

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00237-RDM-1

Case title: USA v. KLEIN et al

Date Filed: 03/19/2021

Assigned to: Judge Randolph D. Moss

Defendant (1)

JONATHANPETER ALLEN KLEIN

represented by **Michelle M. Sweet**
FEDERAL PUBLIC DEFENDER, DISTRICT OF OREGON
101 SW Main
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender Appointment

Pending Counts

18 U.S.C. 371; CONSPIRACY TO DEFRAUD THE UNITED STATES;
Conspiracy
(1)

18 U.S.C. 371; CONSPIRACY TO DEFRAUD THE UNITED STATES;
Conspiracy
(1s)

18 U.S.C. 1512(c)(2), 2; TAMPERING WITH A WITNESS, VICTIM OR
INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(2)

18 U.S.C. 1512(c)(2), 2; TAMPERING WITH A WITNESS, VICTIM OR
INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(2s)

18 U.S.C. 231(a)(3) and 2; CIVIL DISORDER; Obstruction of Law Enforcement
During Civil Disorder and Aiding and Abetting
(3)

18 U.S.C. 231(a)(3), 2; CIVIL DISORDER; Obstruction of Law Enforcement
During Civil Disorder and Aiding and Abetting
(3s)

18 U.S.C. 1361, 2; GOVERNMENT PROPERTY OR CONTRACTS; Destruction
of Government Property and Aiding and Abetting
(4)

18 U.S.C. 1361, 2; GOVERNMENT PROPERTY OR CONTRACTS; Destruction
of Government Property and Aiding and Abetting
(4s)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted Building or Grounds
(5)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted Building or Grounds
(5s)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT;
Disorderly Conduct in a Restricted Building or Grounds
(6)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT;
Disorderly and Disruptive Conduct in a Restricted Building or Grounds
(6s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Disposition

Disposition

Plaintiff

USA

represented by **Christopher K. Veatch**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

| Date Filed | # | Docket Text |
|------------|--------------------|--|
| 03/19/2021 | 1 | INDICTMENT as to JONATHANPETER ALLEN KLEIN (1) count(s) 1, 2, 3, 4, 5, 6, MATTHEW LELAND KLEIN (2) count(s) 1, 2, 3, 4, 5, 6. (zltpt) (Entered: 03/22/2021) |
| 03/19/2021 | 3 | MOTION to Seal Case by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN. (Attachments: # 1 Text of Proposed Order)(zltpt) (Entered: 03/22/2021) |
| 03/19/2021 | 4 | ORDER granting 3 Motion to Seal Case as to JONATHANPETER ALLEN KLEIN (1), MATTHEW LELAND KLEIN (2). Signed by Magistrate Judge Robin M. Meriweather on 3/19/2021. (zltpt) (Entered: 03/22/2021) |
| 03/23/2021 | | Arrest of JONATHANPETER ALLEN KLEIN. (ztl) (Entered: 03/31/2021) |
| 03/25/2021 | 5 | Arrest Warrant Returned Executed on 3/23/2021 as to JONATHANPETER ALLEN KLEIN in Heppner, Oregon. (zltpt) (Entered: 03/26/2021) |
| 03/25/2021 | | Case unsealed as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (zltpt) (Entered: 03/26/2021) |
| 03/26/2021 | 7 | MEMORANDUM in Support of Pretrial Detention by USA as to JONATHANPETER ALLEN KLEIN (Veatch, Christopher) (Entered: 03/26/2021) |
| 03/26/2021 | | ORAL MOTION to Appoint Counsel by JONATHANPETER ALLEN KLEIN. (ztl) (Entered: 03/31/2021) |
| 03/26/2021 | | ORAL MOTION to Commit Defendant to Custody of Attorney General by JONATHANPETER ALLEN KLEIN. (ztl) (Entered: 03/31/2021) |
| 03/26/2021 | | ORAL MOTION for Release from Custody by JONATHANPETER ALLEN KLEIN. (ztl) (Entered: 03/31/2021) |
| 03/26/2021 | | ORAL MOTION for Speedy Trial by JONATHANPETER ALLEN KLEIN. (ztl) (Entered: 03/31/2021) |
| 03/26/2021 | | Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance/Detention Hearing as to JONATHANPETER ALLEN KLEIN held on 3/26/2021. Defendant present by video from the correctional facility in Portland Oregon. Oral Motion to Appoint Counsel by JONATHANPETER ALLEN KLEIN (1); heard and granted. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to JONATHANPETER ALLEN KLEIN (1); heard and granted. Oral Motion for Release from Custody to 3rd party custody by JONATHANPETER ALLEN KLEIN (1); heard and denied. Oral Motion by the Government for Speedy Trial as to JONATHANPETER ALLEN KLEIN (1); heard and granted. Defense did not object. Speedy Trial Excluded from 3/26/2021 to 4/1/2021 in the Interest of Justice (XT). Arraignment Status Hearing set for 4/1/2021 at 2:00 PM by Telephonic/VTC before Judge Randolph D. Moss. Bond Status of Defendant: Defendant Committed/Commitment Issued; Court Reporter: Lisa Bankins; Defense Attorney: Michelle Sweet; US Attorney: Jacob Steiner for Christopher Veatch; Pretrial Officer: Christine Schuck. (ztl) (Entered: 03/31/2021) |
| 03/28/2021 | | MINUTE ORDER: In the Interest of Justice and to protect the Constitutional rights of JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2), the United States Marshals Service is hereby ORDERED to keep the defendants in their current detention facility. The United States Marshals Service shall not transport the defendants to Washington, D.C. until further order of the court. The United States Marshals Service shall coordinate with the detention facility, counsel, and this Court to ensure the defendants are available for future remote hearings. Signed by Magistrate Judge Zia M. Faruqi on 3/28/2021. (ztl) (Entered: 03/28/2021) |
| 03/31/2021 | 12 | NOTICE OF ATTORNEY APPEARANCE: Michelle M. Sweet appearing for JONATHANPETER ALLEN KLEIN (zltpt) (Entered: 04/05/2021) |
| 04/01/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): Pursuant to the Due Process Protections Act, it is hereby ORDERED that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Randolph D. Moss on 4/1/2021. (lcrdm3) (Entered: 04/01/2021) |
| 04/01/2021 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment/Status Conference as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2) held on 4/1/2021. Both Defendants consented to proceeding by video. Both Defendants arraigned on Counts 1, 2, 3, 4, 5, and 6. Plea of Not Guilty entered by JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2) as to ALL Counts. Due Process Protections Act Order read into the record by the Court. Oral motion by Defendants to remain housed in Oregon; HEARD and GRANTED in part. The Court makes a recommendation herein that the U.S. Marshal Service keep the Defendants housed at their respective current, local, facilities in Oregon. A further Status Conference is set for 5/7/2021, at 2:00 PM, by video, before Judge Randolph D. Moss. The parties shall utilize the same instructions to participate remotely. Speedy Trial (XT) is tolled as to BOTH Defendants from 4/1/2021 to 5/7/2021. Bond Status of Defendants: Defendants remain committed; Court Reporter: Jeff Hook; Defense Attorneys: Michelle Peterson (stand-in for Michelle Sweet) (1), and Steven R. Kiersch (2); U.S. Attorney: Christopher K. Veatch. (kt) (Entered: 04/01/2021) |
| 04/15/2021 | 15 | TRANSCRIPT OF VIDEO ARRAIGNMENT/STATUS CONFERENCE in case as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN before Judge Randolph D. Moss held on April 1, 2021. Page Numbers: 1 - 16. Date of Issuance: April 15, 2021. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. 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 5/6/2021. Redacted Transcript Deadline set for 5/16/2021. Release of Transcript Restriction set for 7/14/2021.(Hook, Jeff) (Entered: 04/15/2021) |
| 04/15/2021 | 16 | Unopposed MOTION for Protective Order by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN. (Attachments: # 1 Text of Proposed Order)(Veatch, Christopher) (Entered: 04/15/2021) |
| 04/18/2021 | 18 | PROTECTIVE ORDER as to JONATHANPETER ALLEN KLEIN (1), MATTHEW LELAND KLEIN (2): Upon consideration of the government's unopposed motion for protective order, Dkt. 16 , it is hereby ORDERED that the motion is GRANTED. The parties shall comply with the terms of the protective order, which the Court adopts in full. See document for details. Signed by Judge Randolph D. Moss on 4/18/2021. (lcrdm3) (Entered: 04/18/2021) |
| 04/21/2021 | 21 | ORDER OF DETENTION PENDING TRIAL - Defendant Held Without Bond as to JONATHANPETER ALLEN KLEIN. Signed by Magistrate Judge Zia M. Faruqi on 4/21/2021. (ztl) (Entered: 04/26/2021) |
| 04/22/2021 | 20 | Unopposed MOTION for Disclosure <i>Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials</i> by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN. (Attachments: # 1 Text of Proposed Order)(Veatch, Christopher) Modified relief on 4/27/2021 (znmw). (Entered: 04/22/2021) |
| 04/26/2021 | 25 | ORDER as to JONATHANPETER ALLEN KLEIN (1), MATTHEW LELAND KLEIN (2): Upon consideration of the government's unopposed motion for Order To Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials, Dkt. 20 , it is hereby ORDERED that the Motion is GRANTED. See document for details. Signed by Judge Randolph D. Moss on 4/26/2021. (lcrdm3) (Entered: 04/26/2021) |
| 05/05/2021 | 29 | Unopposed MOTION to Continue Status Conference by JONATHANPETER ALLEN KLEIN. (zltpt) (Entered: 05/05/2021) |
| 05/05/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of Mr. Klein's unopposed Motion to Continue, Dkt. 29 , it is hereby ORDERED that the parties shall submit, on or before May 6, 2021, at 3:00PM, their views as to whether the Court should toll time under the Speedy Trial Act from 5/7/2021 to 5/13/2021. Signed by Judge Randolph D. Moss on 5/5/2021. (lcrdm3) (Entered: 05/05/2021) |
| 05/06/2021 | 30 | NOTICE Regarding Joint Statement Regarding Tolling of Time Under the Speedy Trial Act by USA as to JONATHANPETER ALLEN KLEIN re 29 MOTION to Continue (Veatch, Christopher) (Entered: 05/06/2021) |
| 05/06/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of Mr. Klein's unopposed Motion to Continue, Dkt. 29 , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the status conference currently set for May 7, 2021, at 2:00 PM, by video, is VACATED and RESCHEDULED for May 13, 2021, at 2:00 PM, also to occur by video. The parties shall utilize the same video conference access information previously provided. Finally, it is ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C. 3161, from May 7, 2021 to May 13, 2021. The parties represent that the government "has tendered voluminous preliminary discovery to the defendant and is in the process of preparing a significant volume of additional materials for production," which the defendant needs to review. Dkt. 30 at 2. The parties further indicate that "[d]ue to the number of individuals currently charged across the Capitol Attack investigation and the nature of those charges, the on-going investigation of many other individuals, the volume and nature of potentially discoverable materials, and the reasonable time necessary for effective preparation by all parties taking into account the exercise of due diligence, the failure to grant such a continuance in this proceeding would be likely to make a continuation of this proceeding impossible, or result in a miscarriage of justice." <i>Id.</i> In light of the parties' representations, the Court concludes that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. 3161(h)(7)(A). The Court finds, in particular, that the continuance will permit the defendant to review the voluminous discovery that has, and will be provided, which, in turn, will aid the defendant in making a considered decision about how he would like to proceed in this matter. Signed by Judge Randolph D. Moss on 5/6/2021. (lcrdm3) (Entered: 05/06/2021) |
| 05/07/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of JonathanPeter Allen Klein's Sealed Motion for Leave to File, Dkt. 31 , it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Mr. Klein shall, on or before May 11, 2021, file the motion on the public docket with any appropriate redactions made. Mr. Klein is further advised that he should confer with Pretrial Services to identify suitable third-party custodians and that he should keep the Court apprised of any progress made. Finally, it is ORDERED that the government shall file any response to Mr. Klein's motion on or before May 11, 2021. Signed by Judge Randolph D. Moss on 5/7/2021. (lcrdm3) Modified on 5/10/2021 to add defendant's number after his name (kt). (Entered: 05/07/2021) |

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| 05/11/2021 | 34 | MOTION for Release from Custody (<i>captioned as Motion for Release to Home Detention</i>) by JONATHANPETER ALLEN KLEIN. (Sweet, Michelle) (Entered: 05/11/2021) |
| 05/11/2021 | 36 | RESPONSE by USA as to JONATHANPETER ALLEN KLEIN re 34 MOTION for Release from Custody (<i>captioned as Motion for Release to Home Detention</i>) (Veatch, Christopher) (Entered: 05/11/2021) |
| 05/12/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): It is hereby ORDERED that a motion hearing is set for May 13, 2021 at 2:00PM to address both Defendants' pending motions for Pretrial Release. Dkt. 31 ; Dkt. 33 . It is further ORDERED that both Defendants, as well as their primary, proposed third-party custodians, shall attend the hearing. The third-party custodians shall be prepared to answer questions from the Court under oath. The hearing will take place via video conference and the parties shall use the video conference instructions previously provided. Signed by Judge Randolph D. Moss on 5/12/2021. (lcrdm3) (Entered: 05/12/2021) |
| 05/13/2021 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference/Motion Hearing as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2) held on 5/13/2021 re: 33 MOTION for Bond <i>Renewed Motion for Institution of Conditions of Pretrial Release</i> filed by MATTHEW LELAND KLEIN. Defendant JONATHANPETER ALLEN KLEIN (1) was not present, for the reasons stated on the record. MATTHEW LELAND KLEIN (2) consented to proceeding by video. MATTHEW LELAND KLEIN'S 33 Motion for Release is GRANTED; Defendant to be released tomorrow on a Personal Recognizance Bond, into third party custody, with location monitoring; Order forthcoming from the Court. The motion hearing for JONATHANPETER ALLEN KLEIN (1) will be RESCHEDULED to a date to be determined. A further Status Conference for JONATHANPETER ALLEN KLEIN (1) is set for 6/4/2021, at 2:30 PM, by video, before Judge Randolph D. Moss. The parties shall utilize the same link for connecting. Speedy Trial (XT) as to JONATHANPETER ALLEN KLEIN (1) is tolled in the interest of justice from 5/13/2021 to 6/4/2021. Bond Status of Defendants: Defendant 1 remains committed; Defendant 2 to be released tomorrow.; Court Reporter: Jeff Hook; Defense Attorneys: Michelle Sweet (1) and Steven Kiersh (2); U.S. Attorney: Christopher Veatch; Pretrial Officer: Christine Schuck; Witness (Defdt 2): Donna Thibodeau. (kt) (Entered: 05/13/2021) |
| 05/13/2021 | | Set/Reset Hearings as to JONATHANPETER ALLEN KLEIN (1):Status Conference set for 6/4/2021, at 2:30 PM, by video, before Judge Randolph D. Moss. (kt) (Entered: 05/13/2021) |
| 05/18/2021 | | NOTICE OF HEARING as to JONATHANPETER ALLEN KLEIN (1) : Motion Hearing set for 5/19/2021, at 3:00 PM, by video, before Judge Randolph D. Moss. The parties shall utilize the same information for connecting to the hearing.(kt) (Entered: 05/18/2021) |
| 05/19/2021 | 40 | ORDER as to JONATHANPETER ALLEN KLEIN (1): For the reasons stated on the record at the Court's hearing on May 19, 2021, and in light of the government's consent to the Defendant's requested relief, Dkt. 36 , it is hereby ORDERED that Defendant Jonathanpeter Allen Klein's Motion for Pretrial Release, Dkt. 32 , is GRANTED, subject to the conditions specified herein. Jonathanpeter Allen Klein shall be released on a PR bond into third-party custody with location monitoring on May 20, 2021. See documents for details. Signed by Judge Randolph D. Moss on 5/19/2021.(lcrdm3) (Entered: 05/19/2021) |
| 05/19/2021 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Motion Hearing as to JONATHANPETER ALLEN KLEIN (1) held on 5/19/2021 re: 34 MOTION for Release from Custody (<i>captioned as Motion for Release to Home Detention</i>) filed by JONATHANPETER ALLEN KLEIN. The Motion for Release from Custody is GRANTED; Defendant released on a Personal Recognizance Bond, into third party custody, with location monitoring. Order forthcoming from the Court. Bond Status of Defendant: Defendant released on PR/LM; Court Reporter: Sara Wick; Defense Attorney: Michelle Sweet; U.S. Attorney: Christopher Veatch; Pretrial Officer: Christine Schuck. Defendant's Witness: Marillee Flanagan. (kt) (Entered: 05/19/2021) |
| 05/19/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of Jonathanpeter Allen Klein's Sealed Motion for Leave to File document Under Seal, Dkt. 35 , it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Mr. Klein shall, on or before May 26, 2021, file Dkt. 35 on the public docket with any appropriate redactions made. Signed by Judge Randolph D. Moss on 5/19/2021. (lcrdm3) (Entered: 05/19/2021) |
| 05/20/2021 | 41 | ORDER Setting Conditions of Release as to JONATHANPETER ALLEN KLEIN (1): PR Bond, with location monitoring, into 3rd party custody. Signed by Judge Randolph D. Moss on 5/19/2021. (kt) (Entered: 05/20/2021) |
| 05/26/2021 | 45 | SUPPLEMENT by JONATHANPETER ALLEN KLEIN re 34 MOTION for Release from Custody (<i>captioned as Motion for Release to Home Detention</i>) (<i>captioned as Declaration of Marillee Flanagan</i>) (Sweet, Michelle) (Entered: 05/26/2021) |
| 05/26/2021 | 46 | SUPPLEMENT by JONATHANPETER ALLEN KLEIN re 34 MOTION for Release from Custody (<i>captioned as Motion for Release to Home Detention</i>) (<i>captioned as Defendant's Supplement to Motion for Release to Home Detention</i>) (Sweet, Michelle) (Entered: 05/26/2021) |
| 05/27/2021 | | MINUTE ORDER as to MATTHEW LELAND KLEIN (2): The Court previously ordered the third-party custodian of Matthew Leland Klein ("Klein") to, each Monday following his release, submit to the Court via Klein's counsel a declaration attesting to Klein's compliance with the terms of his release. Dkt. 37 at 2. Klein's third-party custodian's declaration has not been filed this week. Klein's counsel is hereby ORDERED to file the third-party custodian declaration on or before 11:00AM tomorrow, May 27, 2021. Failure to file timely the third-party declaration may necessitate revisiting the terms of Klein's release. Signed by Judge Randolph D. Moss on 5/27/2021. (lcrdm3) (Entered: 05/27/2021) |
| 06/02/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): The Court previously ordered the third-party custodians of the defendants to, each Monday following the defendants' release, submit to the Court a declaration attesting to the defendants' compliance with the terms of their release. Dkt. 40 at 2; Dkt. 37 at 2. Neither third-party custodian has filed a declaration this week. The parties are hereby ordered to file the third-party declarations on or before 2:00PM, June 3, 2021. The parties are cautioned that failure to file the third-party declarations on Monday of each week, as previously ordered to do by the Court, may necessitate revisiting the terms of the defendants' release. Signed by Judge Randolph D. Moss on 6/2/2021. (lcrdm3) (Entered: 06/02/2021) |
| 06/03/2021 | 50 | NOTICE (<i>captioned as Declaration of Marillee Flanagan</i>) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 06/03/2021) |
| 06/04/2021 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2) held on 6/4/2021. Both Defendants consented to proceeding by video. The Court GRANTS Attorney Kiersh's 51 Motion to Withdraw as Attorney; Motion to Withdraw Appearance as Defense Counsel as to Matthew Leland Klein; Steven Roy Kiersh terminated as counsel for Matthew Leland Klein. A further Status Conference is set for 8/3/2021, at 3:00 PM, by video, before Judge Randolph D. Moss. The parties shall utilize the same link for connecting remotely to the hearing. Speedy Trial (XT) is tolled in the interest of justice from 6/4/2021 to 8/3/2021 as to BOTH Defendants. Bond Status of Defendants: Defendants remain on a PR Bond, with location monitoring, in 3rd party custody; Court Reporter: Jeff Hook; Defense Attorneys: Michelle Sweet (1) and Eugene Gorokhov (2); U.S. Attorney: Christopher Veatch. (kt) (Entered: 06/04/2021) |
| 06/07/2021 | 53 | NOTICE (<i>captioned as Declaration of Marillee Flanagan</i>) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 06/07/2021) |
| 06/14/2021 | 55 | NOTICE (<i>captioned as Declaration of Marillee Flanagan</i>) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 06/14/2021) |
| 06/21/2021 | 57 | NOTICE (<i>captioned as Declaration of Marillee Flanagan</i>) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 06/21/2021) |
| 06/28/2021 | 59 | NOTICE (<i>captioned as Declaration of Marillee Flanagan</i>) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 06/28/2021) |
| 07/02/2021 | 61 | MOTION to Travel by JONATHANPETER ALLEN KLEIN. (Sweet, Michelle) (Entered: 07/02/2021) |
| 07/06/2021 | 63 | NOTICE (<i>captioned as Declaration of Marillee Flanagan</i>) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 07/06/2021) |
| 07/06/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of JonathanPeter Allen Klein's motion to travel, Dkt. 61 , Pretrial Services is hereby ORDERED to submit to the Court, on or before July 13, 2021, its views on Emily Klein's suitability as a third-party custodian. Signed by Judge Randolph D. Moss on 7/6/2021. (lcrdm3) (Entered: 07/06/2021) |
| 07/12/2021 | 66 | ENTERED IN ERROR.....NOTICE (<i>captioned as Declaration of Marillee Flanagan</i>) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) Modified on 7/13/2021 (zstd). (Entered: 07/12/2021) |
| 07/12/2021 | 67 | ENTERED IN ERROR..... STATUS REPORT <i>Memorandum Regarding the Status of Discovery</i> by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Attachments: # 1 Exhibit A - Additional Examples of Defense Discovery Requests)(Veatch, Christopher) Modified on 7/13/2021 (zstd). (Entered: 07/12/2021) |
| 07/12/2021 | | NOTICE OF CORRECTED DOCKET ENTRY: as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN re 67 Status Report, was entered in error and counsel was instructed to refile said pleading using event Notices (Other). (zstd) (Entered: 07/13/2021) |
| 07/12/2021 | | NOTICE OF CORRECTED DOCKET ENTRY: as to JONATHANPETER ALLEN KLEIN re 66 Notice (Other) was entered in error and counsel was instructed to refile said pleading. A notice of filing needs filed as the main document and the declaration of Marilee Flanagan will be an attachment. (zstd) (Entered: 07/13/2021) |
| 07/13/2021 | 68 | NOTICE <i>United States' Memorandum Regarding the Status of Discovery</i> by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Attachments: # 1 Exhibit A - Additional Examples of Defense Discovery Requests)(Veatch, Christopher) (Entered: 07/13/2021) |
| 07/15/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of JonathanPeter Allen Klein's motion to travel, Dkt. 61 , it is hereby ORDERED that the motion is GRANTED as specified herein. It is further ORDERED that Mr. Klein (1) is permitted to travel to North Plains, Oregon from July 30 to August 1, 2021; (2) shall remain in the custody of his third-party custodian, Emily Klein, for the duration of the approved travel; and (3) shall remain subject to location monitoring for the duration of the approved travel. Finally, it is ORDERED that the timing and manner of Mr. Klein's travel are subject to such conditions as Pretrial Services may specify, and Mr. Klein is ORDERED to comply with all directions that Pretrial Services imposes. Signed by Judge Randolph D. Moss on 07/15/2021. (lcrdm3) (Entered: 07/15/2021) |
| 07/15/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): The Court understands that, in light of its Minute Orders granting Defendant JonathanPeter Allen Klein and Defendant Matthew Leland Klein's motions to travel, Dkts. 58 and 61 , both Defendants will be in attendance at the same family wedding. It is hereby ORDERED that, to the extent that Defendants are in proximity to one another during their travel, (1) both Defendants shall be accompanied by their respective third-party custodians; and (2) neither Defendant shall engage in any discussions of any kind regarding the events of January 6, 2021 or these proceedings. Signed by Judge Randolph D. Moss on 07/15/2021. (lcrdm3) Modified on 7/15/2021 to correct typo (kt). (Entered: 07/15/2021) |

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| 07/19/2021 | 70 | ENTERED IN ERROR.....NOTICE (captioned as Declaration of Marilee Flanagan) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) Modified on 7/27/2021 (zstd). (Entered: 07/19/2021) |
| 07/26/2021 | 72 | ENTERED IN ERROR.....NOTICE (captioned as Declaration of Marilee Flanagan) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) Modified on 7/27/2021 (zstd). (Entered: 07/26/2021) |
| 07/26/2021 | | NOTICE OF CORRECTED DOCKET ENTRY: as to JONATHANPETER ALLEN KLEIN re 70 Notice (Other), 72 Notice (Other) was entered in error and counsel was instructed to refile said pleading. The declaration cannot be filed alone, a notice of filing needs to be filed as the main document and the declaration as the attachment. (zstd) (Entered: 07/27/2021) |
| 07/29/2021 | 73 | NOTICE REGARDING DISCOVERY CORRESPONDENCE by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Attachments: # 1 Exhibit Attachment 1 - May 5, 2021 Letter to Defense Counsel, # 2 Exhibit Attachment 2 - July 8, 2021 Letter to Defense Counsel, # 3 Exhibit Attachment 3 - July 8, 2021 Letter to Defense Counsel, # 4 Exhibit Attachment 4 - July 12, 2021 Letter to Defense Counsel, # 5 Exhibit Attachment 5 - July 20, 2021 Letter to Defense Counsel)(Veatch, Christopher) (Entered: 07/29/2021) |
| 07/30/2021 | 74 | NOTICE REGARDING DISCOVERY CORRESPONDENCE (SECOND NOTICE) by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Attachments: # 1 Exhibit Attachment 1 - May 28, 2021 Email to Counsel for Jonathanpeter Klein, # 2 Exhibit Attachment 2 - May 28, 2021 Email to Counsel for Matthew Klein, # 3 Exhibit Attachment 3 - June 1, 2021 Email to Counsel for Matthew Klein)(Veatch, Christopher) (Entered: 07/30/2021) |
| 08/02/2021 | 76 | NOTICE (captioned as Declaration of Marilee Flanagan) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 08/02/2021) |
| 08/02/2021 | 77 | NOTICE (captioned as Declaration of Emily Klein) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 08/02/2021) |
| 08/03/2021 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2) held on 8/3/2021. Defendants consented to proceeding by video. The parties shall file a Joint Status Report on or before 10/1/2021, by 12 noon, which shall address discovery, next steps, and speedy trial. Speedy Trial (XT) as to BOTH Defendants is tolled in the interest of justice from 8/3/2021 to 10/1/2021. Bond Status of Defendants: Defendants remain on a PR Bond, with location monitoring, in 3rd party custody; Court Reporter: Jeff Hook; Defense Attorneys: Michelle Sweet (1) and Eugene Gorokhov (2); U.S. Attorney: Christopher Veatch. (kt) (Entered: 08/03/2021) |
| 08/09/2021 | 78 | NOTICE (captioned as Declaration of Marilee Flanagan) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 08/09/2021) |
| 08/16/2021 | 81 | NOTICE (captioned as Declaration of Marilee Flanagan) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 08/16/2021) |
| 08/16/2021 | 82 | Unopposed MOTION to Modify Conditions of Release by JONATHANPETER ALLEN KLEIN. (Sweet, Michelle) (Entered: 08/16/2021) |
| 08/17/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of Defendant Jonathanpeter Allen Klein's unopposed motion to modify the conditions of his release, Dkt. 82 , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that (1) Mr. Klein's location monitoring schedule is reduced from home detention to curfew; and (2) Mr. Klein shall have no contact with any known member of the Proud Boys. Signed by Judge Randolph D. Moss on 08/17/2021. (lcrdm3) (Entered: 08/17/2021) |
| 08/23/2021 | 83 | NOTICE (captioned as Declaration of Marilee Flanagan) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 08/23/2021) |
| 08/30/2021 | 85 | NOTICE (captioned as Declaration of Marilee Flanagan) by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 08/30/2021) |
| 08/30/2021 | 87 | NOTICE UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF AUGUST 23, 2021 by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Veatch, Christopher) (Entered: 08/30/2021) |
| 08/31/2021 | | NOTICE OF CORRECTED DOCKET ENTRY: as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN re 88 MOTION to Modify Conditions of Release was entered in error and counsel refiled said pleading. The correct docket entry is 89 . (zltpt) (Entered: 09/07/2021) |
| 09/07/2021 | 91 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 09/07/2021) |
| 09/13/2021 | 93 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 09/13/2021) |
| 09/15/2021 | 96 | NOTICE United States' Memorandum Regarding Status of Discovery as of September 14, 2021 by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Veatch, Christopher) (Entered: 09/15/2021) |
| 09/20/2021 | 97 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 09/20/2021) |
| 09/27/2021 | 99 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 09/27/2021) |
| 09/28/2021 | 100 | NOTICE Regarding Discovery Correspondence by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Attachments: # 1 Exhibit September 17, 2021 Correspondence, # 2 Exhibit September 21, 2021 Correspondence, # 3 Exhibit September 23, 2021 Correspondence, # 4 Exhibit September 27, 2021 Correspondence)(Veatch, Christopher) (Entered: 09/28/2021) |
| 09/29/2021 | 101 | NOTICE Regarding Discovery Correspondence by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Attachments: # 1 Exhibit September 29, 2021 Discovery Correspondence)(Veatch, Christopher) (Entered: 09/29/2021) |
| 09/29/2021 | 102 | Joint STATUS REPORT by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Veatch, Christopher) (Entered: 09/29/2021) |
| 09/29/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): Upon consideration of the parties' joint status report, it is hereby ORDERED that (1) the parties shall file a further joint status report on or before December 3, 2021; and (2) time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. 3161, from October 1, 2021 to December 3, 2021. The parties represent that "[t]he government has continued to provide voluminous discovery to the defendants," but that the production of discovery is ongoing. Dkt. 102 at 1-2. The parties further represent that "[g]iven the volume of discovery that has been and is expected to be produced, the defendants need additional time to meaningfully review such discovery and determine how best to proceed in this matter, including making decisions regarding the filing of pretrial motions." <i>Id.</i> at 2. In light of ongoing discovery, and Defendants' representations that they need further time to evaluate that discovery and determine how to proceed in this matter, the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. 3161(h)(7)(A). Signed by Judge Randolph D. Moss on 09/29/2021. (lcrdm3) (Entered: 09/29/2021) |
| 10/04/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): Upon consideration of the government's sealed motion for leave to file under seal, Dkt. 105 , it is hereby ORDERED that the motion is GRANTED. Signed by Judge Randolph D. Moss on 10/4/2021. (lcrdm3) (Entered: 10/04/2021) |
| 10/04/2021 | 106 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 10/04/2021) |
| 10/12/2021 | 108 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 10/12/2021) |
| 10/18/2021 | 109 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 10/18/2021) |
| 10/22/2021 | 110 | NOTICE United States' Memorandum Regarding Status of Discovery as of October 21, 2021 by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Veatch, Christopher) (Entered: 10/22/2021) |
| 10/25/2021 | 111 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 10/25/2021) |
| 11/01/2021 | 112 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 11/01/2021) |
| 11/05/2021 | 113 | NOTICE United States' Memorandum Regarding Status of Discovery as of November 5, 2021 by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Veatch, Christopher) (Entered: 11/05/2021) |
| 11/08/2021 | 114 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 11/08/2021) |
| 11/15/2021 | 115 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 11/15/2021) |
| 11/22/2021 | 116 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 11/22/2021) |
| 11/29/2021 | 117 | NOTICE Declaration of Marilee Flanagan by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 11/29/2021) |
| 11/29/2021 | 118 | NOTICE Regarding Discovery Correspondence by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Attachments: # 1 Exhibit November 26, 2021 Discovery Correspondence, # 2 Exhibit November 29, 2021 Discovery Correspondence)(Veatch, Christopher) (Entered: 11/29/2021) |
| 11/30/2021 | 119 | Joint STATUS REPORT by USA as to JONATHANPETER ALLEN KLEIN, MATTHEW LELAND KLEIN (Veatch, Christopher) (Entered: 11/30/2021) |
| 12/01/2021 | 120 | SUPERSEDING INDICTMENT as to JONATHANPETER ALLEN KLEIN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, MATTHEW LELAND KLEIN (2) count(s) 1s, 2s, 3s, 4s, 5s, 6s. (zltpt) (Entered: 12/02/2021) |
| 12/02/2021 | | NOTICE OF HEARING as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): Arraignment set for 12/6/2021, at 10:45 AM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting to the hearing. (kt) (Entered: 12/02/2021) |
| 12/02/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2): Upon consideration of the parties' joint status report, Dkt. 119 , it is hereby |

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| | | ORDERED that (1) the parties shall file a further joint status report on or before February 28, 2022; and (2) time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. 3161, from December 3, 2021, to February 28, 2022. The parties represent that "[g]iven the volume of discovery that has been and is expected to be produced, the defendants need additional time to meaningfully review such discovery and determine how best to proceed in this matter, including making decisions regarding the filing of pretrial motions." Dkt. 119 at 2. The parties further represent that they "agree that time should be excluded under the Speedy Trial Act from December 3, 2021, through February 28, 2022, in the interest of justice for the reasons previously provided by the Court." <i>Id.</i> ; see also Minute Order (Sept. 29, 2021). Given the volume of discovery in this case, and in light of Defendants' representations that they need further time to evaluate that discovery and determine how to proceed in this matter, the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. 3161(h)(7)(A). Signed by Judge Randolph D. Moss on 12/2/2021. (lcrdm3) (Entered: 12/02/2021) |
| 12/06/2021 | 124 | NOTICE <i>Declaration of Marillee Flanagan</i> by JONATHANPETER ALLEN KLEIN (Sweet, Michelle) (Entered: 12/06/2021) |
| 12/06/2021 | | Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment as to JONATHANPETER ALLEN KLEIN (1) and MATTHEW LELAND KLEIN (2) held on 12/6/2021. Both Defendants consented to proceeding by video. BOTH Defendants arraigned on Counts 1s, 2s, 4s, 5s, and 6s of the Superseding Indictment. Plea of Not Guilty entered by BOTH Defendants on ALL Counts. Speedy Trial (XT) is tolled in the interest of justice from 12/6/2021 to 2/28/2022. Bond Status of Defendants: Defendants remain on a PR Bond, with location monitoring, in 3rd party custody; Court Reporter: Nancy Meyer; Defense Attorneys: Michelle Sweet (1) and Eugene Gorokhov (2); U.S. Attorney: Christopher Veatch. (kt) (Entered: 12/06/2021) |
| 12/10/2021 | 125 | Unopposed MOTION to Modify Conditions of Release <i>and Permit Travel</i> by JONATHANPETER ALLEN KLEIN. (Sweet, Michelle) (Entered: 12/10/2021) |
| 12/11/2021 | | MINUTE ORDER as to JONATHANPETER ALLEN KLEIN (1): Upon consideration of the unopposed motion to modify conditions of release and permit travel, Dkt. 125 , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant's third-party custodian is no longer required to submit declarations, but she remains obligated promptly to notify the Court of any violations of the terms of Defendant's pretrial release. It is further ORDERED that Defendant may travel, subject to such conditions as Pretrial Services may impose, to his parent's home in Baker City, Oregon. Defendant may leave his current residence on December 24, 2021, and must return no later than December 26, 2021. During the course of Defendant's travel, Defendant's sister, Emily Klein, shall temporarily serve as Defendants third-party custodian. Ms. Klein is advised of her legal duty promptly to report any violations of Defendant's pretrial release conditions. Signed by Judge Randolph D. Moss on 12/11/2021. (lcrdm3) (Entered: 12/11/2021) |

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