

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00326-PLF-1**

Case title: USA v. FITZGERALD

Date Filed: 04/28/2021

Magistrate judge case number: 1:21-mj-00351-RMM

Assigned to: Judge Paul L. Friedman

Defendant (1)

MICHAEL FITZGERALD

represented by **Mary H. Judge**
 FEDERAL DEFENDER PROGRAM
 55 E. Monroe St. Suite 2800
 Suite 2800
 Chicago, IL 60603
 312-621-8300
 Fax: 312-621-8399
 Email: mary_judge@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community Defender Appointment

Pending Counts

- 18:231(a)(3); CIVIL DISORDER; Civil Disorder.
(1)
- 18:1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting.
(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)
- 40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building.
(5)
- 40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating or Picketing in a Capitol Building.
(6)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:231(a)(3), 18:1752(a)(1) and (2) and 40:5104(e)(2)(D) and (G)

Disposition

Plaintiff

USA

represented by **Lucy Sun**
 DOJ-USAO
 595 Main Street
 Worcester, MA 01608
 508-368-0103
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
04/02/2021	1	SEALED COMPLAINT as to MICHAEL FITZGERALD (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00351-RMM] (Entered: 04/02/2021)
04/02/2021	2	MOTION to Seal Case by USA as to MICHAEL FITZGERALD. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00351-RMM] (Entered: 04/02/2021)
04/02/2021	4	ORDER granting 2 Motion to Seal Case as to MICHAEL FITZGERALD (1). Signed by Magistrate Judge Robin M. Meriweather on 04/02/2021. (zstd) [1:21-mj-00351-RMM] (Entered: 04/02/2021)
04/07/2021	5	Arrest Warrant Returned Executed on 4/7/2021 as to MICHAEL FITZGERALD at Madison, Wisconsin. (zftp) [1:21-mj-00351-RMM] (Entered: 04/08/2021)
04/07/2021		Case unsealed as to MICHAEL FITZGERALD (zftp) [1:21-mj-00351-RMM] (Entered: 04/08/2021)
04/07/2021		Arrest of MICHAEL FITZGERALD in Wisconsin. (ztnr) [1:21-mj-00351-RMM] (Entered: 04/09/2021)
04/07/2021		Arrest of MICHAEL FITZGERALD in US District Court for the Western District of Wisconsin. (bb) [1:21-mj-00351-RMM] (Entered: 04/26/2021)
04/12/2021	6	NOTICE OF ATTORNEY APPEARANCE: Mary H. Judge appearing for MICHAEL FITZGERALD (Judge, Mary) [1:21-mj-00351-RMM] (Entered: 04/12/2021)
04/21/2021		ORAT. MOTION to Appoint Counsel by MICHAEL FITZGERALD (1) (znr) [1:21-mj-00351-RMM] (Entered: 04/21/2021)

04/21/2021		ORAL MOTION for Speedy Trial Waiver by USA as to MICHAEL FITZGERALD (1). (zpt) [1:21-mj-00351-RMM] (Entered: 04/21/2021)
04/21/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Initial Appearance/Detention Hearing as to MICHAEL FITZGERALD (1) held on 4/21/2021. Oral Motion to Appoint Counsel by MICHAEL FITZGERALD (1) Heard and Granted. Government does not seek the Defendant's pretrial detention. Oral Motion by the Government for Speedy Trial Waiver as to MICHAEL FITZGERALD (1) Heard and Granted. Time between 4/21/2021 and 4/29/2021 (8 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Preliminary Hearing set for 4/29/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Placed on Personal Recognizance; Court Reporter: FTR-Gold FTR Time Frame: CTRM 6 [1:12:32-1:43:47], [1:50:48-2:05:59]; Defense Attorney: Mary Judge; US Attorney: Jacob Steiner for Lucy Sun; Pretrial Officer: John Copes; (zpt) [1:21-mj-00351-RMM] (Entered: 04/21/2021)
04/21/2021		MINUTE ORDER as to MICHAEL FITZGERALD (1). 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 4/21/2021. (zpt) [1:21-mj-00351-RMM] (Entered: 04/21/2021)
04/21/2021	9	ORDER Setting Conditions of Release as to MICHAEL FITZGERALD (1) Personal Recognizance. Signed by Magistrate Judge G. Michael Harvey on 4/21/2021. (Attachments: # 1 Appearance Bond) (zpt) [1:21-mj-00351-RMM] (Entered: 04/22/2021)
04/22/2021	10	Rule 5(c)(3) Documents Received as to MICHAEL FITZGERALD from US District Court For the Western District of Wisconsin Case Number 21-mj-46- SLC (bb) [1:21-mj-00351-RMM] (Entered: 04/26/2021)
04/28/2021	12	Unopposed MOTION to Exclude <i>Time Until the Arraignment Date</i> by USA as to MICHAEL FITZGERALD. (Sun, Lucy) [1:21-mj-00351-RMM] (Entered: 04/28/2021)
04/28/2021		MINUTE ORDER as to MICHAEL FITZGERALD (1). The hearing currently scheduled for April 29, 2021 at 1 PM 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 4/28/2021. (zpt) [1:21-mj-00351-RMM] (Entered: 04/28/2021)
04/28/2021	13	INDICTMENT as to MICHAEL FITZGERALD (1) count(s) 1, 2, 3, 4, 5, 6. (zhsj) (Entered: 04/29/2021)
04/29/2021		MINUTE ORDER as to MICHAEL FITZGERALD: Arraignment is set for 5/7/2021 at 2:00 PM before Judge Paul L. Friedman via Zoom Video. (So Ordered Judge Paul L. Friedman on 4/29/2021). (tj) (Entered: 04/29/2021)
04/29/2021	15	Unopposed MOTION to Exclude <i>Time Until May 7, 2021</i> by USA as to MICHAEL FITZGERALD. (Sun, Lucy) (Entered: 04/29/2021)
04/30/2021		MINUTE ORDER granting 15 the United States' unopposed motion for exclusion of time under the Speedy Trial Act. The time between April 29, 2021 and May 7, 2021 shall be excluded from calculation under the Speedy Trial Act in the interest of justice. Signed by Judge Paul L. Friedman on April 30, 2021. (lcan) (Entered: 04/30/2021)
04/30/2021		MINUTE ORDER denying as moot 12 the United States' unopposed motion for exclusion of time under the Speedy Trial Act. Signed by Judge Paul L. Friedman on April 30, 2021. (lcan) (Entered: 04/30/2021)
05/04/2021	16	Unopposed MOTION to Continue <i>and to Exclude Time Under the Speedy Trial Act</i> by USA as to MICHAEL FITZGERALD. (Attachments: # 1 Text of Proposed Order)(Sun, Lucy) (Entered: 05/04/2021)
05/04/2021	17	Unopposed MOTION for Protective Order by USA as to MICHAEL FITZGERALD. (Attachments: # 1 Text of Proposed Order)(Sun, Lucy) (Entered: 05/04/2021)
05/04/2021		MINUTE ORDER as to MICHAEL FITZGERALD: The United States' 16 motion to continue and to exclude time under the Speedy Trial Act is DENIED. The arraignment will occur as scheduled on May 7, 2021 at 2:00 p.m. Signed by Judge Paul L. Friedman on May 4, 2021. (lcan) (Entered: 05/04/2021)
05/04/2021	18	MOTION to Exclude Time Under the Speedy Trial Act by USA as to MICHAEL FITZGERALD. (See Docket Entry 16 to View Document). (zhsj) (Entered: 05/04/2021)
05/04/2021	19	ORDER as to MICHAEL FITZGERALD (1) granting 17 the United States' unopposed motion for protective order. Signed by Judge Paul L. Friedman on May 4, 2021.(MA) (Entered: 05/04/2021)
05/07/2021		Minute Entry for proceedings held before Judge Paul L. Friedman: Arraignment as to MICHAEL FITZGERALD held on 5/7/2021. Defendant enters a plea of NOT GUILTY to all charges contained in the indictment filed on 4/28/2021. Oral motion to continue this case for a period of 60 days is GRANTED for reasons stated on the record. Next Status Conference is set for 7/7/2021 at 2:00 PM before Judge Paul L. Friedman via Zoom Video. Speedy trial is excluded (XT)from 5/7/2021 to 7/7/2021 in the interest of justice. Bond Status of Defendant: High Intensity Supervision/ with consent to appear by video; Court Reporter: Sara Wick; Defense Attorney: Mary H. Judge; US Attorney: Lucy Sun; (tj) (Entered: 05/07/2021)
05/07/2021		MINUTE ORDER as to MICHAEL FITZGERALD: Pursuant to the Due Process Protections Act, the Court orders that all government counsel shall review their disclosure obligations under Brady v. Maryland, 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. (So Ordered Judge Paul L. Friedman on 5/7/2021). (tj) (Entered: 05/07/2021)
05/13/2021	20	NOTICE of Preliminary Discovery by USA as to MICHAEL FITZGERALD (Attachments: # 1 Exhibit A)(Sun, Lucy) (Entered: 05/13/2021)
05/13/2021	21	NOTICE of Proposed Order PROTECTIVE ORDER GOVERNING DISCOVERY by MICHAEL FITZGERALD (Judge, Mary) (Entered: 05/13/2021)
07/07/2021	23	PROTECTIVE ORDER governing discovery as to MICHAEL FITZGERALD. Signed by Judge Paul L. Friedman on July 7, 2021. (MA) (Entered: 07/07/2021)
07/07/2021		Minute Entry for proceedings held before Judge Paul L. Friedman: Status Conference as to MICHAEL FITZGERALD held on 7/7/2021. Parties inform the court of the status of this action. Oral motion (with the consent of the government) to amend the defendant's release conditions and remove the electronic monitoring requirement is GRANTED, and the court will issue an order. Oral motion to continue this case for a period of 60 days is GRANTED, and the next status conference set for 9/14/2021 at 3:00 PM before Judge Paul L. Friedman via Zoom Video. Bond Status of Defendant: Personal Recognizance/with consent to appear by video; Court Reporter: Elizabeth Saint Loth; Defense Attorney: Mary Judge; US Attorney: Lucy Sun; (tj) (Entered: 07/07/2021)
07/07/2021	24	ORDER as to MICHAEL FITZGERALD that subpart 7(q) of the Order Setting Conditions of Release 9 is VACATED and that defendant is no longer required to submit to location monitoring; all other release conditions shall remain in place. Signed by Judge Paul L. Friedman on July 7, 2021. (MA) (Entered: 07/07/2021)
09/10/2021	25	STATUS REPORT Regarding Status of General Discovery by USA as to MICHAEL FITZGERALD (Sun, Lucy) (Entered: 09/10/2021)
09/14/2021		Minute Entry for proceedings held before Judge Paul L. Friedman: Status Conference as to MICHAEL FITZGERALD held on 9/14/2021. Parties inform the court of the status of this action. Oral motion by government counsel to continue this action for a period of 60 days. Oral motion by defense counsel to continue this action for a period of 90 days is GRANTED for reasons stated on the record. Defendant is advised of his right to a speedy trial, and speedy trial is excluded (XT) from 9/14/2021 to 12/17/2021 in the interest of justice.Next status conference set for 12/17/2021 at 1:00 PM before Judge Paul L. Friedman via Zoom Video. Bond Status of Defendant: Personal Recognizance (with consent to appear by video); Court Reporter: Lisa Moreira; Defense Attorney: Mary Judge; US Attorney: Lucy Sun; (tj) (Entered: 09/14/2021)
10/14/2021	27	Unopposed MOTION for Disclosure Items Protected By FRCP 6(e) and Sealed Materials by USA as to MICHAEL FITZGERALD. (Attachments: # 1 Text of Proposed Order)(Sun, Lucy) Modified event on 10/15/2021 (znmw). (Entered: 10/14/2021)
10/15/2021	28	ORDER as to MICHAEL FITZGERALD (1) granting 27 the government's unopposed motion for an order to disclose items protected by FRCP 6(e) and sealed materials. Signed by Judge Paul L. Friedman on October 15, 2021. (MA) (Entered: 10/15/2021)
10/27/2021	29	NOTICE Regarding Prior Discovery Status Filing by USA as to MICHAEL FITZGERALD (Attachments: # 1 Exhibit)(Sun, Lucy) (Entered: 10/27/2021)
10/27/2021	30	NOTICE Regarding Status of General Discovery by USA as to MICHAEL FITZGERALD (Sun, Lucy) (Entered: 10/27/2021)
11/09/2021	31	NOTICE of the Government's Discovery Update by USA as to MICHAEL FITZGERALD (Sun, Lucy) (Entered: 11/09/2021)

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