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Date↑

Description

01/07/2021

SEALED COMPLAINT as to RICHARD BARNETT (1). [1:21-mj-00013-GMH]

1

1 Attachment ▼

01/08/2021

Arrest of Defendant RICHARD BARNETT in the Western District of Arkansas, Fayetteville Division. (kk) [1:21-mj-00013-GMH] (Text entry; no document attached.)

01/08/2021

Arrest of RICHARD BARNETT in US District Court Western District of Arkansas, Fayetteville Division. (bb) [1:21-mj-00013-GMH] (Text entry; no document attached.)

3

01/12/2021

Amended Complaint by USA as to RICHARD BARNETT re 1 Complaint (Sealed) [1:21-mj-00013-GMH]

1 Attachment ▼

01/12/2021

Case unsealed as to RICHARD BARNETT (zltf) [1:21-mj-00013-GMH] (Text entry; no document attached.)

5

01/15/2021

MOTION to Stay Release Order, MOTION to Review Release Order by USA as to RICHARD BARNETT. [1:21-mj-00013-GMH]

1 Attachment ▼

01/15/2021

MOTION to Transport by USA as to RICHARD BARNETT. [1:21-mj-00013-GMH]

6

1 Attachment ▼

01/15/2021

ORDER, as to RICHARD BARNETT, GRANTING the government's 5 Motion to Stay. Signed by Chief Judge Beryl A. Howell on January 15, 2021. (lcbah4). Modified (typo) on 1/19/2021 (ztg). [1:21-mj-00013-GMH]

7

01/15/2021

ORDER, as to RICHARD BARNETT, GRANTING the government's 6 Motion to Transport. Signed by Chief Judge Beryl A. Howell on January 15, 2021. (lcbah4) Modified (typo) on 1/19/2021 (ztg). [1:21-mj-00013-GMH]

8

[9](#)

01/19/2021

NOTICE OF ATTORNEY APPEARANCE Nicole E. McClain appearing for USA. [1:21-mj-00013-GMH]

[10](#)

01/26/2021

LETTER by Anthony J. Siano on behalf of RICHARD BARNETT dated January 17, 2021 "Leave to file GRANTED" by Chief Beryl A. Howell. "Construed as a Motion to Vacate Transport Order, ECF. No. 8." "ORDER: DENIED." Signed by Chief Beryl A. Howell on 1/25/2021. (ztg) Modified to add date of order on 1/26/2021 (ztg). [1:21-mj-00013-GMH]

01/27/2021

NOTICE OF HEARING as to RICHARD BARNETT. The parties shall take notice that Defendant Richard Barnett will appear before Chief Judge Beryl A. Howell on 1/28/2021, at 3:15 PM via video conference for an Initial Appearance before this Court and a Hearing on the government's 5 Motion for Review of Release Order. Video connection details will be provided by the deputy clerk. (ztg) [1:21-mj-00013-GMH] (Text entry; no document attached.)

[12](#)

01/27/2021

MEMORANDUM in Support of Pretrial Detention by USA as to RICHARD BARNETT [1:21-mj-00013-GMH]

[3 Attachments](#) ▼

[13](#)

01/28/2021

MOTION for Leave to Appear Pro Hac Vice Tony Siano Filing fee \$ 100, receipt number ADCDC-8135111. Fee Status: Fee Paid. by RICHARD BARNETT. [1:21-mj-00013-GMH]

[3 Attachments](#) ▼

01/28/2021

MINUTE ORDER (paperless), as to Richard Barnett, GRANTING defendant's 13 Motion for Leave to Appear Pro Hac Vice. Mr. Siano may enter an appearance pro hac vice for the purpose of representing the defendant in this action. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 44.5(a). Click for Instructions. Signed by Chief Judge Beryl A. Howell on January 28, 2021. (lcbah4) [1:21-mj-00013-GMH] (Text entry; no document attached.)

[14](#)

01/28/2021

Arrest Warrant, dated 1/7/2021, returned executed in the U.S. District Court for the District of Columbia on 1/28/2021 as to Defendant RICHARD BARNETT. (kk) Modified on 1/28/2021 (kk). [1:21-mj-00013-GMH]

01/28/2021

Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Initial Appearance and Motion Hearing as to RICHARD BARNETT held via videoconference on 1/28/2021. The Defendant agreed to participate via videoconference after consultation with counsel. 5 MOTION for Review of Release Order filed by USA, heard and granted. The Defendant will be held without bond pending trial. A written order will be issued by the Court. A Status Conference is scheduled for 2/2/2021, at 3:00 PM before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant committed/commitment issued. Present via video conference: Defense Attorney: Anthony J. Siano; US Attorney: Mary L. Dohrmann; Pretrial Officer: Christine Schuck. Court Reporter: Lisa Griffith. (ztg) [1:21-mj-00013-GMH] (Text entry; no document attached.)

15

01/28/2021

NOTICE OF ATTORNEY APPEARANCE: Anthony J Siano appearing for RICHARD BARNETT (bb) [1:21-mj-00013-GMH]

16

01/29/2021

ORDER OF DETENTION PENDING TRIAL, as to RICHARD BARNETT, GRANTING the government's 5 Motion to Review Release Order. Signed by Chief Judge Beryl A. Howell on January 29, 2021. (lcbah4) [1:21-mj-00013-GMH]

17

01/19/2021

Rule 5(c)(3) Documents Received as to RICHARD BARNETT from US District Court Western District of Arkansas, Fayetteville Division Case Number 5:21-mj-5001-001 (bb) [1:21-mj-00013-GMH]

18

01/29/2021

TRANSCRIPT OF PROCEEDINGS in case as to RICHARD BARNETT before Chief Judge Beryl A. Howell held on 1-28-2021; Page Numbers: 1-45. Date of Issuance:1-29-2021. Court Reporter/Transcriber Lisa Griffith, Telephone number (202) 354-3247, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 2/19/2021. Redacted Transcript Deadline set for 3/1/2021. Release of Transcript Restriction set for 4/29/2021. [1:21-mj-00013-GMH]

19

01/29/2021

INDICTMENT as to RICHARD BARNETT (1) count(s) 1, 2, 3, 4, 5, 6, 7. (zltp) (Main Document 19 replaced on 2/2/2021) (zltp).

02/04/2021

MINUTE ORDER as to RICHARD BARNETT: The parties are to appear for an Arraignment set for 2/5/2021 at 2:00 PM by VTC before Judge Christopher R. Cooper. The hearing will proceed by videoconferencing for the parties and by telephone for members of the public. Pursuant to Standing Order 20-20 (BAH), the Court will provide public access to the hearing. It is hereby ORDERED that the participants using the public access telephone line shall adhere to the rules set forth in Standing Order 20-20 (BAH), available on the Court's website. Toll Free Number: 888-204-5984; Access Code: 8981531. Signed by Judge Christopher R. Cooper on 2/4/2021. (Text entry; no document attached.)

02/05/2021

Minute Entry for video Arraignment held before Judge Christopher R. Cooper as to RICHARD BARNETT on 2/5/2021. Defendant consents to appear by video. Defendant sworn and waives the formal reading of the Indictment. Defendant enters a Plea of Not Guilty as to all counts of the Indictment. Status Conference set for 3/4/2021 at 10:00 AM by VTC before Judge Christopher R. Cooper. The Court hereby adopts in full Chief Judge Howell's findings in Standing Order 20-93 (Dec. 17, 2020) postponing jury selection and trials in the District until March 15, 2021 due to the exigent circumstances posed by the COVID-19 pandemic. In light of those exigent circumstances and the worsening state of the pandemic in the region, the Court independently finds that holding a trial in this matter in

contravention of the Chief Judges order would jeopardize the health and safety of the participants, courthouse staff, and the surrounding community alike. The Court therefore, in the interest of justice, excludes the time between February 5, 2021 and March 4, 2021 from the otherwise applicable speedy trial calculations. Bond Status of Defendant: remains committed. Court Reporter: Lisa Moreira; Defense Attorney: Anthony J. Siano; US Attorney: Nicole E. McClain; Pretrial Officer: Takeysha Robinson. (Text entry; no document attached.)

[21](#)

03/02/2021

NOTICE OF ATTORNEY APPEARANCE Mary Lyle Dohrmann appearing for USA.

03/04/2021

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 3/4/2021. Further Status Conference set for 5/4/2021 at 11:00 AM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 3/4/2021 through 5/4/2021. Bond Status of Defendant: remains committed. Court Reporter: Lisa Moreira; Defense Attorneys: Anthony J. Siano, Joseph McBride, Steven Metcalf and Martin Tankleff; US Attorneys: Nicole E. McClain and Mary Dohrmann. (Text entry; no document attached.)

[22](#)

03/09/2021

TRANSCRIPT OF STATUS HEARING in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on March 4, 2021; Page Numbers: 1-15. Date of Issuance: March 9, 2021. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 3/30/2021. Redacted Transcript Deadline set for 4/9/2021. Release of Transcript Restriction set for 6/7/2021.

[23](#)

03/09/2021

Unopposed MOTION for Protective Order by USA as to RICHARD BARNETT.

[1 Attachment](#) ▼

[24](#)

03/12/2021

ORDER granting 23 Unopposed Motion for Protective Order as to RICHARD BARNETT (1). See full order for details. Signed by Judge Christopher R. Cooper on 3/12/2021. (lccrc2)

[25](#)

04/05/2021

NOTICE OF ATTORNEY APPEARANCE: Joseph Daniel McBride appearing for RICHARD BARNETT (zstd)

[26](#)

04/05/2021

MOTION for Modification of Bail to Place Defendant on Conditional Release Pending Trial by RICHARD BARNETT.

4 Attachments ▼

04/06/2021

MINUTE ORDER as to RICHARD BARNETT: The Government is hereby ORDERED to file any Response or Opposition to 26 Defendant's Motion for Modification of Bail to Place Defendant on Conditional Release Pending Trial by 4/12/2021. Signed by Judge Christopher R. Cooper on 4/6/2021. (lccrc2) (Text entry; no document attached.)

27

04/12/2021

Memorandum in Opposition by USA as to RICHARD BARNETT re 26 MOTION to Modify

1 Attachment ▼

04/16/2021

MINUTE ORDER as to RICHARD BARNETT: The Court will hold a hearing on 26 Defendant's Motion for Modification of Bail to Place Defendant on Conditional Release Pending Trial on 4/27/2021 at 02:30 PM via videoconference before Judge Christopher R. Cooper. Log-in information for the videoconference will be sent separately. Any reply by Defendant in support of 26 Motion for Modification of Bail is due by 4/23/2021. Signed by Judge Christopher R. Cooper on 4/16/2021. (lccrc2) (Text entry; no document attached.)

28

04/23/2021

REPLY in Support by RICHARD BARNETT re 26 MOTION for Modification of Bail

5 Attachments ▼

04/27/2021

Minute Entry for video Motion Hearing held before Judge Christopher R. Cooper as to RICHARD BARNETT on 4/27/2021. Oral arguments submitted on Defendant's Motion 26 to Modify. For reasons stated on the record, the motion is hereby GRANTED. Forthcoming Release Order. Further Status Conference set for 6/15/2021 at 10:00 AM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 4/27/2021 through 6/15/2021. Bond Status of Defendant: committed; Court Reporter: Lisa Moreira; Defense Attorneys: Joseph Daniel McBride and Steven A. Metcalf, II; US Attorney: Mary Lyle Dohrmann; Pretrial Officer: Andre Sidbury (via telephone). (Text entry; no document attached.)

29

04/28/2021

ORDER Setting Conditions for High Intensity Supervision Program as to RICHARD BARNETT on High Intensity Supervision Program (HISP). Signed by Judge Christopher R. Cooper on 4/28/2121.

30

06/02/2021

ENTERED IN ERROR. NOTICE of Discovery by USA as to RICHARD BARNETT.

1 Attachment ▼

06/02/2021

NOTICE OF CORRECTED DOCKET ENTRY: as to RICHARD BARNETT re 30 Notice (Other) was entered in error and counsel was instructed to refile said pleading. The Notice to Counsel is not signed. (zstd) (Text entry; no document attached.)

31

06/02/2021

NOTICE of Discovery by USA as to RICHARD BARNETT

1 Attachment ▼

32

06/09/2021

ENTERED IN ERROR.NOTICE OF ATTORNEY APPEARANCE: Steven Alan Metcalf, II appearing for RICHARD BARNETT Modified on 6/9/2021 (zstd).

06/09/2021

NOTICE OF CORRECTED DOCKET ENTRY: as to RICHARD BARNETT re 32 Notice of Attorney Appearance - Defendant was entered in error and counsel was instructed to refile said pleading with correct case number 21-cr-38. (zstd) (Text entry; no document attached.)

33

06/14/2021

MOTION to Modify Conditions of Release by RICHARD BARNETT.

06/15/2021

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 6/15/2021. Further Status Conference set for 8/24/2021 at 10:00 AM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 6/15/21 through 8/24/2021. Defendant's Motion 33 to Modify Condition of Release is RESERVED. Forthcoming Order. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Joseph Daniel McBride; US Attorney: Mary Dohrmann. (Text entry; no document attached.)

35

06/17/2021

Memorandum in Opposition by USA as to RICHARD BARNETT re 33 MOTION to Modify Conditions of Release

36

06/18/2021

REPLY TO OPPOSITION to Motion by RICHARD BARNETT re 33 MOTION to Modify Conditions of Release

1 Attachment ▼

06/18/2021

MINUTE ORDER: The Court has reviewed 33 the Defendant's motion to modify his conditions of release, 35 the government's opposition, and 36 the Defendant's reply. The motion is hereby DENIED. The Court is not persuaded that the Defendant cannot pursue gainful employment within a 50-mile radius of his home as permitted by the current conditions. The Court will consider requests for limited exceptions to the challenged condition for bona-fide employment purposes (as well as for other purposes permitted under the current conditions). Any such requests shall indicate in full the position of the Defendant's pre-trial services officer on the request. Defendant's request to engage in overnight travel beginning today is also DENIED particularly in light of pre-trial services' stated concerns regarding the logistics of supervision. All other conditions of pre-trial release shall remain in place. SO ORDERED. Signed by Judge Christopher R. Cooper on 06/18/2021. (lccrc2) (Text entry; no document attached.)

37

08/20/2021

NOTICE of Discovery by USA as to RICHARD BARNETT

1 Attachment ▼

08/24/2021

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 8/24/2021. Further Status Conference set for 11/23/2021 at 1:00 PM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 8/24/2021 through 11/23/2021. Bond Status of Defendant: remains on personal recognizance. Court Reporter: Lisa Moreira. Defense Attorney: Joseph Daniel McBride; US Attorney: Mary Lyle Dohrmann. (Text entry; no document attached.)

[39](#)

08/25/2021

NOTICE of Memorandum Regarding Status of Discovery by USA as to RICHARD BARNETT

[40](#)

09/09/2021

LEAVE TO FILE DENIED- Motion for Reconsideration as to RICHARD BARNETT This document is unavailable as the Court denied its filing. "Denied leave to file for lack of standing". Signed by Judge Carl J. Nichols on 9/9/2021. (zstd)

[41](#)

09/16/2021

NOTICE of Memorandum Regarding Status of Discovery as of September 14, 2021 by USA as to RICHARD BARNETT

[42](#)

10/01/2021

MOTION for Protective Order Governing Discovery by USA as to RICHARD BARNETT.

3 Attachments ▼

10/04/2021

MINUTE ORDER as to RICHARD BARNETT: The Defendant is hereby ORDERED to file any opposition to 42 the Government's Motion for Protective Order Regarding Discovery by 10/8/2021. Signed by Judge Christopher R. Cooper on 10/4/2021. (lccrc2) (Text entry; no document attached.)

[43](#)

10/19/2021

ORDER granting 42 Motion for Protective Order as to RICHARD BARNETT (1). Having received no opposition, the Court hereby grants the Government's motion for a protective order governing discovery. See full Order for details. Signed by Judge Christopher R. Cooper on 10/19/2021. (lccrc2)

[44](#)

10/25/2021

NOTICE of Memorandum Regarding Status of Discovery as of October 21, 2021 by USA as to RICHARD BARNETT

[45](#)

11/05/2021

NOTICE of Memorandum Regarding Status of Discovery as of November 5, 2021 by USA as to RICHARD BARNETT

11/23/2021

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 11/23/2021. Further Status Conference set for 2/1/2022 at 11:30 AM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 11/23/2021 through 2/1/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Joseph Daniel McBride; US Attorney: Mary Lyle Dohrmann. (Text entry; no document attached.)

[47](#)

01/18/2022

MOTION for Disclosure of 6(e) and Sealed Materials by USA as to RICHARD BARNETT.

[1 Attachment](#) ▼

02/01/2022

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 2/1/2022. Further Status Conference set for 4/12/2022 at 2:00 PM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 2/1/2022 through 4/12/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Joseph Daniel McBride; US Attorney: Mary Lyle Dohrmann. (Text entry; no document attached.)

01/20/2022

MINUTE ORDER: The Court grants the 47 Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials. The government may provide in discovery materials protected by Rule 6(e) and sealed materials pursuant to the protective order governing discovery. This Order applies to the disclosure of the materials described above to any co-defendants who may later be joined. Signed by Judge Christopher R. Cooper on 1/20/2022. (lccrc2) (Text entry; no document attached.)

[49](#)

02/04/2022

PRETRIAL ORDER as to RICHARD BARNETT. See full Order for details. Signed by Judge Christopher R. Cooper on 2/4/2022. (lccrc2)

[50](#)

02/11/2022

NOTICE of Memorandum Regarding Status of Discovery as of February 9, 2022 by USA as to RICHARD BARNETT

[51](#)

03/18/2022

MOTION for Extension of Time to File Suppression and Pretrial Motions by RICHARD BARNETT.

03/21/2022

Set/Reset Deadlines as to RICHARD BARNETT: The government shall file a response stating its position on the requested relief by 3/28/2022. (Text entry; no document attached.)

03/21/2022

MINUTE ORDER as to RICHARD BARNETT: The Court has reviewed [51] the defendant's motion requesting an extension of the deadline for filing pretrial motions and various relief related to discovery. The motion does not comply with the local rule governing discovery disputes in criminal proceedings, which requires defense counsel to state that they have consulted with the attorney for the United States before filing. See LCrR 16.1. The government shall file a response stating its position on the requested relief by March 28, 2022. Signed by Judge Christopher R. Cooper on 3/21/2022. (lccrc2) (Text entry; no document attached.)



[52](#)

03/28/2022

Memorandum in Opposition by USA as to RICHARD BARNETT re [51] MOTION for Extension of Time to File Suppression and Pretrial Motions

04/12/2022

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 4/12/2022. The court finds it in the interest of justice to toll the speedy trial clock from 4/12/2022 through 8/30/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Daniel McBride; US Attorney: Mary Lyle Dohrmann. (Text entry; no document attached.)

04/12/2022

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 4/12/2022. The court finds it in the interest of justice to toll the speedy trial clock from 4/12/2022 through 8/30/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Daniel McBride; US Attorney: Mary Lyle Dohrmann. (Text entry; no document attached.)

[54](#)

05/31/2022

MOTION in Limine by USA as to RICHARD BARNETT.

[55](#)

05/31/2022

MOTION in Limine by USA as to RICHARD BARNETT.

[56](#)

05/31/2022

MOTION to Strike by USA as to RICHARD BARNETT.

[3 Attachments](#) ▼

[57](#)

06/08/2022

MOTION for Extension of Time to File Pretrial Motions by RICHARD BARNETT.

06/10/2022

MINUTE ORDER granting [57] Motion for Extension of Time as to RICHARD BARNETT. Defendant shall file any pretrial motions by July 6, 2022. Signed by Judge Christopher R. Cooper on 6/10/2022. (lccrc2) (Text entry; no document attached.)

[58](#)

06/10/2022

NOTICE of Withdrawal by RICHARD BARNETT

06/10/2022

MINUTE ORDER granting 57 Motion for Extension of Time as to RICHARD BARNETT. Defendant shall file any pretrial motions by July 6, 2022. Signed by Judge Christopher R. Cooper on 6/10/2022. (lccrc2) (Text entry; no document attached.)

[60](#)

07/12/2022

MOTION for Extension of Time to File Response/Reply by RICHARD BARNETT.

07/15/2022

NOTICE OF AMENDED HEARING as to RICHARD BARNETT: Status Conference reset for 7/18/2022 at 11:00 AM by VTC before Judge Christopher R. Cooper. (Text entry; no document attached.)

[61](#)

07/12/2022

MOTION to Continue by RICHARD BARNETT. (See docket entry [60] to view document.) (zstd)

07/14/2022

MINUTE ORDER as to RICHARD BARNETT: The parties are hereby directed to appear for a status conference on July 18, 2022, at 10:00 AM by VTC before Judge Christopher R. Cooper. Video connection information will be provided separately. Signed by Judge Christopher R. Cooper on 7/14/2022. (lccrc2) (Text entry; no document attached.)

07/15/2022

NOTICE OF AMENDED HEARING as to RICHARD BARNETT: Status Conference reset for 7/18/2022 at 11:00 AM by VTC before Judge Christopher R. Cooper. (Text entry; no document attached.)

07/18/2022

Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 7/18/2022. Defendant's Motion [60][61] for a Continuance and Extension of Time to File Pretrial Motions is GRANTED, for reasons stated on the record. The Jury Trial set for 9/6/2022 and the related deadlines are hereby vacated. Forthcoming Amended Pretrial Order. The court finds it in the interest of justice to toll the speedy trial clock from 7/18/2022 through 12/12/2022. Bond Status of Defendant: remains on personal recognizance (appearing via telephone); Court Reporter: Lisa Moreira; Defense Attorney: Joseph Daniel McBride; US Attorneys: Mary Lyle Dohrmann and Alison Prout. (Text entry; no document attached.)

[63](#)

07/18/2022

AMENDED PRETRIAL ORDER as to RICHARD BARNETT. A jury trial in this matter is set for December 12, 2022, at 9:00 AM. The Court will hold a pretrial conference on Friday, December 9, 2022, at 10:00 AM in person in Courtroom 27A before Judge Christopher R. Cooper. The parties shall file a joint status report on or before August 17, 2022, updating the Court on counsel's health condition and any related issues concerning the defendant's continued representation. See full Order for details. Signed by Judge Christopher R. Cooper on 7/18/2022. (lccrc2)

07/19/2022

Terminated Deadlines and Hearings as to RICHARD BARNETT (Text entry; no document attached.)

[64](#)

07/26/2022

NOTICE OF ATTORNEY APPEARANCE Alison Prout appearing for USA.

[65](#)

08/09/2022

TRANSCRIPT OF STATUS HEARING in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on February 5, 2021; Page Numbers: 1-10. Date of Issuance: August 9, 2022. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022.

**66**

08/09/2022

TRANSCRIPT OF MOTION HEARING in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on April 27, 2021; Page Numbers: 1-50. Date of Issuance: August 9, 2022. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022.

**67**

08/09/2022

TRANSCRIPT OF STATUS CONFERENCE in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on June 15, 2021; Page Numbers: 1-14. Date of Issuance: August 9, 2022. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022.

**68**

08/09/2022

TRANSCRIPT OF STATUS CONFERENCE in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on August 24, 2021; Page Numbers: 1-10. Date of Issuance: August 9, 2022. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022.

08/09/2022

TRANSCRIPT OF STATUS HEARING in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on November 23, 2021; Page Numbers: 1-7. Date of Issuance: August 9, 2022. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022.

08/09/2022

TRANSCRIPT OF STATUS CONFERENCE in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on February 1, 2022; Page Numbers: 1-14. Date of Issuance: August 9, 2022. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022.

08/09/2022

TRANSCRIPT OF STATUS HEARING in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on April 12, 2022; Page Numbers: 1-6. Date of Issuance: August 9, 2022. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022.

08/17/2022

Joint STATUS REPORT by USA as to RICHARD BARNETT

09/16/2022

MOTION for Extension of Time to Amended Pre-Trial Order by RICHARD BARNETT.

09/19/2022

MINUTE ORDER: Defendant's [73] Motion to Amend Pre-Trial Order is GRANTED IN PART. Pre-trial motions must be filed on or before September 22, 2022. Oppositions and replies shall be due within 14 and 7 days, respectively. Signed by Judge Christopher R. Cooper on 9/19/2022. (lcrc2) (Text entry; no document attached.)

[74](#)

09/22/2022

MOTION to Dismiss Count ONE OF THE INDICTMENT FOR FAILURE TO STATE AN OFFENSE by RICHARD BARNETT.

1 Attachment ▼

[75](#)

09/22/2022

MOTION in Limine TO PRECLUDE USE OF CERTAIN LANGUAGE, TERMS AND FALSE ASSOCIATIONS by RICHARD BARNETT.

[76](#)

09/22/2022

Memorandum in Opposition by RICHARD BARNETT re [55] Motion in Limine

[77](#)

09/23/2022

Memorandum in Opposition by RICHARD BARNETT re 54 Motion in Limine RESPONSE TO GOVERNMENT'S MOTION IN LIMINE ECF NO. 54 REGARDING CROSS-EXAMINATION OF U.S. SECRET SERVICE WITNESS

[78](#)

09/23/2022

NOTICE OF ATTORNEY APPEARANCE: Jonathan Gross appearing for RICHARD BARNETT

[79](#)

09/23/2022

ERRATA by RICHARD BARNETT re 76 Memorandum in Opposition

[80](#)

09/23/2022

MOTION to Dismiss Count all charges by RICHARD BARNETT.

1 Attachment ▼

[81](#)

09/23/2022

MOTION to Change Venue by RICHARD BARNETT.

1 Attachment ▼

[82](#)

10/06/2022

NOTICE OF ATTORNEY APPEARANCE Nathaniel Karl Whitesel appearing for USA.

[83](#)

10/06/2022

Memorandum in Opposition by USA as to RICHARD BARNETT re [74] Motion to dismiss count(s)

[84](#)

10/06/2022

Memorandum in Opposition by USA as to RICHARD BARNETT re [81] Motion to Change Venue, [80] Motion to dismiss count(s)

[85](#)

10/06/2022

Memorandum in Opposition by USA as to RICHARD BARNETT re [75] Motion in Limine

[86](#)

10/13/2022

REPLY in Support by USA as to RICHARD BARNETT re 54 MOTION in Limine Regarding Cross-Examination of U.S. Secret Service Witness

[87](#)

10/13/2022

REPLY in Support by USA as to RICHARD BARNETT re 55 MOTION in Limine

[88](#)

11/21/2022

MOTION to Continue by RICHARD BARNETT.

11/21/2022

MINUTE ORDER: In light of Defendant's [88] Motion to Continue, the Government shall file a response to the motion by November 22, 2022. Signed by Judge Christopher R. Cooper on 11/21/2022. (lccrc2) (Text entry; no document attached.)

[89](#)

11/22/2022

RESPONSE by USA as to RICHARD BARNETT re [88] MOTION to Continue

[90](#)

11/23/2022

OPINION AND ORDER granting Prosecution's 56 Motion to Strike; denying Defendant's 74 Motion to Dismiss Count One; denying Defendant's 80 Motion to Dismiss All Counts; and denying Defendant's 81 Motion for Change of Venue. See full Opinion and Order for details. Signed by Judge Christopher R. Cooper on 11/23/2022. (lccrc2)

11/23/2022

MINUTE ORDER: The Court will reserve judgment on the Defendant's 88 Motion to Continue the December 12, 2022 trial date pending receipt of a joint notice, to be filed by November 28, 2022, indicating specific dates on which the parties would be available for trial following a brief continuance. If the parties cannot offer a date that also conforms with the Court's schedule, the Court will deny the motion and proceed with the scheduled trial. The Court finds that none of the reasons advanced in the Defendant's motion are grounds for a continuance. This case was charged

nearly two years ago, one trial date has already been vacated at the defense's request, and the present date was set over four months ago. Defense counsel, which now number at least three, have had more than ample time to prepare for trial. The defense has not identified any material evidence that it is lacking, either from the government's voluminous production of both case-specific and global discovery, or from other public sources. Nor is the pendency of the appeal in U.S. v. Miller an impediment to trial. This and other courts have proceeded with numerous January 6th trials involving the charge at issue in Miller. If the Circuit decides the issue in the defense's favor, then Mr. Barnett will receive the benefit of that ruling. There is no good reason to halt the trial in the meantime. As for any anticipated change in government trial counsel, the government has been aware of the current trial date for months and should have planned accordingly. That said, the Court would be willing to exercise its discretion and grant a brief continuance should a mutually agreeable date be available. The Court notes, however, that it has a busy docket of both January 6th cases and other matters and therefore may not be able to accommodate the parties' request. Signed by Judge Christopher R. Cooper on 11/23/2022. (lccrc2) (Text entry; no document attached.)

[91](#)

11/28/2022

JOINT NOTICE of Trial Availability of the Parties by USA as to RICHARD BARNETT Modified text on 11/29/2022 (zstd).

11/29/2022

MINUTE ORDER: In light of the parties' 91 Notice of Trial Availability, Defendant's 88 Motion to Continue is GRANTED IN PART. The trial set for December 12, 2022 is vacated and scheduled for January 9, 2023 in Courtroom 27A. The pretrial conference set for December 9, 2022 is vacated and scheduled for January 4, 2023 at 10:00 am. The Court would be willing to hold the pretrial conference virtually at the parties' request. The parties shall exchange exhibit lists and identify all expert witnesses no later than December 19, 2022. The parties shall file objections to the admissibility of any exhibits within 3 business days after receipt of the exhibit list. The parties shall jointly submit a short narrative description of the case, to be read to the prospective jurors, and proposed voir dire questions no later than December 19, 2022. The parties shall file proposed jury instructions and a proposed verdict form--jointly to the extent possible--no later than December 27, 2022. The Court will presumptively use the substantive instructions given in United States v. Robertson, 21-cr-34, and United States v. Strand, 21-cr-85, to the extent the charges in those cases overlap with those here. The parties shall exchange lists of their case-in-chief witnesses prior to the pretrial conference and be prepared to review them with the Court at the conference. The parties shall comply with all other instructions from the Court's 63 Amended Pretrial Order. Signed by Judge Christopher R. Cooper on 11/29/2022. (lccrc2) (Text entry; no document attached.)

11/29/2022

MINUTE ORDER: In light of the parties' [91] Notice of Trial Availability, Defendant's [88] Motion to Continue is GRANTED IN PART. The trial set for December 12, 2022 is vacated and scheduled for January 9, 2023 in Courtroom 27A. The pretrial conference set for December 9, 2022 is vacated and scheduled for January 4, 2023 at 10:00 am. The Court would be willing to hold the pretrial conference virtually at the parties' request. The parties shall exchange exhibit lists and identify all expert witnesses no later than December 19, 2022. The parties shall file objections to the admissibility of any exhibits within 3 business days after receipt of the exhibit list. The parties shall jointly submit a short narrative description of the case, to be read to the prospective jurors, and proposed voir dire questions no later than December 19, 2022. The parties shall file proposed jury instructions and a proposed verdict form--jointly to the extent possible--no later than December 27, 2022. The Court will presumptively use the substantive instructions given in United States v. Robertson, 21-cr-34, and United States v. Strand, 21-cr-85, to the extent the charges in those cases overlap with those here. The parties shall exchange lists of their case-in-chief witnesses prior to the pretrial conference and be prepared to review them with the Court at the conference. The parties shall comply with all other instructions from the Court's [63] Amended Pretrial Order. Signed by Judge Christopher R. Cooper on 11/29/2022. (lccrc2) (Text entry; no document attached.)

[92](#)

12/02/2022

NOTICE OF ATTORNEY APPEARANCE Michael Matthew Gordon appearing for USA.

1 Attachment ▼

[93](#)

12/19/2022

NOTICE of Intent to Introduce Business Records Pursuant to Fed. R. Evid. 902(11) by USA as to RICHARD BARNETT

**9 Attachments** ▼

[94](#)

12/19/2022

Proposed Voir Dire by USA as to RICHARD BARNETT

[95](#)

12/20/2022

Proposed Voir Dire by RICHARD BARNETT

**1 Attachment** ▼

[96](#)

12/21/2022

SUPERSEDING INDICTMENT as to RICHARD BARNETT (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s. (zstd)

[98](#)

12/22/2022

NOTICE OF ATTORNEY APPEARANCE: Carolyn Stewart appearing for RICHARD BARNETT

[99](#)

12/22/2022

RESPONSE TO ORDER OF THE COURT by USA as to RICHARD BARNETT re Order on Motion to Continue, Set/Reset Deadlines/Hearings, Government Objections to Defense Exhibits

**1 Attachment** ▼

[100](#)

12/22/2022

MOTION to Compel Defendant to Provide Copies of Proposed Defense Exhibits by USA as to RICHARD BARNETT.

**1 Attachment** ▼

[101](#)

12/22/2022

MOTION for Extension of Time to File by RICHARD BARNETT.

**1 Attachment** ▼

[102](#)

12/23/2022

MOTION for Leave to Appear Pro Hac Vice Bradford L. Geyer Filing fee \$ 100, receipt number ADCDC-9752564. Fee Status: Fee Paid. by RICHARD BARNETT.



12/24/2022

MINUTE ORDER granting [102] Motion for Leave to Appear Pro Hac Vice for attorney Bradford L. Geyer. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions. Signed by Judge Christopher R. Cooper on 12/24/2022. (lccrc2) (Text entry; no document attached.)

12/24/2022

MINUTE ORDER: The government is directed to file any response to Defendant's [101] Motion for Extension of Time to File by December 27, 2022. Signed by Judge Christopher R. Cooper on 12/24/2022. (lccrc2) (Text entry; no document attached.)

[103](#)

12/26/2022

First MOTION for Leave to Appear, First MOTION for Leave to Appear Pro Hac Vice Bradford L. Geyer Filing fee \$ 100, receipt number ADCDC-9753849. Fee Status: Fee Paid. by RICHARD BARNETT.

[104](#)

12/27/2022

RESPONSE by USA as to RICHARD BARNETT re [101] MOTION for Extension of Time to File

[105](#)

12/27/2022

MOTION to Withdraw as Attorney by Steven Metcalf. by RICHARD BARNETT.

[106](#)

12/27/2022

Proposed Jury Instructions by USA as to RICHARD BARNETT

[107](#)

12/27/2022

PROPOSED VERDICT FORM as to RICHARD BARNETT

[108](#)

12/27/2022

MOTION for Extension of Time to File Proposed Jury Instructions and Verdict Form by RICHARD BARNETT.

[109](#)

12/27/2022

REPLY TO OPPOSITION to Motion by RICHARD BARNETT re [101] MOTION for Extension of Time to File

[110](#)

12/28/2022

ERRATA by RICHARD BARNETT re 109 Reply to opposition to Motion

12/28/2022

MINUTE ORDER granting in part and denying in part the government's [100] Motion to Compel production of defense exhibits. The purpose of the Court's requirement that the parties exchange lists of their anticipated case-in-chief exhibits, and then to indicate objections to the other side's exhibits, is to enable the Court to resolve as many evidentiary disputes as possible prior to trial. The Court finds that process particularly helpful in identifying categories of exhibits that might be subject to objection under Rules 402 or 403, as well as any exhibits that might present authentication issues. It also enables the Court to identify evidence that might be introduced through stipulations. It has also been the Court's experience that having the parties compile and review their anticipated exhibits often narrows each side's list and results in more realistic estimates of how long the presentation of evidence will take, which is obviously helpful to both the Court and the jury. The process is not intended to force either side to produce the exhibits themselves (although the Court does expect exhibit binders on the first day of each side's case), or to prevent the admission of unlisted exhibits on cross-examination or rebuttal, or even in one side's case-in-chief if circumstances warrant. With those principles in mind, the defense is directed to provide the government as helpful a list as possible forthwith, and to respond promptly to any questions the government may have if it cannot discern what the exhibit (or category of exhibits) is based on the description of the list. The Court expects the parties to work cooperatively so that the pretrial conference is as productive as possible, and the jury's time will not be wasted at trial. So Ordered. Signed by Judge Christopher R. Cooper on 12/28/2022. (lccrc2) (Text entry; no document attached.)

12/28/2022

MINUTE ORDER granting in part and denying in part Defendant's [101] Motion for Extension of Time to File and granting [108] Motion for Extension of Time to File Proposed Jury Instructions and Verdict Form. As to [101], the deadline for the defense to notice any expert witness testimony on the new civil disorder count is hereby extended to December 30, 2022. As to potential expert testimony on other counts, the defense would need to show good cause why belated notice would not prejudice the government's ability to retain rebuttal experts, research Daubert challenges, or prepare cross examination. The defense's request to "repopulate" the USAfx discovery transfer system is hereby denied in light of the government's prior discovery productions and its assistance to the defense in transferring all discovery to searchable platforms, as well as the government's representation that it has attempted to reconstruct the USAfx compilation previously provided to the defense. The government is directed to provide the new compilation to the defense notwithstanding the defense's apparent refusal to acknowledge that the new compilation may not be precisely the same as prior ones. As to [108], the deadline for the defense to file proposed jury instructions and a proposed verdict form is extended to January 3, 2023. So Ordered. Signed by Judge Christopher R. Cooper on 12/28/2022. (lccrc2) (Text entry; no document attached.)

12/28/2022

MINUTE ORDER granting in part and denying in part the government's 100 Motion to Compel production of defense exhibits. The purpose of the Court's requirement that the parties exchange lists of their anticipated case-in-chief exhibits, and then to indicate objections to the other side's exhibits, is to enable the Court to resolve as many evidentiary disputes as possible prior to trial. The Court finds that process particularly helpful in identifying categories of exhibits that might be subject to objection under Rules 402 or 403, as well as any exhibits that might present authentication issues. It also enables the Court to identify evidence that might be introduced through stipulations. It has also been the Court's experience that having the parties compile and review their anticipated exhibits often narrows each side's list and results in more realistic estimates of how long the presentation of evidence will take, which is obviously helpful to both the Court and the jury. The process is not intended to force either side to produce the exhibits themselves (although the Court does expect exhibit binders on the first day of each side's case), or to prevent the admission of unlisted exhibits on cross-examination or rebuttal, or even in one side's case-in-chief if circumstances warrant. With those principles in mind, the defense is directed to provide the government as helpful a list as possible forthwith, and to respond promptly to any questions the government may have if it cannot discern what the exhibit (or category of exhibits) is based on the description of the list. The Court expects the parties to work cooperatively so that the pretrial conference is as productive as possible, and the jury's time will not be wasted at trial. So Ordered. Signed by Judge Christopher R. Cooper on 12/28/2022. (lccrc2) (Text entry; no document attached.)

12/28/2022

MINUTE ORDER granting in part and denying in part Defendant's 101 Motion for Extension of Time to File and granting 108 Motion for Extension of Time to File Proposed Jury Instructions and Verdict Form. As to 101, the deadline for the defense to notice any expert witness testimony on the new civil disorder count is hereby extended to December 30, 2022. As to potential expert testimony on other counts, the defense would need to show good cause why belated notice would not prejudice the government's ability to retain rebuttal experts, research Daubert

challenges, or prepare cross examination. The defense's request to "repopulate" the USAfx discovery transfer system is hereby denied in light of the government's prior discovery productions and its assistance to the defense in transferring all discovery to searchable platforms, as well as the government's representation that it has attempted to reconstruct the USAfx compilation previously provided to the defense. The government is directed to provide the new compilation to the defense notwithstanding the defense's apparent refusal to acknowledge that the new compilation may not be precisely the same as prior ones. As to 108, the deadline for the defense to file proposed jury instructions and a proposed verdict form is extended to January 3, 2023. So Ordered. Signed by Judge Christopher R. Cooper on 12/28/2022. (lccrc2) (Text entry; no document attached.)

[111](#)

12/30/2022

MOTION to Exclude proposed defense expert testimony of Mark K. Snell and Steve Hill by USA as to RICHARD BARNETT.

**4 Attachments** ▼

[112](#)

12/30/2022

MOTION to Continue Trial by RICHARD BARNETT.

**1 Attachment** ▼

[113](#)

12/30/2022

MOTION to Dismiss Indictment by RICHARD BARNETT. (See docket entry [112] to view document.) (zstd)

[114](#)

12/31/2022

RESPONSE by USA as to RICHARD BARNETT re [112] MOTION to Continue Trial, [113] MOTION to Dismiss Case

**5 Attachments** ▼

[115](#)

01/02/2023

MOTION in Limine to Exclude Irrelevant Evidence of the Culpability of Others by USA as to RICHARD BARNETT.

01/04/2023

Minute Entry for hybrid Pretrial Conference held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/4/2023. Defendant consents to proceed by video. For the reasons stated on the record, it is hereby ORDERED that: (1) Government's Motion [54] in Limine is GRANTED as Moot; (2) Defendant's Motion [75] in Limine to Preclude Use of Certain Language, Terms and False Associations is GRANTED in PART and DENIED in PART; (3) Defendant's Motion [105] to Withdraw as Attorney by Steven Metcalf is GRANTED; (4) Defendant's Motion [112] to Continue Trial is DENIED; and (5) Defendant's Motion [120] for Hearing via VTC is GRANTED as Moot. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys (via video): Joseph Daniel McBride, Jonathan Gross, Carolyn Stewart and Brad Geter; US Attorneys (in person): Alison B. Prout, Michael M. Gordon and Nathaniel K. Whitesel. (Text entry; no document attached.)

[117](#)

01/03/2023

REPLY TO OPPOSITION to Motion by RICHARD BARNETT re [112] MOTION to Continue Trial

**1 Attachment** ▼

01/03/2023	Proposed Jury Instructions by RICHARD BARNETT	<a href="#">118</a>
01/03/2023	PROPOSED VERDICT FORM as to RICHARD BARNETT	<a href="#">119</a>
01/04/2023	Unopposed MOTION for Hearing via VTC by RICHARD BARNETT.	<a href="#">120</a>
01/04/2023	RESPONSE by RICHARD BARNETT re [111] MOTION to Exclude proposed defense expert testimony of Mark K. Snell and Steve Hill	<a href="#">121</a>
01/05/2023	MOTION to Dismiss Count One of the Superseding Indictment by RICHARD BARNETT.	<a href="#">123</a>
01/05/2023	MOTION to Dismiss Count 2 by RICHARD BARNETT.	<a href="#">124</a>
		<b>1 Attachment ▼</b>
01/06/2023	RESPONSE by USA as to RICHARD BARNETT re [124] MOTION to Dismiss Count 2 of the Superseding Indictment	<a href="#">125</a>
01/06/2023	First MOTION to Exclude expert testimony, First MOTION in Limine regarding prejudicial testimony by RICHARD BARNETT.	<a href="#">126</a>
		<b>1 Attachment ▼</b>
01/07/2023	RESPONSE by USA as to RICHARD BARNETT re [123] MOTION to Dismiss Count One of the Superseding Indictment	<a href="#">127</a>
01/07/2023	REPLY TO OPPOSITION to Motion by RICHARD BARNETT re [124] MOTION to Dismiss Count 2	<a href="#">128</a>

[129](#)

01/08/2023

REPLY TO OPPOSITION to Motion by USA as to RICHARD BARNETT re [111] MOTION to Exclude proposed defense expert testimony of Mark K. Snell and Steve Hill

[130](#)

01/08/2023

REPLY TO OPPOSITION to Motion by RICHARD BARNETT re [123] MOTION to Dismiss Count One of the Superseding Indictment

[131](#)

01/08/2023

REPLY TO OPPOSITION to Motion by RICHARD BARNETT re [115] MOTION in Limine to Exclude Irrelevant Evidence of the Culpability of Others

[132](#)

01/08/2023

First MOTION in Limine to Exclude Falsehoods Regarding Police Officers by RICHARD BARNETT.

[133](#)

01/08/2023

MOTION in Limine to exclude testimony of Government Witness by RICHARD BARNETT.

01/10/2023

MINUTE ORDER: The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations all meals for said jury, shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Approved by Judge Christopher R. Cooper on 1/10/2023. (Text entry; no document attached.)

01/09/2023

Minute Entry for Jury Trial/Selection before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/9/2023 as to Counts 1s through 8s. Jury Selection/Trial to continue on 1/10/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Defendant's Motion [132] in Limine to Exclude Falsehoods Regarding Police Officers is DENIED as Moot. Defendant's Motion [133] in Limine to Exclude Testimony of Government Witness is DENIED for reasons stated on the record. Bond Status of Defendant: remains on personal recognizance. Court Reporter: Lisa Moreira. Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel K. Whitesel. (Text entry; no document attached.)

[134](#)

01/09/2023

MOTION in Limine by RICHARD BARNETT.

[135](#)

01/09/2023

MOTION for Leave to File Surreply to ECF No. 129 by RICHARD BARNETT.

1 Attachment ▾

[136](#)

01/09/2023

MOTION Conduct arraignment for superseding indictment by RICHARD BARNETT.

01/10/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/10/2023 as to Counts 1s through 8s. Defendant's Motion [136] to Conduct Arraignment for Superseding Indictment is GRANTED. Defendant arraigned on the superseding indictment, filed on 12/21/2022. The court conducts the formal reading of the Indictment on the record and the Defendant enters a Plea of Not Guilty as to all counts. Jury Selection resumed and concluded. A panel of twelve jurors and two alternates are selected and sworn. Opening arguments for the Government commenced and concluded. Opening arguments for the Defendant is deferred. Jury Trial to continue on 1/11/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporters: Lisa Moreira (AM) and Tammy Nestor (PM); Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel J. Whitesel; Government Witness: Emily Berrett. (Text entry; no document attached.)

01/12/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT as to Counts 1s through 8s. Jury Trial resumed with same jury and alternates. Jury Trial to continue on 1/13/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporters: Lisa Moreira (AM) and Tammy Nestor (PM); Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel J. Whitesel; Government Witnesses: Zachary Wendel, Billy Pennington, Special Agent Elizabeth Glavey, Officer Quenterra Carey and Officer Terrence Craig. (Text entry; no document attached.)

01/11/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/11/2023 as to Counts 1s through 8s. Jury Trial resumed with same jury and alternates. Jury Trial to continue on 1/12/2023 at 09:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporters: Lisa Moreira (AM) and Sara Wick (PM); Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel J. Whitesel. Government Witnesses: Emily Berrett (resumed from 1/10/2023); Cpt. Carneysha Mendoza and Gerald Stutte. (Text entry; no document attached.)

01/13/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/13/2023 as to Counts 1s through 8s. Jury Trial resumed with same jury and alternates. Jury Trial to continue on 1/17/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel J. Whitesel; Government Witnesses: Officer Terrence Craig (resumed from 1/12/2023) and Special Agent Loel Skoch. (Text entry; no document attached.)

[137](#)

01/10/2023

NOTICE of Errata by RICHARD BARNETT re [124] MOTION to Dismiss Count 2

1 Attachment ▼

[138](#)

01/10/2023

ORDER denying [123] Motion to Dismiss Count One and denying [124] Motion to Dismiss Count Two. See opinion and order for details. Signed by Judge Christopher R. Cooper on 1/10/2023. (lccrc2)

[140](#)

01/11/2023

MOTION in Limine Preclude Testimony by RICHARD BARNETT.

[141](#)

01/11/2023

MOTION to Withdraw as Attorney by Anthony J. Siano. by RICHARD BARNETT.

1 Attachment ▼

[142](#)

01/13/2023

TRANSCRIPT OF PRETRIAL CONFERENCE in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 4, 2023; Page Numbers: 1-91. Date of Issuance: January 13, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 2/3/2023. Redacted Transcript Deadline set for 2/13/2023. Release of Transcript Restriction set for 4/13/2023.

[143](#)

01/16/2023

MOTION in Limine to Preclude Impermissible Argument in the Defendant's Opening Statement by USA as to RICHARD BARNETT.

[144](#)

01/17/2023

MOTION in Limine to suppress invalid video identifications and in court identifications by RICHARD BARNETT.

[145](#)

01/17/2023

RESPONSE by RICHARD BARNETT re [144] MOTION in Limine to suppress invalid video identifications and in court identifications

01/18/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/18/2023 as to Counts 1s through 8s. Jury Trial resumed with same jury and alternates. Government formally rests case in chief. Defendant's oral Motion for Rule 29 (Motion for Judgment of Acquittal) is RESERVED. Defense proceeds with opening arguments and presentation of case. Jury Trial to continue on 1/19/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporters: Lisa Moreira (AM) and Sara Wick (PM); Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel K. Whitesel; Government Witnesses: Special Agent Kimberly Allen (continued from 1/17/2023); Defense Witness: Mark Snell. (Text entry; no document attached.)

01/17/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/17/2023 as to Counts 1s through 8s. Jury Trial resumed with same jury and alternates. Jury Trial to continue on 1/18/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporters: Lisa Moreira (AM) and Tammy Nestor (PM); Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison Prout, Michael M. Gordon and Nathaniel K. Whitesel; Government Witnesses: Special Agent Loel Skoch (continued from 1/13/2023), Special Agent Jonthan Willett, Kyle Jones and Special Agent Kimberly Allen. (Text entry; no document attached.)

[146](#)

01/19/2023

MOTION in Limine to Exclude Improper Character Evidence by USA as to RICHARD BARNETT.

[147](#)

01/19/2023

Second MOTION to Dismiss Count One 18 USC 231(a)(3) by RICHARD BARNETT.

[2 Attachments](#) ▼

[148](#)

01/19/2023

Proposed Jury Instructions by RICHARD BARNETT

01/19/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/19/2023 as to Counts 1s through 8s. Jury Trial resumed with same jury and alternates. Defendant's Motion [144] to Strike Invalid Video Identification and In Court Identifications is DENIED, for reasons stated on the record. Defendant's Second Motion [147] to Dismiss Count One 18 USC 231(a)(3) is DENIED, for reasons stated on the record. Defendant's oral motion for a mistrial is DENIED, for reasons stated on the record. Jury Trial to continue on 1/20/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporters: Lisa Moreira (AM) and Tammy Nestor (PM); Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel K. Whitesel; Defense Witnesses: Eileen Halpin, Tammy Newborn and Richard Barnett. (Text entry; no document attached.)

[149](#)

01/20/2023

Proposed Jury Instructions by RICHARD BARNETT

[150](#)

01/20/2023

MOTION to Dismiss Case for Mistrial by RICHARD BARNETT.

[1 Attachment](#) ▼

01/20/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/20/2023 as to Counts 1s through 8s. Jury Trial resumed with same jury and alternates. Defense rests case and Government declines to present rebuttal case. Jury charge instructions provided to jurors. Alternate jurors 0069 and 2684 released. Jury Trial to continue on 1/23/2023 at 9:00 AM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M.



Gordon and Nathaniel J. Whitesel; Defense Witness: Richard Barnett (continued from 1/19/2023). (Text entry; no document attached.)

01/23/2023

Minute Entry for Jury Trial held before Judge Christopher R. Cooper as to RICHARD BARNETT on 1/23/2023 as to Counts 1s through 8s. Jury Trial resumed with same jury. Jury deliberations commenced and concluded. Jury Verdict entered: Guilty on Counts 1s through 8s. Jury polled with unanimous verdict. Jury discharged without any further consideration in this case. Presentence investigation report ordered. Government's oral motion to revoke conditions of release pending sentencing is DENIED, for reasons stated on the record. Defendant to continue to adhere to the conditions of pretrial release previously imposed. Sentencing Memorandum due by 4/26/2023. Sentencing set for 5/3/2023 at 2:00 PM in Courtroom 27A (in person) before Judge Christopher R. Cooper. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorneys: Joseph Daniel McBride, Jonathan Gross and Brad Geyer; US Attorneys: Alison B. Prout, Michael M. Gordon and Nathaniel K. Whitesel. (Text entry; no document attached.)

01/23/2023

MINUTE ORDER: For the reasons stated in the Court's [138] Opinion and Order denying Defendant's [124] Motion to Dismiss Count Two, Defendant's [150] Motion for Mistrial is denied. Signed by Judge Christopher R. Cooper on 1/23/2023. (lccrc2) (Text entry; no document attached.)

[151](#)

01/23/2023

ATTORNEYS' ACKNOWLEDGMENT OF TRIAL EXHIBITS as to RICHARD BARNETT

[152](#)

01/23/2023

Jury Note as to RICHARD BARNETT

[153](#)

01/23/2023

Signature Page of Foreperson as to RICHARD BARNETT on Jury Note. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zlsj)

[154](#)

01/23/2023

VERDICT FORM as to RICHARD BARNETT

[155](#)

01/23/2023

Signature Page of Foreperson as to RICHARD BARNETT in Jury Verdict. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (zlsj)

[156](#)

01/24/2023

EXHIBIT LIST by RICHARD BARNETT

[157](#)

01/24/2023

EXHIBIT LIST by USA as to RICHARD BARNETT

[158](#)

01/24/2023

Final Jury Instructions as to RICHARD BARNETT

[159](#)

01/26/2023

TRANSCRIPT OF PROCEEDINGS in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on 1/10/23; Page Numbers: 1-128. Court Reporter/Transcriber Tammy Nestor, Telephone number 202-354-3127, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 2/16/2023. Redacted Transcript Deadline set for 2/26/2023. Release of Transcript Restriction set for 4/26/2023.

[160](#)

01/26/2023

TRANSCRIPT OF JURY TRIAL - MORNING SESSION in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 11, 2023; Page Numbers: 129-271. Date of Issuance: January 26, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 2/16/2023. Redacted Transcript Deadline set for 2/26/2023. Release of Transcript Restriction set for 4/26/2023.

[161](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL - AFTERNOON SESSION in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 11, 2023. Page Numbers: 272-378. Date of Issuance: 01/30/2023. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

[162](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL - MORNING SESSION in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 12, 2023; Page Numbers: 379-522. Date of Issuance: January 30, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form

[163](#)

01/30/2023

TRANSCRIPT OF PROCEEDINGS in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on 1/12/23 p.m. session; Page Numbers: 523-644. Court Reporter/Transcriber Tammy Nestor, Telephone number 2023543127, Transcripts may be ordered by submitting the Transcript Order Form

[164](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 13, 2023; Page Numbers: 645-813. Date of Issuance: January 30, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form

[165](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL - MORNING SESSION in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 17, 2023; Page Numbers: 814-948. Date of Issuance: January 30, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form

[166](#)

01/30/2023

TRANSCRIPT OF PROCEEDINGS in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on 1/17/23 p.m. session; Page Numbers: 949-1089. Court Reporter/Transcriber Tammy Nestor, Telephone number 2023543127, Transcripts may be ordered by submitting the Transcript Order Form

[167](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL - MORNING SESSION in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 18, 2023; Page Numbers: 1090-1217. Date of Issuance: January 30, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form

[168](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL - AFTERNOON SESSION in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on 01/18/2023. Page Numbers: 1218-1334. Date of Issuance: 01/30/2023. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form

[169](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL - MORNING SESSION in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 19, 2023; Page Numbers: 1335-1501. Date of Issuance: January 30, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form

[170](#)

01/30/2023

TRANSCRIPT OF PROCEEDINGS in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on 1/19/23 p.m. session; Page Numbers: 1502-1652. Court Reporter/Transcriber Tammy Nestor, Telephone number 202-354-3127, Transcripts may be ordered by submitting the Transcript Order Form

[171](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 20, 2023; Page Numbers: 1653-1961. Date of Issuance: January 30, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form

[172](#)

01/30/2023

TRANSCRIPT OF JURY TRIAL VERDICT in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on January 23, 2023; Page Numbers: 1962-1972. Date of Issuance: January 30, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form

[173](#)

02/03/2023

LEAVE TO FILE DENIED- Amended Petition for a Writ Habeas Corpus as to RICHARD BARNETT This document is unavailable as the Court denied its filing. Petitioner is not a party to this case. Signed by Judge Christopher R. Cooper on 2/3/2023. (zstd)

[174](#)

02/05/2023

MOTION pursuant to Rule 33 for new trial by RICHARD BARNETT.

**6 Attachments** ▼

[175](#)

02/05/2023

MOTION for Acquittal Under Rule 29 by RICHARD BARNETT.

**2 Attachments** ▼

02/21/2023

MINUTE ORDER granting the Government's [176] Motion for Extension of Time to File Response to Defendant's [174] Motion for New Trial and [175] Motion for Acquittal. The Government shall file its opposition to those motions by March 7, 2023. Signed by Judge Christopher R. Cooper on 2/21/2023. (lcrc2) (Text entry; no document attached.)

[176](#)

02/21/2023

MOTION for Extension of Time to File Response/Reply as to [175] MOTION for Acquittal Under Rule 29, [174] MOTION pursuant to Rule 33 for new trial by USA as to RICHARD BARNETT.

[177](#)

02/24/2023

SUPPLEMENT by RICHARD BARNETT re 175 MOTION for Acquittal Under Rule 29

[1](#)

(Exhibit Spreadsheet of charges of 18 USC 231)

**1 Attachment** ▲

[178](#)

03/05/2023

RESPONSE by USA as to RICHARD BARNETT re [175] MOTION for Acquittal Under Rule 29, [174] MOTION pursuant to Rule 33 for new trial

[179](#)

03/06/2023

MOTION to Strike Government's omnibus response to Defendant's Rule 29 and Rule 33 motions by RICHARD BARNETT.

[180](#)

03/06/2023

MOTION to Strike ECF No. 178 as erroneously filed, MOTION for Leave to File Excess Pages in response to defendant's Rule 29 and Rule 33 motions, ECF Nos. 174-175 by USA as to RICHARD BARNETT.

[1](#)

Exhibit Government's Omnibus Response to Defendant's Rule 29 and Rule

1 Attachment ▲

03/07/2023

MINUTE ORDER granting the Government's [180] Motion to Strike [178] and granting [180] Motion for Leave to File Excess Pages. Signed by Judge Christopher R. Cooper on 3/7/2023. (lccrc2) (Text entry; no document attached.)

03/07/2023

MINUTE ORDER denying as moot Defendant's [179] Motion to Strike [178]. Signed by Judge Christopher R. Cooper on 3/7/2023. (lccrc2) (Text entry; no document attached.)

[181](#)

03/09/2023

MOTION to Withdraw as Attorney by Joseph McBride. by RICHARD BARNETT.

[182](#)

03/10/2023

MOTION to Withdraw as Attorney by Carolyn Stewart. by RICHARD BARNETT.

1 Attachment ▼

[184](#)

03/13/2023

MOTION to Withdraw as Attorney by Bradford L. Geyer. by RICHARD BARNETT.

1 Attachment ▼

03/13/2023

MINUTE ORDER granting Defendant's [183] Motion for Extension of Time to File Reply. Defendant shall file his reply by March 27, 2023. Depending on the time required for the Court to rule on the Defendant's post-trial motions, this further extension of the briefing schedule may necessitate a delay in the Defendant's scheduled May 3 sentencing. Signed by Judge Christopher R. Cooper on 3/13/2023. (lccrc2) (Text entry; no document attached.)

03/27/2023

SCHEDULING ORDER: In light of the pending motions to withdraw, the Court sets a status conference for April 3, 2023 at 04:00 PM to be held virtually before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 3/27/2023. (lccrc2) (Text entry; no document attached.)

[185](#)

03/27/2023

REPLY TO OPPOSITION to Motion by RICHARD BARNETT re 175 MOTION for Acquittal Under Rule 29, 174 MOTION pursuant to Rule 33 for new trial

03/27/2023

MINUTE ORDER: In light of the pending motions to withdraw, the Court sets a Motion Hearing for April 3, 2023 at 4:00 PM to be held virtually before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 3/27/2023. (lccrc2) Modified on 3/27/2023 (Text entry; no document attached.)

04/03/2023

Minute Entry for video Motion Hearing held before Judge Christopher R. Cooper as to RICHARD BARNETT on 4/3/2023. The parties are directed to file a Status Report re Defendant's Motions [181], [182] and [184] to Withdraw as Attorney. Defendant's Motion [187] for Extension of Time to respond to presentencing investigation report is DENIED for reasons stated on the record. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Sherry Lindsay; Defense Attorneys: Joseph Daniel McBride, Jonathan Gross, Bradford L. Geyer and Carolyn Stewart; US Attorneys: Alison Prout, Michael Matthew Gordon and Nathaniel Karl Whitesel (via telephone). (Text entry; no document attached.)

[187](#)

04/03/2023

MOTION for Extension of Time to respond to presentencing investigation report by RICHARD BARNETT.

[188](#)

04/05/2023

NOTICE by RICHARD BARNETT re Motion Hearing

04/06/2023

MINUTE ORDER: In light of the Defendant's [188] Notice, the Court grants [181] Motion to Withdraw as Attorney (Joseph Daniel McBride) and grants [182] Motion to Withdraw as Attorney (Carolyn Stewart). The Court denies as moot [184] Motion to Withdraw as Attorney (Bradford L. Geyer). Signed by Judge Christopher R. Cooper on 4/6/2023. (lccrc2) (Text entry; no document attached.)

[189](#)

04/10/2023

First MOTION for Extension of Time to file sentencing memo after review of outstanding Rule 29 and Rule 33 motions by RICHARD BARNETT.

[190](#)

04/10/2023

MOTION to Continue by RICHARD BARNETT. (See docket entry [189] to view document.) (zstd)

04/12/2023

MINUTE ORDER: The government shall file a notice of its position on Defendant's [189] Motion to Continue Sentencing by close of business today, April 12, 2023. Signed by Judge Christopher R. Cooper on 4/12/2023. (lccrc2) (Text entry; no document attached.)

[191](#)

04/12/2023

RESPONSE by USA as to RICHARD BARNETT re 190 MOTION to Continue

04/14/2023

MINUTE ORDER granting Defendant's 189 Motion for Extension of Time to File Sentencing Memorandum and 190 Motion to Continue Sentencing. Sentencing is rescheduled for May 24, 2023 at 2:00PM in Courtroom 27A before Judge Christopher R. Cooper. Sentencing memoranda are due by May 17, 2023. Should the Defendant wish to supplement his Rule 33 motion to address the D.C. Circuit's recent decision in Fischer, any briefing shall be filed by April 21, 2023, and the Government shall file a response by April 28, 2023. The briefs may not exceed 10 pages. Among any other issues the parties would like to raise, the briefs should address the effect of the defendant's failure to object, or to offer an alternative, to the Court's definition of the term "corruptly" in the jury instruction on Count 2. Signed by Judge Christopher R. Cooper on 4/14/2023. (lccrc2) (Text entry; no document attached.)

04/14/2023

MINUTE ORDER granting Defendant's [189] Motion for Extension of Time to File Sentencing Memorandum and [190] Motion to Continue Sentencing. Sentencing is rescheduled for May 24, 2023 at 2:00PM in Courtroom 27A before Judge Christopher R. Cooper. Sentencing memoranda are due by May 17, 2023. Should the Defendant wish to supplement his Rule 33 motion to address the D.C. Circuit's recent decision in Fischer, any briefing shall be filed by April 21, 2023, and the Government shall file a response by April 28, 2023. The briefs may not exceed 10 pages. Among any other issues the parties would like to raise, the briefs should address the effect of the defendant's failure to object, or to offer an alternative, to the Court's definition of the term "corruptly" in the jury instruction on Count 2. Signed by Judge Christopher R. Cooper on 4/14/2023. (lccrc2) (Text entry; no document attached.)

[193](#)

04/21/2023

SUPPLEMENT by RICHARD BARNETT re 174 MOTION pursuant to Rule 33 for new trial

[195](#)

05/02/2023

RESPONSE by USA as to RICHARD BARNETT re 193 Supplement Modified to remove and add correct link and text on 5/3/2023 (zstd).

[199](#)

05/17/2023

SENTENCING MEMORANDUM by USA as to RICHARD BARNETT

[200](#)

05/17/2023

SENTENCING MEMORANDUM by RICHARD BARNETT

[5 Attachments](#) ▼

05/24/2023

Minute Entry for proceedings held before Judge Christopher R. Cooper: Sentencing held on 5/24/2023 as to Counts 1-8. Defendant Sentenced to 54 Months of Incarceration on Counts 1-4; 6 Months of Incarceration on Counts 5-7; 60 Days of Incarceration on Count 8. All Terms of Incarceration to Run Concurrently. Supervised Release of 36 Months

on Counts 1-4; 12 Months on Count 8. All Terms of Supervised Release to Run Concurrently. Special Assessment of \$100 on Counts 1-4; \$10 on Counts 5-7; \$25 on Count 8. (Total \$455). Restitution in the Amount of \$2000. Defendant Allowed to Self-Surrender. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Jonathan Gross and Bradford Geyer; US Attorney: Allison Prout, Michael Gordon, and Nathaniel Whitesel; Pretrial Officer: Sherry Baker. (Text entry; no document attached.)

[203](#)

05/23/2023

MEMORANDUM OPINION AND ORDER denying Defendant's [174] Motion Pursuant to Rule 33 for New Trial and denying [175] Motion for Acquittal Under Rule 29. See full Memorandum Opinion and Order for details. Signed by Judge Christopher R. Cooper on 5/23/2023. (lccrc2)

[204](#)

05/24/2023

MOTION Request for Recommendations to Board of Prisons by RICHARD BARNETT.

05/30/2023

Minute Order denying [204] Defendant's Motion for Request for Recommendation to the Board [sic] of Prisons. Defendant's request to extend the time by which he must report to his designated Bureau of Prisons facility until at least August 22, 2023 is hereby DENIED. Defendant has had ample time since his conviction to prepare for his incarceration and presents no compelling reasons to justify additional delay. Defendant's request for a recommendation for a BOP placement beyond 500 miles from his home in order to qualify him for a minimum-security facility is also DENIED. Determinations regarding security-level placements lie in the sound discretion of BOP based on its internal criteria. The Court generally plays no role in those determinations. So Ordered. Signed by Judge Christopher R. Cooper on 5/30/2023. (lccrc2) (Text entry; no document attached.)

[205](#)

05/31/2023

Unopposed MOTION to Dismiss Count (s) in Initial Indictment by USA as to RICHARD BARNETT.

[1 Attachment](#) ▼

05/31/2023

MINUTE ORDER granting [205] Motion to Dismiss the Initial Indictment as to RICHARD BARNETT. Signed by Judge Christopher R. Cooper on 5/31/2023. (lccrc2) (Text entry; no document attached.)

[206](#)

06/05/2023

NOTICE OF APPEAL - Final Judgment by RICHARD BARNETT re Sentencing, [203] Order, Jury Trial, Jury Verdict Entered, Set Deadlines/Hearings. Filing fee \$ 505, receipt number ADCDC-10116948. Fee Status: Fee Paid. Parties have been notified.

[207](#)

06/06/2023

Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid as to RICHARD BARNETT re [206] Notice of Appeal - Final Judgment. (zstd)

06/09/2023

USCA Case Number as to RICHARD BARNETT 23-3086 for [206] Notice of Appeal - Final Judgment, filed by RICHARD BARNETT. (zstd) (Text entry; no document attached.)



06/09/2023

USCA Case Number as to RICHARD BARNETT 23-3086 for 206 Notice of Appeal - Final Judgment, filed by RICHARD BARNETT. (zstd) (Text entry; no document attached.)

[208](#)

06/13/2023

JUDGMENT as to RICHARD BARNETT. Statement of Reasons Not Included. Signed by Judge Christopher R. Cooper on 6/13/2023. (zstd)

[209](#)

06/13/2023

STATEMENT OF REASONS as to RICHARD BARNETT re 208 Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Christopher R. Cooper on 6/13/2023. (zstd)

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06/23/2023

TRANSCRIPT OF SENTENCING HEARING in case as to RICHARD BARNETT before Judge Christopher R. Cooper held on May 24, 2023; Page Numbers: 1-113. Date of Issuance: June 23, 2023. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354-3187, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 7/14/2023. Redacted Transcript Deadline set for 7/24/2023. Release of Transcript Restriction set for 9/21/2023.

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07/10/2023

ORDER of USCA as to RICHARD BARNETT re 206 Notice of Appeal - Final Judgment. Upon consideration of the motion to appeal in forma pauperis, it is, on the court's own motion, Ordered that the motion to appeal in forma pauperis be referred to the district court for resolution in the first instance. It is Further Ordered that this case be held in abeyance pending further order of the court. USCA Case Number 23-3086. (zstd)

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07/10/2023

MOTION for Leave to Appeal In Forma Pauperis by RICHARD BARNETT. (zstd)

07/10/2023

MINUTE ORDER granting 212 Motion for Leave to Appeal In Forma Pauperis at to RICHARD BARNETT. Signed by Judge Christopher R. Cooper on 7/10/2023. (lccrc2) (Text entry; no document attached.)

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07/10/2023

Transmitted Supplemental Record on Appeal and Docket Sheet to USCA as to RICHARD BARNETT re 212 MOTION for Leave to Appeal In Forma Pauperis, 206 Notice of Appeal - Final Judgment. USCA Case Number 23-3086. (zstd)