

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00032-DLF-1

Case title: USA v. REFFITT

Date Filed: 01/27/2021

Magistrate judge case number: 1:21-mj-00091-ZMF

Assigned to: Judge Dabney L. Friedrich

Defendant (1)**GUY WESLEY REFFITT**

represented by **William Lawrence Welch , III**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR
INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(1)

18:231(a)(2); CIVIL ; Civil Disorder
(1s)

18:231(a)(2); CIVIL DISORDER; Civil Disorder.
(1ss)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and
Remaining in a Restricted Building or Grounds
(2)

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

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

18:1512(a)(2)(C); TAMPERING WITH WITNESS, VICTIM, OR AN
INFORMANT; Obstruction of Justice- Hindering Communication Through
Physical Force or Threat of Physical Force
(3)

18:1752(a)(1) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted Building or Grounds with a Deadly or
Dangerous Weapon.
(3s)

18:1752(a)(1) and (b)(1)(A); TEMPORARY RESIDENCE OF THE PRESIDENT;
Entering and Remaining in a Restricted Building or Grounds with a Deadly or
Dangerous Weapon.
(3ss)

18:231(a)(3); CIVIL DISORDER; Civil Disorder.
(4s)

18:231(a)(3); CIVIL DISORDER; Civil Disorder.
(4ss)

18:1512(a)(2)(C); TAMPER W/ WITNESS, VICTIM, INFORMANT (IF DEATH
RESULTS); Obstruction of Justice - Hindering Communication Through Physical
Force or Threat of Physical Force.
(5s)

18:1512(a)(2)(C); TAMPERING WITH A WITNESS, VICTIM OR INFORMANT;
Obstruction of Justice - Hindering Communication Through Physical Force or
Threat of Physical Force.
(5ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:1752(a), 1512(a)(2)(C).

Disposition**Disposition****Disposition****Plaintiff**

USA

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Date Filed	#	Docket Text
01/16/2021	1	COMPLAINT as to GUY WESLEY REFFITT (1). (Attachments: # 1 Affidavit in Support of Criminal Complaint and Arrest Warrant. (zhsj) [1:21-mj-00091-ZMF] (Entered: 01/18/2021)
01/19/2021	2	NOTICE of Errata by USA as to GUY WESLEY REFFITT re 1 Complaint (Nestler, Jeffrey) [1:21-mj-00091-ZMF] (Entered: 01/19/2021)
01/19/2021		MINUTE ORDER: Upon review of the governments Errata to Correct Statement in Affidavit in Support of Application for a Complaint, the Court finds that the information included in the Affidavit which was incorrect does not impact the Courts prior finding of probable cause. Because probable cause exists even without that information, the Complaint and Arrest Warrant issued by this Court remain valid. See, e.g., United States v. Cardoza, 713 F.3d 656, 659 (D.C. Cir. 2013) ([C]onclud[ing] that, even with the contested statements excised, the remaining portions of the officer's affidavit demonstrate probable cause for the search warrant."). Signed by Magistrate Judge Zia M. Faruqui on 1/19/2021. (ztl) [1:21-mj-00091-ZMF] (Entered: 01/20/2021)
01/27/2021	4	INDICTMENT as to GUY WESLEY REFFITT (1) count(s) 1, 2, 3. (bb) (Entered: 01/28/2021)
01/27/2021	5	Rule 5(c)(3) Documents Received as to GUY WESLEY REFFITT from US District Court Eastern District of Texas Sherman Division Case Number 4:21-mj-51 (bb) (Entered: 01/28/2021)
01/27/2021		Arrest of GUY WESLEY REFFITT in US District Court Eastern District of Texas Sherman Division. (bb) (Entered: 01/28/2021)
03/09/2021	7	ENTERD IN ERROR.....NOTICE OF ATTORNEY APPEARANCE Risa Berkower appearing for USA. (Berkower, Risa) Modified on 3/10/2021 (zhsj). (Entered: 03/09/2021)
03/09/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re 7 Notice of Attorney Appearance - USA was entered in error and counsel was instructed to refile said pleading. Counsel filed fillable form with no information. (zhsj) (Entered: 03/10/2021)
03/10/2021	8	NOTICE OF ATTORNEY APPEARANCE: William Lawrence Welch, III appearing for GUY WESLEY REFFITT pursuant to C.J.A. (Welch, William) (Entered: 03/10/2021)
03/10/2021	9	NOTICE OF ATTORNEY APPEARANCE Risa Berkower appearing for USA. (Berkower, Risa) (Entered: 03/10/2021)
03/10/2021	11	Arrest Warrant Returned Executed on 1/19/2021 as to GUY WESLEY REFFITT. (ztl) (Entered: 03/14/2021)
03/10/2021		ORAL MOTION to Appoint Counsel by GUY WESLEY REFFITT. (ztl) (Entered: 03/14/2021)
03/10/2021		ORAL MOTION for Temporary Detention by USA as to GUY WESLEY REFFITT. (ztl)ORAL (Entered: 03/14/2021)
03/10/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to GUY WESLEY REFFITT held on 3/10/2021. Defendant present by telephone. Due process order given to the Government. Oral Motion to appoint counsel as to GUY WESLEY REFFITT (1); heard and granted. Oral Motion for Temporary Detention (3 day hold) as to GUY WESLEY REFFITT (1); heard and granted. Detention Hearing set for 3/15/2021 at 11:00 AM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: FTR-Gold; FTR Time Frame: [12:12:39-12:20:40]; Defense Attorney: William Welch; US Attorney: Jacob Steiner for Jeff Nestler; Pretrial Officer: John Copes. (ztl) (Entered: 03/14/2021)
03/12/2021		Set/Reset Hearings as to GUY WESLEY REFFITT: Detention Hearing set for 3/15/2021 at 3:30 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. (ztl) (Entered: 03/14/2021)
03/13/2021	10	MEMORANDUM in Support of Pretrial Detention of Defendant by USA as to GUY WESLEY REFFITT. (Berkower, Risa) Modified on 3/15/2021 (zhsj). (Entered: 03/13/2021)
03/14/2021	12	RESPONSE by GUY WESLEY REFFITT re 10 MOTION to Commit Defendant to Custody of Attorney General (Welch, William) (Entered: 03/14/2021)
03/15/2021		NOTICE OF HEARING as to GUY WESLEY REFFITT. Status Conference set for 3/16/2021 at 12:30 PM via Video before Judge Dabney L. Friedrich. (zjch) (Entered: 03/15/2021)
03/15/2021		MINUTE ORDER. Pursuant to the Due Process Protections Act, the Court ORDERS that all government counsel shall review their disclosure obligations under Brady v. Maryland, 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. So Ordered by Judge Dabney L. Friedrich on March 15, 2021. (lcldf2) (Entered: 03/15/2021)
03/15/2021		ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to GUY WESLEY REFFITT. (ztl) (Entered: 03/15/2021)
03/15/2021		ORAL MOTION for Release from Custody by GUY WESLEY REFFITT. (ztl) (Entered: 03/15/2021)
03/15/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Detention Hearing as to GUY WESLEY REFFITT held on 3/15/2021. Defendant present by Video. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to GUY WESLEY REFFITT (1); heard and granted. Oral Motion for Release from Custody by GUY WESLEY REFFITT (1); heard and denied. Bond Status of Defendant: Defendant Committed Commitment Issued; Court Reporter: Sara Wick; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower; Pretrial Officer: Andre Sidbury. Witnesses: Payton Reffitt and Cayden Mitchell. (ztl) (Entered: 03/15/2021)
03/16/2021	13	NOTICE of Discovery by USA as to GUY WESLEY REFFITT (Attachments: # 1 Exhibit Discovery Letter 1)(Nestler, Jeffrey) (Entered: 03/16/2021)
03/16/2021		Minute Entry for Status and Arraignment of GUY WESLEY REFFITT as to Count 1,2,3 held on 3/16/2021 before Judge Dabney L. Friedrich. Not Guilty plea entered as to Count 1,2,3. Speedy Trial Excludable (XT) started 3/16/2021 through 4/19/2021 in the interest of justice. Status Conference as to GUY WESLEY REFFITT held on 3/16/2021, Plea entered as to GUY WESLEY REFFITT Not Guilty on counts 1,2,3. Status Conference set for 4/19/2021 at 1:00 PM in Telephonic/VTC before Judge Dabney L. Friedrich. Bond Status of Defendant: Commitment; Court Reporter: Sara Wick; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Entered: 03/16/2021)
03/16/2021	14	ORDER OF DETENTION PENDING TRIAL - Defendant Held Without Bond as to GUY WESLEY REFFITT. Signed by Magistrate Judge Zia M. Faruqui on 3/16/2021. (ztl) (Entered: 03/17/2021)
03/31/2021	15	Unopposed MOTION for Protective Order Governing Discovery by USA as to GUY WESLEY REFFITT. (Attachments: # 1 Text of Proposed Order)(Berkower, Risa) Modified Text on 3/31/2021 Removing the "Entered in Error From the Entry"(zhsj). (Entered: 03/31/2021)
03/31/2021		ENTERED IN ERROR.....NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re 15 Unopposed MOTION for Protective Order Governing Discovery was entered in error and counsel was instructed to refile said pleading. Wrong Attorney signature on motion. (zhsj) Modified on 3/31/2021 (zhsj). Modified on 3/31/2021 (zhsj). (Entered: 03/31/2021)
04/01/2021	16	ORDER granting the government's 15 Unopposed Motion for Protective Order as to GUY WESLEY REFFITT. See text for details. Signed by Judge Dabney L. Friedrich on April 1, 2021. (lcldf2) (Entered: 04/01/2021)
04/14/2021	18	MOTION to Revoke Detention Order by GUY WESLEY REFFITT. (Attachments: # 1 Text of Proposed Order)(Welch, William) (Entered: 04/14/2021)
04/14/2021	19	MOTION for Hearing by GUY WESLEY REFFITT. (See Docket Entry 18 to View Document). (zhsj) (Entered: 04/14/2021)
04/19/2021		Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 4/19/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 4/19/2021 through 5/13/2021 in the interest of justice. Responses due by 4/28/2021. Replies due by 5/5/2021. Motion Hearing and Status Conference set for 5/13/2021 at 2:30 PM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Committed; Court Reporter: Sara Wick; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Entered: 04/19/2021)
04/19/2021	21	TRANSCRIPT OF DETENTION HEARING in case as to GUY WESLEY REFFITT before Magistrate Judge Zia M. Faruqui, held on 03/15/2021. Page Numbers: 1-68. Date of Issuance: 04/19/2021. 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 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 5/10/2021. Redacted Transcript Deadline set for 5/20/2021. Release of Transcript Restriction set for 7/18/2021.(Wick, Sara) (Entered: 04/19/2021)
04/20/2021		MINUTE ORDER as to GUY WESLEY REFFITT. It is ORDERED that the government shall file, on or before April 28, 2021, its opposition to the defendant's <u>18</u> Motion to Revoke Detention Order, and the defendant shall file any reply on or before May 5, 2021. A hearing is scheduled for May 13, 2021 at 2:30 p.m. For the reasons stated in the April 19, 2021 hearing-namely, the defendant's pending motion, see 18 U.S.C. § 3161(h)(1)(D), and the need for the defense to review forthcoming discovery and determine how to best defend this case, see 18 U.S.C. § 3161(h)(7)(B)(iv)-the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Accordingly, pursuant to the Speedy Trial Act and with the consent of the defendant, the time from April 19, 2021 through May 13, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on April 20, 2021. (lcldf2) (Entered: 04/20/2021)
04/28/2021	<u>22</u>	RESPONSE by USA as to GUY WESLEY REFFITT re <u>18</u> MOTION to Revoke <i>Detention Order</i> (Nestler, Jeffrey) (Entered: 04/28/2021)
05/04/2021	<u>23</u>	REPLY in Support by GUY WESLEY REFFITT re <u>18</u> MOTION to Revoke <i>Detention Order</i> (Welch, William) (Entered: 05/04/2021)
05/12/2021	<u>24</u>	NOTICE of <i>Letter Allegedly Written by Defendant</i> by USA as to GUY WESLEY REFFITT re <u>22</u> Response to motion (Attachments: # <u>1</u> Exhibit ProPublica Article, # <u>2</u> Exhibit Letter) (Nestler, Jeffrey) (Entered: 05/12/2021)
05/13/2021		Minute Entry for Motion Hearing as to GUY WESLEY REFFITT re <u>18</u> MOTION to Revoke <i>Detention Order</i> filed by GUY WESLEY REFFITT and Status Conference held on 5/13/2021 before Judge Dabney L. Friedrich. Court DENIES <u>18</u> Motion to Revoke as to GUY WESLEY REFFITT. Speedy Trial Excludable (XT) started 5/13/2021 through 6/4/2021 in the interest of justice and over the objection by the defendant. Motions due by 6/14/2021. Responses due by 6/28/2021. Replies due by 7/6/2021. Motion Hearing set for 7/21/2021 at 11:00 AM in Telephonic/VTC before Judge Dabney L. Friedrich. Status Conference set for 6/4/2021 at 9:30 AM in Telephonic/VTC before Judge Dabney L. Friedrich. Bond Status of Defendant: Commitment; Court Reporter: Sara Wick Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Entered: 05/13/2021)
05/13/2021		MINUTE ORDER. For the reasons stated in the May 13, 2021 hearing, it is ORDERED that the defendant's <u>18</u> 19 Motion to Revoke Detention Order is DENIED. A status hearing is scheduled for June 4, 2021 at 9:30 a.m. A pretrial motions hearing is set for July 21, 2021 at 11:00 a.m. The parties shall file any pretrial motions on or before June 14, 2021; oppositions shall be filed on or before June 28, 2021; and any replies shall be filed on or before July 6, 2021. Finally, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Specifically, this case is unusual and complex due to the nature of the prosecution and the voluminous discovery at issue, including encrypted discovery contained on twenty electronic devices seized from the defendant. Thus, to deny a continuance in this case would deny counsel the reasonable time necessary for effective preparation. See 18 U.S.C. § 3161(h)(7)(B)(ii). Accordingly, pursuant to the Speedy Trial Act, the time from May 13, 2021 through June 4, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on May 13, 2021. (lcldf2) (Entered: 05/13/2021)
06/04/2021		Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 6/4/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 6/4/2021 through 7/14/2021 in the interest of justice. Motions due by 6/18/2021. Responses due by 7/7/2021. Motion Hearing set for 7/14/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Commitment; Court Reporter: Lisa Bankin; Defense Attorney: William Welch; US Attorney: Jeff Nestler and Risa Berkower. (zjch) (Entered: 06/04/2021)
06/04/2021		MINUTE ORDER as to GUY WESLEY REFFITT. Consistent with the discussion during the June 4, 2021 status hearing: the pretrial conference and motions briefing dates previously set on May 13, 2021 are VACATED; the government shall file its forthcoming motion related to accessing the defendant's computer on or before June 18, 2021; the defendant shall file his opposition on or before July 2, 2021; and the government shall file any reply no more than 7 days after the defense files its opposition; a motions hearing is scheduled for July 14, 2021 at 10:00 AM via videoconference. For the reasons stated during the status hearing, namely, to give the defense time to review the forthcoming discovery and make decisions on how to defend this case, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. §§ 3161(h)(7)(A) & (B)(ii). Accordingly, pursuant to the Speedy Trial Act, the time from June 4, 2021 through July 14, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on June 4, 2021. (lcldf2) (Entered: 06/04/2021)
06/04/2021		Set/Reset Deadlines as to GUY WESLEY REFFITT: Responses due by 7/2/2021 (zjch) (Entered: 06/04/2021)
06/16/2021	<u>25</u>	SUPERSEDING INDICTMENT as to GUY WESLEY REFFITT (1) count(s) 1s, 2s, 3s, 4s, 5s. (zhsj) (Entered: 06/17/2021)
06/18/2021	<u>27</u>	MOTION to Compel <i>Defendant to Produce Evidence in Unencrypted State</i> by USA as to GUY WESLEY REFFITT. (Nestler, Jeffrey) (Entered: 06/18/2021)
06/28/2021	<u>28</u>	RESPONSE by GUY WESLEY REFFITT re <u>27</u> MOTION to Compel <i>Defendant to Produce Evidence in Unencrypted State</i> (Welch, William) (Entered: 06/28/2021)
07/14/2021		Minute Entry for Status Conference (originally scheduled as a motions hearing) as to GUY WESLEY REFFITT held on 7/14/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 7/14/2021 through 7/21/2021 in the interest of justice. Motions due by 8/13/2021. Responses due by 8/27/2021. Replies due by 9/3/2021. Arraignment and Motion Hearing set for 7/21/2021 at 2:00 PM in Courtroom 12- In Person before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed - did not appear; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler. (zjch) (Entered: 07/14/2021)
07/14/2021		MINUTE ORDER as to GUY WESLEY REFFITT. Consistent with the discussion during the July 14, 2021 hearing: a hearing on the government's pending <u>27</u> Motion to Compel Defendant to Produce Evidence in Unencrypted State is set for July 21, 2021 at 2:00 p.m. in Courtroom 12. The parties shall file any pretrial motions on or before August 13, 2021; oppositions shall be filed on or before August 27, 2021; and any replies shall be filed on or before September 3, 2021. The government shall provide notice on or before September 3, 2021 of its intention to file evidence under Rule 404(b) of the Federal Rules of Criminal Procedure. Finally, for the reasons stated during the hearing, namely, in order to address the government's pending motion and in order to give the defense time to review the forthcoming discovery and make decisions on how to defend this case, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), (B)(iv). Accordingly, pursuant to the Speedy Trial Act, the time from July 14, 2021 through July 21, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on July 14, 2021. (lcldf2) (Entered: 07/14/2021)
07/20/2021	<u>29</u>	NOTICE of <i>Status of Discovery</i> by USA as to GUY WESLEY REFFITT (Nestler, Jeffrey) (Entered: 07/20/2021)
07/21/2021		MINUTE ORDER as to GUY WESLEY REFFITT. Consistent with the discussion during the July 21, 2021 hearing, it is ORDERED that the pretrial motions briefing dates previously set on July 14, 2021 are VACATED; the government shall inform the Court on or before July 22, 2021 whether it intends to proceed with its <u>27</u> Motion to Compel the defendant to produce the password necessary to decrypt the subject device, and if so, the defendant shall file any supplemental opposition to the government's motion on or before August 18, 2021; the government shall file its reply on or before August 25, 2021; and the defendant shall make any further arguments at a motions hearing scheduled for August 27, 2021 at 10:00 a.m. via videoconference. As previously stated, the government shall provide notice on or before September 3, 2021 of its intention to file evidence under Rule 404(b) of the Federal Rules of Criminal Procedure. It is FURTHER ORDERED that the parties shall file any pretrial motions, including motions in limine, on or before September 17, 2021; oppositions shall be filed on or before October 1, 2021; replies shall be filed on or before October 8, 2021; and a pretrial motions hearing is tentatively set for October 15, 2021 at 10:00 a.m. via videoconference. Pretrial conferences shall be held on November 3, 2021 and November 9, 2021 (not November 8, 2021 as stated during the hearing) at 10:00 a.m. in Courtroom 12. A jury trial is set to begin on November 15, 2021 at 9:00 a.m. in Courtroom 12. Finally, for the reasons stated during the hearing, namely, in order to give the defense time to review the forthcoming discovery, make decisions on how to defend this case, and file pretrial motions, the Court finds that the "ends of justice outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). Accordingly, pursuant to the Speedy Trial Act, the time from July 21, 2021 through August 27, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on July 21, 2021. (lcldf2) (Entered: 07/21/2021)
07/21/2021		Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 7/21/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 7/21/2021 through 8/27/2021 in the interest of justice. Supplemental opposition to the government's motion due by 8/18/2021. Motions due by 9/17/2021. Responses due by 9/17/2021. Replies due by 10/1/2021. Jury Trial set for 11/15/2021 at 9:00 AM in Courtroom 12 before Judge Dabney L. Friedrich. Motion Hearing set for 8/27/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Pretrial Conference set for 11/3/2021 at 10:00 AM and 11/9/2021 at 10:00 AM in Courtroom 12 before Judge Dabney L. Friedrich. Pre-Trial Motion Hearing set for 10/15/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler. (zjch) (Entered: 07/21/2021)
07/27/2021	<u>30</u>	PRETRIAL ORDER. See text for details. Signed by Judge Dabney L. Friedrich on July 27, 2021. (lcldf2) (Entered: 07/27/2021)
07/27/2021		Set/Reset Deadlines as to GUY WESLEY REFFITT: Exhibit List due by 11/8/2021. Witness List due by 11/8/2021. (zjch) (Entered: 07/28/2021)
08/24/2021	<u>31</u>	TRANSCRIPT OF ARRAIGNMENT AND STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 07/21/2021. Page Numbers: 1-19. Date of Issuance: 08/24/2021. 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 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 9/14/2021. Redacted Transcript Deadline set for 9/24/2021. Release of Transcript Restriction set for 11/22/2021.(Wick, Sara) (Entered: 08/24/2021)

08/26/2021	32	NOTICE <i>Regarding Status of Discovery</i> by USA as to GUY WESLEY REFFITT (Nestler, Jeffrey) (Entered: 08/26/2021)
08/27/2021		Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 8/27/2021 before Judge Dabney L. Friedrich. Speedy Trial Excludable (XT) started 8/27/2021 through 10/15/2021 in the interest of justice. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler. (zjch) (Entered: 08/27/2021)
08/27/2021		MINUTE ORDER as to GUY WESLEY REFFITT: A pretrial motions hearing is set for October 15, 2021 at 10:00 a.m. via videoconference. Consistent with the discussion in the status conference held on August 27, 2021, and for the reasons stated--namely the need for the defense to review voluminous and forthcoming discovery, the government's representations as to the complex nature of the discovery and investigation, the complexity of the novel legal and factual questions presented by this case, the need for the defense to determine how best to defend this case, and limitations on court occupancy due to the ongoing COVID-19 pandemic and Delta variant resurgence for purposes of public health and safety, see 18 U.S.C. § 3161(h)(7)(B)(ii), (iv); see also In re Limited Resumption of Criminal Jury Trials in Light of Current Circumstances Relating to the COVID-19 Pandemic, Standing Or. 21-47 (BAH) (Aug. 25, 2021) (excluding time from August 31, 2021 to October 31, 2021 because of safety concerns regarding COVID-19)--the Court finds over the defendant's objection that the "ends of justice outweigh the best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Accordingly, pursuant to the Speedy Trial Act, the time from August 27, 2021 to October 15, 2021, shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on August 27, 2021. (lcldf2) (Entered: 08/27/2021)
09/15/2021	33	NOTICE <i>Regarding Status of Discovery as of September 14, 2021</i> , by USA as to GUY WESLEY REFFITT (Nestler, Jeffrey) (Entered: 09/15/2021)
09/15/2021	34	SECOND SUPERSEDING INDICTMENT as to GUY WESLEY REFFITT (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss. (zhsj) (Entered: 09/16/2021)
09/17/2021	36	MOTION to Vacate <i>Trial Date</i> , MOTION to Continue <i>Trial</i> , MOTION for Speedy Trial <i>Act Exclusion of Time for Trial</i> by USA as to GUY WESLEY REFFITT. (Berkower, Risa) (Entered: 09/17/2021)
09/17/2021	37	MOTION to Change Venue by GUY WESLEY REFFITT. (Attachments: # 1 Text of Proposed Order)(Welch, William) (Entered: 09/17/2021)
09/17/2021	38	MOTION to Dismiss Count <i>Two</i> by GUY WESLEY REFFITT. (Attachments: # 1 Text of Proposed Order)(Welch, William) (Entered: 09/17/2021)
10/01/2021	39	RESPONSE by USA as to GUY WESLEY REFFITT re 37 MOTION to Change Venue (Nestler, Jeffrey) (Entered: 10/01/2021)
10/01/2021	40	RESPONSE by USA as to GUY WESLEY REFFITT re 38 MOTION to Dismiss Count <i>Two</i> (Nestler, Jeffrey) (Entered: 10/01/2021)
10/04/2021		MINUTE ORDER as to GUY REFFITT directing the defendant to file, on or before October 8, 2021, any opposition to the government's 36 Motion to Vacate Trial Date and Continue Trial, and to Exclude Time Under the Speedy Trial Act. So Ordered by Judge Dabney L. Friedrich on October 4, 2021. (lcldf2) (Entered: 10/04/2021)
10/04/2021		Set/Reset Deadlines as to GUY WESLEY REFFITT: Responses due by 10/8/2021 (zjch,) (Entered: 10/05/2021)
10/07/2021	41	TRANSCRIPT OF STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 08/27/2021. Page Numbers: 1-11. Date of Issuance: 10/07/2021. 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 r eporter 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 10/28/2021. Redacted Transcript Deadline set for 11/7/2021. Release of Transcript Restriction set for 1/5/2022.(Wick, Sara) (Entered: 10/07/2021)
10/08/2021	42	REPLY in Support by GUY WESLEY REFFITT re 37 MOTION to Change Venue (Welch, William) (Entered: 10/08/2021)
10/08/2021	43	REPLY in Support by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count <i>Two</i> (Attachments: # 1 Appendix)(Welch, William) (Entered: 10/08/2021)
10/08/2021	44	RESPONSE by GUY WESLEY REFFITT re 36 MOTION to Vacate <i>Trial Date</i> MOTION to Continue <i>Trial</i> MOTION for Speedy Trial <i>Act Exclusion of Time for Trial</i> (Welch, William) (Entered: 10/08/2021)
10/15/2021	45	NOTICE <i>OF DISCOVERY</i> by USA as to GUY WESLEY REFFITT (Attachments: # 1 Exhibit)(Berkower, Risa) (Entered: 10/15/2021)
10/15/2021		MINUTE ORDER. For the reasons stated during the October 15, 2021 motions hearing, the defendant's 37 Motion to Change Venue is denied without prejudice, and the government's 36 Motion to Vacate Trial Date is denied. The Court takes the defendant's 38 Motion to Dismiss Count Two under advisement. Consistent with the discussion during the hearing, defense counsel shall confer with the defendant regarding the November 15, 2021 trial date and file, by October 22, 2021, a status report confirming whether the defendant seeks to go to trial on that date. In addition, the deadlines set by the Court's 30 Pretrial Order are modified as follows: (1) the deadline for the filing of any motions in limine is extended until October 21, 2021 at 5pm; oppositions to any motions in limine shall be filed by October 28, 2021 at 5pm, and any replies shall be filed by November 1, 2021 at 12pm; (2) the parties shall jointly file by October 29, 2021 at 5pm (a) proposed jury instructions, (b) voir dire questions, and a (c) statement of the case; if the parties are unable to agree on proposed jury instructions, they shall also file by October 29, 2021 at 5pm briefs in support of their respective positions; (3) the parties shall exchange exhibit and witness lists by November 1, 2021 at 12pm; any objections to exhibits shall be filed by November 2, 2021 at 12pm, and shall include legal argument with citations; (4) the government shall also promptly provide the defense with any remaining Brady material, and all Giglio materials shall be disclosed by November 2, 2021 at 12pm; (5) Jencks materials shall be disclosed by October 29, 2021. For the grounds previously stated in this case--namely the need for the government to produce and for the defense to review voluminous discovery, including extensive electronic discovery, see 18 U.S.C. § 3161(h)(7)(B)(iv), counsel for the defendant to determine how best to defend this case, and for counsel for both sides to have reasonable time necessary for effective trial preparation, taking into account the exercise of due diligence, see 18 U.S.C. § 3161(h)(7)(B)(iv)--the Court finds that the "ends of justice served outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Accordingly, pursuant to the Speedy Trial Act, the time from October 15, 2021 through November 15, 2021 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on October 15, 2021. (lcldf2) (Entered: 10/15/2021)
10/15/2021		Minute Entry for Motions Hearing and Arraignment as to GUY WESLEY REFFITT on Counts 1ss,2ss,3ss,4ss and 5ss held on 10/15/2021 before Judge Dabney L. Friedrich: Not Guilty Plea entered as to GUY WESLEY REFFITT on counts 1ss,2ss,3ss,4ss and 5ss. Motion Hearing as to GUY WESLEY REFFITT held on 10/15/2021 re 36 MOTION to Vacate <i>Trial Date</i> MOTION to Continue <i>Trial</i> MOTION for Speedy Trial <i>Act Exclusion of Time for Trial</i> filed by USA, 38 MOTION to Dismiss Count <i>Two</i> filed by GUY WESLEY REFFITT, 37 MOTION to Change Venue filed by GUY WESLEY REFFITT. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Entered: 10/18/2021)
10/15/2021		Set/Reset Deadlines as to GUY WESLEY REFFITT: Responses due by 10/28/2021 Replies due by 11/1/2021. (zjch,) (Entered: 10/18/2021)
10/18/2021	46	MINUTE ORDER. Consistent with the discussion at the October 15, 2021 motions hearing, the parties are invited to file objections and propose additions to the attached voir dire questions. So Ordered by Judge Dabney L. Friedrich on October 18, 2021. (lcldf2) (Entered: 10/18/2021)
10/19/2021	47	NOTICE <i>of Supplemental Authority</i> by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count <i>Two</i> , 40 Response to motion, 43 Reply in Support (Welch, William) (Entered: 10/19/2021)
10/19/2021		Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 10/19/2021 before Judge Dabney L. Friedrich. Supplemental Brief due by 10/26/2021. Responses due by 11/2/2021. Replies due by 11/8/2021. Bond Status of Defendant: Remains Committed - excused from hearing; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Entered: 10/19/2021)
10/21/2021		MINUTE ORDER scheduling a status conference at 9:00 a.m. on Monday, October 25, 2021 to discuss potential back-up trial dates in the event the Court needs additional time to consider the legal issues presented in the defendant's motion to dismiss (including those issues that are not yet briefed), or the parties are not otherwise ready for trial to begin on November 15, 2021. So Ordered by Judge Dabney L. Friedrich on October 21, 2021. (lcldf2) Modified on to correct the hearing date 10/22/2021 (zjch,). (Entered: 10/21/2021)
10/21/2021	48	MOTION in Limine to <i>Permit the Government to Elicit Lay Opinion Testimony</i> by USA as to GUY WESLEY REFFITT. (Berkower, Risa) (Entered: 10/21/2021)
10/21/2021	49	MOTION in Limine to <i>Limit Cross-Examination of Secret Service Agency Witnesses</i> by USA as to GUY WESLEY REFFITT. (Berkower, Risa) (Entered: 10/21/2021)
10/21/2021	51	NOTICE <i>of Status of Discovery as of October 21, 2021</i> by USA as to GUY WESLEY REFFITT (Berkower, Risa) (Entered: 10/21/2021)
10/22/2021		NOTICE OF HEARING as to GUY WESLEY REFFITT. Status Conference set for 10/25/2021 at 9:00 AM via video before Judge Dabney L. Friedrich. (zjch,) (Entered: 10/22/2021)
10/22/2021	52	MOTION to Continue <i>Trial Date</i> and <i>Status Report</i> by GUY WESLEY REFFITT. (Welch, William) (Entered: 10/22/2021)
10/22/2021	54	STATUS REPORT by GUY WESLEY REFFITT. (See Docket Entry 52 to View Document). (zhsj) (Entered: 10/27/2021)
10/25/2021		Minute Entry for Status Conference as to GUY WESLEY REFFITT held on 10/25/2021 before Judge Dabney L. Friedrich. Motions due by 11/2/2021. Responses due by 11/9/2021. Status Conference set for 11/19/2021 at 10:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed - did not appear; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Entered: 10/25/2021)
10/25/2021	53	TRANSCRIPT OF ARRAIGNMENT AND MOTIONS HEARING in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 10/15/2021. Page Numbers: 1-66. 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

	<p>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.</p> <p>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.</p> <p>Redaction Request due 11/15/2021. Redacted Transcript Deadline set for 11/25/2021. Release of Transcript Restriction set for 1/23/2022.(Wick, Sara) (Entered: 10/25/2021)</p>
10/26/2021	Set/Reset Hearings as to GUY WESLEY REFFITT: Jury Trial set for 2/28/2022 at 9:00 AM in Courtroom 14 before Judge Dabney L. Friedrich. (zjch,) (Entered: 10/26/2021)
10/26/2021	MINUTE ORDER granting the defendant's 52 Motion to Continue Trial Date. Accordingly, the November 3 and November 9 pretrial conferences, and the November 15, 2021 trial, are vacated. Subject to further order of the Court, a tentative trial date of February 28, 2022 at 9:00 a.m. is scheduled. A pretrial motions hearing is set for November 19 at 10:00 a.m. via videoconference. The defense shall file its supplemental brief in support of its 38 Motion to Dismiss on or before November 2. The government shall file its opposition on or before November 9, and the defense shall file any reply on or before November 15. Further, the deadlines set by the Court's October 15, 2021 Minute Order are vacated. A revised pretrial order will follow. For the reasons stated during the October 25 and October 26 status hearings--including the need for the defense to review voluminous and recently released discovery and to file supplementary briefing on its pending 38 Motion to Dismiss; the need for both parties to have the reasonable time necessary for effective trial preparation, taking into account the exercise of due diligence; and the need for Court to conduct trials safely in accordance with the Chief Judge's Standing Order on courthouse restrictions due to COVID-19--the Court finds that the "ends of justice served outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A), (B)(iv); see also In re Updated Status of Court Operations, Standing Or. 21-47 (BAH) (Aug. 25, 2021). Accordingly, pursuant to the Speedy Trial Act, the time from October 26, 2021 through February 28, 2022 shall be excluded in computing the date for a speedy trial in this case. So Ordered by Judge Dabney L. Friedrich on October 26, 2021. (lcldf2) (Entered: 10/26/2021)
11/02/2021	55 SUPPLEMENT by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count Two (Welch, William) (Entered: 11/02/2021)
11/03/2021	MINUTE ORDER. In light of the continuance of the November 15, 2021 trial date, the deadlines set by the Court's October 15, 2021 Minute Order are modified as follows: (1) the parties shall file, on or before November 24, 2021, any motions in limine, as well as any objections to exclude the government's exhibits; oppositions shall be filed on or before December 8, 2021, and any replies shall be filed by December 15, 2021; (2) the parties shall file their proposed voir dire questions and jury instructions, excluding instructions regarding 18 U.S.C. § 1512(c)(2), on or before November 24, 2021. A revised pretrial order with additional deadlines will follow. So Ordered by Judge Dabney L. Friedrich on November 3, 2021. (lcldf2) (Entered: 11/03/2021)
11/03/2021	Set/Reset Deadlines/Hearings as to GUY WESLEY REFFITT: Motions in Limine due by 11/24/2021. Oppositions due by 12/8/2021. Replies due by 12/15/2021. Proposed Voir Dire Questions and Jury Instructions due by 11/24/2021. (zjd) (Entered: 11/03/2021)
11/05/2021	56 SUPPLEMENT by USA as to GUY WESLEY REFFITT re 55 Supplement to any document <i>Response to Defendant's Supplemental Brief in Support of Motion to Dismiss</i> (Nestler, Jeffrey) (Entered: 11/05/2021)
11/06/2021	57 NOTICE of Status of Discovery as of November 5, 2021 by USA as to GUY WESLEY REFFITT (Berkower, Risa) (Entered: 11/06/2021)
11/09/2021	MINUTE ORDER. At the motions hearing on November 19, 2021, the parties shall be prepared to answer questions relating to the following issues highlighted in the defendant's supplementary briefing and the government's response: (1) whether 18 U.S.C. § 1512(c)(2)'s prohibition on obstructing, influencing, or impeding an official proceeding should be understood in light of § 1512(c)(1)'s prohibition on evidence spoliation; and (2) the appropriate definition of "corruptly" as it is used in § 1512(c). So Ordered by Judge Dabney L. Friedrich on November 9, 2021. (lcldf2) (Entered: 11/09/2021)
11/15/2021	58 SUPPLEMENTAL REPLY in Support by GUY WESLEY REFFITT re 38 MOTION to Dismiss Count Two (Welch, William) Modified Text on 11/18/2021 (zhjs). (Entered: 11/15/2021)
11/17/2021	59 NOTICE of Supplemental Authority for Reply Argument by GUY WESLEY REFFITT re 55 Supplement to any document, 38 MOTION to Dismiss Count Two, 58 Reply in Support, 43 Reply in Support, 47 Notice (Other) (Welch, William) (Entered: 11/17/2021)
11/18/2021	60 NOTICE of Supplemental Authority by USA as to GUY WESLEY REFFITT re 56 Supplement to any document (Attachments: # 1 Exhibit Supplemental Brief in Case 21-cr-175-TJK) (Nestler, Jeffrey) (Entered: 11/18/2021)
11/19/2021	Minute Entry for proceedings held before Judge Dabney L. Friedrich: Motion Hearing as to GUY WESLEY REFFITT held on 11/19/2021 re 38 MOTION to Dismiss Count Two filed by GUY WESLEY REFFITT Pretrial Conference set for 1/6/2022 at 2:00 PM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Entered: 11/19/2021)
11/19/2021	<p>MINUTE ORDER. Before the Court is the defendant's 38 Motion to Dismiss Count Two of the Second Superseding Indictment on the grounds that 18 U.S.C. § 1512(c)(2) does not cover Mr. Refitt's alleged conduct. The government in its filings has advanced different theories as to how Mr. Refitt allegedly violated § 1512(c)(2). See, e.g., 40 Gov't Opp'n at 18 ("[T]he defendant... obstruct[ed], influence[d], or impede[d] the congressional proceeding" through his "unlawful and violent invasion of the Capitol grounds and interference with federal law enforcement deployed to protect the Capitol and its occupants on January 6."); 56 Gov't Response to Def.'s Supplement at 3 ("As a result of the actions of Refitt and hundreds of others,... [t]he congresspeople forced to evacuate included Speaker of the House Nancy Pelosi and Senate Majority Leader Mitch McConnell, both of whom Refitt appears to have been targeting."); 33 (Mr. Refitt "tr[ie]d to physically remove or displace [Speaker Pelosi and Leader McConnell] from the Capitol so that they could not review or vote on the Electoral College ballots"). During today's hearing, the government argued that Mr. Refitt attempted to influence Members of Congress to vote against certifying the electoral results and attempted to prevent the evidence (the electoral results) from being safeguarded and examined by Members of Congress. See Hearing Transcript (forthcoming). To prevent undue surprise at trial and to assist the Court in resolving the pending 38 motion, the government is ORDERED to file, on or before November 29, 2021, a Bill of Particulars that sets forth the means by which Mr. Refitt "corruptly... obstruct[ed], influence[d], or impede[d] any official proceeding." 18 U.S.C. § 1512(c)(2); see Fed. R. Crim. P. 7(f).</p> <p>The government is FURTHER ORDERED to submit a supplemental filing that includes a list of provisions in Chapter 73--for example, 18 U.S.C. §§ 1503, 1505, 1512(a)-(b), (d)--that do not fall within the government's broad interpretation of § 1512(c)(2). The government also shall provide a brief explanation as to how these provisions apply to conduct that falls outside the reach of § 1512(c)(2). In doing so, the government shall focus on differences other than the fact that §§ 1503 and 1505 criminalize "endeavors" to "influence, obstruct, or impede," whereas § 1512(c)(2) criminalizes "attempts" to do so.</p> <p>Finally, the defense shall respond to the government's 48 , 49 , and 50 Motions in Limine on or before December 1, 2021. An initial pretrial hearing to consider the parties' motions in limine is set for January 6, 2021 at 2:00 p.m. via videoconference. So Ordered by Judge Dabney L. Friedrich on November 19, 2021. (lcldf2) (Entered: 11/19/2021)</p>
11/19/2021	Set/Reset Deadlines as to GUY WESLEY REFFITT: Bill of Particulars due by 11/29/2021. Motions in Limine Responses due by 12/1/2021 (zjch) (Entered: 11/22/2021)
11/22/2021	61 NOTICE of Supplemental Authority in Response to Governments Supplemental Brief by GUY WESLEY REFFITT re 60 Notice (Other) (Attachments: # 1 Appendix Nordean Response Brief)(Welch, William) (Entered: 11/22/2021)
11/23/2021	62 MOTION for Extension of Time to File Response to Court's November 19, 2021, Minute Order by USA as to GUY WESLEY REFFITT. (Nestler, Jeffrey) (Entered: 11/23/2021)
11/23/2021	MINUTE ORDER granting in part the government's unopposed 62 Motion for Extension of Time to File Response to the Court's November 19, 2021 Minute Order. It is ORDERED that the government shall file the Bill of Particulars on or before December 6, 2021. It is FURTHER ORDERED that the government shall submit the supplemental filing regarding the other provisions in Chapter 73 on or before December 2, 2021. So Ordered by Judge Dabney L. Friedrich on November 23, 2021. (lcldf2) (Entered: 11/23/2021)
11/23/2021	Set/Reset Deadlines as to GUY WESLEY REFFITT: Bill of Particulars due by 12/6/2021. (zjch,) (Entered: 11/23/2021)
11/24/2021	63 MOTION in Limine to Exclude Certain Language from Captions in Government Exhibit 204 by GUY WESLEY REFFITT. (Welch, William) (Entered: 11/24/2021)
11/24/2021	64 NOTICE JOINT PROPOSED VOIR DIRE QUESTIONS by USA as to GUY WESLEY REFFITT (Berkower, Risa) (Entered: 11/24/2021)
11/24/2021	65 Proposed Jury Instructions by USA as to GUY WESLEY REFFITT (Nestler, Jeffrey) (Entered: 11/24/2021)
11/24/2021	66 Proposed Jury Instructions by GUY WESLEY REFFITT (Welch, William) (Entered: 11/24/2021)
11/30/2021	<p>67 TRANSCRIPT OF MOTION HEARING in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 11/19/2021. Page Numbers: 1-60. Date of Issuance: 11/30/2021. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 12/21/2021. Redacted Transcript Deadline set for 12/31/2021. Release of Transcript Restriction set for 2/28/2022.(Wick, Sara) (Entered: 11/30/2021)</p>
12/01/2021	68 RESPONSE by GUY WESLEY REFFITT re 48 MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony (Objection & Opposition) (Welch, William) (Entered: 12/01/2021)

12/01/2021	69	RESPONSE by GUY WESLEY REFFITT re 49 MOTION in Limine to Limit Cross-Examination of Secret Service Agency Witnesses (Welch, William) (Entered: 12/01/2021)
12/02/2021	71	RESPONSE by USA as to GUY WESLEY REFFITT re Order,,,,,, Set Deadlines/Hearings,,,,,, Bill of Particulars and Supplement re 18 U.S.C. 1512(c)(2) (Nestler, Jeffrey) (Entered: 12/02/2021)
12/08/2021	72	RESPONSE by USA as to GUY WESLEY REFFITT re 63 MOTION in Limine to Exclude Certain Language from Captions in Government Exhibit 204 (Berkower, Risa) (Entered: 12/08/2021)
12/09/2021	73	SUPPLEMENT by GUY WESLEY REFFITT re 69 Response to motion to Motion in Limine to Preclude Cross-examination of Secret Service Witnesses and Request for Production of Photographs (Welch, William) (Entered: 12/09/2021)
12/09/2021	74	REPLY by GUY WESLEY REFFITT re 71 Response to document Governments Supplemental Filing on 18 U.S.C. § 1512(c)(2) and Objection to Proposed Instruction Defining Corruptly (Welch, William) (Entered: 12/09/2021)
12/11/2021		<p>MINUTE ORDER. Before the Court is the defendant's 38 Motion to Dismiss Count Two of the Indictment on multiple grounds, including that Count Two is unconstitutionally vague as applied. On a motion to dismiss, the Court "is limited to reviewing the face of the indictment," <i>United States v. Sunia</i>, 643 F. Supp. 2d 51, 60 (D.D.C. 2009), and it must assume the truth of the indictment's factual allegations, <i>United States v. Bowdoin</i>, 770 F. Supp. 2d 142, 149 (D.D.C. 2011). The question for the Court at this stage of the proceedings is "whether the allegations, if proven, would be sufficient to permit a jury to find that the crimes charged were committed." <i>Id.</i> at 146.</p> <p>A criminal statute is not unconstitutionally vague on its face unless it is "impermissibly vague in all of its applications." <i>Vill. of Hoffman Estates v. Flipside, Hoffman Estates</i>, 455 U.S. 489, 497 (1982). And "[o]ne to whose conduct a statute clearly applies may not successfully challenge it for vagueness." <i>Parker v. Levy</i>, 417 U.S. 733, 756 (1974). Numerous courts have rejected vagueness challenges the word corruptly as used in obstruction statutes. <i>See, e.g., United States v. Shotts</i>, 145 F.3d 1289, 1300 (11th Cir. 1998); <i>United States v. Edwards</i>, 869 F.3d 490, 50102 (7th Cir. 2017); <i>see also</i> Mem. Op. issued December 10, 2021 in <i>United States v. Sandlin</i>, 21-cr-88, Dkt. 63 (holding that § 1512(c)(2) is not unconstitutionally vague as applied to defendants who allegedly forcibly breached the Capitol and assaulted Capitol police officers with the intent to impede the official proceeding).</p> <p>In contrast to the indictment at issue in Sandlin, the Indictment in this case does not allege any facts in support of the § 1512(c)(2) charge. Count Two merely alleges that Refitt "attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18." 34 Second Superseding Indictment at 2. The government proffers in its brief, however, that "[w]hile at the Capitol, the defendant, armed with his handgun in a holster on his waist, confronted U.S. Capitol Police officers on the west side stairs, just north of the temporary scaffolding. The defendant charged at the officers, who unsuccessfully tried to repel him with two different types of less-than-lethal projectiles before successfully halting his advances with pepper spray. The defendant encouraged other rioters to charge forward at the officers, which they did. The officers were forced to fall back, the Capitol was invaded." 40 Gov't Opp'n at 1. Refitt disputes this in his briefing. 38 Def.'s Mot. to Dismiss at 13-15.</p> <p>Because it is unclear, based on the indictment alone, what actions Refitt allegedly engaged in to obstruct and impede the official proceeding, the Court cannot determine at this early stage of the proceeding whether the charges are unconstitutionally vague as applied to him. For this reason, the Court is inclined to defer ruling on his vagueness challenge until the facts have been established at trial and the jury has had an opportunity to consider that evidence. <i>See United States v. Kettles</i>, No. CR 3:16-00163-1, 2017 WL 2080181, at *3 (M.D. Tenn. May 15, 2017) (finding that pretrial as-applied challenge to § 1591(a) was premature because "[t]he court cannot determine the nature and extent of [defendant's] conduct in this case and, therefore, also cannot determine whether § 1591(a) is void for vagueness as applied to that conduct"); <i>United States v. Raniere</i>, 384 F. Supp. 3d 282, 320 (E.D.N.Y. 2019).</p> <p>Accordingly, the defendant is directed to file, on or before December 15, 2021, a supplemental brief of no more than 5 pages in length explaining why the Court should not defer ruling on his motion until the evidence has been presented at trial. Upon review of the defendant's supplemental brief, the Court will consider whether a response from the government is necessary. So Ordered by Judge Dabney L. Friedrich on December 11, 2021. (lcldf2) Modified on 12/11/2021 (lcje). (Entered: 12/11/2021)</p>
12/11/2021		Set/Reset Deadlines as to GUY WESLEY REFFITT: Supplemental Brief due by 12/15/2021. (zjch,) (Entered: 12/13/2021)
12/14/2021	75	RESPONSE TO ORDER TO SHOW CAUSE by GUY WESLEY REFFITT as to GUY WESLEY REFFITT Objection to Deferred Ruling on Motion to Dismiss Count Two (Welch, William) (Entered: 12/14/2021)
12/14/2021		MINUTE ORDER. In light of the defendant's objection, <i>see</i> 75 Defendant's Response to Order to Show Cause at 5, to the Court deferring a ruling on the defendant's vagueness challenge to Count Two of the indictment, <i>see</i> 38 Motion to Dismiss Count Two of the Indictment, the government is directed to file a response on or before December 17, 2021, and the defendant shall file any reply on or before December 20, 2021. So Ordered by Judge Dabney L. Friedrich on December 14, 2021. (lcldf2) (Entered: 12/14/2021)
12/15/2021	76	REPLY in Support by USA as to GUY WESLEY REFFITT re 49 MOTION in Limine to Limit Cross-Examination of Secret Service Agency Witnesses (Nestler, Jeffrey) (Entered: 12/15/2021)
12/15/2021	77	REPLY in Support by USA as to GUY WESLEY REFFITT re 48 MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony (Nestler, Jeffrey) (Entered: 12/15/2021)
12/17/2021	79	RESPONSE by USA as to GUY WESLEY REFFITT re Order,,, Set Deadlines,, on why the Court should deny the pending motion to dismiss now, pretrial (Nestler, Jeffrey) (Entered: 12/17/2021)
12/20/2021	80	REPLY by GUY WESLEY REFFITT re 79 Response to document Reply in Support of Objection to Deferred Ruling on Motion to Dismiss Count Two (Welch, William) (Entered: 12/20/2021)
12/29/2021	81	ORDER denying the defendant's 38 Motion to Dismiss Count Two. See text for details. Signed by Judge Dabney L. Friedrich on December 29, 2021. (lcldf2) (Entered: 12/29/2021)
12/30/2021		MINUTE ORDER directing the parties to submit a joint filing, on or before January 13, 2022, that includes all remaining proposed jury instructions, including those relating to the 18 U.S.C. § 1512(c)(2) charge. If the parties disagree on the remaining proposed instructions, they shall (1) include their respective proposals in the joint filing; (2) simultaneously file separate briefs, citing legal authorities that provide support for their proposed instructions; and (3) on or before January 20, 2022, file opposition briefs. So Ordered by Judge Dabney L. Friedrich on December 30, 2021. (lcldf2) (Entered: 12/30/2021)
01/03/2022	82	MOTION for Reconsideration re 14 Order of Detention Pending Trial- Defendant HWOB by GUY WESLEY REFFITT. (Welch, William) (Entered: 01/03/2022)
01/05/2022	83	RESPONSE by USA as to GUY WESLEY REFFITT re 82 MOTION for Reconsideration re 14 Order of Detention Pending Trial- Defendant HWOB (Attachments: # 1 Exhibit 1 - USMS 11/1/21 Memo)(Nestler, Jeffrey) (Entered: 01/05/2022)
01/06/2022		NOTICE OF HEARING as to GUY WESLEY REFFITT. Pretrial Conference set for 1/6/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. (zjch,) (Entered: 01/06/2022)
01/06/2022	84	<p>TRANSCRIPT OF MOTION HEARING AND STATUS CONFERENCE in case as to GUY WESLEY REFFITT before Judge Dabney L. Friedrich held on 05/13/2021. Page Numbers: 1-48. Date of Issuance: 01/06/2022. Court Reporter: Sara Wick, telephone number 202-354-3284. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>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.</p> <p>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.</p> <p>Redaction Request due 1/27/2022. Redacted Transcript Deadline set for 2/6/2022. Release of Transcript Restriction set for 4/6/2022.(Wick, Sara) (Entered: 01/06/2022)</p>
01/06/2022		NOTICE OF HEARING as to GUY WESLEY REFFITT. Pretrial Conference set for 1/20/2022 at 1:00 PM via video before Judge Dabney L. Friedrich. (zjch,) (Entered: 01/06/2022)
01/07/2022		NOTICE OF HEARING as to GUY WESLEY REFFITT. Pretrial Conference set for 1/20/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. (zjch,) (Entered: 01/07/2022)
01/13/2022	86	Proposed Jury Instructions by USA as to GUY WESLEY REFFITT (Nestler, Jeffrey) (Entered: 01/13/2022)
01/13/2022	87	RESPONSE by GUY WESLEY REFFITT to Minute Order dated December 30, 2021 (Welch, William) (Entered: 01/13/2022)
01/18/2022	88	NOTICE of Supplemental Authority by USA as to GUY WESLEY REFFITT re 48 MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony (Berkower, Risa) (Entered: 01/18/2022)
01/19/2022	89	RESPONSE by GUY WESLEY REFFITT Objection and Opposition to Governments Proposed Jury Instruction Regarding Count Two 86 (Welch, William) (Entered: 01/19/2022)
01/20/2022	90	ENTERED IN ERROR.....Receipt as to GUY WESLEY REFFITT (Welch, William) Modified on 1/21/2022 (zhsj). (Entered: 01/20/2022)
01/20/2022		Minute Entry for Pretrial Conference as to GUY WESLEY REFFITT held on 1/20/2022 before Judge Dabney L. Friedrich: Government Supplemental Brief due by 1/26/2022. Defendant Response due by 2/1/2022. Government Expert due by 1/24/2022. Defense Expert due by 1/31/2022. Pretrial Conference set for 2/3/2022 at 12:30 PM via video before Judge Dabney L. Friedrich. Status Conference set for 2/18/2022 at 9:00 AM via video before Judge Dabney L. Friedrich. Status Conference set for 2/23/2022 at 10:00 AM via video before Judge Dabney L. Friedrich. Status Conference set for 2/24/2022 at 11:00 AM via video before Judge Dabney L. Friedrich. Bond Status of Defendant: Remains Committed. Appeared via telephone; Court Reporter: Sara Wick; Defense Attorney: William Lawrence Welch, III; US Attorney: Jeffrey S. Nestler and Risa Berkower. (zjch,) (Entered: 01/20/2022)

01/20/2022		MINUTE ORDER. For the reasons stated during the January 20, 2022 pretrial conference, the defendant's 82 Motion for Reconsideration of Order of Detention Pending Trial is DENIED; the defendant's 63 Motion in Limine to Exclude Certain Language from Captions in Government Exhibit 204 will be DENIED AS MOOT; and the government's 49 Motion in Limine to Limit Cross-Examination of Secret Service Agency Witnesses is GRANTED. In addition, the government shall submit a supplemental brief regarding its 48 Motion in Limine to Permit the Government to Elicit Lay Opinion Testimony on or before January 26, 2022, and the defense shall respond on or before February 1, 2022. The government also shall provide notice of proposed expert testimony, if any, on or before January 24, 2022, and the defense shall provide notice of the same, if any, on or before January 31, 2022. Hearings/pretrial conferences are set for the following dates: February 3, 2022 at 12:30 p.m., February 18 at 9:00 a.m., February 23 at 10:00 a.m., and February 24 at 11:00 a.m. So Ordered by Judge Dabney L. Friedrich on January 20, 2022. (lcldf2) (Entered: 01/20/2022)
01/20/2022		NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re 90 Receipt was entered in error and counsel was instructed to refile said pleading. Incorrect Format Pursuant to Local Rule 49(f)(4). (zhsj) (Entered: 01/21/2022)
01/21/2022	91	NOTICE of Acknowledgment by GUY WESLEY REFFITT re 90 Receipt (Attachments: # 1 Appendix Defendant's Acknowledgment of Protective Order)(Welch, William) (Entered: 01/21/2022)
01/24/2022	92	MINUTE ORDER. The parties shall file on the docket and submit to Chambers, on or before February 7, 2022, a Joint Pretrial Statement that includes the information set forth in the attachment to this order. The Joint Pretrial Statement (including the proposed jury instructions and voir dire questions that the parties have previously submitted) shall be provided to Chambers in Microsoft Word format by emailing Friedrich_Chambers@dcd.uscourts.gov. So Ordered by Judge Dabney L. Friedrich on January 24, 2022. (lcldf2) (Entered: 01/24/2022)
01/24/2022	93	ENTERED IN ERROR.....NOTICE of Possible Expert Testimony by USA as to GUY WESLEY REFFITT (Berkower, Risa) Modified on 1/25/2022 (zhsj). (Entered: 01/24/2022)
01/24/2022		NOTICE OF CORRECTED DOCKET ENTRY: as to GUY WESLEY REFFITT re 93 Notice of Possible Expert Testimony was entered in error and counsel was instructed to refile said pleading. Incorrect Format Pursuant to Rule 49(f)(4).(zhsj) (Entered: 01/25/2022)
01/26/2022	94	SUPPLEMENT by USA as to GUY WESLEY REFFITT re 48 MOTION in Limine to Permit the Government to Elicit Lay Opinion Testimony (Berkower, Risa) (Entered: 01/26/2022)

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