

**U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00228-CRC-1**

Case title: USA v. BARBER

Date Filed: 03/18/2021

Magistrate judge case number: 1:21-mj-00235-GMH

Assigned to: Judge Christopher R. Cooper

**Defendant (1)**

**ERIC GENE BARBER**

represented by **Ubong E. Akpan**  
 FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF COLUMBIA  
 625 Indiana Avenue, NW  
 Suite 550  
 Washington, DC 20004  
 (202) 208-7500  
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 Email: ubong\_akpan@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or Community Defender Appointment*

**Pending Counts**

- 18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (1)
- 18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (2)
- 40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building or Grounds (3)
- 40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (4)
- 22 D.C. Code 3212; THEFT; Theft II (5)

**Disposition**

**Highest Offense Level (Opening)**

Misdemeanor

**Disposition**

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

COMPLAINT in Violation of 18:1752(a)(1) and (2), 40:5104(e)(2)(D) and (G) and 22 D.C. Code 3212

**Disposition**

**Plaintiff**

**USA**

represented by **Brenda J. Johnson**  
 U.S. ATTORNEY'S OFFICE  
 Criminal Division - National Security Section  
 Judiciary Center Building  
 555 Fourth Street, NW  
 Room 11-450  
 Washington, DC 20530  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant U.S. Attorney*

Date Filed	#	Docket Text
02/16/2021	<a href="#">1</a>	SEALED COMPLAINT as to ERIC GENE BARBER (1). (Attachments: # <a href="#">1</a> Affidavit in Support) (zstd) [1:21-mj-00235-GMH] (Entered: 02/16/2021)
02/16/2021	<a href="#">3</a>	MOTION to Seal Case by USA as to ERIC GENE BARBER. (Attachments: # <a href="#">1</a> Text of Proposed Order)(zstd) [1:21-mj-00235-GMH] (Entered: 02/16/2021)
02/16/2021	<a href="#">4</a>	ORDER granting <a href="#">3</a> Motion to Seal Case as to ERIC GENE BARBER (1). Signed by Magistrate Judge G. Michael Harvey on 02/16/2021. (zstd) [1:21-mj-00235-GMH] (Entered: 02/16/2021)
03/03/2021	<a href="#">5</a>	Arrest Warrant Returned Executed on 3/3/2021 in Davisville, West Virginia as to ERIC GENE BARBER. (bb) [1:21-mj-00235-GMH] (Entered: 03/04/2021)
03/03/2021		Case unsealed as to ERIC GENE BARBER (bb) [1:21-mj-00235-GMH] (Entered: 03/04/2021)
03/03/2021		Arrest of ERIC GENE BARBER. (ztl) (Entered: 03/23/2021)
03/10/2021		ORAL MOTION for Speedy Trial by USA as to ERIC GENE BARBER. (ztl) (Entered: 03/23/2021)
03/10/2021		ORAL MOTION to Appoint Counsel by ERIC GENE BARBER. (ztl) (Entered: 03/23/2021)

03/10/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Initial Appearance as to ERIC GENE BARBER held on 3/10/2021. Defendant present by video. Due process order given to the Government. Oral Motion to Appoint Counsel by ERIC GENE BARBER (1); heard and granted. Defendant sworn to conditions of release. Oral Motion by the Government for Speedy Trial as to ERIC GENE BARBER (1); heard and granted. Speedy Trial Excluded from 3/10/2021 to 3/24/2021 in the Interest of Justice (XT). Preliminary Hearing set for 3/24/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:49:53-1:56:15]; Defense Attorney: Ubong Akpan; US Attorney: Jacob Steiner for Brenda Johnson; Pretrial Officer: John Copes. (ztl) (Entered: 03/23/2021)
03/12/2021	<a href="#">15</a>	ORDER Setting Conditions of Release as to ERIC GENE BARBER (1) Personal Recognizance. Signed by Magistrate Judge Zia M. Faruqui on 3/12/2021. (ztl) (Entered: 04/20/2021)
03/18/2021	<a href="#">8</a>	INFORMATION as to ERIC GENE BARBER (1) count(s) 1, 2, 3, 4, 5. (zstd) (Entered: 03/19/2021)
03/18/2021		MINUTE ORDER: In light of the fact that Magistrate Case for defendant ERIC GENE BARBER has closed and merged into Criminal Number 21-228, and an information has been filed, there are no additional matters necessitating action by a magistrate judge. If a hearing has not been scheduled before the assigned district judge, the parties are directed to contact the chambers of the assigned district judge to schedule a hearing. Signed by Magistrate Judge Zia M. Faruqui on 3/18/2021. (ztl) (Entered: 03/23/2021)
03/22/2021	<a href="#">10</a>	NOTICE OF ATTORNEY APPEARANCE: Ubong E. Akpan appearing for ERIC GENE BARBER (Akpan, Ubong) (Entered: 03/22/2021)
03/24/2021		MINUTE ORDER as to ERIC GENE BARBER: The parties are to appear for an Arraignment set for 3/31/2021 at 12:00 PM by VTC before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 3/24/21. (lsj) (Entered: 03/24/2021)
03/31/2021		Minute Entry for video Arraignment held before Judge Christopher R. Cooper as to ERIC GENE BARBER on 3/31/2021. Defendant consents to appear by video and sworn. Defendant waives the formal reading of the Information and enters a Plea of Not Guilty as to Counts 1,2,3,4,5. Status Conference set for 5/27/2021 at 10:00 AM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 3/31/2021 through 5/27/2021. The Defendant is advised to continue to adhere to the conditions of release, previously set forth. It is ORDERED that pursuant to the Due Process Protections Act, the Court instructs government counsel to review and comply with its Brady disclosure obligations. Failure to comply could result in dismissal of the indictment or individual charges, exclusion of evidence, or any other remedy that is just under the circumstances. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Lisa Moreira; Defense Attorney: Ubong E. Akpan. (lsj) (Entered: 03/31/2021)
04/09/2021	<a href="#">12</a>	MOTION for Protective Order by USA as to ERIC GENE BARBER. (Attachments: # <a href="#">1</a> Attachment A, # <a href="#">2</a> Attachment 1-6, # <a href="#">3</a> Text of Proposed Order)(Johnson, Brenda) (Entered: 04/09/2021)
04/15/2021	<a href="#">13</a>	RESPONSE by ERIC GENE BARBER re <a href="#">12</a> MOTION for Protective Order (Akpan, Ubong) (Entered: 04/15/2021)
04/16/2021	<a href="#">14</a>	ORDER granting <a href="#">12</a> Motion for Protective Order as to ERIC GENE BARBER (1). See full order for details. Signed by Judge Christopher R. Cooper on 4/16/2021. (lccrc2) (Entered: 04/16/2021)
05/27/2021		Minute Entry for proceedings held before Judge Christopher R. Cooper: Status Conference as to ERIC GENE BARBER (1) held on 5/27/2021. The Court finds that the period from May 27, 2021 through July 22, 2021 inclusive, is excluded from the Speedy Trial calculation in the Interest of Justice (XT). Excludable started as to ERIC GENE BARBER (1). Status Conference set for 7/22/2021 at 03:00 PM in Telephonic/VTC before Judge Christopher R. Cooper. Bond Status of Defendant: remains on PERSONAL RECOGNIZANCE BOND (PR) appeared via video; Court Reporter: Lisa Moreira; Defense Attorney: Cara Halverston; US Attorney: Brenda Johnson. (nbn) (Entered: 05/27/2021)
07/13/2021	<a href="#">17</a>	ENTERED IN ERROR..... MOTION for Discovery <i>Regarding Status</i> by USA as to ERIC GENE BARBER. (Johnson, Brenda) Modified on 7/13/2021 (zstd). (Entered: 07/13/2021)
07/13/2021		NOTICE OF CORRECTED DOCKET ENTRY: as to ERIC GENE BARBER re <a href="#">17</a> MOTION for Discovery <i>Regarding Status</i> was entered in error and counsel was instructed to refile said pleading using event Notices (Other) (zstd) (Entered: 07/13/2021)
07/21/2021		MINUTE ORDER as to ERIC GENE BARBER: The Status Conference currently set for 3:00 PM on 7/22/2021 is vacated. The Court will hold a Status Conference in this matter on 7/22/2021 at 01:30 PM via videoconference before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 7/21/2021. (lccrc2) (Entered: 07/21/2021)
07/21/2021		MINUTE ORDER as to ERIC GENE BARBER: The Status Conference set for 7/22/2021 at 1:30 PM is vacated. The Court will hold a Status Conference in this matter on 8/17/2021 at 10:00 AM via videoconference before Judge Christopher R. Cooper. With the parties' consent, the Court finds that the period from July 22, 2021 through August 17, 2021 inclusive, is excluded from the Speedy Trial calculation in the Interest of Justice. Signed by Judge Christopher R. Cooper on 7/21/2021. (lccrc2) (Entered: 07/21/2021)
07/27/2021		NOTICE OF HEARING as to ERIC GENE BARBER: Status Conference reset for 8/17/2021 at 10:30 AM by VTC before Judge Christopher R. Cooper. (lsj) (Entered: 07/27/2021)
08/17/2021		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to ERIC GENE BARBER on 8/17/2021. Further Status Conference set for 9/23/2021 at 11:30 AM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 8/17/2021 through 9/23/2021. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Bryan Wayne; Defense Attorney: Ubong E. Akpan; US Attorney: Brenda J. Johnson. (lsj) (Entered: 08/17/2021)
09/15/2021	<a href="#">20</a>	NOTICE OF UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF SEPTEMBER 14, 2021 by USA as to ERIC GENE BARBER (Johnson, Brenda) (Entered: 09/15/2021)
09/23/2021		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to ERIC GENE BARBER on 9/23/2021. Plea Agreement Hearing set for 10/14/2021 at 3:00 PM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 9/23/2021 through 10/14/2021. Bond Status of Defendant: remains on personal recognizance. Court Reporter: Lisa Moreira; Defense Attorney: Ubong Akpan; US Attorney: Michael DiLorenzo (stand-in for Brenda J. Johnson). (lsj) (Entered: 09/23/2021)
10/08/2021	<a href="#">22</a>	MOTION to Convert Hearing <i>Plea Hearing to Status Conference</i> by ERIC GENE BARBER. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Akpan, Ubong) (Entered: 10/08/2021)
10/08/2021		MINUTE ORDER granting <a href="#">22</a> Motion to Convert Plea Hearing to Status Conference as to ERIC GENE BARBER (1). The plea hearing set for 10/14/2021 at 3:00 PM is hereby vacated. The Court will hold a status conference in this matter on 10/14/2021 at 11:00 AM by videoconference before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 10/8/2021. (lccrc2) (Entered: 10/08/2021)
10/14/2021		Minute Entry for video Status Conference held before Judge Christopher R. Cooper as to ERIC GENE BARBER on 10/14/2021. Plea Agreement Hearing set for 12/16/2021 at 3:00 PM by VTC before Judge Christopher R. Cooper. The Court finds it in the interest of justice to toll the speedy trial clock from 10/14/21 through 12/16/2021. Bond Status of Defendant: remains on supervised released; Court Reporter: Lisa Griffith; Defense Attorney: Ubong E. Akpan; US Attorney: Brenda J. Johnson. (lsj) (Entered: 10/15/2021)
10/15/2021	<a href="#">24</a>	Unopposed MOTION for Order <i>ITEMS PROTECTED BY FEDERAL RULE OF CRIMINAL PROCEDURE 6(e) AND SEALED MATERIALS</i> by USA as to ERIC GENE BARBER. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Johnson, Brenda) Modified event on 10/15/2021 (zstd). (Entered: 10/15/2021)
10/19/2021		MINUTE ORDER: The Court grants the <a href="#">24</a> Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials. The government may provide in discovery materials protected by Rule 6(e) and sealed materials pursuant to the protective order governing discovery. This Order applies to the disclosure of the materials described above to any co-defendants who may later be joined. So Ordered. Signed by Judge Christopher R. Cooper on 10/19/2021. (lccrc2) (Entered: 10/19/2021)
10/22/2021	<a href="#">25</a>	NOTICE UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF OCTOBER 21, 2021 by USA as to ERIC GENE BARBER (Johnson, Brenda) (Entered: 10/22/2021)
11/05/2021	<a href="#">26</a>	NOTICE NOTICE OF FILING UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF NOVEMBER 05, 2021 by USA as to ERIC GENE BARBER (Johnson, Brenda) (Entered: 11/05/2021)

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