

#Date ↓ ↑ Description

- 102/01/2021 SEALED COMPLAINT as to KYLE FITZSIMONS (1). [1:21-mj-00190-ZMF *SEALED*] 1 Attachment ▼
- 302/01/2021 MOTION to Seal Case by USA as to KYLE FITZSIMONS. [1:21-mj-00190-ZMF *SEALED*] 1 Attachment ▼
- 402/01/2021 ORDER granting 3 Motion to Seal Case as to KYLE FITZSIMONS (1). Signed by Magistrate Judge Zia M. Faruqui on 2/1/2021. (zstd) [1:21-mj-00190-ZMF *SEALED*]
- 02/04/2021 Arrest of KYLE FITZSIMONS in the District of Maine. (Text entry; no document attached.)
- 502/26/2021 INDICTMENT as to KYLE FITZSIMONS (1) count(s) 1-2, 3, 4-5, 6, 7, 8, 9, 10. (zstd)
- 703/18/2021 MEMORANDUM in Support of Pretrial Detention by USA as to KYLE FITZSIMONS
- 03/29/2021 Case unsealed as to KYLE FITZSIMONS. (Text entry; no document attached.)
- 03/29/2021 Case unsealed as to KYLE FITZSIMONS (Text entry; no document attached.)
- 03/29/2021 ORAL MOTION for Speedy Trial by USA as to KYLE FITZSIMONS. (Text entry; no document attached.)
- 03/29/2021 Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to KYLE FITZSIMONS held on 3/29/2021. Defendant present by video. Defendant retained counsel. Oral Motion by the Government for Speedy Trial as to KYLE FITZSIMONS (1); heard and granted. Detention Hearing set for 4/6/2021 at 2:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: Nancy Meyer; Defense Attorney: Eugene Ohm for Gregory Hunter; US Attorney: Jacob Steiner for Brandon Regan; Pretrial Officer: Andre Sidbury. (Text entry; no document attached.)
- 802/04/2021 Arrest Warrant Returned Executed on 2/4/2021 in Lebanon, Maine as to KYLE FITZSIMONS.
- 903/30/2021 NOTICE OF ATTORNEY APPEARANCE Puja Bhatia appearing for USA.
- 1004/02/2021 NOTICE OF ATTORNEY APPEARANCE: Greg Hunter appearing for KYLE FITZSIMONS
- 1104/05/2021 Unopposed MOTION for Protective Order by USA as to KYLE FITZSIMONS.
- 1204/05/2021 MOTION to Continue and Exclude Time Under the Speedy Trial Act by USA as to KYLE FITZSIMONS.
- 1304/05/2021 Memorandum in Opposition by KYLE FITZSIMONS re 12 MOTION for Speedy Trial and Detention Pending Trial Modified on 4/21/2021
- 1404/06/2021 SUPPLEMENT by USA as to KYLE FITZSIMONS 7 GOVERNMENT'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PRETRIAL DETENTION Modified on 4/21/2021
- 1504/06/2021 ORDER granting 11 Motion for Protective Order as to KYLE FITZSIMONS (1). The parties' attention is directed to the edits that the Court has made to paragraph 4(d) of the Proposed Order. Signed by Judge Ketanji Brown Jackson on 4/6/2021.
- 04/06/2021 ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to KYLE FITZSIMONS. (Text entry; no document attached.)
- 04/06/2021 ORAL MOTION for Release from Custody by KYLE FITZSIMONS. (Text entry; no document attached.)
- 04/06/2021 Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Detention Hearing as to KYLE FITZSIMONS (1) held on 4/6/2021. Detention Hearing was held but did not conclude. Continued Detention Hearing set for 4/7/2021 at 02:30 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold; FTR Time Frame: CTRM 6 [2:18:41-3:26:54]; Defense Attorney: Greg Hunter and Joel Anders; US Attorney: Brandon Regan and Puja Bhatia; Pretrial Officer: Dashanta ValentineLewis; (Text entry; no document attached.)
- 1604/07/2021 NOTICE OF ATTORNEY APPEARANCE: Joel William Anders appearing for KYLE FITZSIMONS Joel W. Anders
- 04/07/2021 ORAL MOTION for Speedy Trial Waiver by USA as to KYLE FITZSIMONS (1). (Text entry; no document attached.)
- 04/07/2021 Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Continued Detention Hearing as to KYLE FITZSIMONS (1) held on 4/7/2021. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to KYLE FITZSIMONS (1) Heard and Granted. Oral Motion for Release from Custody by KYLE FITZSIMONS (1) Heard and Denied. Oral Motion by the Government for Speedy Trial Waiver Nunc Pro Tunc as to KYLE FITZSIMONS (1) Heard and Granted. Defense objects to Speedy Trial Waiver. Time between 3/31/2021 and 4/22/2021 (23 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Status Hearing set for 4/22/2021 at 11:00 AM in Telephonic/VTC before Judge Ketanji Brown Jackson. Bond Status of Defendant: Defendant Committed/Commitment Issued; Court Reporter: FTR-Gold FTR Time Frame: CTRM 6 [3:25:57-4:15:55]; Defense Attorney: Greg Hunter and Joel Ayers; US Attorney: Brandon Regan and Puja Phatia; Pretrial Officer: John Copes; (Text entry; no document attached.)

04/12/2021MINUTE ORDER as to KYLE FITZSIMONS. It is hereby ORDERED that this case shall be handled by Judge Reggie B. Walton under further Order. Signed by Judge Ketanji Brown Jackson on 4/12/2021. (Text entry; no document attached.)

1704/17/2021NOTICE OF DISCOVERY by USA as to KYLE FITZSIMONS

1804/19/2021MOTION for Disclosure OF GRAND JURY MATERIALS by USA as to KYLE FITZSIMONS.

1904/20/2021TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Magistrate Judge G. Michael Harvey held on 04/06/2021. Page Numbers: 1-43. Date of Issuance: 04/16/2021. Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. 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 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 5/11/2021. Redacted Transcript Deadline set for 5/21/2021. Release of Transcript Restriction set for 7/19/2021.

2004/20/2021TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Magistrate Judge G. Michael Harvey held on 04/07/2021. Page Numbers: 1-34. Date of Issuance: 04/16/2021. Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. 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 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 5/11/2021. Redacted Transcript Deadline set for 5/21/2021. Release of Transcript Restriction set for 7/19/2021.

04/22/2021Minute Entry for proceedings held before Judge Reggie B. Walton for Judge Ketanji Brown Jackson. Arraignment as to KYLE FITZSIMONS (1) held on 4/22/2021. A Not Guilty Plea is entered as to Counts 1-10 of the Indictment. Speedy Trial Time Excluded 4/22/2021 - 5/7/2021(XT). Status Conference continued for 5/7/2021 at 03:00 PM by Telephonic/VTC before Judge Reggie B. Walton for Judge Ketanji Brown Jackson. Bond Status of Defendant: Committed/Defendant present via video; Court Reporter: Cathryn Jones; Defense Attorney: Greg Hunter/Joel Anders; US Attorney: Puja Bhatia; (Text entry; no document attached.)

2104/05/2021MOTION to Exclude Time Under the Speedy Trial Act by USA as to KYLE FITZSIMONS. (See DE 12 to view document).

04/06/2021MINUTE ORDER as to KYLE FITZSIMONS (1). On April 2, 2021, the government filed a motion in U.S. v. Lopatic (1:21-cr-00035-EGS-3) that Defendant be detained pending trial, "because there are no conditions or combination of conditions which will reasonably ensure the safety of any other person and the community." However, during Defendant's detention hearing in Lopatic, begun on April 5, 2021 and continued until today at 3:30 p.m., government counsel asserted that the government was not contending that an assault in violation of 18 U.S.C. § 111(a)(1) constituted a crime of violence under the Bail Reform Act, 18 U.S.C. § 3156(a)(4), nor was it requesting that Defendant be held based on his potential dangerousness. Instead, counsel for the government noted that the government sought Defendant's detention only on the grounds that there is a "serious risk" that Defendant "will flee" or "attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." See 18 U.S.C. § 3142(f)(2)(A), (B). Further, at a March 2, 2021 detention hearing before Chief Judge Howell in U.S. v. Clayton Ray Mullins (1:21-mj-233), counsel for the government suggested that the Department of Justice may not be taking the position that a violation of 18 U.S.C. § 111(a)(1) constituted a crime of violence under section 3156(a)(4) of the Bail Reform Act. As this position appears contrary to the position taken by the government in its detention memorandum filed in a different, substantially similar matter scheduled for a detention hearing before this Court today at 2:00 p.m., see U.S. v. Fitzsimons (1:21-cr-00158-KBJ, ECF No. 7), it is hereby ORDERED that the government file a written supplement to its detention motion in both cases by 1:00 p.m. today, April 6, 2021, addressing this apparent discrepancy and clarifying the legal basis under the Bail Reform Act on which the government relies for its detention request in both matters. To the extent the government is asserting that a violation of 18 U.S.C. § 111(a)(1) does constitute a crime of violence in these matters under section 3156(a)(4) of the

Bail Reform Act, the government should provide legal authority for that proposition and address the Supreme Courts decisions in United States v. Davis, __ U.S. __, 139 S. Ct. 2319 (2019), Mathis v. United States, __ U.S. __, 136 S. Ct. 2243 (2016), Sessions v. Dimaya, __ U.S. __, 138 S. Ct. 1204 (2018), and Beckles v. United States, __ U.S. __, 137 S. Ct. 886 (2017). Signed by Magistrate Judge G. Michael Harvey on 4/6/2021. (Text entry; no document attached.)

2204/23/2021ORDER, granting 18 Motion for Disclosure and denying 12 Motion to Continue as to KYLE FITZSIMONS (1). Signed by Judge Reggie B. Walton on 4/22/2021.

2305/03/2021MOTION to Withdraw as Attorney by Gregory T. Hunter and Joel Anders., MOTION to Appoint Counsel by KYLE FITZSIMONS.

1 Attachment ▼

2405/06/2021NOTICE of Discovery by USA as to KYLE FITZSIMONS

05/07/2021Minute Entry for proceedings held before Judge Reggie B. Walton for Judge Ketanji Brown Jackson: Status Conference as to KYLE FITZSIMONS held on 5/7/2021. Defendant's 23 MOTION to Withdraw as Attorney by Gregory T. Hunter and Joel Anders: heard and granted. Speedy Trial Time Excluded 5/7/2021-5/21/2021(XT). Status Conference continued for 5/21/2021 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton for Judge Ketanji Brown Jackson Bond Status of Defendant: Committed/Defendant present via telephone; Court Reporter: Nancy Meyer; Defense Attorney: Greg Hunter/Joel Anders; US Attorney: Puja Bhatia;Brandon Regan (Text entry; no document attached.)

2505/10/2021ORDER as to KYLE FITZSIMONS. Signed by Judge Reggie B. Walton on 5/10/2021.

2605/12/2021NOTICE OF ATTORNEY APPEARANCE: Natasha Taylor-Smith appearing for KYLE FITZSIMONS 05/21/2021Minute Entry for proceedings held before Judge Reggie B. Walton for Judge Ketanji Brown Jackson: Status Conference as to KYLE FITZSIMONS held on 5/21/2021. Defendant's oral motion for a continuance; heard and granted. Speedy Trial Time Excluded 5/21/2021 - 6/8/2021(XT). Status Conference set for 6/8/2021 at 09:30 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Committed/Defendant present by phone; Court Reporter: Cathryn Jones; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon Regan; (Text entry; no document attached.)

2705/24/2021ORDER as to KYLE FITZSIMONS. Signed by Judge Reggie B. Walton on 5/24/2021.

06/08/2021Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference as to KYLE FITZSIMONS held on 6/8/2021. Case continued to determine if the defendant will agree to the toll speedy trial time. Status Conference set for 6/15/2021 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Committed/Defendant present by telephone; Court Reporter: Cathryn Jones; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon Regan; (Text entry; no document attached.)

06/15/2021Minute Entry for telephone proceedings held before Judge Reggie B. Walton:Status Conference as to KYLE FITZSIMONS held on 6/15/2021. Speedy Trial Excludable (XT) started 6/15/21 until 7/19/21, in the interest of justice. Status Conference set for 7/19/2021 at 10:30 AM in Telephonic/VTC before Judge Reggie B. Walton. Bond Status of Defendant: Remains Incarcerated/Presented via telephone; Court Reporter: Cathryn Jones; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon Regan. (zgd) (Text entry; no document attached.)

06/15/2021Case as to KYLE FITZSIMONS randomly reassigned to Judge Rudolph Contreras. Judge Ketanji Brown Jackson has been elevated to the USCA and is no longer assigned to the case. (ztnr) (Text entry; no document attached.)

2806/22/2021TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Reggie B. Walton held on May 21, 2021; Page Numbers: 1 - 5. Court Reporter/Transcriber Cathryn Jones, Telephone number 202 354-3246, 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 7/13/2021. Redacted Transcript Deadline set for 7/23/2021. Release of Transcript Restriction set for 9/20/2021.

2906/22/2021TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Reggie B. Walton held on June 8, 2021; Page Numbers: 1 - 7. Court Reporter/Transcriber Cathryn Jones, Telephone number 202 354-3246, 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 7/13/2021. Redacted Transcript Deadline set for 7/23/2021. Release of Transcript Restriction set for 9/20/2021.

3006/22/2021TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Reggie B. Walton held on June 15, 2021; Page Numbers: 1 - 5. Court Reporter/Transcriber Cathryn Jones, Telephone number 202 354-3246, 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 7/13/2021. Redacted Transcript Deadline set for 7/23/2021. Release of Transcript Restriction set for 9/20/2021.

3106/25/2021Response to Application for Access to Video Exhibits by USA as to KYLE FITZSIMONS. Modified Text on 6/26/2021 (zhsj).

3206/29/2021Response to Application Regarding Video Exhibit Release by KYLE FITZSIMONS. Modified Text on 7/1/2021 (zhsj).

3307/12/2021Memorandum Regarding Status of Discovery by USA as to KYLE FITZSIMONS. Modified Text on 7/12/2021 (zhsj).

07/16/2021NOTICE OF HEARING as to KYLE FITZSIMONS: Status Conference currently set for 7/19/2021 at 10:30 AM will now be held before Judge Rudolph Contreras via Zoom Video. (Text entry; no document attached.)

07/19/2021Minute Entry for proceedings held Via VTC before Judge Rudolph Contreras:Status Conference as to KYLE FITZSIMONS held on 7/19/2021. Parties Discussed On The Record Posture Of The Case. Defendant Will File A Bond Motion. Parties Request Continuance Of Thirty (30) Days.Status Conference set for 8/19/2021 at 10:30 AM in Telephonic/VTC before Judge Rudolph Contreras. With No Objections From The Parties, Speedy Trial Is Tolled 7/19/21 - 8/19/21 In The Interest Of Justice (XT).Bond Status of Defendant: APPEARED VIA VTC; REMAINS COMMITTED; Court Reporter: LISA EDWARDS; Defense Attorney: NATASHA TAYLOR-SMITH; US Attorney: BRANDON REGAN; (Text entry; no document attached.)

08/19/2021Minute Entry for proceedings held before Judge Rudolph Contreras:Status Conference as to KYLE FITZSIMONS held on 8/19/2021. Parties inform the court of the status of this action. Defendant's motion for bond review shall be filed by 8/27/2021, and the government's response shall be filed by 9/9/2021. Speedy trial is excluded (XT) from 8/19/2021 to 9/16/2021 in the interest of justice. Motion Hearing is set for 9/16/2021 at 11:00 AM before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon K. Regan; (Text entry; no document attached.)

3408/27/2021MOTION to Revoke Detention Order, MOTION for Release from Custody, Pretrial by KYLE FITZSIMONS.

3509/09/2021Memorandum in Opposition by USA as to KYLE FITZSIMONS re 34 MOTION to Revoke Detention Order MOTION for Release from Custody, Pretrial

09/15/2021NOTICE OF COURTROOM CHANGE in case as to KYLE FITZSIMONS: Status conference currently scheduled for 9/16/2021 @ 11:00am will be held in Courtroom 14 - 4th Floor (Prettyman Building) before Judge Rudolph Contreras. (Text entry; no document attached.)

09/16/2021Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing as to KYLE FITZSIMONS held (In Person) on 9/16/2021 re 34 MOTION to Revoke Detention Order MOTION for Release from Custody, Pretrial filed by KYLE FITZSIMONS. Oral argument heard, and motion taken under advisement. Next Status Conference set for 10/20/2021 at 12:30 PM before Judge Rudolph Contreras via Zoom Video. Bond Status of Defendant: Committed/Commitmen Issued; Court Reporter: Sara Wick; Defense Attorney: Natasha Taylor-Smith; US Attorney: Brandon K. Regan; Pretrial Officer: Shay Holman; (Text entry; no document attached.)

3604/25/2021ORDER OF DETENTION PENDING TRIAL - Defendant Held Without Bond as to KYLE FITZSIMONS (1). Signed by Magistrate Judge G. Michael Harvey on 4/25/2021. (zpt) (zpt). Modified Document Number on 9/14/2021

3709/24/2021ORDER denying 34 Defendant's Motion to Revoke Detention Order and for Pretrial Release. See document for details. Signed by Judge Rudolph Contreras on 09/24/2021. (lcrc2)

3809/24/2021MEMORANDUM OPINION denying 34 Defendant's Motion to Revoke Detention Order and for Pretrial Release. See document for details. Signed by Judge Rudolph Contreras on 09/24/2021. (lcrc2)

09/27/2021MINUTE ORDER: The parties are hereby ORDERED to respond on or before October 11, 2021, to the Supplemental Memorandum re Motion to Produce Video and Audio Exhibits filed by AMERICAN BROADCASTING COMPANIES, INC., et al, in the related case In re Application for Access to Video Exhibits, 21-mc-00090, ECF No. 6. Responses should be filed on the dockets for both 21-mc-00090 and 21-cr-00158. SO ORDERED. Signed by Judge Rudolph Contreras on 09/27/2021. (lcrc2) (Text entry; no document attached.)

3909/27/2021NOTICE Regarding Status of Discovery as of September 14, 2021 by USA as to KYLE FITZSIMONS

4010/07/2021NOTICE OF APPEAL (Interlocutory) by KYLE FITZSIMONS re 37 Order on Motion to Revoke, Order on Motion for Release from Custody. Fee Status: No Fee Paid. Parties have been notified.

4110/11/2021REPLY in Support by USA as to KYLE FITZSIMONS re 31 MOTION for Disclosure MOTION Government Response to Application for Access to Video Exhibits

4210/11/2021RESPONSE by KYLE FITZSIMONS re 32 MOTION for Disclosure Defendant Response to Application Regarding Video Exhibit Release

1 Attachment ▼

4310/12/2021Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by FPD as to KYLE FITZSIMONS re 40 Notice of Appeal - Interlocutory. (zhsj)

10/20/2021Minute Entry for proceedings held before Judge Rudolph Contreras:Status Conference as to KYLE FITZSIMONS held on 10/20/2021. Parties inform the court of the status of this action. Defendant intends to file a motion for change of venue, and the court sets the following schedule: Motions due by 10/29/2021; Responses due by 11/19/2021; Replies due by 11/29/2021. Motion Hearing set for 12/10/2021 at 1:00 PM before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor Smith; US Attorney: Brandon Regan; (Text entry; no document attached.)

10/20/2021USCA Case Number as to KYLE FITZSIMONS 21-3069 for 40 Notice of Appeal - Interlocutory filed by KYLE FITZSIMONS. (zhsj) (Text entry; no document attached.)

4410/25/2021NOTICE OF ATTORNEY APPEARANCE Robert Craig Juman appearing for USA.

4510/25/2021TRANSCRIPT OF MOTION HEARING in case as to KYLE FITZSIMONS before Judge Rudolph Contreras held on 09/16/2021. Page Numbers: 1-53. Date of Issuance: 10/25/2021. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter re ferenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 11/15/2021. Redacted Transcript Deadline set for 11/25/2021. Release of Transcript Restriction set for 1/23/2022.

4610/25/2021NOTICE of United States' Memorandum Regarding Status of Discovery as of October 21, 2021 by USA as to KYLE FITZSIMONS

4710/29/2021MOTION to Change Venue by KYLE FITZSIMONS. (Main Document 47 replaced on 11/2/2021) (zhsj). (Additional attachment(s) added on 11/2/2021: # 1 Text of Proposed Order) (zhsj).

4811/08/2021NOTICE of United States' Memorandum Regarding Status of Discovery as of November 5, 2021 by USA as to KYLE FITZSIMONS

4911/08/2021NOTICE of United States' Memorandum Regarding Status of Discovery as of August 23, 2021 by USA as to KYLE FITZSIMONS

5011/10/2021SUPERSEDING INDICTMENT as to KYLE FITZSIMONS (1) count(s) 1s-2s, 3s, 4s-5s, 6s, 7s, 8s, 9s, 10s. (zhsj)

5211/18/2021Memorandum in Opposition by USA as to KYLE FITZSIMONS re 47 MOTION to Change Venue

5312/06/2021ORDER granting Petitioner's Application for Video Exhibits in related case 21-mc-90. See document for details. Signed by Judge Rudolph Contreras on 12/6/2021. (lcrc2)

5412/06/2021MEMORANDUM OPINION granting Petitioner's Application for Video Exhibits in related case 21-mc-90. See document for details. Signed by Judge Rudolph Contreras on 12/6/2021. (lcrc2)

12/10/2021MINUTE ORDER as to KYLE FITZSIMONS: The Motion Hearing set for 12/10/2021 is hereby reset for 12/14/2021 at 12:30 PM by VTC before Judge Rudolph Contreras. SO ORDERED by Judge Rudolph Contreras on 12/10/2021. (Text entry; no document attached.)

12/14/2021MINUTE ORDER denying without prejudice 47 Defendant's Motion to Change Venue: For the reasons stated on the record in the December 14, 2021 hearing, it is hereby ORDERED that Defendant's 47 Motion to Change Venue is DENIED without prejudice as premature. It is "this circuit's well established procedure" to deny pre-voir dire requests for a change of venue. See United States v. Haldeman, 559 F.2d 31, 63-64 (D.C. Cir. 1976). This has been the accepted procedure in numerous politically charged cases before this District over the years, including in other recent cases involving January 6th, 2021. See USA v. Reffitt, 21-cr-32-DLF, Minute Order of 10/15/2021; USA v. Caldwell, 21-cr-28-1-APM, ECF No. 415 at 10-11. "[I]f an impartial jury actually cannot be selected, that fact should become evident at the voir dire. The defendant will then be entitled to any actions necessary to assure that he receives a fair trial." Haldeman, 559 F.2d at 63. SO ORDERED. Signed by Judge Rudolph Contreras on 12/14/2021. (lcrc2) (Text entry; no document attached.)

12/14/2021Minute Entry for proceedings held before Judge Rudolph Contreras:Arraignment as to KYLE FITZSIMONS held on 12/14/2021. Defendant enters a plea of NOT GUILTY to counts 1s-2s, 3s, 4s-5s, 6s, 7s, 8s, 9s, 10s of the superseding indictment filed on 11/10/2021. Motion Hearing on 47 defendant's MOTION to Change Venue heard and DENIED WITHOUT PREJUDICE for reasons state on the record. The court sets the following schedule: Pretrial Motions due by 1/6/2022; Responses due by 1/20/2022; Replies due by 1/27/2022. Motion Hearing set for 2/7/2022 at 3:00 PM. Jury Selection/ Trial set for 4/4/2022 at 10:00 AM before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Robert Juman for Brandon K. Regan; (Text entry; no document attached.)

5512/14/2021PRETRIAL SCHEDULING ORDER as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 12/14/2021. (lcrc2)

5601/04/2022Unopposed MOTION to Continue Trial by USA as to KYLE FITZSIMONS.

5701/06/2022ENTERED IN ERROR.MOTION to Dismiss Count Three by KYLE FITZSIMONS. Modified on 1/10/2022 (zhsj).

01/06/2022NOTICE OF CORRECTED DOCKET ENTRY: as to KYLE FITZSIMONS re 57 MOTION to Dismiss Count Three was entered in error and counsel was instructed to refile said pleading. Document is to be filed as a motion. (zhsj) (Text entry; no document attached.)

5801/20/2022Memorandum in Opposition by USA as to KYLE FITZSIMONS re 57 MOTION to Dismiss Count Three

02/07/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing as to KYLE FITZSIMONS held on 2/7/2022 re 57 MOTION to Dismiss Count Three filed by KYLE FITZSIMONS. Oral argument heard and motion taken under advisement. Motions related to trial shall be filed by 3/7/2022. Government's response due by 3/21/2022. The court will issue an order addressing scheduling. Bond Status of Defendant: Committed/ with consent to appear virtually; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: James Pearce, Brandon Regan and Robert Juman; (Text entry; no document attached.)

02/07/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing as to KYLE FITZSIMONS held on 2/7/2022 re [57] MOTION to Dismiss Count Three filed by KYLE FITZSIMONS. Oral argument heard and motion taken under advisement. Motions related to trial shall be filed by 3/7/2022. Government's response due by 3/21/2022. The court will issue an order addressing scheduling. Bond Status of Defendant: Committed/ with consent to appear virtually; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: James Pearce, Brandon Regan and Robert Juman; (Text entry; no document attached.)

5902/09/2022MANDATE of USCA as to KYLE FITZSIMONS re [40] Notice of Appeal - Interlocutory. In Accordance with the Judgment of 12/17/2021, the District Court's September 24, 2021 Order be Affirmed. USCA Case Number 21-3069.

1 Attachment ▼

6002/11/2022NOTICE of United States' Memorandum Regarding Status of Discovery as of February 9, 2022 by USA as to KYLE FITZSIMONS

6103/07/2022MOTION in Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b) by USA as to KYLE FITZSIMONS.

03/21/2022NOTICE OF CORRECTED DOCKET ENTRY: as to KYLE FITZSIMONS re [62] Response to motion was entered in error and counsel was instructed to refile said pleading. Refile document as a response and not an order. (zhjsj) (Text entry; no document attached.)

6203/21/2022RESPONSE by KYLE FITZSIMONS re [61] MOTION in Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b)

6303/22/2022AMENDED PRETRIAL SCHEDULING ORDER as to KYLE FITZSIMONS: See Document for Details. Signed by Judge Rudolph Contreras on 3/22/2022. (lcrc2)

03/22/2022NOTICE OF CORRECTED DOCKET ENTRY: as to KYLE FITZSIMONS re [65] Response to motion was entered in error and counsel was instructed to refile said pleading. Do not refile an order. Please refile your document as a "Response to [61] Motion in Limine". (zhjsj) (Text entry; no document attached.)

6403/22/2022NOTICE OF ATTORNEY APPEARANCE Douglas Burton Brasher appearing for USA.

03/22/2022Set/Reset Hearings as to KYLE FITZSIMONS: Replies due by 3/28/2022; Pretrial Statement due by 5/13/2022. Pretrial Conference/Motion Hearing set for 6/3/2022 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras. (Text entry; no document attached.)

6503/22/2022RESPONSE by KYLE FITZSIMONS re [61] MOTION in Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b)

6603/25/2022RESPONSE by KYLE FITZSIMONS re 61 MOTION in Limine to Admit Evidence as Intrinsic Evidence or, in the Alternative, as Other Acts Evidence Pursuant to Federal Rule of Evidence 404(b)

6704/13/2022NOTICE OF ATTORNEY APPEARANCE Michael Matthew Gordon appearing for USA.

1 Attachment ▼

6805/07/2022Unopposed MOTION to Continue Deadline for Submission of Joint Pretrial Statement by USA as to KYLE FITZSIMONS.

05/07/2022MINUTE ORDER granting 68 Unopposed Motion to Continue Deadline for Submission of Joint Pretrial Statement as to KYLE FITZSIMONS (1): It is hereby ORDERED that the motion is granted, and the parties' joint pretrial statement is now due on or before May 20, 2022. SO ORDERED. Signed by Judge Rudolph Contreras on 5/7/2022. (lcrc2) (Text entry; no document attached.)

6905/18/2022SECOND SUPERSEDING INDICTMENT as to KYLE FITZSIMONS (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss. (zhjsj)

05/20/2022MINUTE ORDER as to KYLE FITZSIMONS: Status Conference on Motion to waive jury trial [71] set for 5/27/2022 at 10:00 AM before Judge Rudolph Contreras via zoom video. (So Ordered Judge Rudolph Contreras on 5/20/2022). (Text entry; no document attached.)

7105/20/2022MOTION to Waive a Trial by Jury by KYLE FITZSIMONS.

7205/20/2022STATEMENT OF CASE by USA as to KYLE FITZSIMONS

1 Attachment ▼

7305/20/2022EXHIBIT LIST by USA as to KYLE FITZSIMONS

7405/24/2022MEMORANDUM OPINION & ORDER as to KYLE FITZSIMONS: Granting in part and denying in part 61 Motion in Limine. See document for details. Signed by Judge Rudolph Contreras on 5/24/2022. (lcrc2)

7505/26/2022SUPPLEMENT by KYLE FITZSIMONS to the Joint Pretrial Statement

7605/26/2022ORDER denying [57] Motion to Dismiss Count Three as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 05/26/2022. (lcrc1)

7705/26/2022MEMORANDUM OPINION denying 57 Motion to Dismiss Count Three as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 05/26/2022. (lcrc1)

05/27/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Arraignment as to KYLE FITZSIMONS (1) held on 5/27/2022. Defendant enters a plea of NOT GUILTY to counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss, 9ss, 10ss, 11ss of the second superseding indictment filed on 5/18/22. The court vacated the Pretrial Conference scheduled for 6/3/22. Defendant will file a Motion to Continue the Jury Trial. Speedy Trial Time Excludable (XT) started 5/27/22 until 6/15/22, in the interest of justice. Status Conference set for 6/15/2022 at 10:00 AM via video before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear by video; US Attorneys: Douglas Brasher and Michael Gordon; Defense Attorney: Natasha Taylor-Smith; Court Reporter: Nancy Meyer. (zgdf) (Text entry; no document attached.)

7806/02/2022MOTION to Continue Trial (Unopposed) by KYLE FITZSIMONS.

06/02/2022NOTICE OF ERROR as to KYLE FITZSIMONS regarding 78 MOTION to Continue Trial (Unopposed). The following error(s) need correction: Other- Please refile as a Notice of Proposed Order. (zhjsj) (Text entry; no document attached.)

7906/02/2022NOTICE of Proposed Order by KYLE FITZSIMONS

06/15/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference as to KYLE FITZSIMONS held on 6/15/2022. The defendant consents to a bench trial, and the court sets the following schedule: Status Conference re: waiver of jury is set for 7/6/2022 at 10:00 AM via zoom video; Pretrial Conference set for 8/5/2022 at 11:00 AM before Judge Rudolph Contreras via zoom video; Bench Trial is set for 8/16/2022 at 10:00 AM in Courtroom 23A before Judge Rudolph Contreras. Bond Status of Defendant: Committed with consent to appear by video; Court Reporter: Tammy Nestor; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

06/15/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference as to KYLE FITZSIMONS held on 6/15/2022. The defendant consents to a bench trial, and the court sets the following schedule: Status Conference re: waiver of jury is set for 7/6/2022 at 10:00 AM via zoom video; Pretrial Conference set for 8/5/2022 at 11:00 AM before Judge Rudolph Contreras via zoom video; Bench Trial is set for 8/16/2022 at 10:00 AM in Courtroom 23A before Judge Rudolph Contreras. Bond Status of Defendant: Committed with consent to appear by video; Court Reporter: Tammy Nestor; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

07/06/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference as to KYLE FITZSIMONS held on 7/6/2022. The court grants defendant's motion [71] to waive trial by jury, and a bench trial will commence in person on August 16, 2022 at 10:00am in courtroom 29A. Pretrial conference remains scheduled for August 5, 2022 at 11am via zoom video before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear virtually; Court Reporter: Janice Dickman; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

8007/06/2022WAIVER of Trial by Jury as to KYLE FITZSIMONS. (Approved by Judge Rudolph Contreras on 7/6/2022).

07/06/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Status Conference as to KYLE FITZSIMONS held on 7/6/2022. The court grants defendant's motion 71 to waive trial by jury, and a bench trial will commence in person on August 16, 2022 at 10:00am in courtroom 29A. Pretrial conference remains scheduled for August 5, 2022 at 11am via zoom video before Judge Rudolph Contreras. Bond Status of Defendant: Committed/with consent to appear virtually; Court Reporter: Janice Dickman; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

8108/04/2022MOTION to Compel Defendant to Reimburse the Court for Costs of His Defense by USA as to KYLE FITZSIMONS.

08/05/2022Minute Entry for proceedings held before Judge Rudolph Contreras:Pretrial Conference as to KYLE FITZSIMONS held on 8/5/2022. The parties are directed to submit a joint status report by 8/9/2022 addressing whether defendant consents to a witness appearing by video. The parties are also directed to file under seal the vaccination status of witnesses. Trial remains scheduled to commence on 8/16/2022 @ 10am. Bond Status of Defendant: Committed/with consent to appear virtually; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Michael Gordon and Douglas Brasher; (Text entry; no document attached.)

8208/09/2022Joint STATUS REPORT Regarding Witness Testimony by USA as to KYLE FITZSIMONS

8308/10/2022MOTION to Quash Subpoena by CABLE NEWS NETWORK, INC. as to KYLE FITZSIMONS.

2 Attachments ▼

8408/10/2022RESPONSE by USA as to KYLE FITZSIMONS re [83] MOTION to Quash taking no position

8608/10/2022RESPONSE by KYLE FITZSIMONS re [83] MOTION to Quash

1 Attachment ▼

8708/11/2022REPLY in Support by CABLE NEWS NETWORK, INC. as to KYLE FITZSIMONS re [83] MOTION to Quash

8808/11/2022MOTION to Enforce Defense Subpoena by KYLE FITZSIMONS.

1 Attachment ▼

8908/12/2022MOTION to Withdraw Document [88] MOTION to Enforce Defense Subpoena by KYLE FITZSIMONS.

9008/13/2022TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Rudolph Contreras
Transcripts may be ordered by submitting the Transcript Order Form

08/14/2022MINUTE ORDER: Upon consideration of Defendant's [89] Motion to Withdraw the [88] Motion to Enforce Subpoena, it is hereby ORDERED that the motion is GRANTED. SO ORDERED. Signed by Judge Rudolph Contreras on 8/14/2022. (lcrc2) (Text entry; no document attached.)

9108/14/2022MEMORANDUM OPINION & ORDER granting 83 MOTION to Quash filed by CABLE NEWS NETWORK, INC. See document for details. Signed by Judge Rudolph Contreras on 8/14/2022. (lcrc2)

9208/15/2022WITNESS LIST by USA as to KYLE FITZSIMONS

9308/15/2022EXHIBIT LIST by USA as to KYLE FITZSIMONS

08/16/2022Minute Entry for proceedings held before Judge Rudolph Contreras:Bench Trial as to KYLE FITZSIMONS begun and held on 8/16/2022. Evidence entered and Bench Trial continued to 8/16/2022 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor Smith; US Attorney: Douglas Brasher and Michael Gordon; Witnesses: Phuson Nguyen; Aisha Woodward; Deborah Wilson; Harris Howard; Tia Summers; Paul Wade. (Text entry; no document attached.)

08/17/2022Minute Entry for proceedings held before Judge Rudolph Contreras:Bench Trial as to KYLE FITZSIMONS resumed and held on 8/17/2022. Evidence entered and bench trial continued to 8/18/2022 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras. Bond Status of Defendant: committed/commitment issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor Smith; US Attorney: Douglas Brasher and Michael Gordon; Witnesses: Sarah Beaver; Harrison Thorp; Aquilino Gonell. (Text entry; no document attached.)

9408/17/2022TRIAL BRIEF by KYLE FITZSIMONS

9508/18/2022TRIAL BRIEF by USA as to KYLE FITZSIMONS

08/18/2022Minute Entry for proceedings held before Judge Rudolph Contreras: Bench Trial as to KYLE FITZSIMONS resumed and held on 8/18/2022. Evidence entered, and bench trial continued to 8/19/2022 at 10:30 AM in Courtroom 23A- In Person before Judge Rudolph Contreras. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; Witnesses: Aquilino Gonnell and Tom Ryan (Text entry; no document attached.)

08/19/2022Minute Entry for proceedings held before Judge Rudolph Contreras:Bench Trial as to KYLE FITZSIMONS resumed and held on 8/19/2022. Evidence entered and bench trial concluded. Defendant's renewed rule 29 motion is taken under advisement. Parties shall file briefs by 8/26/2022. Bond Status of Defendant: Committed/commitment issued; Defense Attorney: Natasha Taylor Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

9608/19/2022MOTION for Acquittal on Count One by KYLE FITZSIMONS.

9708/19/2022MOTION for Acquittal on Count Two by KYLE FITZSIMONS.

08/19/2022Minute Entry for proceedings held before Judge Rudolph Contreras:Bench Trial as to KYLE FITZSIMONS resumed and held on 8/19/2022. Evidence entered and bench trial concluded. Defendant's renewed rule 29 motion is taken under advisement. Parties shall file briefs by 8/26/2022. Bond Status of Defendant: Committed/commitment issued; Defense Attorney: Natasha Taylor Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

9808/26/2022TRIAL BRIEF by USA as to KYLE FITZSIMONS

9908/26/2022RESPONSE by USA as to KYLE FITZSIMONS re 96 MOTION for Acquittal on Count One

10008/26/2022RESPONSE by USA as to KYLE FITZSIMONS re 97 MOTION for Acquittal on Count Two

10108/26/2022ENTERED IN ERROR.REPLY by KYLE FITZSIMONS to Government Trial Brief Modified on 8/29/2022. Duplicate entry, please see docket entry 103 (zhsj).

10208/26/2022TRIAL BRIEF by KYLE FITZSIMONS

10308/26/2022REPLY by KYLE FITZSIMONS re 95 Trial Brief

09/16/2022MINUTE ORDER as to KYLE FITZSIMONS: Verdict Hearing set for 9/27/2022 at 10:00 AM in Courtroom 24A- In Person before Judge Rudolph Contreras. (So Ordered by Judge Rudolph Contreras on 9/16/2022). (Text entry; no document attached.)

09/27/2022Minute Entry for proceedings held before Judge Rudolph Contreras:Verdict Hearing as to KYLE FITZSIMONS held on 9/27/2022. COURT VERDICT as to defendant KYLE FITZSIMONS: The court finds the defendant GUILTY on Counts 1ss,2ss,3ss,4ss,6ss,7ss,8ss,9ss,10ss and 11ss of the second superseding indictment filed on 5/18/22. Sentencing is set for 2/17/2023 at 02:00 PM in Courtroom 23A- In Person before Judge Rudolph Contreras. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

10409/27/2022ORDER as to defendant KYLE FITZSIMONS : denying 96 97 Motions for Acquittal. (Signed by Judge Rudolph Contreras on 9/27/2022).

09/27/2022REFERRAL TO PROBATION OFFICE for Presentence Investigation as to KYLE FITZSIMONS. (Text entry; no document attached.)

10509/27/2022SENTENCING SCHEDULING ORDER as to KYLE FITZSIMONS. See document for details. Signed by Judge Rudolph Contreras on 9/27/2022. (lcrc2)

09/27/2022Minute Entry for proceedings held before Judge Rudolph Contreras:Verdict Hearing as to KYLE FITZSIMONS held on 9/27/2022. COURT VERDICT as to defendant KYLE FITZSIMONS: The court finds the defendant GUILTY on Counts 1ss,2ss,3ss,4ss,6ss,7ss,8ss,9ss,10ss and 11ss of the second superseding indictment filed on 5/18/22. Sentencing is set for 2/17/2023 at 02:00 PM in Courtroom 23A- In Person before Judge Rudolph Contreras. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Natasha Taylor-Smith; US Attorney: Douglas Brasher and Michael Gordon; (Text entry; no document attached.)

10610/27/2022TRANSCRIPT OF VERDICT - BENCH TRIAL - in the case as to KYLE FITZSIMONS before the Honorable Rudolph Contreras held on 09/27/2022. Page Numbers: 1-56. Date of Issuance: 10/23/2022. Stenographic Court Reporter: Nancy J. Meyer. Telephone Number: 202-354-3118. Transcripts may be ordered by going to www.dcd.uscourts.gov. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have 21 days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 11/17/2022. Redacted Transcript Deadline set for 11/27/2022. Release of Transcript Restriction set for 1/25/2023.

10801/20/2023Unopposed MOTION for Extension of Time to Submit PSR Objections by USA as to KYLE FITZSIMONS.

01/23/2023MINUTE ORDER as to KYLE FITZSIMONS: It is hereby ORDERED that [105] the Sentencing Scheduling Order is amended as follows: the probation officer shall disclose to the parties and file with the Court the final presentence investigation report on or before February 3, 2023 and the parties' shall submit any memoranda in aid of sentencing on or before February 10, 2023, with any responses due on or before February 14, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1/23/23. (lcrc2) (Text entry; no document attached.)

01/23/2023MINUTE ORDER granting [108] the Government's Unopposed Motion for Extension of Time as to KYLE FITZSIMONS: It is hereby ORDERED that the Government shall submit any objections to the presentence report on or before January 27, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1/23/23. (lcrc2) (Text entry; no document attached.)

01/23/2023MINUTE ORDER granting 108 the Government's Unopposed Motion for Extension of Time as to KYLE FITZSIMONS: It is hereby ORDERED that the Government shall submit any objections to the presentence report on or before January 27, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1/23/23. (lcrc2) (Text entry; no document attached.)

01/23/2023MINUTE ORDER as to KYLE FITZSIMONS: It is hereby ORDERED that 105 the Sentencing Scheduling Order is amended as follows: the probation officer shall disclose to the parties and file with the Court the final presentence investigation report on or before February 3, 2023 and the parties' shall submit any memoranda in aid of sentencing on or before February 10, 2023, with any responses due on or before February 14, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 1/23/23. (lcrc2) (Text entry; no document attached.)

11202/06/2023MOTION to Continue Sentencing Hearing, Unopposed, for 45 Days by KYLE FITZSIMONS.

02/09/2023MINUTE ORDER granting [112] the motion to continue the sentencing of defendant KYLE FITZSIMONS currently scheduled for 2/17/2023 @ 2:00pm. It is further ORDERED that Sentencing is hereby rescheduled for 4/3/2023 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras.)(So Ordered Judge Rudolph Contreras on 2/9/2023). (Text entry; no document attached.)

02/09/2023MINUTE ORDER granting 112 the motion to continue the sentencing of defendant KYLE FITZSIMONS currently scheduled for 2/17/2023 @ 2:00pm. It is further ORDERED that Sentencing is hereby rescheduled for 4/3/2023 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras.)(So Ordered Judge Rudolph Contreras on 2/9/2023). (Text entry; no document attached.)

11303/09/2023NOTICE OF ATTORNEY APPEARANCE: Jonathan Alan McDonald appearing for KYLE FITZSIMONS

11403/23/2023MOTION to Continue of Sentencing Hearing (Unopposed), Order with a Certificate of Service by KYLE FITZSIMONS.

03/30/2023MINUTE ORDER granting [114] the motion to continue the sentencing of defendant KYLE FITZSIMONS currently scheduled for April 3, 2023 @ 10am. It is further ORDERED that sentencing is hereby RESCHEDULED for June 13, 2023 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras.(Signed by Judge Rudolph Contreras on 3/30/23). (Text entry; no document attached.)

03/30/2023MINUTE ORDER granting 114 the motion to continue the sentencing of defendant KYLE FITZSIMONS currently scheduled for April 3, 2023 @ 10am. It is further ORDERED that sentencing is hereby RESCHEDULED for June 13, 2023 at 10:00 AM in Courtroom 23A- In Person before Judge Rudolph Contreras.(Signed by Judge Rudolph Contreras on 3/30/23). (Text entry; no document attached.)

04/07/2023MINUTE ORDER as to KYLE FITZSIMONS: It is hereby ORDERED that 105 the Sentencing Scheduling Order is amended as follows: the parties shall submit any memoranda in aid of sentencing on or before May 26, 2023, with any responses due on or before June 2, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 4/7/23. (lcrc2) (Text entry; no document attached.)

04/07/2023MINUTE ORDER as to KYLE FITZSIMONS: It is hereby ORDERED that [105] the Sentencing Scheduling Order is amended as follows: the parties shall submit any memoranda in aid of sentencing on or before May 26, 2023, with any responses due on or before June 2, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 4/7/23. (lcrc2) (Text entry; no document attached.)

05/11/2023Set/Reset Deadlines as to KYLE FITZSIMONS:Sentencing Memorandum due by 5/26/2023; Responses to Sentencing due by 6/2/2023; (Text entry; no document attached.)

11605/26/2023SENTENCING MEMORANDUM by USA as to KYLE FITZSIMONS

2 Attachments ▼

06/12/2023MINUTE ORDER as to KYLE FITZSIMONS: Upon consent of the parties, sentencing currently scheduled for June 13, 2023 at 10:00am is hereby RESCHEDULED for July 13, 2023 at 2:00 PM in Courtroom 23A- In Person before Judge Rudolph Contreras. (So ordered Judge Rudolph Contreras on 6/12/23). (Text entry; no document attached.)

12007/05/2023NOTICE of Exhibit to Defendant's Sentencing Memorandum Docket Number 117 and 119 by KYLE FITZSIMONS

07/13/2023Minute Entry for proceedings held before Judge Rudolph Contreras:Sentencing as to KYLE FITZSIMONS held on 7/13/2023. Defendant is sentenced to a term of imprisonment totaling 87 months, and the term of imprisonment on each count of conviction is follows: Count 1ss: 60 months to run concurrently to all other counts; Counts 2ss, 3ss and 5ss: 87 months on to run concurrently to all other counts; Counts 4ss and 6ss: 87 months to run concurrently to all other counts; Counts 7ss and 8ss: 12 months to run concurrently to all other counts; Count 9ss: 87 months to run concurrently to all other counts; Counts 10ss and 11ss: 6 months on run concurrently to all other counts; Term of Supervised Release (with conditions) is as follows: 3 years, of supervised release as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, and 9ss; 12 months on Counts 7ss and 8ss, to run concurrently on all counts. Special assessment Totaling \$770.00; Restitution: \$2,000.00 Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Jonathan McDonald; US Attorney: Michael Gordon and Douglas Brasher; (Text entry; no document attached.)

07/13/2023Minute Entry for proceedings held before Judge Rudolph Contreras: Sentencing as to KYLE FITZSIMONS held on 7/13/2023. Defendant is sentenced to a term of imprisonment totaling 87 months, and the term of imprisonment on each count of conviction is follows: Count 1ss: 60 months to run concurrently to all other counts; Counts 2ss, 3ss and 5ss: 87 months on to run concurrently to all other counts; Counts 4ss and 6ss: 87 months to run concurrently to all other counts; Counts 7ss and 8ss: 12 months to run concurrently to all other counts; Count 9ss: 87 months to run concurrently to all other counts; Counts 10ss and 11ss: 6 months on run concurrently to all other counts; Term of Supervised Release (with conditions) is as follows: 3 years, of supervised release as to Counts 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, and 9ss; 12 months on Counts 7ss and 8ss, to run concurrently on all counts. Special assessment Totaling \$770.00; Restitution totaling: \$2,000.00; Open Counts are dismissed on the government's motion. Bond Status of Defendant: Committed/Commitment Issued; Court Reporter: Nancy Meyer; Defense Attorney: Jonathan McDonald; US Attorney: Michael Gordon and Douglas Brasher; (tj). (Text entry; no document attached.)

12307/25/2023NOTICE OF APPEAL - Final Judgment by KYLE FITZSIMONS re Sentencing. Fee Status: No Fee Paid. Parties have been notified.

07/27/2023MINUTE ORDER as to KYLE FITZSIMONS: As stated on the record during the sentencing hearing on July 13, 2023, it is hereby ORDERED that the Government shall make any submission concerning restitution for medical bills incurred by Sgt. Gonell on or before August 17, 2023. It is FURTHER ORDERED that Defendant shall

respond to the Government's submission on or before August 31, 2023. SO ORDERED. Signed by Judge Rudolph Contreras on 7/27/23. (lcrc2) (Text entry; no document attached.)

12407/27/2023Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by FPD as to KYLE FITZSIMONS re [123] Notice of Appeal - Final Judgment. (zhsj)

12507/26/2023JUDGMENT as to KYLE FITZSIMONS. Statement of Reasons Not Included. Signed by Judge Rudolph Contreras on 7/26/2023. (zhsj)

12607/26/2023STATEMENT OF REASONS as to KYLE FITZSIMONS re [125] 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 Rudolph Contreras on 7/26/2023. (zhsj)

12707/28/2023Transmitted Supplemental Record on Appeal and Docket Sheet to USCA. Judgment and Commitment Order Filed on 7/26/2023 as to KYLE FITZSIMONS re [125] Judgment and Commitment. (zhsj)

12808/25/2023TRANSCRIPT OF STATUS CONFERENCE in case as to KYLE FITZSIMONS before Judge Rudolph Contreras held on July 19, 2021; Page Numbers: 1-12. Date of Issuance: August 25, 2023. Court Reporter/Transcriber Lisa Edwards. Telephone number (202) 354-3269. 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 9/15/2023. Redacted Transcript Deadline set for 9/25/2023. Release of Transcript Restriction set for 11/23/2023.(zlf)

12909/25/2023TRANSCRIPT OF PROCEEDINGS in case as to KYLE FITZSIMONS before Judge Rudolph Contreras held on July 6, 2022; Page Numbers: 1-14. Date of Issuance: September 25, 2023. Court Reporter: Janice Dickman, Telephone number: 202-354-3267, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 10/16/2023. Redacted Transcript Deadline set for 10/26/2023. Release of Transcript Restriction set for 12/24/2023.