CAT B

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00276-CKK-1

Case title: USA v. MACKRELL

Date Filed: 04/02/2021

Magistrate judge case number: 1:21-mj-00316-RMM

Assigned to: Judge Colleen Kollar-Kotelly

Defendant (1)

CLIFFORD MACKRELL
also known as
CLIFF

represented by **Jose Alejandro German**
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Designation: Public Defender or Community Defender Appointment

Pending Counts	**Disposition**
18:231(a)(3); CIVIL DISORDER; Civil Disorder. (1)	
18:111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers. (2)	
18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds. (3)	
18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds. (4)	
18:1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds. (5)	
40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Acts of Physical Violence in the Capitol Grounds or Buildings. (6)	

Highest Offense Level (Opening)

Felony

Terminated Counts	**Disposition**
None	

Highest Offense Level (Terminated)

None

Complaints	**Disposition**
COMPLAINT in Violation of 18:111(a)(1), 18:1752(a)(1), (2), and (4), 18:231(a)(3) and 40:5104(e)(2)(F)	

Plaintiff

USA

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Date Filed	#	Docket Text
03/16/2021	1	SEALED COMPLAINT as to CLIFFORD MACKRELL (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00316-RMM] (Entered: 03/17/2021)
03/16/2021	3	MOTION to Seal Case by USA as to CLIFFORD MACKRELL. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00316-RMM] (Entered: 03/17/2021)
03/16/2021	4	ORDER granting 3 Motion to Seal Case as to CLIFFORD MACKRELL (1). Signed by Magistrate Judge Robin M. Meriweather on 03/16/2021. (zstd) [1:21-mj-00316-RMM] (Entered: 03/17/2021)
03/17/2021	5	Arrest Warrant Returned Executed on 3/17/2021 as to CLIFFORD MACKRELL in Wellington, Ohio. (zltp) [1:21-mj-00316-RMM] (Entered: 03/18/2021)
03/17/2021		Case unsealed as to CLIFFORD MACKRELL (zltp) [1:21-mj-00316-RMM] (Entered: 03/18/2021)
03/17/2021		Arrest of CLIFFORD MACKRELL in Wellington, Ohio. (ztl) (Entered: 04/05/2021)
03/18/2021	9	Rule 5(c)(3) Documents Received as to CLIFFORD MACKRELL from US District Court for the Northern District of Ohio Case Number 1:21-mj-09120 (bb) [1:21-mj-00316-RMM] (Entered: 04/01/2021)
03/23/2021		ORAL MOTION for Speedy Trial by USA as to CLIFFORD MACKRELL. (ztl) (Entered: 04/05/2021)
03/23/2021		ORAL MOTION to Appoint Counsel by CLIFFORD MACKRELL. (ztl) (Entered: 04/05/2021)
03/23/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to CLIFFORD MACKRELL held on 3/23/2021. Defendant present by video. Oral Motion to Appoint Counsel by CLIFFORD MACKRELL (1); heard and granted. Defendant placed on Standard Conditions of Release with GPS monitoring and 3rd Party Custody. Oral Motion by the Government for Speedy Trial as to CLIFFORD MACKRELL (1); heard and granted. Defense object. Speedy Trial excluded from 3/23/2021 to 4/7/2021 in the Interest of Justice (XT). Preliminary Hearing set for 4/7/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: Lisa Griffith; Defense Attorney: Jose German; US Attorney: Jacob Steiner for Clayton O'COnner and Brian Kelly; Pretrial Officer: Da'Shanta' Valentine-Lewis. (ztl) (Entered: 04/05/2021)
03/24/2021	12	ORDER Setting Conditions of Release as to CLIFFORD MACKRELL (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/24/2021. (ztl) (Entered: 04/05/2021)
03/30/2021	7	NOTICE OF ATTORNEY APPEARANCE Clayton Henry O'Connor appearing for USA. (O'Connor, Clayton) [1:21-mj-00316-RMM] (Entered: 03/30/2021)
03/31/2021	8	NOTICE OF ATTORNEY APPEARANCE Brian P. Kelly appearing for USA. (Kelly, Brian) [1:21-mj-00316-RMM] (Entered: 03/31/2021)
04/02/2021	10	INDICTMENT as to CLIFFORD MACKRELL (1) count(s) 1, 2, 3, 4, 5, 6. (zhsj) (Entered: 04/04/2021)
04/07/2021		MINUTE ORDER as to CLIFFORD MACKRELL (1). The hearing currently scheduled for April 7, 2021 before Magistrate Judge G. Michael Harvey is hereby VACATED, as the Defendant has had an initial appearance in this jurisdiction; has had counsel appointed; has been released on conditions; and has been charged by Indictment. As such, there are no pending matters necessitating action by a Magistrate Judge. The parties are directed to contact the assigned District Judge to schedule a status hearing and arraignment, if one has not yet been set. The parties are instructed to address any requests to toll the Speedy Trial Act to the assigned District Judge. Signed by Magistrate Judge G. Michael Harvey on April 7, 2021. Signed by Magistrate Judge G. Michael Harvey on 4/7/2021. (zpt) (Entered: 04/07/2021)
04/07/2021	13	MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT by USA as to CLIFFORD MACKRELL. (Attachments: # 1 Text of Proposed Order)(O'Connor, Clayton) Modified relief on 4/12/2021 (znmw). (Entered: 04/07/2021)
04/15/2021	14	MOTION for Protective Order *Governing Discovery* by USA as to CLIFFORD MACKRELL. (Attachments: # 1 Affidavit, # 2 Supplement Attachments to Affidavit, # 3 Text of Proposed Order)(O'Connor, Clayton) (Entered: 04/15/2021)
04/16/2021		MINUTE ORDER as to CLIFFORD MACKRELL: The parties shall appear for an initial status and arraignment hearing before Judge Colleen Kollar-Kotelly on April 20, 2021 at 2:00 PM ET, via videoconference. Signed by Judge Colleen Kollar-Kotelly on April 16, 2021. (lcckk1) (Entered: 04/16/2021)
04/16/2021		Set/Reset Hearings as to CLIFFORD MACKRELL: Arraignment and Status Conference set for 4/20/2021 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 04/16/2021)
04/19/2021	15	Unopposed MOTION to Continue *Arraignment and Status Conference* by CLIFFORD MACKRELL. (Attachments: # 1 Notice and Consent)(German, Jose) (Entered: 04/19/2021)
04/19/2021		MINUTE ORDER: The Court has received and reviewed Defendant's 15 Motion to Continue his Arraignment Hearing, which is currently scheduled for April 20, 2021. Therein, Defendant stipulates that he "has no objection to [the] exclusion of time under the Speedy Trial Act." With his motion, Defendant has also filed a signed statement indicating that he "consent[s] to postponing arraignment on the indictment until May 3, 2021." Accordingly, the Court GRANTS Defendant's 15 Motion. The Arraignment Hearing scheduled for April 20, 2021 is hereby continued for May 3, 2021 at 2:00 PM ET.Signed by Judge Colleen Kollar-Kotelly on April 19, 2021. (lcckk1) (Entered: 04/19/2021)
04/19/2021		Set/Reset Hearings as to CLIFFORD MACKRELL: Arraignment/Status Hearing set for 5/3/2021 at 2:00 PM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. (dot) (Entered: 04/19/2021)
05/02/2021		MINUTE ORDER as to CLIFFORD MACKRELL: The Court has received and reviewed the Government's 13 "Motion to Exclude Time Under The Speedy Trial Act" and the Government's 14 "Motion For Protective Order." By or before 12:00 PM ET on May 3, 2021, Defendant shall file a notice indicating his position with regards to both of the Government's 13 14 Motions. Signed by Judge Colleen Kollar-Kotelly on May 2, 2021. (lcckk1) (Entered: 05/02/2021)
05/03/2021	16	BRADY ORDER. Signed by Judge Colleen Kollar-Kotelly on May 3, 2021. (lcckk1) (Entered: 05/03/2021)
05/03/2021		MINUTE ORDER: The Court held an initial status hearing and arraignment in this case on May 3, 2021. With his consent, Defendant was present via videoconference and represented by counsel. Defense counsel and government also appeared via videoconference. During the hearing, the Court arraigned Defendant on his 10 Indictment. The Court then discussed the status of discovery and advised the government of its continuing Brady obligations in this case. See ECF No. 16. Defense counsel also stated that Defendant does not object to the Government's 14 Motion For Protective Order, which the Court shall grant accordingly. To allow the parties additional time to proceed with this discovery, the Court has scheduled another status hearing for JUNE 30, 2021 at 4:00 PM ET. Defendant has consented to this status hearing proceeding remotely via videoconference. During the May 3, 2021 hearing, the Court discussed with Defendant his Speedy Trial Act rights. First, Defendant indicated that he does not object to the Government's pending 13 Motion to Exclude Time Under The Speedy Trial Act, which moves to exclude time in the interest of justice between April 7, 2021 through the date of Defendant's arraignment, May 3, 2021. Moreover, during the May 3, 2021 hearing, Defendant also consented to the exclusion of time from May 3, 2021, through the date of the next status hearing on June 30, 2021. In light of the foregoing, the Court further finds that a continuance of Defendant's Speedy Trial rights between April 7, 2021 and the date of the next status hearing on June 30, 2021 serves the "ends of justice" and outweighs the best interests of both the community and Defendant in a speedy trial, in light of the ongoing COVID-19 pandemic and because the continuance will allow the parties to review discovery and consider plea negotiations, if any. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is **SEPTEMBER 8, 2021**. The Court finds the 90-day deadline is inapplicable given Defendant's release on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on May 3, 2021. (lcckk1) (Entered: 05/03/2021)
05/03/2021	17	PROTECTIVE ORDER. Signed by Judge Colleen Kollar-Kotelly on May 3, 2021. (lcckk1) (Entered: 05/03/2021)
05/03/2021		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Arraignment as to CLIFFORD MACKRELL (1) as to Counts 1,2,3,4,5,6 held on 5/3/2021. Plea of Not Guilty entered as to Counts 1,2,3,4,5,6. Status Conference as to CLIFFORD MACKRELL held on 5/3/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 5/3/2021 to 6/30/2021.Status Conference set for 6/30/2021 at 4:00 PM via Zoom before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards. Defense Attorney: Jose A. German; US Attorney: Clayton H. O'Connor and Brian P. Kelly. (dot) (Entered: 05/03/2021)
06/30/2021	19	Unopposed MOTION An Order To Disclose Items Protected By Federal Rule Of Criminal Procedure 6(e) And Sealed Materials by USA as to CLIFFORD MACKRELL. (Attachments: # 1 Text of Proposed Order)(O'Connor, Clayton) Modified Event on 7/1/2021 (zhsj). (Entered: 06/30/2021)
06/30/2021	20	ORDER granting 19 Motion. Signed by Judge Colleen Kollar-Kotelly on June 30, 2021. (lcckk1) (Entered: 06/30/2021)
06/30/2021		Minute Entry for videoconference proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to CLIFFORD MACKRELL held on 6/30/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 6/30/2021 to 8/30/2021. Status Conference set for 8/30/2021 at 1:30 PM via Zoom before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Jose A. German; US Attorney: Brian P. Kelly and Clayton H. O'Connor. (dot) (Entered:

		06/30/2021)
06/30/2021		MINUTE ORDER: The Court held a status hearing in this case on June 30, 2021. With his consent, Defendant was present via videoconference and represented by counsel. Defense counsel and government also appeared via videoconference. During the hearing, the Court discussed the status of discovery and plea discussions in this matter. The Court has scheduled another status hearing for AUGUST 30, 2021 at 1:30 PM ET. Defendant has consented to this status hearing proceeding remotely via videoconference. During the June 30, 2021 hearing, the Court discussed with Defendant his Speedy Trial Act rights. Defendant consented to the exclusion of time from June 30, 2021, through the date of the next status hearing on August 30, 2021. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between June 30, 2021 and the date of the next status hearing on August 30, 2021 serves the "ends of justice" and outweighs the best interests of both the community and Defendant, in light of the ongoing COVID-19 pandemic and because the continuance will allow the parties to review discovery and continue plea negotiations. Taking into account this continuance, the Court has calculated that Defendant's new 70-day deadline is **NOVEMBER 8, 2021**. The Court finds the 90-day deadline is inapplicable given Defendant's release on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on June 30, 2021. (lcckk1) (Entered: 06/30/2021)
07/01/2021	21	ORDER. Signed by Judge Colleen Kollar-Kotelly on July 1, 2021. (lcckk1) (Entered: 07/01/2021)
08/25/2021	22	NOTICE *re: Status of Discovery* by USA as to CLIFFORD MACKRELL (O'Connor, Clayton) (Entered: 08/25/2021)
08/30/2021		MINUTE ORDER as to CLIFFORD MACKRELL: The Court held a status hearing in this case on August 30, 2021. With his consent, Defendant was present via videoconference and represented by counsel. Defense counsel and government also appeared via videoconference. During the hearing, the Court discussed the status of discovery and plea discussions in this matter. The Court has scheduled another status hearing for November 3, 2021 at 10:00 AM ET. Defendant has consented to this status hearing proceeding remotely via videoconference. During the August 30, 2021 hearing, the Court also discussed with Defendant his Speedy Trial Act rights. Defendant consented to the exclusion of time from August 30, 2021, through the date of the next status hearing on November 3, 2021. Accordingly, the Court finds that a continuance of Defendant's Speedy Trial rights between August 30, 2021 and the date of the next status hearing on November 3, 2021 serves the "ends of justice" and outweighs the best interests of both the community and Defendant, in light of the ongoing COVID-19 pandemic and because the continuance will allow the parties to review discovery and consider plea negotiations. Taking into account this continuance, the Court has calculated that Defendants new 70-day deadline is **JANUARY 12, 2022**. The Court finds the 90-day deadline is inapplicable given Defendant's release on personal recognizance. Signed by Judge Colleen Kollar-Kotelly on August 30, 2021. (lcckk1) (Entered: 08/30/2021)
08/30/2021		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Status Conference as to CLIFFORD MACKRELL held on 8/30/2021. Speedy Trial (XT) is tolled in the Interest of Justice from 8/30/2021 to 11/3/2021. Status Conference set for 11/3/2021 at 10:00 AM via Telephonic/VTC before Judge Colleen Kollar-Kotelly. Bond Status of Defendant: Continued on Personal Recognizance; Court Reporter: Lisa Edwards; Defense Attorney: Jose A. German; US Attorney: Clayton H. O'Connor and Brian P. Kelly. (dot) (Entered: 08/30/2021)
09/16/2021	24	NOTICE *STATUS OF DISCOVERY* by USA as to CLIFFORD MACKRELL (O'Connor, Clayton) (Entered: 09/16/2021)
10/04/2021	25	NOTICE OF ATTORNEY APPEARANCE Joseph Gaspar DeGaetano appearing for USA. (DeGaetano, Joseph) (Entered: 10/04/2021)
10/08/2021	26	NOTICE *OF FILING* by USA as to CLIFFORD MACKRELL (Attachments: # 1 Exhibit Memorandum Regarding Status of Discovery as of July 12, 2021 (and Exhibit A))(DeGaetano, Joseph) (Entered: 10/08/2021)
10/22/2021	27	STATUS REPORT *Status of Discovery as of October 21, 2021* by USA as to CLIFFORD MACKRELL (DeGaetano, Joseph) (Entered: 10/22/2021)

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