[67](#)

06/17/2022

Unopposed MOTION to Continue by MICHAEL JOSEPH FOY.

1 Attachment ▼

07/25/2022

Minute Entry: Status Conference as to MICHAEL JOSEPH FOY held on 7/25/2022 before Judge Tanya S. Chutkan: Parties discussed posture of case. Oral motion by defendant to continue trial date; heard and GRANTED. The Court VACATES the currently scheduled pretrial conference and trial. Jury Trial reset for 1/30/2023 at 09:30 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. Pretrial Conference reset for 1/20/2023 at 12:30 PM in Courtroom 9- In Person before Judge Tanya S. Chutkan. Joint Proposed Pretrial Schedule due by 9/19/2022. The Court finds in the interest of justice (XT) that the time between 07/25/2022 and 01/20/2023 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm and Elizabeth Mullin; US Attorney: Emory Cole. (Text entry; no document attached.)

06/23/2022

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Status Conference reset for 7/25/2022 at 10:00 AM in Telephonic/VTC before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[68](#)

06/17/2022

MOTION to Schedule a Status Conference Hearing by MICHAEL JOSEPH FOY. (See Docket Entry [67] to View Document). (zhsj)

06/23/2022

MINUTE ORDER: Defendants [67], [68] Motion to Vacate Trial Date and a Hearing is PARTIALLY GRANTED AND PARTIALLY DENIED. A status conference is hereby set for July 25, 2022 at 10 AM, via Zoom. The court will consider the possibility of vacating the currently scheduled trial in this case after hearing the parties updates and representations regarding plea negotiations. SO ORDERED by Judge Tanya S. Chutkan on 06/23/2022. (Text entry; no document attached.)

06/23/2022

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Status Conference reset for 7/25/2022 at 10:00 AM in Telephonic/VTC before Judge Tanya S. Chutkan. (Text entry; no document attached.)

07/25/2022

Minute Entry: Status Conference as to MICHAEL JOSEPH FOY held on 7/25/2022 before Judge Tanya S. Chutkan: Parties discussed posture of case. Oral motion by defendant to continue trial date; heard and GRANTED. The Court VACATES the currently scheduled pretrial conference and trial. Jury Trial reset for 1/30/2023 at 09:30 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. Pretrial Conference reset for 1/20/2023 at 12:30 PM in Courtroom 9- In Person before Judge Tanya S. Chutkan. Joint Proposed Pretrial Schedule due by 9/19/2022. The Court finds in the interest of justice (XT) that the time between 07/25/2022 and 01/20/2023 shall be excluded from the speedy trial calculation. Defendant remains on release. Court Reporter: Bryan Wayne; Defense Attorney: Eugene Ohm and Elizabeth Mullin; US Attorney: Emory Cole. (Text entry; no document attached.)

[70](#)

09/20/2022

Joint STATUS REPORT by MICHAEL JOSEPH FOY

09/23/2022

MINUTE ORDER: Upon consideration of the parties 70 Joint Status Report, the court hereby STAYS its order requiring that a Joint Proposed Pretrial Schedule be filed by 9/19/2022. The parties are ORDERED to file a status report advising the court whether they have reached a plea agreement by September 30, 2022. SO ORDERED by Judge Tanya S. Chutkan on 09/21/2022. (Text entry; no document attached.)

[71](#)

09/28/2022

MOTION to Dismiss Count Two by MICHAEL JOSEPH FOY.

09/29/2022

Set/Reset Deadlines as to MICHAEL JOSEPH FOY: Joint Status Report due by 9/30/2022. (Text entry; no document attached.)

[72](#)

09/30/2022

Joint STATUS REPORT by MICHAEL JOSEPH FOY

09/30/2022

MINUTE ORDER: Pursuant to the Parties' [72] Joint Status Report, the court hereby VACATES the currently scheduled pretrial conference and trial. The court shall hold a hearing on Defendant's [71] Motion to Dismiss Count Two on January 20, 2023 at 12:30 PM via video teleconference. SO ORDERED by Judge Tanya S. Chutkan on 09/30/2022. (Text entry; no document attached.)

10/07/2022

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Motion Hearing set for 1/20/2023 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[73](#)

10/07/2022

Memorandum in Opposition by USA as to MICHAEL JOSEPH FOY re 71 Motion to dismiss count(s)

10/07/2022

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Motion Hearing set for 1/20/2023 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (Text entry; no document attached.)

[74](#)

01/10/2023

MOTION to Modify Conditions of Release by MICHAEL JOSEPH FOY.

1 Attachment ▼

01/17/2023

MINUTE ORDER as to MICHAEL JOSEPH FOY (1): Defendant's [74] Motion to Modify Conditions is hereby GRANTED. Mr. Foy is permitted daily visits to his local Planet Fitness from 4:30 AM to 6:00 AM. SO ORDERED by Judge Tanya S. Chutkan on 01/17/23. (Text entry; no document attached.)

01/20/2023

Minute Entry for Video Motion Hearing held on 1/20/2023 before Judge Tanya S. Chutkan as to MICHAEL JOSEPH FOY: For reasons stated on the record, Defendant's [71] Motion to Dismiss Count Two is DENIED. Stipulated Bench Trial set for 3/24/2023 at 2:00 PM in Courtroom 9 (In Person) before Judge Tanya S. Chutkan. Speedy Trial Excludable (XT) started 1/20/2023 until 3/24/2023, in the Interest of Justice. Bond Status of Defendant: Continued on Personal Recognizance Bond/Appeared by Video. US Attorney: Emery Cole. Defense Attorneys: Elizabeth Mullin and Eugene Ohm. Court Reporter: Lorraine Herman. (Text entry; no document attached.)

03/14/2023

MINUTE ORDER as to MICHAEL JOSEPH FOY. By March 21, 2023, the parties shall submit: (1) the parties' Joint Proposed Procedures for Stipulated Trial, to include, inter alia, a written statement setting forth the terms, with potential penalties, of any plea offer made to defendant, pursuant to Federal Rule of Criminal Procedure 11, and the date such offer was made and lapsed, see Missouri v. Frye, 566 U.S. 134, 145 (2012) ("[D]efense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused."); (2) the government's proposed Statement of Facts for Stipulated Trial, to which defendant will have agreed, as well as the government's exhibit list with corresponding descriptions and purposes of any video evidence, the length of each video, and a timestamp of when defendant is seen in the video; and (3) defendant's Agreement and Waiver of Jury Rights. Signed by Judge Tanya S. Chutkan on 3/14/2023. (Text entry; no document attached.)

01/20/2023

Minute Entry for Video Motion Hearing held on 1/20/2023 before Judge Tanya S. Chutkan as to MICHAEL JOSEPH FOY: For reasons stated on the record, Defendant's 71 Motion to Dismiss Count Two is DENIED. Stipulated Bench Trial set for 3/24/2023 at 2:00 PM in Courtroom 9 (In Person) before Judge Tanya S. Chutkan. Speedy Trial Excludable (XT) started 1/20/2023 until 3/24/2023, in the Interest of Justice. Bond Status of Defendant: Continued on Personal Recognizance Bond/Appeared by Video. US Attorney: Emery Cole. Defense Attorneys: Elizabeth Mullin and Eugene Ohm. Court Reporter: Lorraine Herman. (Text entry; no document attached.)

[76](#)

03/18/2023

Joint MOTION to Continue STIPULATED TRIAL by USA as to MICHAEL JOSEPH FOY.

1 Attachment ▼

03/21/2023

MINUTE ORDER: The parties' [76] Joint Motion to Continue the Stipulated Trial Hearing is hereby GRANTED. The parties shall coordinate with the Courtroom Deputy to reschedule the Stipulated Trial in approximately 30 days. No later than seven days before the rescheduled Stipulated Trial, the parties shall submit the materials required by the court's 03/14/2023 Minute Order. Furthermore, upon consideration of the parties' joint request, the court finds in the interest of justice that the time between 03/24/2023 and the rescheduled Stipulated Trial shall be excluded from the speedy trial calculation. SO ORDERED by Judge Tanya S. Chutkan on 03/20/23. (Text entry; no document attached.)

04/04/2023

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Stipulated Trial set for 5/22/2023 at 11:00 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. (Text entry; no document attached.)

03/21/2023

MINUTE ORDER: The parties' 76 Joint Motion to Continue the Stipulated Trial Hearing is hereby GRANTED. The parties shall coordinate with the Courtroom Deputy to reschedule the Stipulated Trial in approximately 30 days. No later than seven days before the rescheduled Stipulated Trial, the parties shall submit the materials required by the court's 03/14/2023 Minute Order. Furthermore, upon consideration of the parties' joint request, the court finds in the interest of justice that the time between 03/24/2023 and the rescheduled Stipulated Trial shall be excluded from the speedy trial calculation. SO ORDERED by Judge Tanya S. Chutkan on 03/20/23. (Text entry; no document attached.)

[77](#)

05/05/2023

Consent MOTION to Modify Conditions of Release by MICHAEL JOSEPH FOY.

[78](#)

05/07/2023

Unopposed MOTION to Continue STIPULATED TRIAL HEARING by USA as to MICHAEL JOSEPH FOY.

[1 Attachment](#) ▼

05/11/2023

MINUTE ORDER as to MICHAEL JOSEPH FOY (1): Defendant's [77] Consent Motion to Modify Conditions of Release is hereby GRANTED. It is hereby ORDERED in that Mr. Foy's conditions of release are modified to no longer include home detention, but Mr. Foy shall continue on electronic monitoring and abide by a curfew set by his Probation Officer. SO ORDERED by Judge Tanya S. Chutkan on 05/08/23. (Text entry; no document attached.)

05/11/2023

MINUTE ORDER as to MICHAEL JOSEPH FOY (1): The government's [78] Unopposed Motion to Continue is hereby GRANTED. The Stipulated Trial Hearing in this matter is hereby continued to June 22, 2023 at 10:00 A.M. in Courtroom 9. It is FURTHER ORDERED that in the interest of justice and at the parties' request under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from May 22, 2023, until June 22, 2023 shall be tolled. Given the age of this case, the court will view further requests for continuances with disfavor. SO ORDERED by Judge Tanya S. Chutkan on 05/08/23. (Text entry; no document attached.)

05/11/2023

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Stipulated Trial reset for 6/22/2023 at 10:00 AM in Courtroom 9- In Person before Judge Tanya S. Chutkan. (Text entry; no document attached.)

05/11/2023

MINUTE ORDER as to MICHAEL JOSEPH FOY (1): Defendant's 77 Consent Motion to Modify Conditions of Release is hereby GRANTED. It is hereby ORDERED in that Mr. Foy's conditions of release are modified to no longer include

home detention, but Mr. Foy shall continue on electronic monitoring and abide by a curfew set by his Probation Officer. SO ORDERED by Judge Tanya S. Chutkan on 05/08/23. (Text entry; no document attached.)

05/11/2023

MINUTE ORDER as to MICHAEL JOSEPH FOY (1): The government's 78 Unopposed Motion to Continue is hereby GRANTED. The Stipulated Trial Hearing in this matter is hereby continued to June 22, 2023 at 10:00 A.M. in Courtroom 9. It is FURTHER ORDERED that in the interest of justice and at the parties' request under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from May 22, 2023, until June 22, 2023 shall be tolled. Given the age of this case, the court will view further requests for continuances with disfavor. SO ORDERED by Judge Tanya S. Chutkan on 05/08/23. (Text entry; no document attached.)

05/11/2023

Set/Reset Hearings as to MICHAEL JOSEPH FOY: Stipulated Trial reset for 6/22/2023 at 10:00 AM in Courtroom 9-In Person before Judge Tanya S. Chutkan. (Text entry; no document attached.)