

| | # |
|---|----------------|
| Date↓↑ | |
| Description | |
| 01/19/2021 | <u>1</u> |
| COMPLAINT as to NICHOLAS DECARLO (1). [1:21-mj-00120-ZMF] | |
| | 1 Attachment ▼ |
| 01/07/2021 | <u>3</u> |
| MOTION to Seal Case by USA as to NICHOLAS R. OCHS. [1:21-mj-00015-GMH] | |
| | 1 Attachment ▼ |
| 01/07/2021 | <u>4</u> |
| ORDER granting 3 Motion to Seal Case as to NICHOLAS R. OCHS (1). Signed by Magistrate Judge G. Michael Harvey on 1/7/2021. (zltp) [1:21-mj-00015-GMH] | |
| 01/07/2021 | |
| Arrest of NICHOLAS R. OCHS in District of Hawaii. (zpt) [1:21-mj-00015-GMH] (Text entry; no document attached.) | |
| 01/08/2021 | <u>5</u> |
| MOTION to Unseal Case by USA as to NICHOLAS R. OCHS. [1:21-mj-00015-GMH] | |
| | 1 Attachment ▼ |
| 01/08/2021 | <u>6</u> |
| ORDER granting 5 Motion to Unseal Case as to NICHOLAS R. OCHS (1). Signed by Magistrate Judge G. Michael Harvey on 1/8/2021. (zltp) [1:21-mj-00015-GMH] | |
| 01/08/2021 | <u>7</u> |
| MOTION for Hearing (Initial Appearance) by USA as to NICHOLAS R. OCHS. [1:21-mj-00015-GMH] | |
| | 1 Attachment ▼ |
| 01/09/2021 | <u>8</u> |
| ERRATA by USA as to NICHOLAS R. OCHS re 3 MOTION to Seal Case filed by USA [1:21-mj-00015-GMH] | |
| | 1 Attachment ▼ |
| 01/11/2021 | <u>9</u> |

ORDER Granting 7 Motion for Hearing (Initial Appearance) by USA as to NICHOLAS R. OCHS (1). Initial Appearance set for 1/27/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge G. Michael Harvey on 1/11/2021. (zpt) [1:21-mj-00015-GMH]

[11](#)

01/15/2021

MOTION for Protective Order by USA as to NICHOLAS R. OCHS. [1:21-mj-00015-GMH]

[1 Attachment ▼](#)

[12](#)

01/16/2021

PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to NICHOLAS R. OCHS. Signed by Magistrate Judge G. Michael Harvey on 1/16/2021. (zpt) [1:21-mj-00015-GMH]

[13](#)

01/26/2021

NOTICE OF ATTORNEY APPEARANCE: Edward B. MacMahon, Jr appearing for NICHOLAS R. OCHS [1:21-mj-00015-GMH]

01/26/2021

Terminate Deadlines and Hearings as to NICHOLAS R. OCHS: Initial Appearance scheduled for 1/27/2021 was entered in error and is now vacated. (zpt) [1:21-mj-00015-GMH] (Text entry; no document attached.)

01/26/2021

Arrest of Defendant NICHOLAS DECARLO (1) in the Northern District of Texas. (ztg) Modified on 3/17/2021 (Text entry; no document attached.)

[14](#)

01/15/2021

Arrest Warrant, dated 1/7/2021, Returned Executed in the U.S. District Court for the District of Columbia on 1/15/2021 as to Defendant NICHOLAS R. OCHS. (zpt) [1:21-mj-00015-GMH]

01/15/2021

Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing as to NICHOLAS R. OCHS (1) held on 1/15/2021. Government does not seek the Defendant's pretrial detention. Status Hearing for Ascertainment of Counsel set for 1/29/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Preliminary Hearing set for 2/5/2021 at 03:30 PM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Placed on Personal Recognizance; Court Reporter: Lorraine Herman; Defense Attorney: Shelli Peterson; US Attorney: Kathryn Rakoczy; Pretrial Officer: Christine Schuck; (zpt) [1:21-mj-00015-GMH] (Text entry; no document attached.)

01/15/2021

MINUTE ORDER as to NICHOLAS R. OCHS (1). As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge G. Michael Harvey on 1/15/2021. (zpt) [1:21-mj-00015-GMH] (Text entry; no document attached.)

[15](#)

01/28/2021

MOTION to Vacate Hearing for Ascertainment of Counsel by NICHOLAS R. OCHS. [1:21-mj-00015-GMH]

1 Attachment ▼

16

01/28/2021

ORDER Granting 15 MOTION to Vacate Hearing for Ascertainment of Counsel by NICHOLAS R. OCHS (1). Signed by Magistrate Judge G. Michael Harvey on 1/28/2021. (zpt) [1:21-mj-00015-GMH]

17

02/04/2021

INDICTMENT as to NICHOLAS DECARLO (1) count(s) 1, 2, 3, 4, 5, 6, 7, NICHOLAS R. OCHS (2) count(s) 1, 2, 3, 4, 5, 6, 7. (zltp)

02/04/2021

NOTICE OF HEARING as to NICHOLAS DECARLO and NICHOLAS R. OCHS. The parties shall take notice that an Arraignment Hearing is scheduled for 2/12/2021, at 10:45 AM before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

19

02/04/2021

STANDING ORDER as to NICHOLAS DECARLO. Signed by Chief Judge Beryl A. Howell on February 4, 2021. (lcbah4) Modified date on 2/4/2021

20

02/04/2021

STANDING ORDER as to NICHOLAS R. OCHS. Signed by Chief Judge Beryl A. Howell on February 4, 2021. (lcbah4)

02/04/2021

MINUTE ORDER: In light of the fact that Magistrate Case for defendant NICHOLAS R. OCHS has closed and merged into Criminal Number 21-73, and an indictment has been filed, the preliminary hearing previously scheduled for February 5, 2021 before Judge Meriweather is VACATED. The parties are respectfully directed to address any scheduling requests to the presiding district judge, Chief Judge Beryl A. Howell. Signed by Magistrate Judge Robin M. Meriweather on 2/4/2021. (Text entry; no document attached.)

21

01/15/2021

ORDER Setting Conditions of Release as to NICHOLAS R. OCHS (2) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 1/15/2021.

1 Attachment ▼

22

02/09/2021

NOTICE OF ATTORNEY APPEARANCE: Edward B. MacMahon, Jr appearing for NICHOLAS R. OCHS

27

02/15/2021

ORDER Setting Conditions of Release as to NICHOLAS DECARLO (1) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 2/10/2021. (ztl) (Additional attachment(s) added on 4/22/2021: # 1 Appearance Bond)

[28](#)

03/03/2021

NOTICE OF ATTORNEY APPEARANCE: Robert A. Feitel appearing for NICHOLAS DECARLO

[29](#)

03/12/2021

Unopposed MOTION to Modify Conditions of Release by NICHOLAS DECARLO.

[2 Attachments](#) ▼

[30](#)

03/12/2021

ORDER granting 29 Defendant's Unopposed Motion to Modify Conditions of Release as to NICHOLAS DECARLO (1). Signed by Chief Judge Beryl A. Howell on 3/12/2021.

[31](#)

04/14/2021

Unopposed MOTION for Protective Order of Discovery Materials by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS.

[1 Attachment](#) ▼

04/14/2021

MINUTE ORDER granting 31 Motion for Protective Order as to NICHOLAS DECARLO (1) and NICHOLAS R. OCHS (2). Signed by Chief Judge Beryl A. Howell on 4/14/2021. (Text entry; no document attached.)

[32](#)

04/14/2021

SUPERSEDING PROTECTIVE ORDER as to NICHOLAS DECARLO and NICHOLAS R. OCHS. Signed by Chief Judge Beryl A. Howell on April 14, 2021. (lcbah4)

[33](#)

04/14/2021

Second MOTION to Modify Conditions of Release by NICHOLAS DECARLO.

[1 Attachment](#) ▼

04/15/2021

MINUTE ORDER as to NICHOLAS DECARLO re 33 Second MOTION to Modify Conditions of Release filed by NICHOLAS DECARLO. DIRECTING the government to submit the reasons for its opposition by 2 PM today, April 15, 2021. Signed by Chief Judge Beryl A. Howell on 4/15/2021. (Text entry; no document attached.)

[35](#)

04/15/2021

Unopposed MOTION to Continue Status Hearing, Unopposed MOTION to Exclude Time Under the Speedy Trial Act by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS.

1 Attachment ▼

36

04/15/2021

ORDER, as to NICHOLAS DECARLO and NICHOLAS R. OCHS, GRANTING the government's 35 Unopposed Motion to Continue Status Hearing and to Exclude Time under the Speedy Trial Act, CONTINUING the status hearing scheduled for April 16, 2021, to June 21, 2021, at 11:30 AM, and EXCLUDING time under the Speedy Trial Act through June 21, 2021. Signed by Chief Judge Beryl A. Howell on April 15, 2021. (lcbah4)

37

04/15/2021

Memorandum in Opposition by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS re 33 Second MOTION to Modify Conditions of Release

04/15/2021

Set/Reset Hearings as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Status Conference RESCHEDULED for 6/21/2021, at 11:30 AM before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

04/16/2021

MINUTE ORDER (paperless), as to NICHOLAS DECARLO, GRANTING defendant's 33 Second Motion to Modify Conditions of Release ("Def.'s Mot."). Defendant argues that he does not pose either a danger to the safety of the community or a flight risk and that neither GPS location monitoring nor a curfew is necessary to ensure that he complies with his release conditions. Def.'s Mot. at 1. As defendant notes, he has complied with his release conditions for the past three months, and his co-defendant, who is charged with the same offenses, was released on personal recognizance without GPS monitoring or a curfew. Id. at 3. The government opposes defendant's motion by highlighting his offense conduct and stating without much elaboration that "GPS monitoring and a curfew are eminently reasonable conditions of release given the defendant's actions during the crime, his actions after the crime, and the statements he has made since his awareness of the case against him." Gov't's Opp'n at 4-5, ECF No. 37. The government does not explain, however, how defendant poses a risk of flight or danger to the community absent GPS monitoring and a curfew. Most importantly, the government does not explain why defendant DeCarlo requires more strict conditions of release than his co-defendant. Accordingly, defendant's motion is GRANTED, and defendant's conditions of pretrial release are modified as follows: the defendant is no longer subject to location monitoring and is no longer under a curfew. All other prior conditions of release shall remain in effect. Signed by Chief Judge Beryl A. Howell on April 16, 2021. (lcbah4) (Text entry; no document attached.)

06/21/2021

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference as to NICHOLAS DECARLO (1), NICHOLAS R. OCHS (2) held via videoconference on 6/21/2021. The defendants agreed to participate via videoconference. A further Status Conference is set for 9/10/2021, at 9:15 AM before Chief Judge Beryl A. Howell. The Court found that time shall be excluded under the Speedy Trial Act from 6/21/2021 through 9/10/2021, in the best interest of justice and those interests outweigh the interests of the public and the defendants in a speedy trial. Bond Status of Defendants: Personal Recognizance. Defense Attorneys: #1 Robert A. Feitel and #2 Edward B. MacMahon Jr.; US Attorney: Christopher Berridge; Pretrial Officer: Andre Sidbury; Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

09/10/2021

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Hearing as to Defendant #1 NICHOLAS DECARLO, #2 NICHOLAS R. OCHS held on 9/10/2021; the Defendants agreed to participate via videoconference after consultation with counsel. A further Status Hearing is scheduled for 11/12/2021, at 9:40 AM before Chief Judge Beryl A. Howell. Time excluded under the Speedy Trial Act from 9/10/2021 through 11/12/2021, in the best interests of justice and those interests outweigh the interests of the public and the defendant in a speedy

trial. Bond Status of Defendants: Personal Recognizance. Present via videoconference: Defense Attorneys: #1 Robert Feitel, #2 Edward B. Macmahon Jr; US Attorney: Christopher Berridge; Pretrial Officer: Andre Sidbury. Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

[38](#)

02/10/2021

Arrest Warrant, dated 1/19/2021, returned executed in the U.S. District Court for the District of Columbia on 2/10/2021 as to Defendant NICHOLAS DECARLO (1). (kk)

02/10/2021

ORAL MOTION by Defendant NICHOLAS DECARLO (1) to Appoint Counsel. (Text entry; no document attached.)

02/10/2021

ORAL MOTION by USA to Exclude Speedy Trial Time from 2/10/2021 until 2/12/2021 as to Defendant NICHOLAS DECARLO (1). (Text entry; no document attached.)

02/10/2021

Minute Entry for Initial Appearance as to NICHOLAS DECARLO (1) held by video before Magistrate Judge Robin M. Meriweather on 2/10/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agreed to appear by video. Oral Motion by Defendant to Appoint Counsel, heard and granted. The Court finds that the defendant is eligible for court appointed counsel and will authorize the appointment of an attorney from the Criminal Justice Act Panel. Arraignment scheduled before Chief Judge Beryl A. Howell on 2/12/2021 at 10:45 AM. Oral Motion by USA to Exclude Speedy Trial Time from 2/10/2021 until 2/12/2021. The defense does not join in the Government's motion. Government's motion granted by the Court; time between 2/10/2021 and 2/12/2021 excluded pursuant to the Speedy Trial Act in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond with GPS Monitoring. Court Reporter: FTR Gold - Ctrm. 11; FTR Time Frames: 1:42:30 - 1:53:11 and 2:41:48 - 3:01:02. Defense Attorney: Michelle Peterson, standing in only; U.S. Attorney: Kelly Smith for Christopher Berridge; Pretrial Officer: Shay Holman. (Text entry; no document attached.)

02/12/2021

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Arraignment held via videoconference on 2/12/2021 as to Defendant #1 NICHOLAS DECARLO and #2 NICHOLAS R. OCHS. The defendants agreed to participate via videoconference after consultation with counsel. Plea of not guilty entered by Defendant NICHOLAS DECARLO and Defendant NICHOLAS R. OCHS to Counts 1, 2, 3, 4, 5, 6, and 7 of the Indictment filed on 2/4/2021. A Status Hearing is scheduled for 4/16/2021, at 11:30 AM before Chief Judge Beryl A. Howell. The defendants agreed to exclude time under the Speedy Trial Act from today until the status hearing of 4/16/2021. The Court found that time shall be excluded under the Speedy Trial Act from 2/12/2021 through 4/16/2021, in the best interest of justice and those interests outweigh the interests of the public and the defendant in a speedy trial in order to give the government time to complete discovery and for defense counsel to review and discuss the discovery with the client. Bond Status of Defendants: Personal Recognizance. Present via videoconference: Defense Attorney: #1 Michelle Peterson and #2 Edward B. MacMahon Jr.; US Attorney: Christopher Berridge; Pretrial Officer: Andre Sidbury (telephonically). Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

[43](#)

09/16/2021

NOTICE of Status of Discovery as of 8.23.21 by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

[44](#)

09/16/2021

NOTICE of Status of Discovery as of 9.14.21 by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

[45](#)

09/28/2021

NOTICE of Filing by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

1 Attachment ▼

[49](#)

10/15/2021

Unopposed MOTION for Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS.

1 Attachment ▼

10/15/2021

MINUTE ORDER (paperless), as to NICHOLAS DECARLO and NICHOLAS R. OCHS, GRANTING the government's 49 Unopposed Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials and AUTHORIZING the government, pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) and the previously entered protective order governing discovery in this case, to provide to defendants, and any co-defendants who may later be joined, materials protected by Federal Rule of Criminal Procedure 6(e), insofar as such disclosure is necessary for the government to comply with its discovery and disclosure obligations. Signed by Chief Judge Beryl A. Howell on October 15, 2021. (lcbah4) (Text entry; no document attached.)

[50](#)

10/18/2021

NOTICE OF ATTORNEY APPEARANCE Alexis Jane Loeb appearing for USA.

[51](#)

10/22/2021

NOTICE OF WITHDRAWAL OF APPEARANCE by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

[52](#)

10/22/2021

NOTICE of Status of Discovery as October 21, 2021 by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

[53](#)

11/02/2021

Unopposed MOTION to Continue Status Hearing by NICHOLAS DECARLO as to NICHOLAS DECARLO, NICHOLAS R. OCHS.

1 Attachment ▼

11/02/2021

MINUTE ORDER granting 53 Defendant's Unopposed Motion to Continue Status Hearing as to NICHOLAS DECARLO (1), NICHOLAS R. OCHS (2). Upon consideration of the unopposed motion, it is hereby ORDERED that the Status Hearing currently scheduled for November 12, 2021, shall be CONTINUED to January 14, 2022, at 12:00 PM, Eastern Time, before Chief Judge Beryl A. Howell; it is FURTHER ORDERED that for the reasons outlined in the motion, time under the Speedy Trial Act shall be excluded for each defendant from November 12, 2021 through January 14, 2022, in the interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial. SO ORDERED. Signed by Chief Judge Beryl A. Howell on 11/2/2021. (Text entry; no document attached.)

[54](#)

11/05/2021

STATUS REPORT Status of Discovery as of November 5, 2021 by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

[55](#)

12/10/2021

MOTION to Dismiss Count One and Count Two by NICHOLAS DECARLO.

1 Attachment ▼

[56](#)

12/14/2021

NOTICE of Adoption of Motion by NICHOLAS R. OCHS

[57](#)

12/20/2021

Rule 5(c)(3) Documents Received as to NICHOLAS DECARLO from US District Court for the Northern District of Texas Case Number 4:21-mj-55

[58](#)

12/23/2021

Memorandum in Opposition by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS re 55 MOTION to Dismiss Count One and Count Two

[59](#)

01/03/2022

NOTICE of Recent Authority by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS re 58 Memorandum in Opposition, 55 MOTION to Dismiss Count One and Count Two, 56 Notice (Other)

2 Attachments ▼

[60](#)

01/06/2022

Unopposed MOTION for Additional Time to File Reply Memorandum Filing Deadline by NICHOLAS DECARLO.

1 Attachment ▼

01/06/2022

MINUTE ORDER as to NICHOLAS DECARLO, granting 60 Defendant's Unopposed Motion for Additional Time to File Reply Memorandum. Upon consideration of the unopposed motion, it is hereby ORDERED that the Defendant's deadline to file his reply memorandum in support of his Motion to Dismiss Counts One and Two, ECF 55, is EXTENDED until January 10, 2022. Signed by Chief Judge Beryl A. Howell on 1/6/2022. (Text entry; no document attached.)

[61](#)

01/10/2022

REPLY in Support by NICHOLAS DECARLO re 55 MOTION to Dismiss Count One and Count Two

[62](#)

01/10/2022

MOTION to Continue Status Conference by NICHOLAS R. OCHS.

1 Attachment ▼

01/11/2022

MINUTE ORDER granting 62 Consent Motion for Continuance of Status Conference filed by NICHOLAS R. OCHS. Upon consideration of the consent motion, it is hereby ORDERED that the Status/Motion Hearing as to NICHOLAS DECARLO and NICHOLAS R. OCHS currently scheduled for January 14, 2022, is CONTINUED to January 21, 2022, at 1:00 PM via videoconference before Chief Judge Beryl A. Howell. Signed by Chief Judge Beryl A. Howell on 1/11/2022. (Text entry; no document attached.)

[63](#)

01/18/2022

NOTICE OF ATTORNEY APPEARANCE James Pearce appearing for USA.

01/21/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion/Status Hearing as to NICHOLAS DECARLO and NICHOLAS R. OCHS held via videoconference on 1/21/2022; the defendants agreed to participate via videoconference after consultation with counsel. Defendants' 55 MOTION to Dismiss Count One and Count Two filed by NICHOLAS DECARLO, DENIED for the reasons stated on the record. A Status Conference is scheduled for 2/25/2022, at 11:00 AM via videoconference before Chief Judge Beryl A. Howell. Parties DIRECTED to submit on or before 2/22/2022, a Joint Status Report regarding disposition of the case short of trial or setting of a trial date for which the parties must provide three possible trial dates and a proposed schedule for pretrial motions. Time excluded under the Speedy Trial Act from 1/21/2022 through 2/25/2022, in the interests of justice and those interests outweigh the interests of the public and the defendant in a speedy trial in order to give the parties time to confer and decide on a disposition of the case or trial dates. Bond Status of Defendants: Personal Recognizance. Present via videoconference: Defense Attorney: #1 Robert Feitel, #2 Edward B. Macmahon Jr; US Attorney: Alexis J. Loeb and James Pearce; Pretrial Officers: Christine Schuck (telephonically) and Shay Holman. Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

[66](#)

01/27/2022

TRANSCRIPT OF PROCEEDINGS, in case as to NICHOLAS DECARLO, NICHOLAS R. OCHS, before Chief Judge Beryl A. Howell, held on 1-21-2002. Page Numbers: 1 - 56. Date of Issuance: 1-27-2022. Court Reporter: Elizabeth SaintLoth, Telephone number: 202-354-3242. 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 2/17/2022. Redacted Transcript Deadline set for 2/27/2022. Release of Transcript Restriction set for 4/27/2022.

[67](#)

02/11/2022

STATUS REPORT Regarding Status of Discovery As Of February 9, 2022 by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

[68](#)

02/18/2022

SUPERSEDING INDICTMENT as to NICHOLAS DECARLO (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, NICHOLAS R. OCHS (2) count(s) 1s, 2s, 3s, 4s, 5s, 6s. (zhsj)

[70](#)

02/22/2022

Joint STATUS REPORT Regarding Proposed Trial Dates and Motions Schedule by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS

02/25/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Arraignment as to NICHOLAS DECARLO (1) and NICHOLAS R. OCHS (2) held via videoconference on 2/25/2022; the defendants agreed to participate via videoconference after consultation with counsel. Reading of the Superseding Indictment waived by both defendants; plea of not guilty to Counts 1s, 2s, 3s, 4s, 5s, and 6s of the Superseding Indictment filed on 2/18/2022, entered by Defendant NICHOLAS DECARLO; plea of not guilty to Counts 1s, 2s, 3s, 4s, 5s, and 6s of the Superseding Indictment filed on 2/18/2022, entered by Defendant NICHOLAS R. OCHS. Bond Status of Defendants: Personal Recognizance. Present: Defense Attorneys: #1 Robert Feitel, #2 Edward B. Macmahon Jr; US Attorney: Alexis J. Loeb; Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

02/23/2022

Set/Reset Deadlines/Hearings as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Pretrial motions due by 9/15/2022; oppositions due by 10/6/2022; replies due by 10/20/2022; Joint Pretrial Statement due by 10/20/2022; pretrial conference set for 11/4/2022, at 10:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell; jury selection/jury trial set for 11/14/2022, at 9:00 AM before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

02/23/2022

MINUTE ORDER (paperless), as to NICHOLAS DECARLO, NICHOLAS OCHS, ISSUING, upon consideration of the parties' [70] Joint Status Report ("JSR") requesting, inter alia, a start date for a two-week trial on Tuesday, November 15, 2022, which trial period would be interrupted by the Thanksgiving holidays, the following SCHEDULING ORDER: (1) by September 15, 2022, the parties shall file any pretrial motions, including motions in limine, with any opposition due by October 6, 2022, and replies due by October 20, 2022, in accord with the parties' proposed schedule; (2) by October 20, 2022, the parties shall file their Joint Pretrial Statement, see [19] Standing Order para. 9; [20] Standing Order para. 9; (3) on November 4, 2022, at 10 AM, the parties are DIRECTED to appear in Courtroom 22A for a pretrial conference; and (4) on November 14, 2022, at 9 AM, the parties are DIRECTED to appear in Courtroom 22A or another courtroom, as directed, for jury selection; and it is FURTHER ORDERED that time under the Speedy Trial Act shall be excluded from February 23, 2022 through November 14, 2022, in the interests of justice, which interests outweigh the interests of the public and the defendants in a speedier trial for the reasons set out in the JSR, including the voluminous discovery, the need for defendants and their counsel to have sufficient time to review discovery to prepare effectively for trial, and the availability of defense counsel due to other matters set for trial in the coming months. Signed by Chief Judge Beryl A. Howell on February 23, 2022. (lcbah4) (Text entry; no document attached.)

02/23/2022

Set/Reset Deadlines/Hearings as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Pretrial motions due by 9/15/2022; oppositions due by 10/6/2022; replies due by 10/20/2022; Joint Pretrial Statement due by 10/20/2022; pretrial conference set for 11/4/2022, at 10:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell; jury selection/jury trial set for 11/14/2022, at 9:00 AM before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

02/25/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Arraignment as to NICHOLAS DECARLO (1) and NICHOLAS R. OCHS (2) held via videoconference on 2/25/2022; the defendants agreed to participate via videoconference after consultation with counsel. Reading of the Superseding Indictment waived by both defendants; plea of not guilty to Counts 1s, 2s, 3s, 4s, 5s, and 6s of the Superseding Indictment filed on 2/18/2022, entered by

Defendant NICHOLAS DECARLO; plea of not guilty to Counts 1s, 2s, 3s, 4s, 5s, and 6s of the Superseding Indictment filed on 2/18/2022, entered by Defendant NICHOLAS R. OCHS. Bond Status of Defendants: Personal Recognizance. Present: Defense Attorneys: #1 Robert Feitel, #2 Edward B. Macmahon Jr; US Attorney: Alexis J. Loeb; Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

[72](#)

06/01/2022

Unopposed MOTION to Modify Conditions of Release To Permit Defendant To Relocate To A Different Judicial District by NICHOLAS DECARLO.

1 Attachment ▼

08/12/2022

NOTICE OF HEARING as to NICHOLAS DECARLO and NICHOLAS R. OCHS. The parties shall take notice that a Plea Agreement Hearing is scheduled for 9/9/2022, at 9:00 AM via videoconference before Chief Judge Beryl A. Howell. A videoconference link will be provided by the deputy clerk nearest the hearing date. (Text entry; no document attached.)

08/29/2022

MINUTE ORDER (paperless), as to NICHOLAS DECARLO & NICHOLAS R. OCHS, DIRECTING the government (1) by 2 PM on Friday, September 2, to submit to the Court a report on the length and source(s) of the video evidence described in the Statement of Offense ("SOF"), which SOF provides the factual basis for the plea and was submitted by the government to the Court via email; (2) make such video evidence available for the Court's review by 2 PM on September 2; and FURTHER DIRECTING the parties to provide their positions, by 2 PM on the same date, whether this video evidence may be made publicly available without restriction. Signed by Chief Judge Beryl A. Howell on August 29, 2022. (lcbah4) (Text entry; no document attached.)

08/29/2022

Set/Reset Deadlines as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Responses to Order of the Court due by 2:00 PM on 9/2/2022. (Text entry; no document attached.)

08/29/2022

MINUTE ORDER (paperless), as to NICHOLAS DECARLO & NICHOLAS R. OCHS, DIRECTING the government (1) by 2 PM on Friday, September 2, to submit to the Court a report on the length and source(s) of the video evidence described in the Statement of Offense ("SOF"), which SOF provides the factual basis for the plea and was submitted by the government to the Court via email; (2) make such video evidence available for the Court's review by 2 PM on September 2; and FURTHER DIRECTING the parties to provide their positions, by 2 PM on the same date, whether this video evidence may be made publicly available without restriction. Signed by Chief Judge Beryl A. Howell on August 29, 2022. (lcbah4) (Text entry; no document attached.)

08/29/2022

Set/Reset Deadlines as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Responses to Order of the Court due by 2:00 PM on 9/2/2022. (Text entry; no document attached.)

08/29/2022

MINUTE ORDER (paperless), as to NICHOLAS DECARLO & NICHOLAS R. OCHS, DIRECTING the government (1) by 2 PM on Friday, September 2, to submit to the Court a report on the length and source(s) of the video evidence described in the Statement of Offense ("SOF"), which SOF provides the factual basis for the plea and was submitted by the government to the Court via email; (2) make such video evidence available for the Court's review by 2 PM on September 2; and FURTHER DIRECTING the parties to provide their positions, by 2 PM on the same date, whether this video evidence may be made publicly available without restriction. Signed by Chief Judge Beryl A. Howell on August 29, 2022. (lcbah4) (Text entry; no document attached.)

08/29/2022

Set/Reset Deadlines as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Responses to Order of the Court due by 2:00 PM on 9/2/2022. (Text entry; no document attached.)

[74](#)

09/01/2022

RESPONSE TO ORDER OF THE COURT by USA as to NICHOLAS DECARLO, NICHOLAS R. OCHS re Order, Identification of Videos Described in Statement of Offense

09/09/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Plea Agreement Hearing as to Defendant #1 NICHOLAS DECARLO and #2 NICHOLAS R. OCHS held via videoconference on 9/9/2022, the defendants agreed to participate via videoconference under the CARES Act and after consultation with counsel. Defendants sworn; plea of guilty entered by NICHOLAS DECARLO and by NICHOLAS R. OCHS to Count 2s of the Superseding Indictment filed on 2/18/2022; case referred to the Probation Office for presentence investigation; Sentencing Hearing scheduled for 12/9/2022, at 11:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. Bond Status of Defendants: Personal Recognizance - the defendants will continue to be released on their own personal recognizance under the current conditions of release. Present: Defense Attorneys: #1 Robert Feitel, #2 Edward MacMahon Jr.; US Attorney: Alexis J. Loeb; Pretrial Officer: Da'Shanta ValentineLewis. Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

09/09/2022

Terminate Deadlines and Hearings as to NICHOLAS DECARLO and NICHOLAS R. OCHS: Pretrial motions deadlines, and Pretrial Conference scheduled for 11/4/2022, and Jury Selection/Jury Trial scheduled for 11/14/2022, VACATED. (Text entry; no document attached.)

09/09/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Plea Agreement Hearing as to Defendant #1 NICHOLAS DECARLO and #2 NICHOLAS R. OCHS held via videoconference on 9/9/2022, the defendants agreed to participate via videoconference under the CARES Act and after consultation with counsel. Defendants sworn; plea of guilty entered by NICHOLAS DECARLO and by NICHOLAS R. OCHS to Count 2s of the Superseding Indictment filed on 2/18/2022; case referred to the Probation Office for presentence investigation; Sentencing Hearing scheduled for 12/9/2022, at 11:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. Bond Status of Defendants: Personal Recognizance - the defendants will continue to be released on their own personal recognizance under the current conditions of release. Present: Defense Attorneys: #1 Robert Feitel, #2 Edward MacMahon Jr.; US Attorney: Alexis J. Loeb; Pretrial Officer: Da'Shanta ValentineLewis. Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

09/09/2022

Terminate Deadlines and Hearings as to NICHOLAS DECARLO and NICHOLAS R. OCHS: Pretrial motions deadlines, and Pretrial Conference scheduled for 11/4/2022, and Jury Selection/Jury Trial scheduled for 11/14/2022, VACATED. (Text entry; no document attached.)

[77](#)

09/09/2022

PLEA AGREEMENT as to NICHOLAS DECARLO.

[79](#)

09/09/2022

STATEMENT OF OFFENSE by NICHOLAS DECARLO.

[80](#)

09/09/2022

WAIVER of Trial BY Jury as to NICHOLAS DECARLO. Approved by Chief Judge Beryl A. Howell on 9/9/2022.

[81](#)

09/09/2022

PLEA AGREEMENT as to NICHOLAS R. OCHS.

[82](#)

09/09/2022

STATEMENT OF OFFENSE by NICHOLAS R. OCHS.

[83](#)

09/09/2022

WAIVER of Trial by Jury as to NICHOLAS R. OCHS. Approved by Chief Judge Beryl A. Howell on 9/9/2022.

09/09/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Plea Agreement Hearing as to Defendant #1 NICHOLAS DECARLO and #2 NICHOLAS R. OCHS held via videoconference on 9/9/2022, the defendants agreed to participate via videoconference under the CARES Act and after consultation with counsel. Defendants sworn; plea of guilty entered by NICHOLAS DECARLO and by NICHOLAS R. OCHS to Count 2s of the Superseding Indictment filed on 2/18/2022; case referred to the Probation Office for presentence investigation; Sentencing Hearing scheduled for 12/9/2022, at 11:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. Bond Status of Defendants: Personal Recognizance - the defendants will continue to be released on their own personal recognizance under the current conditions of release. Present: Defense Attorneys: #1 Robert Feitel, #2 Edward MacMahon Jr.; US Attorney: Alexis J. Loeb; Pretrial Officer: Da'Shanta ValentineLewis. Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

09/09/2022

Terminate Deadlines and Hearings as to NICHOLAS DECARLO and NICHOLAS R. OCHS: Pretrial motions deadlines, and Pretrial Conference scheduled for 11/4/2022, and Jury Selection/Jury Trial scheduled for 11/14/2022, VACATED. (Text entry; no document attached.)

09/09/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Plea Agreement Hearing as to Defendant #1 NICHOLAS DECARLO and #2 NICHOLAS R. OCHS held via videoconference on 9/9/2022, the defendants agreed to participate via videoconference under the CARES Act and after consultation with counsel. Defendants sworn; plea of guilty entered by NICHOLAS DECARLO and by NICHOLAS R. OCHS to Count 2s of the Superseding Indictment filed on 2/18/2022; case referred to the Probation Office for presentence investigation; Sentencing Hearing scheduled for 12/9/2022, at 11:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. Bond Status of Defendants: Personal Recognizance - the defendants will continue to be released on their own personal recognizance under the current conditions of release. Present: Defense Attorneys: #1 Robert Feitel, #2 Edward MacMahon Jr.; US Attorney: Alexis J. Loeb; Pretrial Officer: Da'Shanta ValentineLewis. Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

09/09/2022

Terminate Deadlines and Hearings as to NICHOLAS DECARLO and NICHOLAS R. OCHS: Pretrial motions deadlines, and Pretrial Conference scheduled for 11/4/2022, and Jury Selection/Jury Trial scheduled for 11/14/2022, VACATED. (Text entry; no document attached.)

[93](#)

11/25/2022

SENTENCING MEMORANDUM by USA as to NICHOLAS DECARLO

[94](#)

11/25/2022

SENTENCING MEMORANDUM by USA as to NICHOLAS R. OCHS

[95](#)

11/28/2022

Unopposed MOTION to Continue Date For Filing Defense Sentencing Memoranda by NICHOLAS DECARLO.

1 Attachment ▼

[96](#)

11/28/2022

Unopposed MOTION to Amend/Correct 95 Unopposed MOTION to Continue Date For Filing Defense Sentencing Memoranda filed by NICHOLAS DECARLO by NICHOLAS DECARLO.

11/28/2022

MINUTE ORDER as to NICHOLAS DECARLO, NICHOLAS R. OCHS, GRANTING 95 Defendants' Unopposed Motion for Additional Time to File Sentencing Memorandum and 96 Defendants' Amended Motion for Additional Time to File Sentencing Memorandum. Upon consideration of the defendants' motions, it is hereby ORDERED that the deadline to file the parties' sentencing memoranda shall be extended to November 29, 2022; the government's reply shall be due on or before December 2, 2022. SO ORDERED. Signed by Chief Judge Beryl A. Howell on 11/28/2022. (Text entry; no document attached.)

11/28/2022

MINUTE ORDER as to NICHOLAS DECARLO, NICHOLAS R. OCHS, GRANTING [95] Defendants' Unopposed Motion for Additional Time to File Sentencing Memorandum and [96] Defendants' Amended Motion for Additional Time to File Sentencing Memorandum. Upon consideration of the defendants' motions, it is hereby ORDERED that the deadline to file the parties' sentencing memoranda shall be extended to November 29, 2022; the government's reply shall be due on or before December 2, 2022. SO ORDERED. Signed by Chief Judge Beryl A. Howell on 11/28/2022. (Text entry; no document attached.)

[97](#)

11/29/2022

SENTENCING MEMORANDUM by NICHOLAS DECARLO

[1](#)

Exhibit

1 Attachment ▲

[98](#)

11/29/2022

SENTENCING MEMORANDUM by NICHOLAS R. OCHS

6 Attachments ▼

[99](#)

11/29/2022

ERRATA by NICHOLAS DECARLO

1 Attachment ▼

[100](#)

11/30/2022

SUPPLEMENT by NICHOLAS R. OCHS re [98] Sentencing Memorandum

1 Attachment ▼

[101](#)

12/02/2022

SUPPLEMENT by USA as to NICHOLAS DECARLO Government's Reply to Nicholas DeCarlo's Sentencing Memorandum

1 Attachment ▼

12/05/2022

MINUTE ORDER (paperless), as to NICHOLAS DECARLO & NICHOLAS OCHS. DIRECTING both defendants to state their positions, by December 7, 2022 at 12:00 PM, whether the new video excerpts provided by the government on December 2, 2022, may be made publicly available without restriction. Signed by Chief Judge Beryl A. Howell on December 5, 2022. (lcbah4) (Text entry; no document attached.)

12/05/2022

Set/Reset Deadlines as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Response to Order of the Court due by 12:00 PM on 12/7/2022. (Text entry; no document attached.)

12/05/2022

MINUTE ORDER (paperless), as to NICHOLAS DECARLO & NICHOLAS OCHS. DIRECTING both defendants to state their positions, by December 7, 2022 at 12:00 PM, whether the new video excerpts provided by the government on December 2, 2022, may be made publicly available without restriction. Signed by Chief Judge Beryl A. Howell on December 5, 2022. (lcbah4) (Text entry; no document attached.)

12/05/2022

Set/Reset Deadlines as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Response to Order of the Court due by 12:00 PM on 12/7/2022. (Text entry; no document attached.)

[102](#)

12/05/2022

NOTICE Supplement To Defendant's Sentencing Memorandum (letters from family and friends) by NICHOLAS DECARLO re [97] Sentencing Memorandum

12/07/2022

Set/Reset Hearings as to NICHOLAS DECARLO, NICHOLAS R. OCHS: Sentencing Hearing RESCHEDULED for 12/9/2022, at 10:00 AM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. (Text entry; no document attached.)

[103](#)

12/06/2022

RESPONSE TO ORDER OF THE COURT by NICHOLAS R. OCHS re Order, Response to Court Inquiry of December 5, 2022

[104](#)

12/06/2022

RESPONSE TO ORDER OF THE COURT by NICHOLAS DECARLO re Order, Concerning Government's Supplemental Exhibits

12/09/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Sentencing held on 12/9/2022 as to NICHOLAS DECARLO (1). Defendant sentenced on Count 2s to serve at term of forty-eight (48) months imprisonment followed by a term of thirty-six (36) months of supervised release. Defendant ordered to pay to the Clerk of Court for the U.S. District Court for the District of Columbia a special assessment in the amount of \$100.00, a fine of \$2,500.00, and restitution in the amount of \$2,000.00 to be disbursed to the victim, Architect of the Capitol. Oral motion by the Defendant for prison camp designation at FCI Seagoville, in Seagoville, TX, granted; Defendant's Motion to Self-surrender, granted. The Defendant will be allowed to self-surrender and shall remain released on his own personal recognizance under the same conditions of release imposed by the Court. Oral Motion by the government to dismiss Counts 1s, 3s, 4s, 5s, 6s, granted. Counts 1s, 3s, 4s, 5s, and 6s DISMISSED as to Defendant NICHOLAS DECARLO. Bond Status of Defendant: Personal Recognizance pending self-surrender. Present: Defense Attorney: Robert A. Feitel; US Attorneys: Alexis J. Loeb and James Pearce; Probation Officer: Sherry Baker (videoconference); Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

12/09/2022

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Sentencing held on 12/9/2022 as to NICHOLAS R. OCHS (2). Defendant sentenced on Count 2s to serve at term of forty-eight (48) months imprisonment followed by a term of thirty-six (36) months of supervised release. Defendant ordered to pay to the Clerk of Court for the U.S. District Court for the District of Columbia a special assessment in the amount of \$100.00, a fine of \$5,000.00, and restitution in the amount of \$2,000.00 to be disbursed to the victim, Architect of the Capitol. Oral motion by the Defendant for prison camp designation at FPC Pensacola, in Pensacola, FL, granted; Defendant's Motion to Self-surrender, granted. The Defendant will be allowed to self-surrender and shall remain released on his own personal recognizance under the same conditions of release imposed by the Court. Oral Motion by the government to dismiss Counts 1s, 3s, 4s, 5s, 6s, granted. Counts 1s, 3s, 4s, 5s, and 6s DISMISSED as to Defendant NICHOLAS R. OCHS. Bond Status of Defendant: Personal Recognizance pending self-surrender. Present: Defense Attorney: Edward MacMahon Jr.; US Attorneys: Alexis J. Loeb and James Pearce; Probation Officer: Sherry Baker (videoconference); Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (Text entry; no document attached.)

[106](#)

12/09/2022

JUDGMENT as to NICHOLAS R. OCHS. Statement of Reasons Not Included. Signed by Chief Judge Beryl A. Howell on 12/9/2022. (zhjsj)

[107](#)

12/09/2022

STATEMENT OF REASONS as to NICHOLAS R. OCHS re 106 Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Chief Judge Beryl A. Howell on 12/9/2022. (zhjsj)

[108](#)

12/09/2022

JUDGMENT as to NICHOLAS DECARLO. Statement of Reasons Not Included. Signed by Chief Judge Beryl A. Howell on 12/9/2022. (zhjsj)

[109](#)

12/09/2022

STATEMENT OF REASONS as to NICHOLAS DECARLO re 108 Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Chief Judge Beryl A. Howell on 12/9/2022. (zhsj)