

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00291-ABJ-1

Case title: USA v. SIBICK et al

Date Filed: 04/09/2021

Magistrate judge case number: 1:21-mj-00297-GMH

Assigned to: Judge Amy Berman Jackson

Defendant (1)

THOMAS F. SIBICK

represented by **Stephen F. Brennwald**
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TERMINATED: 03/23/2021
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Pending Counts

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

18:231(a)(3); CIVIL DISORDER; Civil Disorder
(3)

18:111(a)(1); ASSAULTING/RESISTING/IMPEDING
OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers
(4)

18:2111; MARITIME - ROBBERY; Robbery
(6)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and
Remaining in a Restricted Building or Grounds
(8)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly
and Disruptive Conduct in a Restricted Building or Grounds
(9)

18:1752(a)(3); TEMPORARY RESIDENCE OF THE PRESIDENT; Impeding
Ingress and Egress in a Restricted Building or Grounds
(10)

18:1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in
Physical Violence in a Restricted Building or Grounds
(11)

40:5104(e)(2)(E); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Impeding Passage Through the Capitol Grounds or
Buildings
(12)

40:5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS; Act of Physical Violence in the Capitol Grounds or
Buildings
(13)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in VIOLATION of 18 U.S.C. § 1752(a)(1); 40 U.S.C. § 5104(e)(2);
18 U.S.C. § 231(a)(3); 18 U.S.C. § 111(a)(1); 18 U.S.C. § 2111

Disposition

Disposition

Disposition

Interested Party

PRESS COALITION

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Date Filed	#	Docket Text
03/10/2021	1	SEALED COMPLAINT as to THOMAS F. SIBICK (1). (Attachments: # 1 Statement of Facts) (zltf) [1:21-mj-00297-GMH] (Entered: 03/11/2021)
03/10/2021	2	MOTION to Seal Case by USA as to THOMAS F. SIBICK. (Attachments: # 1 Text of Proposed Order)(zltf) [1:21-mj-00297-GMH] (Entered: 03/11/2021)
03/10/2021	4	ORDER granting 2 Motion to Seal Case as to THOMAS F. SIBICK (1). Signed by Magistrate Judge G. Michael Harvey on 3/10/2021. (zltf) [1:21-mj-00297-GMH] (Entered: 03/11/2021)
03/12/2021	5	Notice of ERRATA by USA as to THOMAS F. SIBICK re 2 Unredacted Document filed by USA, 1 Complaint (Sealed) (zltf) [1:21-mj-00297-GMH] (Entered: 03/12/2021)
03/12/2021	6	Arrest Warrant Returned Executed on 3/12/2021 as to THOMAS F. SIBICK in Buffalo, NY. (zltf) [1:21-mj-00297-GMH] (Entered: 03/12/2021)
03/12/2021		Case unsealed as to THOMAS F. SIBICK (zltf) [1:21-mj-00297-GMH] (Entered: 03/12/2021)
03/12/2021	7	MOTION For Emergency Appeal of Release Order by USA as to THOMAS F. SIBICK. (Attachments: # 1 Text of Proposed Order)(zltf) [1:21-mj-00297-GMH] (Entered: 03/12/2021)
03/12/2021		MINUTE ORDER (paperless), as to THOMAS F. SIBICK, GRANTING the government's 7 Motion for Emergency Appeal of Release Order and DIRECTING the parties to appear via videoconference at a hearing on Tuesday, March 16, 2021, at 12:00 PM, before Chief Judge Beryl A. Howell, to review the magistrate judge's release decision. The parties are further DIRECTED to submit any documents related to the hearing by 12:00 PM on Monday, March 15, 2021. A videoconference link will be provided by the deputy clerk. Signed by Chief Judge Beryl A. Howell on March 12, 2021. (lcbah4) [1:21-mj-00297-GMH] (Entered: 03/12/2021)
03/12/2021		Set/Reset Hearings as to THOMAS F. SIBICK: Motion Hearing scheduled for 3/16/2021, at 12:00 PM before Chief Judge Beryl A. Howell. (ztg) [1:21-mj-00297-GMH] (Entered: 03/12/2021)
03/12/2021		Arrest of THOMAS F. SIBICK. (ztl) [1:21-mj-00297-GMH] (Entered: 04/10/2021)
03/12/2021		Case unsealed as to THOMAS F. SIBICK (bb) (Entered: 04/16/2021)
03/15/2021	8	MEMORANDUM in Support of Pretrial Detention by USA as to THOMAS F. SIBICK (Gardner, Cara) [1:21-mj-00297-GMH] (Entered: 03/15/2021)
03/15/2021	9	RESPONSE by THOMAS F. SIBICK re 7 MOTION For Emergency Appeal of Release Order (Peterson, Michelle) [1:21-mj-00297-GMH] (Entered: 03/15/2021)
03/15/2021	18	Rule 5(c)(3) Documents Received as to THOMAS F. SIBICK from US District Court for the Western District of New York Case Number 21-mj-21 (bb) [1:21-mj-00297-GMH] (Entered: 04/01/2021)
03/16/2021		Set/Reset Hearings as to THOMAS F. SIBICK: Motion Hearing RESCHEDULED for 3/16/2021, at 1:00 PM via videoconference before Chief Judge Beryl A. Howell. (ztg) [1:21-mj-00297-GMH] (Entered: 03/16/2021)
03/16/2021	10	NOTICE OF ATTORNEY APPEARANCE Tara Ravindra appearing for USA. (Ravindra, Tara) [1:21-mj-00297-GMH] (Entered: 03/16/2021)
03/16/2021		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to THOMAS F. SIBICK held via videoconference on 3/16/2021. The Defendant agreed to appear via videoconference after consultation with counsel. 7 MOTION for Emergency Appeal of Release Order filed by USA, heard and granted; Magistrate Judge's Pretrial Release Order REVERSED. The Court will issue a warrant for the arrest of the Defendant and will enter an order for the transport of the Defendant to this jurisdiction. Once in custody, the Defendant will be held without bond pending trial. Bond Status of Defendant: Personal Recognizance pending execution of the arrest warrant. Present via videoconference: Defense Attorney: Alex Anzalone and Michelle Peterson; US Attorney: Cara A. Gardner and Tara Ravindra; Pretrial Officer: Christine Schuck (telephonically). Court Reporter: Elizabeth Saint-Loth. (ztg) [1:21-mj-00297-GMH] (Entered: 03/16/2021)
03/16/2021	11	TRANSPORT ORDER as to THOMAS F. SIBICK. Signed by Chief Judge Beryl A. Howell on March 16, 2021. (lcbah4) [1:21-mj-00297-GMH] (Entered: 03/16/2021)
03/17/2021	12	ORDER OF DETENTION PENDING TRIAL as to THOMAS F. SIBICK. Signed by Chief Judge Beryl A. Howell on March 17, 2021. (lcbah4) [1:21-mj-00297-GMH] (Entered: 03/17/2021)

		03/17/2021)
03/19/2021	13	TRANSCRIPT OF PROCEEDINGS, in case as to THOMAS F. SIBICK, before Chief Judge Beryl A. Howell, held on 3-16-2021. Page Numbers: 52. Date of Issuance: 3-19-2021. 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 4/9/2021. Redacted Transcript Deadline set for 4/19/2021. Release of Transcript Restriction set for 6/17/2021.(Saint-Loth, Elizabeth) [1:21-mj-00297-GMH] (Entered: 03/19/2021)
03/23/2021	14	NOTICE OF ATTORNEY APPEARANCE: Stephen F. Brennwald appearing for THOMAS F. SIBICK (Brennwald, Stephen) [1:21-mj-00297-GMH] (Entered: 03/23/2021)
03/29/2021	16	NOTICE OF APPEAL - Final Judgment by THOMAS F. SIBICK Fee Status: No Fee Paid. Parties have been notified. (Brennwald, Stephen) [1:21-mj-00297-GMH] (Entered: 03/29/2021)
03/29/2021		ORAL MOTION to Appoint Counsel by THOMAS F. SIBICK. (ztl) [1:21-mj-00297-GMH] (Entered: 04/10/2021)
03/29/2021		ORAL MOTION for Speedy Trial by USA as to THOMAS F. SIBICK. (ztl) [1:21-mj-00297-GMH] (Entered: 04/10/2021)
03/29/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqi: Initial Appearance as to THOMAS F. SIBICK held on 3/29/2021. Defendant present by video. Due Process Order given to the Government. Oral Motion to Appoint Counsel by THOMAS F. SIBICK (1); heard and granted. Oral Motion by the Government for Speedy Trial as to THOMAS F. SIBICK (1); heard and granted. Defense did not object. Speedy Trial Excluded from 3/29/2021 to 4/15/2021 in the Interest of Justice (XT). Defendant waives right to Preliminary Hearing in 21 days. Preliminary Hearing set for 4/15/2021 at 2:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Bond Status of Defendant: Defendant Remain Held Without Bond; Court Reporter: Nancy Meyer; Defense Attorney: Stephen Brennwald; US Attorney: Jacob Steiner for Cara Gardner and Tara Ravindra; Pretrial Officer: Andre Sidbury. (ztl) [1:21-mj-00297-GMH] (Entered: 04/12/2021)
03/30/2021	17	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. Defendant is represented by CJA as to THOMAS F. SIBICK re 16 Notice of Appeal - Final Judgment. (zltpl) [1:21-mj-00297-GMH] (Entered: 03/30/2021)
03/30/2021		USCA Case Number as to THOMAS F. SIBICK 21-3015 for 16 Notice of Appeal - Final Judgment filed by THOMAS F. SIBICK. (zltpl) [1:21-mj-00297-GMH] (Entered: 03/30/2021)
04/09/2021	19	SEALED INDICTMENT as to THOMAS F. SIBICK (1) count(s) 1, 3, 4, 6, 8, 9, 10, 11, 12, 13, ALBUQUERQUE COSPER HEAD (2) count(s) 1, 2-3, 4, 8, 9, 10, 11, 12, 13, KYLE J. YOUNG (3) count(s) 1, 2-3, 4-5, 7, 8, 9, 10, 11, 12, 13. (bb) (Entered: 04/12/2021)
04/09/2021	21	MOTION to Seal Case by USA as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3). (Attachments: # 1 Text of Proposed Order)(bb) (Entered: 04/12/2021)
04/09/2021	22	ORDER granting 21 Motion to Seal Case as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3). Signed by Magistrate Judge Zia M. Faruqi on 4/9/2021. (bb) (Entered: 04/12/2021)
04/15/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). The hearing currently scheduled for April 15, 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 ordered held without bond pending trial; 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 4/15/2021. (zpt) (Entered: 04/16/2021)
04/15/2021	23	Unopposed MOTION for Protective Order by USA as to THOMAS F. SIBICK. (Attachments: # 1 Text of Proposed Order)(bb) (Entered: 04/16/2021)
04/15/2021	24	MOTION for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials by USA as to THOMAS F. SIBICK. (Attachments: # 1 Text of Proposed Order)(bb) Modified relief on 4/21/2021 (znmw). (Entered: 04/16/2021)
04/16/2021	27	PROTECTIVE ORDER as to THOMAS F. SIBICK (1). Signed by Judge Amy Berman Jackson on 4/16/21. (DMK) (Entered: 04/16/2021)
04/16/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). The government's motion for an order 24 is GRANTED. The government may provide materials protected by Federal Rule of Criminal Procedure 6(e) to the defendant as part of the discovery in this case, and where appropriate, it may also provide sealed materials, pursuant to the protective order 27 . The Court will take up disclosure to co-defendants when it has been informed of the co-defendants' positions on the motion. SO ORDERED. Signed by Judge Amy Berman Jackson on 4/16/21. (DMK) (Entered: 04/16/2021)
04/20/2021	28	NOTICE OF ATTORNEY APPEARANCE Cara Anne Gardner appearing for USA. (Gardner, Cara) (Entered: 04/20/2021)
04/20/2021		MINUTE ORDER as to THOMAS F. SIBICK (1) Defendant's Arraignment and Status Conference to be held by Video (VTC) are set for 4/21/2021 at 1:00 PM before Judge Amy Berman Jackson. In a separate email the Court's Deputy Clerk will provide counsel with the Video Connection Information needed for the proceeding. If this date and time pose a conflict for counsel an appropriate motion should be filed to reschedule the matter. Signed by Judge Amy Berman Jackson on 4/20/2021. (jth) (Entered: 04/20/2021)
04/21/2021		Minute Entry for proceedings held before Judge Amy Berman Jackson: Video (VTC) Arraignment and Status Conference as to THOMAS F. SIBICK (1) as to Counts: 1,3,4,6,8,9,10,11,12,13 held on 4/21/2021, Plea of Not Guilty entered by THOMAS F. SIBICK (1) as to Counts: 1,3,4,6,8,9,10,11,12,13. The Court makes a finding that it is in the Interests of Justice that the time between 4/21/2021 and 6/4/2021 shall be excluded from the Speedy Trial Act calculation (START XT). Another Video (VTC) Status Conference is set for 6/4/2021 at 11:00 AM before Judge Amy Berman Jackson. Bond Status of Defendant: Defendant appeared by Video, but Remains Committed; Court Reporter: Janice Dickman; Defense Attorney: Stephen F. Brennwald; US Attorneys: Tara Ravindra by Video and Cara Anne Gardner by Telephone. (jth) (Entered: 04/22/2021)
04/22/2021	30	ORDER as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3). Pursuant to the Due Process Protections Act, the Court ORDERS that all government counsel who have entered their appearances in this case or who do so in the future must review and comply with their disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1. See Order for details. Signed by Judge Amy Berman Jackson on 4/22/21. (DMK) (Entered: 04/22/2021)
05/21/2021	48	JUDGMENT of USCA as to THOMAS F. SIBICK re 16 Notice of Appeal - Final Judgment. The District Court's Pretrial Detention order entered on March 17, 2021 be affirmed. USCA Case Number 21-3015. (zltpl) (Entered: 06/08/2021)
06/04/2021		Minute Entry for proceedings held before Judge Amy Berman Jackson: Video (VTC) Status Conference as to THOMAS F. SIBICK (1) held on 6/4/2021. The Court makes a finding that it is in the Interests of Justice that the time between 6/4/2021 and 8/3/2021 shall be excluded from the Speedy Trial Act calculation (START XT). Another Video (VTC) Status Conference is set for 8/3/2021 at 2:30 PM before Judge Amy Berman Jackson. Bond Status of Defendant: Defendant appeared by Video, but Remains Committed; Court Reporter: Janice Dickman; Defense Attorney: Stephen F. Brennwald; US Attorneys: Cara Anne Gardner and Tara Ravindra. (jth) (Entered: 06/04/2021)
06/20/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). In light of a petition filed with this Court by members of the media in Application for Access to Certain Sealed Video Exhibits v. USA, 21-mc-0082, and pursuant to Standing Order No. 21-28 (BAH), it is ORDERED that the parties in USA v. Sibick, 21-cr-0291-1, shall advise the Court by June 28, 2021 whether they object to the release of the videos referenced in and depicted in screenshots in the government's Memorandum in Support of Detention in the criminal matter and if so, on what basis. See 21-cr-0291, Dkt. 8 at 8-11, 17-18. SO ORDERED.. Signed by Judge Amy Berman Jackson on 6/20/21. (DMK) (Entered: 06/20/2021)
06/23/2021		MINUTE ORDER as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3). In light of a petition filed with this Court by members of the media in Application for Access to Certain Sealed Video Exhibits v. USA, 21-mc-0082, and pursuant to Standing Order No. 21-28 (BAH), it is ORDERED that the parties in USA v. Sibick, et al., (all parties), shall advise the Court by June 28, 2021 whether they object to the release of the videos referenced in and depicted in screenshots in the government's Memorandum in Support of Detention in the criminal matter and if so, on what basis. See 21-cr-0291, Dkt. 8 at 8-11, 17-18. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/23/2021.(jth) (Entered: 06/23/2021)
06/25/2021	50	RESPONSE to Minute Order Regarding Video Exhibit Release by USA as to THOMAS F. SIBICK. (bb) (Entered: 06/25/2021)
07/01/2021		ENTERED IN ERROR.....MINUTE ORDER. The Court notes that responses to its order requesting the parties' positions on the release of videos referenced in the government's Memorandum in Support of Detention 8 were due on June 28, 2021 but that no response has been docketed by defendant THOMAS F. SIBICK (1). If defendant does not respond by Thursday, July 8, 2021, the Court will assume he has no objection to the release of the videos and will rule on the Application for Access to Certain Sealed Video Exhibits v. USA, 21-mc-0082, without the benefit of his input. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/1/21. (DMK) Modified on 7/1/2021 (jth). (Entered: 07/01/2021)
07/01/2021		NOTICE OF CORRECTED DOCKET ENTRY: The Court's Minute Order issued this date was entered in error by the Court and counsel are instructed to disregard the order. (jth) (Entered: 07/01/2021)
07/01/2021	53	RESPONSE by THOMAS F. SIBICK to Court's July 1, 2021 Minute Order Regarding Media Request (Brennwald, Stephen) (Entered: 07/01/2021)
07/06/2021		MINUTE ORDER as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3), as entered on this date in Application for Access to Certain Sealed Video Exhibits v. USA, 21-mc-0082, granting in part and denying in part [Dkt. # 1] petitioners' Application for Access to Certain Sealed Video Exhibits ("Application"). Petitioners seek access to

		certain videos which they assert were provided to the court in USA v. Sibick, 21-cr-0291-ABJ, as part of the government's brief seeking pretrial detention of defendant Thomas F. Sibick. See Application, citing Gov't Mem. in Support of Detention, USA v. Sibick, 21-cr-0291 8. Petitioners contend that the public has a right to access the videos, which are judicial records provided to "influence the court" in its decisionmaking. Application at 3, citing Leopold v. United States, 964 F.3d 1121, 1127-28 (D.C. Cir. 2020) and United States v. Hubbard, 650 F.2d 293, 317-21 (D.C. Cir. 1980). The government has advised that its detention brief included screenshots from five videos: 1) an Instagram video created by defendant, 2) an annotated clip from Officer Michael Fanone's body-worn camera video, 3) an open-source video posted to YouTube, 4) Officer Fanone's body-worn camera video, and 5) surveillance footage for the Lower West Terrace of the United States Capitol. Gov't Response to Minute Order 50 at 1. It has further advised that Videos 1 and 2 were submitted to the court to review for defendant's detention hearing and that an open-source link to Video 3 was provided in its detention brief. Id. at 2. As for Videos 4 and 5, the government states those videos have never been submitted to the court and that Video 5 is subject to a Protective Order in the criminal case. Id. Given this, the government argues that the Application should be granted as to Videos 1 and 2, found to be moot as to Video 3, and denied as to Videos 4 and 5. Defendant Sibick does not object to the videos' release, USA v. Sibick, 21-cr-0291, Def. Sibick's Response 53, and his co-defendants take no position on the Application. See Def. Head's Response 51; Def. Young's Response 52. Upon review of the Application, the argument of the parties in the criminal case, and the applicable law, the Court hereby GRANTS the application as to Videos 1 and 2 and DENIES it as moot as to Video 3 since that video is publicly available. The Court further finds that Videos 4 and 5 are not "judicial records" subject to public access because they were not provided to the court. Accordingly, the Application as to Videos 4 and 5 is hereby DENIED. The government is ORDERED to make Videos 1 and 2 promptly available using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. SO ORDERED. Signed by Judge Amy Berman Jackson on 7/6/21. (DMK) (Entered: 07/06/2021)
07/14/2021	60	MANDATE of USCA as to THOMAS F. SIBICK re 16 Notice of Appeal - Final Judgment. In accordance with the judgment of May 21, 2021, district court's pretrial detention order entered on March 17, 2021 be affirmed. USCA Case Number 21-3015. (Attachments: # 1 USCA Judgment of 5/21/2021)(zltf) (Entered: 07/22/2021)
07/21/2021	54	NOTICE OF DISCOVERY by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Attachments: # 1 Notice to Counsel/Party, # 2 Notice to Counsel/Party)(Ravindra, Tara) (Entered: 07/21/2021)
07/21/2021	55	NOTICE OF DISCOVERY by USA as to THOMAS F. SIBICK (Attachments: # 1 Notice to Counsel/Party)(Ravindra, Tara) (Entered: 07/21/2021)
07/21/2021	59	NOTICE OF DISCOVERY by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Attachments: # 1 Notice to Counsel/Party)(Ravindra, Tara) (Entered: 07/21/2021)
07/30/2021	61	PRETRIAL MEMORANDUM REGARDING STATUS OF DISCOVERY by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Attachments: # 1 Exhibit)(Gardner, Cara) (Entered: 07/30/2021)
08/03/2021		Minute Entry for proceedings held before Judge Amy Berman Jackson: Video (VTC) Status Conference as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3) held on 8/3/2021. All Defendants consent to proceed by Video. Oral Motion by Katrina Young and Catherine Henry as Appointed Counsel for Defendant KYLE J. YOUNG (3) to withdraw in light of the appearance of retained counsel, was Heard and Granted. The appearances of Katrina Young and Catherine Henry are terminated in this case. Another Video (VTC) Status Conference is set for 9/28/2021 at 10:00 AM before Judge Amy Berman Jackson. The Court makes a finding that it is in the Interests of Justice that the time between 8/3/2021 and 9/28/2021 shall be excluded from the Speedy Trial Act calculation (START XT). Bond Status of Defendants: All Defendants Remain Committed; Court Reporter: Janice Dickman; Defense Attorneys: 1) Stephen F. Brennwald; 2) G. Nicholas Wallace; 3) Samuel C. Moore, and Katrina Young; US Attorneys: Cara Anne Gardner and Tara Ravindra. (jth) (Entered: 08/03/2021)
08/25/2021		MINUTE ORDER as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3). It is ORDERED that due to the need to clean and disinfect the video rooms at the defendants' facilities, that the Status Conference in this case presently set for 9/28/2021 at 10:00 AM is reset for 9/28/2021 (same date) at 10:30 AM (new starting time) before Judge Amy Berman Jackson. The same zoom connection information previously sent to counsel will be used for this new starting time. Signed by Judge Amy Berman Jackson on 8/25/2021. (jth) (Entered: 08/25/2021)
08/30/2021	64	NOTICE OF DISCOVERY by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Attachments: # 1 Notice to Counsel/Party)(Ravindra, Tara) (Entered: 08/30/2021)
08/30/2021	65	NOTICE OF DISCOVERY by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Attachments: # 1 Notice to Counsel/Party)(Ravindra, Tara) (Entered: 08/30/2021)
09/10/2021	66	MOTION to Reopen Detention Hearing by THOMAS F. SIBICK. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit)(Brennwald, Stephen) (Entered: 09/10/2021)
09/13/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). The government's response to defendant's motion to reopen his detention hearing is due by Friday, September 17, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/13/21. (DMK) (Entered: 09/13/2021)
09/17/2021	68	Memorandum in Opposition by USA as to THOMAS F. SIBICK re 66 MOTION to Reopen Detention Hearing (Gardner, Cara) (Entered: 09/17/2021)
09/21/2021		MINUTE ORDER as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3). In light of the application for access to video exhibits 67 filed by a coalition of members the press, and pursuant to Standing Order No. 21-28 (BAH), it is ORDERED that all parties in USA v. Sibick, et al. shall advise the Court by September 28, 2021 whether they object to the release of the two videos referenced in and depicted in screenshots in the government's memorandum in support of detention of defendant Head (2), and if so, on what basis. See Gov't Mem. in Supp. 32 at 11, 22; id. at Exs. 1 & 2. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/21/21. (DMK) (Entered: 09/21/2021)
09/22/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). It is ORDERED that defendant Sibick shall notify the Court by Friday, September 24, 2021 whether Exhibit 3 to 68 the government's opposition to defendant's motion to reopen the detention hearing, which was separately provided to the Court and defense counsel on September 17, is the newly-produced video that defendant refers to in his motion. If it is not, the defense is ORDERED to provide a copy of the video referenced in the motion to the government and the Court's Deputy Clerk by September 24. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/22/21. (DMK) (Entered: 09/22/2021)
09/22/2021	69	RESPONSE TO ORDER OF THE COURT Response to Court's Minute Order of September 22, 2021 by THOMAS F. SIBICK (Brennwald, Stephen) Modified event title on 9/24/2021 (znmw). (Entered: 09/22/2021)
09/23/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). Given defendant's request to appear in person with respect to the bond issue and the advance notice that is required to ensure that he is tested for the coronavirus before he is transported, the hearing on the pending motion will not be conducted at the September 28 status conference, but it will be held on October 1, 2021 at 9:30 am. Counsel and defendant's parents may attend in person as well; anyone who enters the courthouse must comply with the mask requirements, and no one should attend in person if he or she has tested positive for the virus, is experiencing any COVID-19 symptoms, or has come in contact with an infected individual. The Court reiterates that it has ordered the defense to produce the videos it expects the Court to review and consider in advance of the hearing: by September 24. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/23/21. (DMK) (Entered: 09/23/2021)
09/23/2021		Set/Reset Hearings as to THOMAS F. SIBICK (1): Bond Hearing set for 10/1/2021 9:30 AM in Courtroom 3 (In Person) before Judge Amy Berman Jackson. (jth) (Entered: 09/23/2021)
09/23/2021	70	STATUS REPORT REGARDING STATUS OF DISCOVERY AS OF AUGUST 23, 2021 by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Ravindra, Tara) Modified event title on 10/6/2021 (znmw). (Entered: 09/23/2021)
09/23/2021	71	STATUS REPORT REGARDING STATUS OF DISCOVERY AS OF SEPTEMBER 14, 2021 by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Ravindra, Tara) Modified event title on 10/6/2021 (znmw). (Entered: 09/23/2021)
09/28/2021		Minute Entry for proceedings held before Judge Amy Berman Jackson: Video (VTC) Status Conference as to THOMAS F. SIBICK (1), ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3) held on 9/28/2021. Another Video (VTC) Status Conference is set for 11/29/2021 at 2:00 PM before Judge Amy Berman Jackson. The Court makes a finding as to Defendants ALBUQUERQUE COSPER HEAD (2), KYLE J. YOUNG (3) that it is in the Interest of Justice that the time between 9/28/2021 and 11/29/2021 shall be excluded from the Speedy Trial Act calculation (START XT). The Court makes a finding as to Defendant THOMAS F. SIBICK (1) that the time between 9/28/2021 and 10/1/2021 shall be excluded from the Speedy Trial Act calculation (START XT). Bond Status of Defendant: All Defendants Remain Committed; Court Reporter: Janice Dickman; Defense Attorneys: 1) Stephen F. Brennwald; 2) G. Nicholas Wallace; 3) Samuel C. Moore; US Attorneys: Tara Ravindra and Cara Anne Gardner. (jth) (Entered: 09/28/2021)
09/28/2021	75	NOTICE of Discovery Letter by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Attachments: # 1 Discovery Letter)(Ravindra, Tara) (Entered: 09/28/2021)
09/28/2021	76	NOTICE of Response to this Court's September 21, 2021 Minute Order by THOMAS F. SIBICK (Brennwald, Stephen) (Entered: 09/28/2021)
09/30/2021	78	NOTICE of Submission of Character Letters by THOMAS F. SIBICK (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit)(Brennwald, Stephen) (Entered: 09/30/2021)
10/01/2021		Minute Entry for proceedings held before Judge Amy Berman Jackson: Motion Hearing as to THOMAS F. SIBICK (1) held on 10/1/2021 re: Defendant's 66 Motion to Reopen Detention Hearing. For the reasons stated on the record in open Court Defendant's 66 Motion is DENIED. Another Status Conference is set for 10/25/2021 at 11:00 AM in Courtroom 3 (In Person) before Judge Amy Berman Jackson. If the proceeding on 10/25/2021 is to be converted to a disposition, the parties must email the appropriate paperwork to the Court's Deputy Clerk by 10/21/2021. The Court makes a finding that it is in the Interests of Justice that the time between 10/1/2021 and 10/25/2021 shall be excluded from the Speedy Trial Act calculation (START XT). Bond Status of Defendant: Defendant Committed, Commitment Issued; Court Reporter: Janice Dickman; Defense Attorney: Stephen F. Brennwald; US Attorneys: Cara Anne Gardner and Tara Ravindra; Pretrial Services Agency Officer: Shay Holman (appeared by telephone). (jth) (Entered: 10/01/2021)
10/01/2021	79	EXHIBIT LIST by USA as to THOMAS F. SIBICK (1). (jth) (Entered: 10/03/2021)
10/01/2021	80	EXHIBIT LIST by THOMAS F. SIBICK (1). (jth) (Entered: 10/03/2021)
10/14/2021	82	Second MOTION to Access Video Exhibits by PRESS COALITION as to THOMAS F. SIBICK. (Tobin, Charles) (Entered: 10/14/2021)

10/16/2021	83	MOTION for Bond by THOMAS F. SIBICK. (Brennwald, Stephen) (Entered: 10/16/2021)
10/18/2021	84	NOTICE of Filing of Letters in Support of Bond Motion by THOMAS F. SIBICK (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)(Brennwald, Stephen) (Entered: 10/18/2021)
10/18/2021		MINUTE ORDER. In light of the Second Motion to Access Video Exhibits 82 as to defendant SIBICK (1), and pursuant to Standing Order No. 21-28 (BAH), it is ORDERED that any party in USA v. Sibick, et al. must file any opposition to the motion 82 by Thursday, October 21, 2021. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/18/21. (DMK) (Entered: 10/18/2021)
10/18/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). It is ORDERED that the government's response to defendant's motion for bond 83 is due by October 22, 2021 and any reply by defendant is due by October 27, 2021. Signed by Judge Amy Berman Jackson on 10/18/21. (DMK) (Entered: 10/18/2021)
10/21/2021	85	RESPONSE by USA as to THOMAS F. SIBICK re 82 Second MOTION to Access Video Exhibits (Ravindra, Tara) (Entered: 10/21/2021)
10/22/2021	86	Consent MOTION Reschedule October 25, 2021 Hearing by THOMAS F. SIBICK. (Attachments: # 1 Text of Proposed Order)(Brennwald, Stephen) (Entered: 10/22/2021)
10/22/2021		MINUTE ORDER granting 86 consent motion to reschedule hearing as to THOMAS F. SIBICK (1). On October 1, 2021, the Court held a hearing on defendant's 66 Motion to Reopen Detention and denied the motion. But it informed the defendant at that time that he could file a motion to review the detention order in this case on other grounds if he chose to do so. No schedule for the filing of the motion was established, but the Court scheduled a status conference and no other type of hearing for October 25, noting, because the possibility of a disposition had been mentioned, that "[i]f the proceeding on 10/25/2021 is to be converted to a disposition, the parties must email the appropriate paperwork to the Court's Deputy Clerk by 10/21/2021." On October 16, defendant filed his 83 motion for bond. The Court promptly set a schedule for briefing that motion, which extended beyond October 25: "It is ORDERED that the government's response to defendant's motion for bond is due by October 22, 2021 and any reply by defendant is due by October 27, 2021." Thus is it not at all clear why counsel for the defendant understood the hearing on October 25 to be anything other than a status conference. Since the Court was not informed that a plea agreement had been reached on October 21, and the bond motion was not yet fully briefed, the Court then directed its Deputy Clerk to ask the parties if they wished to re-set the status conference as a bond hearing on another date so that the Court would have the benefit of the parties' submissions in advance of any bond hearing. The Court still finds that to be advisable, but given the circumstances described in the consent motion, the hearing will be re-set for an in-person proceeding in Courtroom 3 at 9:30 am on Tuesday, October 26. Any reply to the government's opposition must be filed, then, by noon on Monday, October 25. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/22/21. (DMK) (Entered: 10/22/2021)
10/22/2021		Set/Reset Deadlines/Hearings as to THOMAS F. SIBICK (1): Defendant's Reply, if any, to the 83 Motion for Bond is due by 12:00 PM (noon) on 10/25/2021. Bond Hearing set for 10/26/2021 at 9:30 AM in Courtroom 3 (In Person) before Judge Amy Berman Jackson. (jth) (Entered: 10/22/2021)
10/22/2021	87	RESPONSE by USA as to THOMAS F. SIBICK re 83 MOTION for Bond (Gardner, Cara) (Entered: 10/22/2021)
10/22/2021	91	MOTION for Waiver of Speedy Trial by THOMAS F. SIBICK. (See DE 86 to view document). (bb) (Entered: 10/28/2021)
10/26/2021		MINUTE ORDER. Pending before the Court is the Second Application for Access to Video Exhibits 82 filed by a coalition of members of the press seeking videos presented by defendant Thomas Sibick (1) in support of his first motion to reopen his detention hearing 66 . The instant application references "video clips presented by the defense" at the October 1, 2021 hearing and cites defendant's Exhibit List 80 , which lists a single one-minute video. Second Application at 2. Pursuant to Standing Order No. 21-28 (BAH), the Court ordered to parties in this criminal matter to advise the Court by October 21, 2021 of any objections to the request for release. No defendant filed any objection, and the government filed notice of its agreement with the release. Resp. to Minute Order regarding Video Exhibit Release 85 . The Court received and reviewed two copies of the same one-minute video from the defense in support of the motion to reopen, so the video is a judicial record "intended to influence the court." In re Leopold to Unseal Certain Elec. Surveillance Applications & Orders, 964 F.3d 1121, 1128 (D.C. Cir. 2020). In light of the press coalition's arguments, the applicable law as previously set forth in the Order of October 13, 2021 81 , and the lack of any objection by the parties, the Application 82 is hereby GRANTED. The government is ORDERED to make the one-minute video promptly available without restrictions by providing access using the "drop box" technical solution described in Standing Order No. 21-28. If the government does not have the video readily accessible, counsel for defendant Sibick shall provide the video to government counsel to allow for prompt compliance with this order. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/26/21. (DMK) (Entered: 10/26/2021)
10/26/2021		Minute Entry for proceedings held before Judge Amy Berman Jackson: Motion Hearing as to THOMAS F. SIBICK (1) held on 10/26/2021 re: 83 Defendant's Motion to Modify Bond. For the reasons stated on the record in open Court, Defendant's 83 Motion to Modify Bond is GRANTED. Defendant Placed on Personal Recognizance Bond (Home Incarceration with additional conditions). The Court makes a finding that it is in the Interests of Justice that the time between 10/25/2021 and 11/29/2021 shall be excluded from the Speedy Trial Act calculation (START XT). Another Video (VTC) Status Conference is set for 11/29/2021 at 2:00 PM before Judge Amy Berman Jackson. Bond Status of Defendant: Defendant Released, Release Order Issued; Court Reporter: Tim Miller Defense Attorney: Stephen F. Brennwald; US Attorneys: Cara Anne Gardner and Tara Ravindra; Pretrial Officer: Christine Schuck. (jth) (Entered: 10/26/2021)
10/26/2021	89	ORDER Setting Conditions of Release as to THOMAS F. SIBICK (1). Defendant Placed on Personal Recognizance Bond - 3rd Party Custody on Home Confinement. Signed by Judge Amy Berman Jackson on 10/26/2021. (Attachments: # 1 Appearance Bond). (jth) (Entered: 10/26/2021)
10/28/2021	90	MOTION to Hold in Abeyance re Order on Motion to Access,,,,, by USA as to THOMAS F. SIBICK. (Gardner, Cara) (Entered: 10/28/2021)
10/28/2021		MINUTE ORDER granting 90 the government's unopposed motion to hold in abeyance the October 26, 2021 minute order directing it to release the video exhibit of THOMAS F. SIBICK (1). It is ORDERED that the government shall file a status report on November 5, 2021, if the Court has not been notified of a resolution of the issue by that date. Signed by Judge Amy Berman Jackson on 10/28/21. (DMK) (Entered: 10/28/2021)
10/29/2021	92	Unopposed MOTION to Amend/Correct Order Setting Conditions of Release by THOMAS F. SIBICK. (Attachments: # 1 Text of Proposed Order)(Brennwald, Stephen) (Entered: 10/29/2021)
10/29/2021	93	NOTICE REGARDING STATUS OF DISCOVERY AS OF OCTOBER 21, 2021 by USA as to THOMAS F. SIBICK, ALBUQUERQUE COSPER HEAD, KYLE J. YOUNG (Ravindra, Tara) (Entered: 10/29/2021)
10/30/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). Defendant is correct that the prohibition on the use or possession of internet-capable devices was not supposed to be included in the conditions of release and the order will be modified accordingly. The Court also agrees that it granted the defendant's request to be permitted to leave the house to go outside, and it was the Court's intention to include any yard or grassy area and not simply a porch or patio. But the Court did not have any information concerning the size of the property, nor did it have the benefit of any input from the Pretrial Services Agency in the defendant's district, so it needs more information concerning whether the activities he would like to include within the scope of the order, such as shoveling the driveway, can be accommodated with the form of GPS monitoring referenced in the order and/or whether other modifications are required, and whether those adjustments are recommended. Therefore, this Court's Pretrial Services Agency must consult with the Pretrial Services Agency in New York and inform the Court in a docketed report of that agency's views about the motion. Signed by Judge Amy Berman Jackson on 10/30/21. (DMK) (Entered: 10/30/2021)
11/02/2021		MINUTE ORDER as to THOMAS F. SIBICK (1). Upon consideration of the defendant's motion 92 to modify his conditions of release, and the report 94 of the Pretrial Services Agency, the motion is hereby GRANTED in part. The conditions of defendant's release are hereby modified to remove the condition that he not possess or access any internet-capable device, and he will be permitted to leave the house to access not only any porch or patio, but also the yard, walkways, or driveway, as long as he remains within the physical boundary of the property. The US Probation and Pretrial Office of the Western District of New York will be authorized to select SmartLINK technology as the method of location monitoring, and if it chooses to use that technology, it may return defendant's smartphone to him. Finally, the US Probation and Pretrial Office in the Western District of New York is authorized, in its discretion, to require the defendant to seek advance approval for any outdoor activities, such as raking or shoveling, that will take him beyond the immediate periphery of the home. In no event may those activities extend beyond the property line. See Amended Conditions of Release for details. Signed by Judge Amy Berman Jackson on 11/2/2021. (jth) (Entered: 11/02/2021)
11/02/2021	95	MODIFIED ORDER Setting Conditions of Release as to THOMAS F. SIBICK (1) Defendant Placed on Personal Recognizance Bond - 3rd Party Custody on Home Confinement. Signed by Judge Amy Berman Jackson on 11/2/2021. (jth) (Entered: 11/02/2021)
11/04/2021	96	TRANSCRIPT OF BOND MOTION HEARING AND STATUS CONFERENCE in case as to THOMAS F. SIBICK before Judge Amy Berman Jackson held on 10-26-21; Page Numbers: 1-47; Date of Issuance: 11-4-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. 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 11/25/2021. Redacted Transcript Deadline set for 12/5/2021. Release of Transcript Restriction set for 2/2/2022.(Miller, Timothy) (Entered: 11/04/2021)

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