

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00068-TNM-2**

Case title: USA v. CUDD et al

Date Filed: 02/03/2021

Magistrate judge case number: 1:21-mj-00035-ZMF

Assigned to: Judge Trevor N. McFadden

Defendant (2)**ELIEL ROSA**also known as
ROSA B. ELIELrepresented by **Michelle M. Peterson**

FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF COLUMBIA
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender Appointment

Pending Counts

40:5104(e)(2)(G); FEDERAL STATUTES, OTHER; Parading, Demonstrating, or
Picketing in a Capitol Building
(5)

Disposition

Defendant sentenced to a term of Twelve (12) Months Probation. A \$10.00 Special
Assessment imposed. Restitution in the amount of \$500.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

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

Disposition

Dismissed on oral motion of the Government.

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

Dismissed on oral motion of the Government.

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly
and Disruptive Conduct in a Restricted Building or Grounds
(3)

Dismissed on oral motion of the Government.

40:5104(e)(2)(D); FEDERAL STATUTES, OTHER; Disorderly Conduct in a
Capitol Building
(4)

Dismissed on oral motion of the Government.

Highest Offense Level (Terminated)

Felony

Complaints

COMPLAINT in VIOLATION of 18 U.S.C. 1752(a)(1) and (2); 40 U.S.C. 5104(e)
(2)

Disposition**Plaintiff**

USA

represented by **Amanda Fretto**

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TERMINATED: 02/23/2021
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Date Filed	#	Docket Text
01/12/2021	1	SEALED COMPLAINT as to JENNY LOUISE CUDD (1), ELIEL ROSA (2). (Attachments: # 1 Statement of Facts) (zltp) Modified on 1/17/2021 (bb). [1:21-mj-00035-ZMF] (Entered: 01/12/2021)
01/12/2021	2	MOTION to Seal Case by USA as to JENNY LOUISE CUDD, ELIEL ROSA. (Attachments: # 1 Text of Proposed Order)(zltp) Modified on 1/17/2021 (bb). [1:21-mj-00035-ZMF] (Entered: 01/12/2021)
01/12/2021	4	ORDER granting 3 Motion to Seal Case as to JENNY LOUISE CUDD (1), ELIEL ROSA (2). Signed by Magistrate Judge Zia M. Faruqi on 1/12/2021. (zltp) Modified on 1/17/2021 (bb). [1:21-mj-00035-ZMF] (Entered: 01/12/2021)

01/13/2021		Arrest of JENNY LOUISE CUDD, ELIEL ROSA in US District Court Western District of Texas Midland-Odessa Division. (bb) (Entered: 02/04/2021)
01/15/2021	5	MOTION to Unseal Case by USA as to JENNY LOUISE CUDD, ELIEL ROSA. (Attachments: # 1 Text of Proposed Order)(bb) [1:21-mj-00035-ZMF] (Entered: 01/17/2021)
01/21/2021	6	ORDER Granting 5 MOTION to Unseal Case by USA as to JENNY LOUISE CUDD (1), ELIEL ROSA (2). Signed by Magistrate Judge G. Michael Harvey on 1/21/2021. (zpt) [1:21-mj-00035-ZMF] (Entered: 01/21/2021)
01/21/2021		Case unsealed as to ELIEL ROSA (bb) [1:21-mj-00035-ZMF] (Entered: 01/21/2021)
01/21/2021	11	ORDER Setting Conditions of Bond : Defendant ELIEL ROSA (2) placed on Personal Recognizance Bond, signed by Magistrate Judge G. Michael Harvey on 1/21/2021. (kk)[1:21-mj-00035-ZMF] (Additional attachment(s) added on 2/8/2021: # 1 Appearance Bond) (zpt). (Entered: 01/25/2021)
01/21/2021		MINUTE ORDER as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2). As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge G. Michael Harvey on 1/21/2021. (zpt) [1:21-mj-00035-ZMF] (Entered: 02/03/2021)
01/21/2021	20	Rule 5(c)(3) Documents Received as to JENNY LOUISE CUDD, ELIEL ROSA from US District Court Western District of Texas Midland-Odessa Division Case Number MO:21-M-00015 (bb) (Entered: 02/04/2021)
01/21/2021		ORAL MOTION to Appoint Counsel by ELIEL ROSA. (zpt) (Entered: 02/04/2021)
01/21/2021		JOINT ORAL MOTION for Speedy Trial Waiver by JENNY LOUISE CUDD (1) and ELIEL ROSA (2). (zpt) (Entered: 02/04/2021)
01/21/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2) held on 1/21/2021. Oral Motion to Appoint Counsel by ELIEL ROSA (2) Heard and Granted. Government does not seek the Defendants' pretrial detention. Joint Oral Motion for Speedy Trial Waiver by JENNY LOUISE CUDD (1) and ELIEL ROSA (2) Heard and Granted. Time between 1/21/2021 and 2/4/2021 (14 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Bond Status of Defendant: Defendants Placed on Personal Recognizance; Court Reporter: Lisa Bankins; Defense Attorney: Marina Medvin (1), Shelli Peterson (2); US Attorney: David Kent; Pretrial Officer: Masharia Holman; (zpt) (Entered: 02/04/2021)
02/01/2021	12	Unopposed MOTION to Continue <i>Preliminary Hearing</i> , Unopposed MOTION to Exclude <i>Time from the Speedy Trial Calculation</i> by ELIEL ROSA as to JENNY LOUISE CUDD, ELIEL ROSA. (Peterson, Michelle) [1:21-mj-00035-ZMF] (Entered: 02/01/2021)
02/03/2021		MINUTE ORDER finding as moot 14 MOTION for Compliance with Due Process Protections Act by JENNY LOUISE CUDD (1). See Minute Order dated 1/21/2021. Signed by Magistrate Judge G. Michael Harvey on 2/3/2021. (zpt) [1:21-mj-00035-ZMF] (Entered: 02/03/2021)
02/03/2021	18	INDICTMENT as to JENNY LOUISE CUDD (1) count(s) 1, 2, 3, 4, 5, ELIEL ROSA (2) count(s) 1, 2, 3, 4, 5. (bb) (Entered: 02/04/2021)
02/08/2021		NOTICE OF HEARING as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2). VTC Arraignment set for 2/16/2021 at 2:00 PM before Judge Trevor N. McFadden. Connection instructions will be emailed to the parties. (hmc) (Entered: 02/08/2021)
02/16/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Arraignment/Status Conference as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2) held via video on 2/16/2021. Defendants agreed to proceed via video. JENNY LOUISE CUDD (1) arraigned on Counts 1, 2, 3, 4, 5. Plea of Not Guilty entered as to all counts. ELIEL ROSA (2) arraigned on Counts 1, 2, 3, 4, 5. Plea of Not Guilty entered as to all counts. Defendant JENNY LOUISE CUDD'S (1) oral motion to modify travel dates, heard and GRANTED. The defendant shall provide the new itinerary to Pretrial Services and shall inform Pretrial Services upon her return. A further Status Conference is set for 3/12/2021, at 11:00 AM, via video, before Judge Trevor N. McFadden. Speedy Trial is tolled from 2/16/2021 to 3/12/2021, in the interests of justice and for the reasons identified in the Chief Judge's most recent standing order. Bond Status of Defendants: Defendants remain on a Personal Recognizance Bond. Defense Attorneys: (1): Marina Medvin, (2): Michelle M. Peterson; US Attorneys: Amanda Fretto and Kimberly Paschall; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 02/16/2021)
02/23/2021	24	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Fretto, Amanda added. Substituting for attorney David Kent (Fretto, Amanda) (Entered: 02/23/2021)
03/10/2021		MINUTE ORDER as to JENNY LOUISE CUDD (1). It is hereby ORDERED that the Government shall be prepared to respond to Defendant JENNY LOUISE CUDD's 25 Motion for Discovery during the March 12, 2021 Status Conference. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/10/2021. (lctnm3) (Entered: 03/10/2021)
03/10/2021	28	NOTICE of Filing Discovery Correspondence by USA as to JENNY LOUISE CUDD, ELIEL ROSA (Attachments: # 1 Notice to Counsel/Party Discovery Correspondence)(Fretto, Amanda) (Entered: 03/10/2021)
03/12/2021	30	First MOTION to Continue by USA as to JENNY LOUISE CUDD, ELIEL ROSA. (Attachments: # 1 Text of Proposed Order Proposed Order)(Fretto, Amanda) (Entered: 03/12/2021)
03/12/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2) held via video on 3/12/2021. Government's request to partially unseal the search warrant, heard and granted without objection. Government's Opposition to the 26 Motion to Sever and 27 Motion to Transfer Venue due by 4/2/2021. Any replies due by 4/16/2021. A further Status Conference is set for 4/29/2021, at 11:00 AM, via video, before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 3/12/2021 to 4/29/2021, in the interests of justice and for the reasons identified in the Chief Judge's most recent standing order. Bond Status of Defendants: Defendants remain on a Personal Recognizance Bond. Defense Attorneys: (1): Marina Medvin, (2): Michelle M. Peterson; US Attorney: Amanda Fretto; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 03/12/2021)
03/12/2021	31	MOTION to Exclude Time Under Speedy Trial Act by USA as to JENNY LOUISE CUDD, ELIEL ROSA. (See Docket Entry 12 to view document). (znmw) (Entered: 03/23/2021)
04/02/2021	33	Memorandum in Opposition by USA as to JENNY LOUISE CUDD, ELIEL ROSA re 26 MOTION to Sever Defendant (Fretto, Amanda) (Entered: 04/02/2021)
04/07/2021	34	MOTION for Protective Order by USA as to JENNY LOUISE CUDD, ELIEL ROSA. (Attachments: # 1 Affidavit, # 2 Exhibit Attachment to Affidavit, # 3 Text of Proposed Order)(Fretto, Amanda) (Entered: 04/07/2021)
04/13/2021	36	REPLY in Support by USA as to JENNY LOUISE CUDD, ELIEL ROSA re 34 MOTION for Protective Order (Attachments: # 1 Text of Proposed Order)(Fretto, Amanda) (Entered: 04/13/2021)
04/21/2021	39	MEMORANDUM OPINION re Government's 34 Motion for Protective Order as to JENNY LOUISE CUDD and ELIEL ROSA. See attached Opinion for details. Signed by Judge Trevor N. McFadden on 4/21/2021. (lctnm2) (Entered: 04/21/2021)
04/21/2021	40	ORDER granting the Government's 34 Motion for Protective Order as to JENNY LOUISE CUDD and ELIEL ROSA. See attached Protective Order for details. Signed by Judge Trevor N. McFadden on 4/21/2021. (lctnm2) (Entered: 04/21/2021)
04/26/2021	42	NOTICE OF FILING by USA as to JENNY LOUISE CUDD, ELIEL ROSA (Attachments: # 1 Discovery Correspondence)(Fretto, Amanda) (Entered: 04/26/2021)
04/28/2021	44	Second MOTION to Continue and Exclude Time by USA as to JENNY LOUISE CUDD, ELIEL ROSA. (Attachments: # 1 Text of Proposed Order)(Fretto, Amanda) (Entered: 04/28/2021)
04/28/2021	45	NOTICE OF FILING by USA as to JENNY LOUISE CUDD, ELIEL ROSA (Attachments: # 1 Discovery Correspondence)(Fretto, Amanda) (Entered: 04/28/2021)
04/28/2021	46	MOTION to Exclude TIME UNDER THE SPEEDY TRIAL ACT by USA as to JENNY LOUISE CUDD, ELIEL ROSA. (See docket entry 44 to view document.) (zltp) (Entered: 05/07/2021)
04/29/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2) held via video on 4/29/2021. Defendant CUDD'S 25 Motion for Discovery, denied without prejudice. Government's 30 Motion to Continue as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2), granted. Government's 31 Motion to Exclude Time Under Speedy Trial Act as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2), granted. A further VTC Status Conference is set for 5/27/2021 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 4/29/2021 to 5/27/2021, in the interests of justice. Bond Status of Defendants: Defendants remain on a Personal Recognizance Bond. Defense Attorneys: (1): Marina Medvin, (2): Michelle M. Peterson; US Attorney: Amanda Fretto; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 04/29/2021)
05/10/2021	47	NOTICE of Filing by ELIEL ROSA (Attachments: # 1 Defendant's Agreement)(Peterson, Michelle) (Entered: 05/10/2021)
05/12/2021	48	NOTICE OF FILING by USA as to JENNY LOUISE CUDD, ELIEL ROSA (Attachments: # 1 Discovery Correspondence)(Fretto, Amanda) (Entered: 05/12/2021)
05/27/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to JENNY LOUISE CUDD (1) and ELIEL ROSA (2) held via videoconference on 5/27/2021. Government's 44 Second Motion to Continue and 46 Motion to Exclude Time; GRANTED. Pretrial Conference set for 1/31/2022 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. Jury Selection/Jury Trial set for 2/7/2022 at 9:00 AM in Courtroom 2 before Judge Trevor N. McFadden. A further VTC Status Conference is set for 6/29/2021 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 5/27/2021 to 6/29/2021, in the interests of justice. Bond Status of Defendants: Defendants remain on a Personal Recognizance Bond. Defense Attorneys: (1): Marina Medvin, (2): Michelle M. Peterson; US Attorney: Amanda Fretto; Court Reporter: Elizabeth Saint-Loth. (hmc) (Entered: 05/27/2021)
06/21/2021	51	NOTICE OF FILING by USA as to JENNY LOUISE CUDD, ELIEL ROSA (Attachments: # 1 Discovery Correspondence)(Fretto, Amanda) (Entered: 06/21/2021)
06/29/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference as to JENNY LOUISE CUDD (1), ELIEL ROSA (2) held via videoconference on 6/29/2021. A further VTC Status Conference is set for 7/29/2021 at 2:00 PM before Judge Trevor N. McFadden. Time under the Speedy Trial Act is tolled from 6/29/2021 to 7/29/2021, in the interests of justice. Ms. Cudd's (1) oral motion to modify conditions of release, GRANTED. Ms. Cudd (1) shall notify Pretrial Services Agency of any travel outside of the Northern District and Western District of Texas. The defendant is further directed to seek approval of the Court for any travel outside the continental United States. Bond Status of Defendants: Personal

		Recognizance. Defense Attorneys: (1): Marina Medvin, (2): Michelle M. Peterson; US Attorney: Amanda Fretto; Pretrial Officer: Christine Schuck; Court Reporter: Crystal Pilgrim. (zhmc) (Entered: 06/29/2021)
07/13/2021	54	STATUS REPORT <i>REGARDING DISCOVERY</i> by USA as to JENNY LOUISE CUDD, ELIEL ROSA (Attachments: # 1 Exhibit A)(Fretto, Amanda) (Entered: 07/13/2021)
07/28/2021		NOTICE OF HEARING as to ELIEL ROSA (2). The parties shall take notice that the VTC Status Conference set for 7/29/2021 at 2:00 PM before Judge Trevor N. McFadden is converted to a VTC Plea Agreement Hearing. (hmc) (Entered: 07/28/2021)
07/29/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Plea Agreement Hearing as to ELIEL ROSA (2) held via videoconference on 7/29/2021. Defendant agreed to proceed via videoconference. Defendant entered a plea of Guilty as to Count 5 of the Indictment. Case referred to the Probation Office for Presentence Investigation. Sentencing Memoranda due by 10/5/2021. Sentencing set for 10/12/2021 at 10:00 AM in Courtroom 2- In Person before Judge Trevor N. McFadden. Bond Status of Defendant: Personal Recognizance. Defense Attorney: Michelle M. Peterson; US Attorney: Amanda Fretto; Court Reporter: Crystal Pilgrim. (hmc) (Entered: 07/29/2021)
07/29/2021	59	PLEA AGREEMENT as to ELIEL ROSA (2). (hmc) (Entered: 07/29/2021)
07/29/2021	60	STATEMENT OF OFFENSE by USA and ELIEL ROSA (2) as to ELIEL ROSA (2). (hmc) (Entered: 07/29/2021)
07/29/2021	65	WAIVER of Trial by Jury as to ELIEL ROSA (2). Approved by Judge Trevor N. McFadden on 7/29/2021. (hmc) (Entered: 09/09/2021)
10/04/2021	66	SENTENCING MEMORANDUM by USA as to ELIEL ROSA (Fretto, Amanda) (Entered: 10/04/2021)
10/04/2021	67	SENTENCING MEMORANDUM by ELIEL ROSA (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit)(Peterson, Michelle) (Entered: 10/04/2021)
10/11/2021	71	NOTICE OF FILING by USA as to JENNY LOUISE CUDD, ELIEL ROSA (Attachments: # 1 August 23, 2021 Discovery Status Memorandum, # 2 September 14, 2021 Discovery Status Memorandum)(Fretto, Amanda) (Entered: 10/11/2021)
10/12/2021		Minute Entry for proceedings held before Judge Trevor N. McFadden: Sentencing held on 10/12/2021 as to ELIEL ROSA (2). Count 5: Defendant sentenced to a term of Twelve (12) Months Probation. A \$10.00 Special Assessment imposed. Restitution in the amount of \$500.00. Oral motion by the Government to dismiss Counts 1, 2, 3 and 4, HEARD and GRANTED. The Court authorized supervision and jurisdiction of this case to be transferred to the United States District Court for the Western District of Texas. Bond Status of Defendant: Placed on Probation. Defense Attorney: Michelle M. Peterson; US Attorney: Amanda Fretto; Probation Officer: Hana Field; Court Reporter: Liz Saint-Loth. (hmc) Modified on 10/13/2021 to add transfer information (hmc). (Entered: 10/12/2021)
10/13/2021		MINUTE ORDER as to JENNY LOUISE CUDD (1), ELIEL ROSA (2). The Pretrial Conference previously set for 1/31/2022 and the Jury Trial previously set for 2/7/2022 are hereby VACATED. Signed by Judge Trevor N. McFadden on 10/13/2021. (hmc) (Entered: 10/13/2021)
10/13/2021	79	JUDGMENT as to ELIEL ROSA. Statement of Reasons Not Included. Signed by Judge Trevor N. McFadden on 10/13/2021. (zltp) (Entered: 10/19/2021)
10/13/2021	80	STATEMENT OF REASONS as to ELIEL ROSA. re 79 Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Trevor N. McFadden on 10/13/2021. (zltp) (Entered: 10/19/2021)
10/21/2021	81	TRANSCRIPT OF PROCEEDINGS, in case as to ELIEL ROSA, before Judge Trevor N. McFadden, held on 10-12-2021. Page Numbers: 1 - 28. Date of Issuance: 10-21-2021. Court Reporter: Elizabeth SaintLoth, Telephone number: 202-354-3242. 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 11/11/2021. Redacted Transcript Deadline set for 11/21/2021. Release of Transcript Restriction set for 1/19/2022.(Saint-Loth, Elizabeth) (Entered: 10/21/2021)

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