

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00367-RDM-1

Case title: USA v. MIDDLETON et al

Date Filed: 05/19/2021

Magistrate judge case number: 1:21-mj-00381-RMM

Assigned to: Judge Randolph D. Moss

Defendant (1)

JALISE MIDDLETON

represented by **Allen Howard Orenberg**
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Pending Counts

18 U.S.C. 111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers (1-2)

18 U.S.C. 111(a)(1); ASSAULTING/RESISTING/IMPEDING OFFICERS/EMPLOYEES; Assaulting, Resisting, or Impeding Certain Officers (1s-2s)

18 U.S.C. 231(a)(3); CIVIL DISORDER; Civil Disorder (3)

18 U.S.C. 231(a)(3); CIVIL DISORDER; Civil Disorder (3s)

18 U.S.C. 1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting (4)

18 U.S.C. 1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting (4s)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (5)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (5s)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (6)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (6s)

18 U.S.C. 1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds (7)

18 U.S.C. 1752(a)(4); TEMPORARY RESIDENCE OF THE PRESIDENT; Engaging in Physical Violence in a Restricted Building or Grounds (7s)

40 U.S.C. 5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Grounds or Buildings (8)

40 U.S.C. 5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in the Capitol Grounds or Building (8s)

Disposition

40 U.S.C. 5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Act of Physical Violence in a Capitol Grounds or Buildings (9)

40 U.S.C. 5104(e)(2)(F); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Act of Physical Violence in a Capitol Grounds or Buildings (9s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in Violation of 18:111(a)(1), 18:231(a)(3), 18:1512(c)(2) and 2, 18:1752(a)(1), 18:1752(a)(2) and 18:1752(a)(4)

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
04/16/2021	1	SEALED COMPLAINT as to JALISE MIDDLETON (1). (Attachments: # 1 Statement of Facts) (zstd) [1:21-mj-00381-RMM] (Entered: 04/18/2021)
04/16/2021	3	MOTION to Seal Case by USA as to JALISE MIDDLETON. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00381-RMM] (Entered: 04/18/2021)
04/16/2021	4	ORDER granting 3 Motion to Seal Case as to JALISE MIDDLETON (1). Signed by Magistrate Judge Robin M. Meriweather on 04/16/2021. (zstd) [1:21-mj-00381-RMM] (Entered: 04/18/2021)
04/21/2021		Arrest of Defendant JALISE MIDDLETON in the Eastern District of Texas. (kk) [1:21-mj-00381-RMM] (Entered: 05/04/2021)
04/21/2021		Case unsealed as to Defendant JALISE MIDDLETON. (kk) [1:21-mj-00381-RMM] (Entered: 05/04/2021)
04/21/2021	5	Arrest Warrant Returned Executed on 4/21/2021 in Forestburg, TX as to JALISE MIDDLETON. (bb) [1:21-mj-00381-RMM] (Entered: 05/10/2021)
04/21/2021		Arrest of JALISE MIDDLETON in US District Court Eastern District of Texas. (bb) [1:21-mj-00381-RMM] (Entered: 05/10/2021)
04/26/2021	7	Rule 5(c)(3) Documents Received as to JALISE MIDDLETON from US District Court Eastern District of Texas Sherman Division Case Number 4:21-mj-290- KPJ (bb) Modified on 5/19/2021 (bb). [1:21-mj-00381-RMM] (Entered: 05/19/2021)
04/27/2021		MINUTE ORDER. It is hereby ORDERED that Defendant JALISE MIDDLETON (1) appear for an initial appearance on Tuesday, May 4th, 2021 at 1:00 p.m. before Magistrate Robin M. Meriweather. The hearing will be conducted by video teleconference; call-in instructions will be provided to counsel prior to the hearing. Counsel for the United States is directed to ensure that counsel for Defendant has received this Order and will provide the information to Defendant. If Defendant does not have counsel, counsel for the United States is directed to contact the Office of the Federal Public Defender for the District of Columbia and provide their office with the information contained in this Order. If the parties have questions about this Order or the scheduled hearing, please contact the Courtroom Deputy at 202-354-3114. Signed by Magistrate Judge G. Michael Harvey on 4/27/2021. (zpt) Modified text on 4/27/2021 (zpt). [1:21-mj-00381-RMM] (Entered: 04/27/2021)
05/04/2021		JOINT ORAL MOTION by USA and Defendant JALISE MIDDLETON (1) to Exclude Time Under the Speedy Trial Act from 5/4/2021 to 7/6/2021. (kk) (Entered: 05/23/2021)
05/04/2021		Minute Entry for Initial Appearance as to MARK MIDDLETON (2) and JALISE MIDDLETON (1) held by video before Magistrate Judge Robin M. Meriweather on 5/4/2021 : Cases called together. Government reminded by the Court of its due process obligations under Rule 5(f). Both defendants consent to proceeding by video. Each defendant waived his preliminary hearing in the Eastern District of Texas. Status Hearing set for both defendants on 7/6/2021 at 1:00 PM before Magistrate Judge G. Michael Harvey. Joint Oral Motion by USA and Defendants to Exclude Time Under the Speedy Trial Act from 5/4/2021 to 7/6/2021, heard and granted in the interest of justice. Bond Status of Defendants: Both Defendants placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 7; FTR Time Frames: 1:31:42 - 1:47:42 and 1:48:57 - 2:12:25. Defense Attorneys: (2): James Bright, (1): Phillip Linder; U.S. Attorney: Jacob Steiner for Brian Kelly; Pretrial Officer: Da'Shanta Valentine-Lewis. (kk) (Entered: 05/23/2021)
05/12/2021	16	ORDER Setting Conditions of Release : Defendant JALISE MIDDLETON (1) placed on Personal Recognizance Bond signed by Magistrate Judge Robin M. Meriweather, nunc pro tunc to 5/4/2021; Attachment: Appearance Bond. (kk) (Entered: 05/23/2021)
05/18/2021	6	NOTICE OF ATTORNEY APPEARANCE Brian P. Kelly appearing for USA. (Kelly, Brian) [1:21-mj-00381-RMM] (Entered: 05/18/2021)
05/19/2021	9	INDICTMENT as to JALISE MIDDLETON (1) count(s) 1-2, 3, 4, 5, 6, 7, 8, 9, MARK MIDDLETON (2) count(s) 1-2, 3, 4, 5, 6, 7, 8, 9. (zltpt) (Entered: 05/19/2021)
05/21/2021		NOTICE OF HEARING as to JALISE MIDDLETON (1) and MARK MIDDLETON (2): Arraignment/Status Conference set for 5/27/2021, at 9:30 AM, by video, before Judge Randolph D. Moss. The Courtroom Deputy Clerk will circulate instructions for appearing by video.(kt) (Entered: 05/21/2021)
05/22/2021	11	NOTICE OF ATTORNEY APPEARANCE: Allen Howard Orenberg appearing for JALISE MIDDLETON (Limited) (Orenberg, Allen) (Entered: 05/22/2021)
05/22/2021	13	MOTION for Leave to Appear Pro Hac Vice Phillip Linder Filing fee \$ 100, receipt number ADCDC-8473051. Fee Status: Fee Paid. by JALISE MIDDLETON. (Attachments: # 1 Text of Proposed Order Proposed Order, # 2 Declaration Declaration of Phillip Linder)(Orenberg, Allen) (Entered: 05/22/2021)
05/24/2021		MINUTE ORDER as to JALISE MIDDLETON (1) and MARK MIDDLETON (2): Upon consideration of the pending Motions for Admission Pro Hac Vice, Dkt. 13 and Dkt. 14 , it is hereby ORDERED that the Motions are GRANTED. Phillip Linder and James Lee Bright are hereby GRANTED leave to appear pro hac vice in this case. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to Local Civil Rule 83.6(a). Click for Instructions. Signed by Judge Randolph D. Moss on 5/24/2021. (lcrdm3) (Entered: 05/24/2021)
05/26/2021	19	MOTION for Protective Order by USA as to JALISE MIDDLETON, MARK MIDDLETON. (Attachments: # 1 Text of Proposed Order)(Kelly, Brian) (Entered: 05/26/2021)
05/26/2021	20	STIPULATION by USA (Kelly, Brian) (Entered: 05/26/2021)
05/26/2021	22	PROTECTIVE ORDER as to JALISE MIDDLETON (1), MARK MIDDLETON (2): Upon consideration of the government's motion for protective order governing discovery, Dkt. 19 , it is hereby ORDERED that the motion is GRANTED. See document for details. Signed by Judge Randolph D. Moss on 5/26/2021. (lcrdm3) (Entered: 05/26/2021)
05/27/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Arraignment/Status Conference as to JALISE MIDDLETON (1) and MARK MIDDLETON (2) held on 5/27/2021. Both Defendants consented to proceeding by video. Both Defendants arraigned on Counts 1-2, 3, 4, 5, 6, 7, 8, and 9. Plea of Not Guilty entered by JALISE MIDDLETON (1) and MARK MIDDLETON (2) on ALL Counts. Due Process Protections Act Order read into the record by the Court. A further Status Conference is set for 7/30/2021, at 12:00 PM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting to the video conference. Speedy Trial (XT) is tolled in the interest of justice from 5/27/2021 to

		VIDEO, before Judge Randolph D. Moss. The parties shall use the same link for connecting to the video conference. Speedy Trial (XT) is tolled in the interest of justice from 7/27/2021 to 7/30/2021. Pretrial Services shall file a notice with the Court after consulting with Texas Pretrial Services as to the modification of release conditions they have proposed; The Court will take the issue under advisement. Bond Status of Defendants: Both defendants remain on PR Bonds; Court Reporter: Jeff Hook; Defense Attorneys: Phillip Linder (1) and James Bright (2); U.S. Attorney: Brian Kelly; Pretrial Officer: Christine Schuck. (kt) (Entered: 05/27/2021)
05/27/2021		MINUTE ORDER as to JALISE MIDDLETON (1), MARK MIDDLETON (2): Upon review of the Pretrial Compliance Reports as to each defendant, Dkt. 23 and Dkt. 24, and after considering the parties' arguments at the Court's May 27, 2021 hearing, it is hereby ORDERED that the defendants' request for modification of the terms of their pretrial release is DENIED. It is further ORDERED that no firearms may be present at the defendants' residence at any time, whether owned or operated by the defendants or others, pending further order of the Court. It is further ORDERED that the defendants may renew their motion to modify the conditions of their release to enable their employment at a fireworks stand upon providing the Court with additional information about their proposed employment -- including, but not limited to, when and where they will work, and the circumstances of their employment. Signed by Judge Randolph D. Moss on 5/27/2021. (lcrdm3) (Entered: 05/27/2021)
07/02/2021		MINUTE ORDER as to Defendants JALISE MIDDLETON (1) and MARK MIDDLETON (2) : The hearing currently scheduled for July 6, 2021 before Magistrate Judge G. Michael Harvey is hereby VACATED, as the Defendants have had an initial appearance in this jurisdiction; have retained counsel; have been released on conditions; have been charged by Indictment; and have been arraigned. 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, 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; So Ordered by Magistrate Judge G. Michael Harvey on July 2, 2021. (kk) (Entered: 07/06/2021)
07/06/2021	25	Unopposed MOTION for Disclosure by USA as to JALISE MIDDLETON, MARK MIDDLETON. (Kelly, Brian) (Entered: 07/06/2021)
07/06/2021	26	ORDER as to JALISE MIDDLETON (1), MARK MIDDLETON (2): Upon consideration of the government's unopposed motion for disclosure, Dkt. 25 , it is hereby ORDERED that the motion is GRANTED. See document for details. Signed by Judge Randolph D. Moss on 7/6/2021. (lcrdm3) (Entered: 07/06/2021)
07/23/2021	27	NOTICE DISCOVERY STATUS MEMO by USA as to JALISE MIDDLETON, MARK MIDDLETON (Attachments: # 1 Exhibit A)(Kelly, Brian) (Entered: 07/23/2021)
07/29/2021	29	NOTICE OF ATTORNEY APPEARANCE: Phillip A. Linder appearing for JALISE MIDDLETON (Linder, Phillip) (Entered: 07/29/2021)
07/30/2021		MINUTE ORDER as to JALISE MIDDLETON (1) and MARK MIDDLETON (2): 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 07/30/2021. (lcrdm3) (Entered: 07/30/2021)
07/30/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to JALISE MIDDLETON (1) and MARK MIDDLETON (2) held on 7/30/2021. Both Defendants consented to proceeding by video. A further Status Conference is set for 9/28/2021, at 2:00 PM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting to the video conference. Speedy Trial (XT) is tolled in the interest of justice as to BOTH Defendants from 7/30/2021 to 9/28/2021. Bond Status of Defendants: Both defendants remain on PR Bonds; Court Reporter: Nancy Meyer; Defense Attorneys: Phillip Linder (1) and Roger Haynes (stand-in for James Bright) (2); U.S. Attorney: Brian Kelly. (kt) (Entered: 07/30/2021)
09/17/2021	32	NOTICE REGARDING STATUS OF DISCOVERY AS OF AUGUST 23, 2021 by USA as to JALISE MIDDLETON, MARK MIDDLETON (Kelly, Brian) (Entered: 09/17/2021)
09/17/2021	33	NOTICE REGARDING STATUS OF DISCOVERY AS OF SEPTEMBER 14, 2021 by USA as to JALISE MIDDLETON, MARK MIDDLETON (Kelly, Brian) (Entered: 09/17/2021)
09/21/2021		MINUTE ORDER as to JALISE MIDDLETON (1) and MARK MIDDLETON (2): On the Court's own motion, it is hereby ORDERED that the Status Conference set for September 28, 2021 is VACATED and RESCHEDULED for September 24, 2021, at 12:15 PM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting to the hearing. Signed by Judge Randolph D. Moss on 9/21/2021. (kt) (Entered: 09/21/2021)
09/24/2021		Minute Entry for proceedings held before Judge Randolph D. Moss: Video (Zoom) Status Conference as to JALISE MIDDLETON (1) and MARK MIDDLETON (2) held on 9/24/2021. Both Defendants consented to proceeding by video. For the reasons stated on the record, the parties shall file a Joint Status Report by 11/24/2021 to provide an update to the Court and address speedy trial going forward. Speedy Trial (XT) is tolled in the interest of justice as to BOTH Defendants from 9/24/2021 to 11/24/2021. Bond Status of Defendants: Both defendants remain on PR Bonds; Court Reporter: Jeff Hook; Defense Attorney: James Bright (for Defdt 2, and also standing in for Phillip Linder on behalf of Defdt 1); U.S. Attorney: Brian Kelly. (kt) (Entered: 09/24/2021)
10/26/2021	36	NOTICE UNITED STATES MEMORANDUM by USA as to JALISE MIDDLETON, MARK MIDDLETON (Kelly, Brian) (Entered: 10/26/2021)
10/26/2021	37	MOTION for Leave to Appear Pro Hac Vice James P. Whalen Filing fee \$ 100, receipt number ADCDC-8825107. Fee Status: Fee Paid. by JALISE MIDDLETON. (Attachments: # 1 Declaration Declaration of James P. Whalen)(Orenberg, Allen) (Entered: 10/26/2021)
10/26/2021		MINUTE ORDER as to JALISE MIDDLETON (1): Upon consideration of Defendant Jalise Middleton's motion to appear pro hac vice, Dkt. 37 , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that James P. Whalen is hereby GRANTED leave to appear pro hac vice in this case. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 44.5(a). Click here for instructions. Signed by Judge Randolph D. Moss on 10/26/2021. (lcrdm3) (Entered: 10/26/2021)
11/12/2021	38	NOTICE MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF NOVEMBER 5, 2021 by USA as to JALISE MIDDLETON, MARK MIDDLETON (Kelly, Brian) (Entered: 11/12/2021)
11/22/2021	39	NOTICE OF ATTORNEY APPEARANCE: James P. Whalen appearing for JALISE MIDDLETON (Whalen, James) (Entered: 11/22/2021)
11/23/2021	40	STATUS REPORT by USA as to JALISE MIDDLETON, MARK MIDDLETON (Kelly, Brian) (Entered: 11/23/2021)
11/23/2021		MINUTE ORDER as to JALISE MIDDLETON (1) and MARK MIDDLETON (2): Upon consideration of the joint status report, Dkt. 40 , it is hereby ORDERED that (1) the parties shall appear for a video status conference on January 24, 2022, at 10:30 a.m.; and (2) time shall be excluded under the ends of justice exception to the Speedy Trial Act, 18 U.S.C. 3161, from November 24, 2021 to January 24, 2022. The parties represent that "[t]he government has already provided the defendants with most of the discovery that is directly relevant to the defendants' conduct and the offenses that are charged in this case," but that those "discovery efforts remain ongoing," particularly with respect to "discovery pertaining to the breach of the Capitol overall." Dkt. 40 at 1. The parties further represent that, "[d]ue to the voluminous nature of the materials provided to the defendants since the last status hearing, and the ongoing efforts of the government to provide additional global discovery, the defendants have requested additional time to finish reviewing those materials before deciding whether to accept or reject the plea offers extended by the government." <i>Id.</i> at 1-2. In light of these representations, the quantity of discovery in this case, and the parties' ongoing plea negotiations, 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). To attend the video status conference, the parties shall use the access information previously provided by the Courtroom Deputy Clerk. Signed by Judge Randolph D. Moss on 11/23/2021. (lcrdm3) (Entered: 11/23/2021)
12/01/2021	41	SUPERSEDING INDICTMENT as to JALISE MIDDLETON (1) count(s) 1s-2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, MARK MIDDLETON (2) count(s) 1s-2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s. (zltp) (Entered: 12/02/2021)
12/02/2021		NOTICE OF HEARING as to JALISE MIDDLETON (1) and MARK MIDDLETON (2): Arraignment set for 12/6/2021, at 11:00 AM, by video, before Judge Randolph D. Moss. The parties shall use the same link for connecting to the hearing. (kt) (Entered: 12/02/2021)

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