

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00175-TJK-4

Case title: USA v. NORDEAN et al

Date Filed: 03/03/2021

Assigned to: Judge Timothy J. Kelly
Appeals court case number: 21-3046

Defendant (4)

CHARLES DONOHOE

represented by **Ira Knight**
FEDERAL PUBLIC DEFENDERS OFFICE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender Appointment

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FEDERAL PUBLIC DEFENDER FOR THE MIDDLE DISTRICT OF NORTH
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Designation: Public Defender or Community Defender Appointment

Pending Counts

18:371; CONSPIRACY TO DEFRAUD THE UNITED STATES; Conspiracy
(1)
18:1512(c)(2), 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT;
Obstruction of an Official Proceeding and Aiding and Abetting
(2)
18:231(A)(3), 2; CIVIL DISORDER; Obstruction of Law Enforcement During
Civil Disorder and Aiding and Abetting
(3)
18:1361, 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of
Government Property and Aiding and Abetting
(4)
18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and
Remaining in a Restricted Building or Grounds
(5)
18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly
Conduct in a Restricted Building or Grounds
(6)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Movant

CABLE NEWS NETWORK, INC.

represented by **Charles D. Tobin**
BALLARD SPAHR LLP
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Movant

AMERICAN BROADCASTING COMPANIES, INC.
doing business as
ABC NEWS

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
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Designation: Retained

Lauren Russell
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Maxwell S. Mishkin
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Movant

ASSOCIATED PRESS

represented by **Charles D. Tobin**
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Designation: Retained

Maxwell S. Mishkin
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Movant

BUZZFEED INC.
doing business as
BUZZFEED NEWS

represented by **Charles D. Tobin**
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Lauren Russell
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Maxwell S. Mishkin
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Movant

CBS BROADCASTING INC.
on behalf of
CBS NEWS

represented by **Charles D. Tobin**
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ATTORNEY TO BE NOTICED

Movant

DOW JONES & COMPANY, INC.
on behalf of
THE WALL STREET JOURNAL

represented by **Charles D. Tobin**
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LEAD ATTORNEY
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Movant

E.W. SCRIPPS COMPANY

represented by **Charles D. Tobin**
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Movant

GANNETT CO., INC.
7950 Jones Branch Drive
McLean, VA 22107

represented by **Charles D. Tobin**
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Lauren Russell
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Movant

GRAY MEDIA GROUP, INC.

represented by **Charles D. Tobin**
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Lauren Russell
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Maxwell S. Mishkin
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Movant

LOS ANGELES TIMES COMMUNICATIONS LLC
on behalf of
THE LOS ANGELES TIMES

represented by **Charles D. Tobin**
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LEAD ATTORNEY
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Lauren Russell
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Designation: Retained

Maxwell S. Mishkin
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Movant
NATIONAL PUBLIC RADIO, INC.

represented by **Charles D. Tobin**
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Lauren Russell
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Maxwell S. Mishkin
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Movant
NBCUNIVERSAL MEDIA, LLC
doing business as
NBC NEWS

represented by **Charles D. Tobin**
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LEAD ATTORNEY
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Lauren Russell
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Movant
NEW YORK TIMES COMPANY

represented by **Charles D. Tobin**
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Movant
PRO PUBLICA, INC.

represented by **Charles D. Tobin**
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Movant
TEGNA, INC.

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Movant

WP COMPANY LLC
doing business as
THE WASHINGTON POST

represented by **Charles D. Tobin**
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Plaintiff

USA

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Date Filed	#	Docket Text
03/10/2021		Counts added: ETHAN NORDEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, JOSEPH RANDALL BIGGS (2) count(s) 1, 2, 3, 4, 5, 6, ZACHARY REHL (3) count(s) 1, 2, 3, 4, 5, 6, CHARLES DONOHOE (4) count(s) 1, 2, 3, 4, 5, 6 (zltf) (Entered: 03/19/2021)
03/17/2021	35	Arrest Warrant Returned Executed on 3/17/2021 as to CHARLES DONOHOE in Kernersville, North Carolina. (zltf) (Entered: 03/24/2021)
03/22/2021	43	Rule 5(c)(3) Documents Received as to CHARLES DONOHOE from US District Court for the Middle District of North Carolina Case Number 21-mj-103 (bb) (Entered: 03/30/2021)
03/26/2021	36	MEMORANDUM in Support of Pretrial Detention by USA as to CHARLES DONOHOE (McCullough, Jason) (Entered: 03/26/2021)
03/29/2021		NOTICE OF HEARING as to CHARLES DONOHOE (4). VTC Arraignment set for 4/6/2021 at 2:45 PM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear. (zkh) (Entered: 03/29/2021)
04/06/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to CHARLES DONOHOE (4) as to Counts 1, 2, 3, 4, 5, and 6 held on 4/6/2021. The defendant appeared by video. For the reasons stated on the record, oral motion by Attorney Shelli Peterson for Attorney Lisa Costner to appear pro hac vice on behalf of the defendant today, heard and GRANTED. Speedy Trial Excludable (XT) started 4/6/2021 through 4/12/2021, in the interest of justice. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: Lisa Costner and Shelli Peterson; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: John Copes. (zkh) (Entered: 04/06/2021)
04/09/2021	55	NOTICE OF ATTORNEY APPEARANCE: Lisa S. Costner appearing for CHARLES DONOHOE (Costner, Lisa) (Main Document 55 replaced on 4/26/2021) (zmmv) (Entered: 04/09/2021)

04/09/2021		Set/Reset Hearings as to CHARLES DONOHOE: Detention Hearing set for 4/12/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. (zpt) (Entered: 04/09/2021)
04/12/2021	56	MOTION to Continue <i>Detention Hearing</i> by CHARLES DONOHOE. (Attachments: # 1 Text of Proposed Order)(Costner, Lisa) (Entered: 04/12/2021)
04/15/2021	60	RESPONSE by CHARLES DONOHOE re: 56 <i>Opposing Detention</i> (Attachments: # 1 Exhibit)(Costner, Lisa) Modified text on 5/21/2021 (zltpt). (Entered: 04/15/2021)
04/15/2021	61	SUPPLEMENT by CHARLES DONOHOE re 60 Response to document (Costner, Lisa) (Entered: 04/15/2021)
04/15/2021	62	ORDER Granting 56 MOTION to Continue Detention Hearing by CHARLES DONOHOE (4). Detention Hearing continued to 4/19/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge G. Michael Harvey on 4/15/2021. (zpt) (Entered: 04/16/2021)
04/19/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Status Hearing as to CHARLES DONOHOE (1) held on 4/19/2021. Matter was set for a Detention Hearing but was not held. Detention Hearing continued to 4/21/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold; FTR Time Frame: CTRM 6 [3:33:59-3:46:57]; Defense Attorney: Lisa Costner; US Attorney: Jason McCullough and Luke Jones; Pretrial Officer: Andre Sidbury; (zpt) (Entered: 04/19/2021)
04/19/2021	64	RESPONSE TO Court Order Issued during Oral Ruling on April 19, 2021 by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # 1 Filing in U.S. v. Pezzola, 1:21-cr-175, containing photograph)(Jones, Luke) Modified text on 5/21/2021 (zltpt). (Entered: 04/19/2021)
04/21/2021		ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to CHARLES DONOHOE (4). (zpt) (Entered: 04/21/2021)
04/21/2021		ORAL MOTION for Release from Custody by CHARLES DONOHOE (4). (zpt) (Entered: 04/21/2021)
04/21/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Detention Hearing as to CHARLES DONOHOE (4) held on 4/21/2021. Matter was held but did not conclude. Continued Detention Hearing set for 4/22/2021 at 03:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold; FTR Time Frame: CTRM 6 [3:13:35-5:36:32]; Defense Attorney: Lisa Costner; US Attorney: Jason McCullough and Luke Jones; Pretrial Officer: John Copes; (zpt) (Entered: 04/21/2021)
04/21/2021	76	ORDER Delaying Transport as to CHARLES DONOHOE (1). Signed by Magistrate Judge G. Michael Harvey on 4/21/2021. (zpt) (Entered: 04/28/2021)
04/22/2021		ORAL MOTION for Speedy Trial Waiver by USA as to CHARLES DONOHOE (2). (zpt) (Entered: 04/24/2021)
04/22/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Continued Detention Hearing as to CHARLES DONOHOE (4) held on 4/22/2021. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to CHARLES DONOHOE (4) Heard and Granted. Oral Motion for Release from Custody by CHARLES DONOHOE (4) Heard and Denied. Oral Motion by the Government for Speedy Trial Waiver Nunc Pro Tunc as to CHARLES DONOHOE (4) Heard and Granted. Time between 4/12/2021 and 5/4/2021 (22 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Bond Status of Defendant: Defendant Committed/Commitment Issued; Court Reporter: Jeffrey Hook; Defense Attorney: Lisa Costner; US Attorney: Jason McCullough and Luke Jones; Pretrial Officer: Shay Holman; (zpt) (Entered: 04/24/2021)
04/26/2021	74	TRANSCRIPT OF DETENTION HEARING (CONT.) in case as to CHARLES DONOHOE before Magistrate Judge G. Michael Harvey held on April 22, 2021. Page Numbers: 1 - 56. Date of Issuance: April 26, 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 5/17/2021. Redacted Transcript Deadline set for 5/27/2021. Release of Transcript Restriction set for 7/25/2021.(Hook, Jeff) (Entered: 04/26/2021)
04/26/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Status Hearing as to CHARLES DONOHOE (4) held on 4/26/2021. Control Status Hearing set for 5/3/2021 03:30 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remains Committed; Court Reporter: FTR-Gold; FTR Time Frame: CTRM 6 [3:10:41-3:38:26]; Defense Attorney: Lisa Costner; US Attorney: Luke Jones; Pretrial Officer: Andre Sidbury; (zpt) (Entered: 04/27/2021)
04/28/2021	75	TRANSCRIPT OF PROCEEDINGS in case as to CHARLES DONOHOE before Magistrate Judge G. Michael Harvey held on April 21, 2021; Page Numbers: 1-87. Date of Issuance: April 28, 2021. Transcriber: Janice Dickman, Telephone number: 202-354-3267, Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 5/19/2021. Redacted Transcript Deadline set for 5/29/2021. Release of Transcript Restriction set for 7/27/2021.(Dickman, Janice) (Entered: 04/28/2021)
04/28/2021	77	ORDER for Transport as to CHARLES DONOHOE (4). Signed by Magistrate Judge G. Michael Harvey on 4/28/2021. (zpt) (Entered: 04/28/2021)
04/29/2021	78	Unopposed MOTION for Order to Transport Defendant by USA as to CHARLES DONOHOE. (Attachments: # 1 Text of Proposed Order)(Jones, Luke) (Entered: 04/29/2021)
04/30/2021	80	ORDER granting the Government's 78 Motion for Order to Transport Defendant as to CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 4/30/2021. (lctjk1) (Entered: 04/30/2021)
05/03/2021	81	MOTION to Revoke <i>Detention Order</i> by CHARLES DONOHOE. (Costner, Lisa) Modified on 7/8/2021 (zhsj). (Entered: 05/03/2021)
05/04/2021	82	Unopposed MOTION for Protective Order by USA as to JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE. (Attachments: # 1 Text of Proposed Order)(Jones, Luke) (Entered: 05/04/2021)
05/04/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 5/4/2021. ALL defendants appeared by video. Speedy Trial Excludable (XT) started 5/4/2021 through 6/3/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). Government Response to 81 MOTION to Revoke due by 5/17/2021. Defendant DONOHOE (4) Reply due by 5/24/2021. VTC Status Conference set for 6/3/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 05/04/2021)
05/04/2021		Set/Reset Deadlines as to CHARLES DONOHOE (4): Government Response due by 5/17/2021. Defendant Reply due by 5/24/2021. (zkh) (Entered: 05/04/2021)
05/04/2021	83	ORDER granting the Government's 82 Unopposed Motion for Protective Order as to JOSEPH RANDALL BIGGS (2), ZACHARY REHL (3), CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 5/4/2021. (lctjk1) (Entered: 05/04/2021)
05/17/2021	87	Memorandum in Opposition by USA as to CHARLES DONOHOE re 81 MOTION to Revoke <i>Detention Order</i> (McCullough, Jason) (Entered: 05/17/2021)
05/24/2021	90	REPLY TO OPPOSITION to Motion by CHARLES DONOHOE re 81 MOTION to Revoke <i>Detention Order</i> (Costner, Lisa) (Entered: 05/24/2021)
06/03/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 6/3/2021. Defendants NORDEAN (1) and BIGGS (2) appeared by video. For the reasons stated on the record, Defendant DONOHOE's (4) appearance was WAIVED. Speedy Trial Excludable (XT) started 6/3/2021 through 7/15/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). VTC Motion Hearing set for 6/9/2021 at 11:00 AM before Judge Timothy J. Kelly for Defendant DONOHOE (4). VTC Status Conference set for 7/15/2021 at 2:00 PM before Judge Timothy J. Kelly for Defendants NORDEAN (1), BIGGS (2) and DONOHOE (4). Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and Nadia Moore. (zkh) (Entered: 06/03/2021)
06/03/2021		Set/Reset Hearings as to CHARLES DONOHOE (4): VTC Motion Hearing set for 6/9/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 06/03/2021)
06/03/2021	94	First MOTION to Dismiss Case by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 06/03/2021)
06/09/2021		MINUTE ORDER as to ZACHARY REHL (3), CHARLES DONOHOE (4): The hearings currently set for June 9, 2021, are hereby VACATED, and shall be rescheduled promptly. Signed by Judge Timothy J. Kelly on 6/9/2021 (lctjk1) (Entered: 06/09/2021)

06/10/2021		NOTICE OF HEARING as to CHARLES DONOHOE (4). VTC Motion Hearing set for 6/23/2021 at 10:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 06/10/2021)
06/23/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to CHARLES DONOHOE (4) held on 6/23/2021. Defendant appeared by video. Oral argument heard, and for the reasons stated on the record, Defendant's 81 MOTION to Revoke <i>Detention Order</i> is DENIED. Bond Status of Defendant: Remains Committed; Court Reporter: Timothy Miller; Defense Attorney: Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 06/23/2021)
06/23/2021	101	DETENTION ORDER as to CHARLES DONOHOE (4). See Order for details. Signed by Judge Timothy J. Kelly on 6/23/2021. (lctjkl) (Entered: 06/23/2021)
07/01/2021		NOTICE OF HEARING (Time Change) as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). VTC Status Conference set for 7/15/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 07/01/2021)
07/06/2021	108	NOTICE OF APPEAL - Final Judgment by CHARLES DONOHOE re 101 Order, Order of Detention Pending Trial- Defendant HWOB. Fee Status: No Fee Paid. Parties have been notified. (Costner, Lisa) (Main Document 108 replaced on 7/8/2021) (zltpt). (Entered: 07/06/2021)
07/06/2021	110	Unopposed MOTION to Seal Certain Exhibits (<i>Text Messages</i>) considered during Detention Hearings by USA as to CHARLES DONOHOE. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit Redacted Exhibit (001 - 003), # 3 Exhibit Redacted Exhibit (Bates 124 - 138), # 4 Exhibit Redacted Exhibit (Bates 622 - 645), # 5 Exhibit Redacted Exhibit (Bates 1332 - 1342), # 6 Exhibit Redacted Exhibit (Bates 1400 - 1413))(McCullough, Jason) Modified text on 7/27/2021 (zstd). (Entered: 07/06/2021)
07/06/2021	111	NOTICE of Exhibits used during Detention Hearings by USA as to CHARLES DONOHOE (Attachments: # 1 Exhibit PowerPoint Exhibit used during hearings)(McCullough, Jason) (Entered: 07/06/2021)
07/08/2021	112	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The fee was not paid as the defendant is represented by a CJA appointed attorney as to CHARLES DONOHOE re 108 Notice of Appeal - Final Judgment. (zltpt) (Entered: 07/08/2021)
07/08/2021		MINUTE ORDER as to CHARLES DONOHOE (4) granting the United States' 110 Unopposed Motion to Seal Unredacted Exhibits. Upon consideration of the motion and the factors set forth in <i>United States v. Hubbard</i> , 650 F.2d 293, 317-22 (D.C. Cir. 1980), it is hereby ORDERED that the motion is GRANTED, and the redacted versions of these exhibits shall remain on the public docket. In addition, to preserve the record, it is further ORDERED that the United States shall, by July 14, 2021, file entirely unredacted versions of the exhibits under seal. Signed by Judge Timothy J. Kelly on 7/8/2021. (lctjkl) (Entered: 07/08/2021)
07/08/2021		Set/Reset Deadlines as to CHARLES DONOHOE (4): Unredacted versions of the exhibits due by 7/14/2021. (zkh) (Entered: 07/08/2021)
07/12/2021	115	NOTICE of Filing of Exhibits Under Seal (<i>Text Messages</i>) considered during Detention Hearings by USA as to CHARLES DONOHOE re 110 Unopposed MOTION for Order Seal Unredacted Exhibits (<i>Text Messages</i>) considered during Detention Hearings, Order on Motion for Order,, (McCullough, Jason) Modified text on 7/13/2021 (zstd). (Entered: 07/12/2021)
07/13/2021	118	TRANSCRIPT OF STATUS CONFERENCE in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 6-3-21; Page Numbers: 1-36; Date of Issuance: 7-13-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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 8/3/2021. Redacted Transcript Deadline set for 8/13/2021. Release of Transcript Restriction set for 10/11/2021.(Miller, Timothy) (Entered: 07/13/2021)
07/14/2021	119	NOTICE Regarding Discovery Correspondence by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # 1 4/21/2021 Letter (All Defendants), # 2 4/30/2021 Letter (Nordean), # 3 5/5/2021 Letter (Rehl), # 4 5/19/2021 Letter (Nordean), # 5 6/2/2021 Letter (All Defendants), # 6 6/2/2021 Letter (Nordean), # 7 6/2/2021 Letter (Biggs), # 8 6/2/2021 Letter (Rehl), # 9 6/2/2021 Letter (Donohoe), # 10 6/3/2021 Letter (Biggs, Rehl, Donohoe), # 11 6/3/2021 Letter (Rehl), # 12 7/1/2021 Letter (Nordean), # 13 7/2/2021 Letter (Biggs, Rehl, Donohoe), # 14 7/2/2021 Letter (Nordean), # 15 7/6/2021 Letter (All Defendants), # 16 7/6/2021 Letter (Nordean), # 17 7/7/2021 Letter (Nordean), # 18 7/7/2021 Letter (All Defendants), # 19 7/9/2021 Letter (All Defendants), # 20 7/13/2021 Letter (All Defendants), # 21 7/13/2021 Letter (All Defendants), # 22 7/14/2021 Letter (All Defendants))(Jones, Luke) (Attachment 5 replaced on 7/14/2021) (zltpt). (Entered: 07/14/2021)
07/14/2021	120	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # 1 Memorandum Regarding Status of Discovery)(Jones, Luke) (Entered: 07/14/2021)
07/15/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4) held on 7/15/2021. ALL Defendants appeared by video. Oral argument heard on 88 MOTION to Compel and 89 MOTION for a Bill of Particulars, and taken under advisement. Speedy Trial Excludable (XT) started 7/15/2021 through 9/21/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHOE (4). Joint Status Report as to Defendant NORDEAN (1) due by 7/26/2021. VTC Status Conference/Motion Hearing set for 9/21/2021 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 07/15/2021)
07/16/2021		USCA Case Number as to CHARLES DONOHOE 21-3046 for 108 Notice of Appeal - Final Judgment filed by CHARLES DONOHOE. (zltpt) (Entered: 07/23/2021)
07/21/2021	123	MOTION to Substitute Attorney by CHARLES DONOHOE. (Attachments: # 1 Text of Proposed Order)(Costner, Lisa) (Entered: 07/21/2021)
07/26/2021		MINUTE ORDER as to CHARLES DONOHOE (4) granting Defendant's 103 Motion to Substitute Counsel. Defendant's counsel, Lisa S. Costner, moves to withdraw her representation as CJA counsel and substitute the Federal Public Defender for the Middle District of North Carolina. The Court finds that the substitution will not unduly delay trial of this case, be unfairly prejudicial to any party, or otherwise not be in the interest of justice. See LCR 44.5(d). Accordingly, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Lisa S. Costner's representation of Defendant as CJA counsel is hereby terminated, and the Federal Public Defender for the Middle District of North Carolina, specifically Federal Public Defender Lisa S. Costner, is hereby appointed to represent Defendant. Signed by Judge Timothy J. Kelly on 7/26/2021. (lctjkl) (Entered: 07/26/2021)
07/28/2021	128	MOTION to Adopt 94 First MOTION to Dismiss Case filed by ETHAN NORDEAN by CHARLES DONOHOE (4). (Attachments: # 1 Text of Proposed Order)(Costner, Lisa) Modified on 7/29/2021 to correct relief. (ztrn) (Entered: 07/28/2021)
07/29/2021		MINUTE ORDER as to CHARLES DONOHOE (4) granting Defendant's 128 Unopposed Motion to Adopt Defendant Nordean's 94 Motion to Dismiss. It is hereby ORDERED that the motion is GRANTED. Signed by Judge Timothy J. Kelly on 7/29/2021. (lctjkl) (Entered: 07/29/2021)
08/12/2021	141	TRANSCRIPT OF MOTION HEARING in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 6-23-21; Page Numbers: 1-79; Date of Issuance: 8-12-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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 9/2/2021. Redacted Transcript Deadline set for 9/12/2021. Release of Transcript Restriction set for 11/10/2021.(Miller, Timothy) (Entered: 08/12/2021)
09/01/2021	156	TRANSCRIPT OF STATUS CONFERENCE in case as to CHARLES DONOHOE before Judge Timothy J. Kelly held on 7-15-21; Page Numbers: 1-88; Date of Issuance: 9-1-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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 9/22/2021. Redacted Transcript Deadline set for 10/2/2021. Release of Transcript Restriction set for 11/30/2021.(Miller, Timothy) (Entered: 09/01/2021)
09/02/2021	157	ENTERED IN ERROR.....NOTICE OF ATTORNEY APPEARANCE: Ira Knight appearing for CHARLES DONOHOE (Knight, Ira) Modified on 9/3/2021 (zltpt). (Entered: 09/02/2021)
09/02/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to CHARLES DONOHOE re 157 Notice of Attorney Appearance - Defendant was entered in error and counsel was instructed to refile said pleading. The correct NOA is docket entry 158 . (zltpt) (Entered: 09/03/2021)

09/03/2021	158	NOTICE OF ATTORNEY APPEARANCE: Ira Knight appearing for CHARLES DONOHOE (Knight, Ira) (Entered: 09/03/2021)
09/15/2021		ENTERED IN ERROR..... MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) granting Nordean's 164 Motion to Access <i>Sealed Portion of 9/13/21 Hearing Transcript</i> , joined 165 by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed portion of the proceeding of September 13, 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/15/2021. (lctjkl1) Modified to mark entry as error on 9/16/2021 (zkh). (Entered: 09/15/2021)
09/16/2021	168	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re 120 Notice (Other), (Attachments: # 1 Memorandum Regarding Status of Discovery in January 6, 2021 Cases)(McCullough, Jason) (Entered: 09/16/2021)
09/17/2021	170	NOTICE of Recent Authority Relevant to Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, CHARLES DONOHOE (Attachments: # 1 Exhibit Opinion and Order in U.S. v. Phomma (D. Or. Sept. 15, 2021))(Jones, Luke) (Entered: 09/17/2021)
09/17/2021	171	NOTICE of Correspondence to Defendants in Advance of September 21, 2021, Hearing on Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # 1 Exhibit Sept. 17, 2021 Letter to Defense Counsel)(Jones, Luke) (Entered: 09/17/2021)
09/20/2021	180	NOTICE Regarding Discovery Correspondence by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # 1 7/28/2021 Letter (All Defendants), # 2 7/28/2021 Letter (All Defendants), # 3 7/28/2021 Letter (All Defendants), # 4 7/29/2021 Letter (All Defendants), # 5 8/9/2021 Letter (Biggs), # 6 8/24/2021 Letter (All Defendants), # 7 9/9/2021 Letter (Biggs), # 8 9/9/2021 Letter (Nordean, Donohoe), # 9 9/11/2021 Letter (Nordean, Biggs, Donohoe), # 10 9/16/2021 Letter (Nordean), # 11 9/16/2021 Letter (Biggs, Rehl, Donohoe), # 12 9/16/2021 Letter (Rehl), # 13 9/16/2021 Letter (Rehl), # 14 9/20/2021 Letter (All Defendants), # 15 9/20/2021 Letter (Donohoe), # 16 9/20/2021 Letter (Nordean, Biggs, Rehl))(Jones, Luke) (Entered: 09/20/2021)
09/21/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference/Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHOE (4) held on 9/21/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHOE appeared by video. Defendant REHL's Appearance was Waived. Oral argument heard on Defendant Nordean's 94 First MOTION to Dismiss Case, and taken under advisement. Speedy Trial Excludable (XT) started 9/21/2021 through 10/26/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 10/26/2021 at 11:00 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 5/18/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and James Pearce; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/21/2021)
10/13/2021	206	NOTICE of Judge Lamberth's Contempt Order against Warden of D.C. Jail for Civil Rights Violation re January 6 Detainee by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 10/13/2021)
10/15/2021	209	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Kenerson, Erik Michael added. (Kenerson, Erik) (Entered: 10/15/2021)

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