

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00418-RDM-1

Case title: USA v. BOCHENE

Date Filed: 06/21/2021

Magistrate judge case number: 1:21-mj-00397-ZMF

Assigned to: Judge Randolph D. Moss

Defendant (1)

ERIC BOCHENE

represented by **John Gilsenan**
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Pending Counts

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

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

40 U.S.C. 5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT
ON CAPITOL GROUNDS; Violent Entry and Disorderly Conduct in a Capitol
Building
(3)

40 U.S.C. 5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT
ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol
Building
(4)

Highest Offense Level (Opening)

Misdemeanor

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:1752(a)(1), 18:1752(a)(2), 40:5104(e)(2)(D) and
40:5104(e)(2)(G)

Disposition

Disposition

Disposition

Plaintiff

USA

represented by **Anita Eve**
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Date Filed	#	Docket Text
04/26/2021	1	SEALED COMPLAINT as to ERIC BOCHENE (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00397-ZMF] (Entered: 04/26/2021)
04/26/2021	3	MOTION to Seal Case by USA as to ERIC BOCHENE. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00397-ZMF] (Entered: 04/26/2021)
04/26/2021	4	ORDER granting 3 Motion to Seal Case as to ERIC BOCHENE (1). Signed by Magistrate Judge Robin M. Meriweather on 04/26/2021. (zstd) [1:21-mj-00397-ZMF] (Entered: 04/26/2021)
05/13/2021		Arrest of Defendant ERIC BOCHENE in New Hartford, New York. (kk) [1:21-mj-00397-ZMF] (Entered: 06/03/2021)
05/17/2021	5	MOTION to Unseal Case by USA as to ERIC BOCHENE. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00397-ZMF] (Entered: 05/17/2021)
05/21/2021	20	Rule 5(c)(3) Documents Received as to ERIC BOCHENE from US District Court Northern District of New York Case Number 5:21-MJ-273 (ATB) (bb) (Entered: 10/20/2021)
05/24/2021	6	ORDER Granting 5 MOTION to Unseal Case by USA as to ERIC BOCHENE (1). Signed by Magistrate Judge Robin M. Meriweather on 5/24/2021. (zpt) [1:21-mj-00397-ZMF] (Entered: 05/24/2021)
05/24/2021		Case unsealed as to ERIC BOCHENE (zstd) [1:21-mj-00397-ZMF] (Entered: 05/24/2021)
05/25/2021	9	Arrest Warrant, dated 4/26/2021, returned executed in the U.S. District Court for the District of Columbia on 5/25/2021 as to Defendant ERIC BOCHENE. (kk) [1:21-mj-00397-ZMF] (Entered: 06/03/2021)
05/25/2021		ORAL MOTION by Defendant ERIC BOCHENE to Appoint Counsel. (kk) [1:21-mj-00397-ZMF] (Entered: 06/11/2021)
05/25/2021		ORAL MOTION by USA to Exclude Time Under the Speedy Trial Act from 5/25/2021 to 7/19/2021 as to Defendant ERIC BOCHENE. (kk) [1:21-mj-00397-ZMF] (Entered: 06/11/2021)
05/25/2021		Minute Entry for Initial Appearance as to ERIC BOCHENE held by video before Magistrate Judge Robin M. Meriweather on 5/25/2021 : The defendant agrees to appear by video. Oral Motion by Defendant to Appoint Counsel. The Court finds the defendant eligible for court-appointed counsel and appoints Assistant Federal Public Defender Michelle M. Peterson to represent ERIC BOCHENE. The Court advised the Government of its due process obligations under Rule 5(f). Preliminary Hearing set for 7/19/2021 at 1:00 PM by telephonic/VTC before Magistrate Judge G. Michael Harvey. The defendant agrees to waive the additional time to hold his preliminary hearing. Oral Motion by USA to Exclude Time Under the Speedy Trial Act from 5/25/2021 to 7/19/2021, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 7; FTR Time Frame: 1:22:09 - 1:40:20. Defense Attorney: Michelle Peterson; U.S. Attorney: Jacob Steiner for Anita Eve; Pretrial Officer: Da Shanta Valentine-Lewis. (kk) [1:21-mj-00397-ZMF] (Entered: 06/11/2021)
05/27/2021	10	ORDER Setting Conditions of Release : Defendant ERIC BOCHENE placed on Personal Recognizance Bond signed by Magistrate Judge Robin M. Meriweather, nunc pro tunc to 5/25/2021. (Attachment: # 1 Appearance Bond) (kk) [1:21-mj-00397-ZMF] (Entered: 06/11/2021)
06/14/2021	11	NOTICE OF ATTORNEY APPEARANCE: Lisa Peebles appearing for ERIC BOCHENE (Peebles, Lisa) [1:21-mj-00397-ZMF] (Entered: 06/14/2021)
06/21/2021	12	INFORMATION as to ERIC BOCHENE (1) count(s) 1, 2, 3, 4. (zltpt) (Entered: 06/22/2021)
06/23/2021	14	NOTICE OF ATTORNEY APPEARANCE: John Gilsenan appearing for ERIC BOCHENE (Gilsenan, John) (Entered: 06/23/2021)
06/24/2021		NOTICE OF HEARING as to ERIC BOCHENE: Arraignment/Status Conference set for 7/1/2021, at 9:00 AM, by video, before Judge Randolph D. Moss. The Courtroom Deputy Clerk will circulate instructions for appearing remotely.(kt) (Entered: 06/24/2021)
07/01/2021		MINUTE ORDER as to ERIC BOCHENE: Pursuant to the Due Process Protections Act, it is hereby ORDERED that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Randolph D. Moss on 7/1/2021. (lcrdm3) (Entered: 07/01/2021)
07/01/2021		Reset Hearings as to ERIC BOCHENE: Arraignment/Status Conference RESCHEDULED for 7/1/2021, at 2:30 PM, by video, before Judge Randolph D. Moss. (kt) (Entered: 07/01/2021)
07/01/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment/Status Conference as to ERIC BOCHENE held on 7/1/2021. Defendant consented to proceeding remotely by video. Defendant arraigned on Counts 1, 2, 3, and 4 of the Information. Plea of Not Guilty entered on ALL Counts. Due Process Protections Act Order read into the record by the Court. A further Status Conference is set for 8/25/2021, at 2:00 PM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting remotely. Speedy Trial (XT) is tolled in the interest of justice from 7/1/2021 to 8/25/2021. Bond Status of Defendant: Defendant remains on PR; Court Reporter: Jeff Hook; Defense Attorney: John Gilsenan; U.S. Attorney: Anita Eve. (kt) Modified on 7/1/2021 to correct typo(kt). (Entered: 07/01/2021)
07/02/2021		MINUTE ORDER: At the time this case was unsealed the Court noted personally identifiable information in the materials and directed the Clerks Office to keep some of the materials sealed. The government then submitted a redacted statement of facts, but the redacted version does not bear the signature of the magistrate judge. It is hereby ORDERED that the Clerks Office file the redacted statement of facts on the public docket. The Court notes that the sealed unredacted statement of facts was signed, and that a signed, sealed Complaint can be found at 1 . Signed by Magistrate Judge Robin M. Meriweather on 7/2/2021. (ztl) (Entered: 07/02/2021)
07/15/2021		Terminate Deadlines and Hearings as to ERIC BOCHENE (1): Preliminary Hearing set for 7/19/2021 at 1:00 PM by telephonic/VTC before Magistrate Judge G. Michael Harvey is hereby VACATED. (zpt) (Entered: 07/15/2021)
08/25/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to ERIC BOCHENE held on 8/25/2021. Oral motion by Defendant Eric Bochene to represent himself and terminate counsel; HEARD and HELD IN ABEYANCE. A further Status Conference is set for 8/31/2021, at 2:00 PM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting remotely. Speedy Trial (XT) is tolled in the interest of justice from 8/25/2021 to 8/31/2021. Bond Status of Defendant: PR Bond; Court Reporter: Nancy Meyer; Defense Attorney: John Gilsenan; U.S. Attorney: Anita Eve. (kt) Modified on 8/30/2021 to include direction regarding using same link to connect (kt). (Entered: 08/25/2021)
08/30/2021	15	MOTION to Continue <i>Pre-Trial Conference</i> by ERIC BOCHENE. (Gilsenan, John) (Entered: 08/30/2021)
08/30/2021		MINUTE ORDER as to ERIC BOCHENE: Upon consideration of Defendant's motion to continue, Dkt. 15 , it is hereby ORDERED that the motion is GRANTED. It is further ordered that (1) the hearing scheduled for August 30, 2021, at 2:00 p.m., is hereby VACATED and RESCHEDULED for September 2, 2021, at 2:00 p.m., to occur by video teleconference; and (2) time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. 3161, from August 30, 2021 to September 2, 2021. Defense counsel represents that he is unable to attend tomorrow's hearing "[d]ue to a medical issue that arose over the weekend." Dkt. 15 at 1. In light of the unavailability of defense counsel, and particularly given that the upcoming hearing will focus on whether defense counsel shall continue to represent the Defendant in this matter, the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. 3161(h)(7)(A). The parties are directed to use the video teleconference access information previously provided by the Courtroom Deputy Clerk. Signed by Judge Randolph D. Moss on 08/30/2021. (lcrdm3) (Entered: 08/30/2021)
09/02/2021		NOTICE OF ERROR re 15 Motion to Continue ; emailed to John_Gilsenan@fd.org, cc'd 8 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect format; In future, all documents must be in proper pleading format in accordance with Local Rules; DO NOT REFILE. (znmw,) (Entered: 09/02/2021)
09/02/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to ERIC BOCHENE held on 9/2/2021. Defendant consents to appearing by video. Defendant's renewed oral motion to represent himself; HEARD and GRANTED, with Attorney John Gilsenan as standby counsel. A further Status Conference is set for 10/29/2021, at 2:00 PM, by video, before Judge Randolph D. Moss. The parties shall utilize the same link for connecting to the hearing. Speedy Trial (XT) is tolled in the interest of justice from 9/2/2021 to 10/29/2021. Bond Status of Defendant: PR Bond; Court Reporter: Jeff Hook; Standby Counsel: John Gilsenan; U.S. Attorney: Anita Eve. (kt) (Entered: 09/02/2021)
09/08/2021	17	NOTICE of Intent/Fee Schedule by ERIC BOCHENE. "LET IT BE FILED" by Judge Randolph D. Moss on 9/8/2021 (zltpt) (Entered: 09/10/2021)
09/08/2021	18	Cancellation of Powers of Attorney by ERIC BOCHENE. "LET IT BE FILED" by Judge Randolph D. Moss on 9/8/2021. (zltpt) (Entered: 09/10/2021)
09/08/2021	19	MOTION to Dismiss Case by ERIC BOCHENE. "LET IT BE FILED" by Judge Randolph D. Moss on 9/8/2021 (zltpt) (Entered: 09/10/2021)
09/10/2021		MINUTE ORDER as to ERIC BOCHENE: Before the Court are Defendant's Notice of Fee Schedule, Dkt. 17 , Cancellation of Powers of Attorney, Dkt. 18 , and Motion to Dismiss, Dkt. 19 . As for the Notice of Fee Schedule, Dkt. 17 , the Court is unclear exactly what relief Defendant seeks. To the extent Defendant is seeking fees for the matters identified, it is hereby ORDERED that Defendant's request is DENIED. Among other things, Defendant has pointed to no action requiring payment that the Court or the government has asked him to take, and so the matter is not ripe. Furthermore, to the extent Defendant is seeking payment for appearing in Court, that argument lacks merit. Defendant stands charged with several crimes, and is currently released on personal recognizance bond, <i>see</i> Minute Entry (May 25, 2021). As part of his pretrial release, "[t]he defendant must appear in court as required." Dkt. 10 at 1. As for Defendant's Cancellation of Attorney, Dkt. 18 , the Court is again unclear what relief Defendant seeks. To the extent Defendant seeks to represent himself in this matter, the Court has already granted Defendant permission to do so, <i>see</i> Minute Entry (Sept. 2, 2021), and so it is hereby ORDERED that any such request is DENIED as moot. To the extent Defendant requests that the Court direct that all filings be sent to his address, it is hereby ORDERED that Defendant's request is GRANTED. It is accordingly ORDERED that the parties and the

	Deputy Clerk serve all filings in this matter upon Defendant at his address, as listed in Dkt. 18 . To the extent Defendant seeks any other relief, it is hereby ORDERED that any such request is DENIED. Finally, upon consideration of Defendant's Motion to Dismiss, Dkt. 19 , it is hereby ORDERED that the motion is DENIED. Defendant has identified no basis to dismiss the information, Dkt. 12 . Defendant appears to argue that a minute entry on the docket, which vacated a hearing before a magistrate judge in light of this case's assignment to the undersigned judge, violated Federal Rules of Evidence 602 and 802, Federal Rule of Civil Procedure 26, and 22 U.S.C. 7102. Dkt. 19 at 2. Nothing in that order violated his rights under the Due Process Clause or the rules and statutes identified by Defendant, nor does Defendant explain how any purported violation would entitle him to a dismissal of the information. Signed by Judge Randolph D. Moss on 09/10/2021. (lcrdm3) (Entered: 09/10/2021)
10/13/2021	MINUTE ORDER as to ERIC BOCHENE: Due to a conflict in the Court's schedule, it is hereby ORDERED that the status conference set for October 29, 2021 is VACATED and RESCHEDULED for October 21, 2021, at 11:00 a.m., by video, before Judge Randolph D. Moss. The parties are directed to use the same link for connecting to the hearing. Signed by Judge Randolph D. Moss on 10/13/2021. (kt) (Entered: 10/13/2021)
10/21/2021	Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to ERIC BOCHENE held on 10/21/2021. Defendant consented to appearing by video. A further Status Conference is set for 11/5/2021, at 9:00 AM, by telephone, before Judge Randolph D. Moss. The parties shall utilize the same link for connecting to the hearing. Speedy Trial (XT) is tolled in the interest of justice from 10/21/2021 to 11/5/2021. Bond Status of Defendant: Defendant remains on a PR Bond; Court Reporter: Jeff Hook; Defense Attorney: John Gilsenan (standby counsel); U.S. Attorney: Anita Eve. (kt) (Entered: 10/21/2021)
11/02/2021	MINUTE ORDER as to ERIC BOCHENE: Due to a conflict in the Court's schedule, it is hereby ORDERED that the video status conference set for November 5, 2021, at 9:00 a.m., is RESCHEDULED for 12:00 noon. The parties shall utilize the same link for connecting to the hearing. Signed by Judge Randolph D. Moss on 11/2/2021. (kt) (Entered: 11/02/2021)
11/05/2021	24 MOTION for Change of Venue by ERIC BOCHENE. "Let This Be Filed" by Judge Randolph D. Moss on 11/5/2021. (zhjsj) (Entered: 11/05/2021)
11/05/2021	Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to ERIC BOCHENE held on 11/5/2021. Defendant consents to appearing by video. Government's opposition to Defendant's 24 Motion for Change of Venue is due by 11/16/2021; Defendant's Reply is due by 12/3/2021. A further Status Conference/Motion Hearing is set for 12/3/2021, at 10:00 AM, by video, before Judge Randolph D. Moss. Speedy Trial not tolled in light of the pending motion. Bond Status of Defendant: PR Bond; Court Reporter: Lisa Moreira; Defense Attorney: John Gilsenan (standby counsel); U.S. Attorney: Anita Eve. (kt) (Entered: 11/05/2021)
11/12/2021	25 Memorandum in Opposition by USA as to ERIC BOCHENE re 24 MOTION to Change Venue (Eve, Anita) (Entered: 11/12/2021)

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